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Mr C Davidson
Midlothian Council
Sent By E-mail

Our ref: LDP-290-1

5 July 2017

Dear Mr Davidson

**PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the authority's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 7 November 2016. We have completed the examination, and now submit our report.

In our examination, we considered all 34 issues arising from unresolved representations which were identified by the authority. In each case, we have taken account of the original representations, as well as the authority's summaries of the representations and the authority's responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the authority and other parties.

A hearing session on housing land supply and associated infrastructure provision was held on 9 March 2017.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The authority should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the authority will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.



All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to the authority. It will advise them that the report is now available to view at the DPEA website and that it will also be posted on the authority's website.

The documents relating to the examination should be retained on the authority's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Yours sincerely

J Alasdair Edwards
Reporter

Jo-Anne Garrick
Reporter

Andrew Sikes
Reporter

REPORT TO MIDLOTHIAN COUNCIL

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN EXAMINATION

Reporters: J Alasdair Edwards MA(Hons) MRTPI
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Date of Report: 5 July 2017

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Examination of conformity with the participation statement

Legislative context

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) firstly requires an examination by the appointed person (reporter) of whether the planning authority has consulted on the proposed local development plan and involved the public in the way it said it would in its participation statement.
2. Section 20B of the Act requires each planning authority to prepare a development plan scheme at least annually. The scheme should set out the authority's programme for preparing and reviewing its development plan, and must include a participation statement. This publication should state when, how and with whom consultation on the plan will take place and the authority's proposals for public involvement in the plan preparation process.
3. Scottish Government Circular 6/2013 on Development Planning states that "The Act restricts the Examination to the actions of the authority concerning consultation and public engagement in respect of the Proposed Plan, rather than the extended plan preparation process. In carrying out this assessment, Scottish Ministers envisage that the reporter will only refer to existing published documents such as the Participation Statement itself, the authority's statement of conformity with this, and any representations relating to the authority's consultation and public involvement activities".

The participation statement

4. The Midlothian Development Plan Scheme Number 7 (dated March 2015) was current when the proposed Midlothian Local Development Plan was placed on deposit for representation on 14 May 2015. This was preceded by other development plan schemes which included early engagement activities to raise awareness and involve interested parties in the plan-making process. In particular, the council sought to engage effectively at the main issues report stage of the Proposed Midlothian Local Development Plan (including using radio, press releases, social media, library deposits, community drop-in events, and raising awareness at professional events).
5. The purpose of the seventh development plan scheme was to publicise and seek representations on the proposed plan containing the council's settled views on the future development strategy for Midlothian to 2024. It identified the following methods to engage with key stakeholders and the public at large:
 - A 6 week deposit period for representations to be lodged.
 - Notification of interested parties of the deposit period.
 - Publication of articles on the proposed plan on the council's website.
 - Advertisement in the Midlothian Advertiser.
 - Copies to be made available in local libraries and Fairfield House.
 - Neighbour notification in accordance with legislative requirements.
 - Negotiation over unresolved representations.

The report of conformity

6. Together with the proposed local development plan, section 18(4)(a)(i) of the Act requires an authority to submit a report to Scottish Ministers demonstrating the extent that

the authority has met the needs of section 19(4). On this basis, Midlothian Council has submitted a 'Report of Conformity with Participation Statement – August 2016'.

7. The report of conformity confirms that the council ran a representation period of 6 weeks (14 May 2015 to 26 June 2015) to allow for the submission of comments to the proposed plan. The following actions were undertaken during this period:

- Notification to all interested parties registered on the council's database.
- Articles published on the council's planning web-pages to inform those interested of the proposed plan.
- Advertisement of the proposed plan and ways to make representation printed in the local Midlothian Advertiser newspaper.
- Copies of the proposed plan distributed to libraries and the council's Fairfield House for public inspection (with instructions to library staff about what the plan is and why it was being deposited).
- Neighbour notification as required by legislation.
- Negotiation with interested parties on unresolved matters.

8. During the six week period a total of 2,766 separate representations were received to the proposed plan (and associated action programme) from 837 parties.

Conclusions

9. Midlothian Council has met its aim of publishing the proposed plan and providing a period for representations. The council has met the statutory obligations in relation to the period for representations, neighbour notification and newspaper notification.

10. Issue 34 (process, consultation etc) provides a summary of representations containing concerns about the consultation process. None of the representations suggest that the council has not conformed with its participation statement or engaged in the way it said it would.

11. Having considered all the evidence, I find that the planning authority has consulted on the proposed plan and involved the public in the way it said it would in its participation statement. Being satisfied, I therefore proceed to examine the proposed plan.

J Alasdair Edwards

Reporter

Issue 1	Vision, Aims and Objectives	
Development plan reference:	Sections 1.1 Introduction, 1.2 The Vision, 1.3 Aims & Objectives and 2.1 National & Regional Context	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
907992 908022 778339 778339 909771 778510 778510 778510 909847 909847 909507 909866 908990 909866 909848 909826 908022 909730 780552 921821 922014 754732 754882 766577 778679 778679 826479 826479 907142 909848 922271 778853 909847 778056 778056 922078 922079 778551 922087 922089 922115 922118 922085	PP6 PP8 PP21 PP22 PP178 PP203 PP204 PP205 PP223 PP225 PP287 PP359 PP360 PP398 PP438 PP457 PP482 PP483 PP529 PP673 PP693 PP914 PP923 PP929 PP966 PP967 PP978 PP1037 PP1039 PP1045 PP1124 PP1164 PP1190 PP1421 PP1422 PP1463 PP1476 PP1484 PP1492 PP1504 PP1564 PP1574 PP1582	John Wishart Ruari Cormack Midlothian Green Party Midlothian Green Party Constance Newbould Wind Prospect Developments Limited Wind Prospect Developments Limited Wind Prospect Developments Limited Lawfield Estate Lawfield Estate Scottish Enterprise Lel Eory Scottish Government Lel Eory Barratt Homes Duncan McAuslan Ruari Cormack Sara Cormack Walter Stone Margaret Hodge Lasswade District Civic Society SEStran Melville Golf Centre Julian Holbrook RSPB Scotland RSPB Scotland Edinburgh & Lothians Green Belt Network Edinburgh & Lothians Green Belt Network Mirabelle Maslin Barratt Homes Susan Morrison Taylor Wimpey UK Ltd/Hallam Land Management Ltd Lawfield Estate SEPA SEPA Anne Dale Anne Holland Tynewater Community Council Anna MacWhirter Christina Harley Andrew Thomson Beth Thomson Andrew Barker

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

922086	PP1600	Rachel Davies
779441	PP1620	Jon Grounell
921337	PP1631	Dawn Robertson
921342	PP1639	Derek Robertson
921686	PP1647	Stewart Y Marshall
921694	PP1655	Elsie Marshall
921697	PP1663	Stuart Davis
921630	PP1665	Joan Faithfull
921698	PP1679	John Owen
921636	PP1681	Emma Moir
921640	PP1695	M A Faithfull
929852	PP1703	Marie Owen
921644	PP1705	S M Croall
921372	PP1716	David Miller
921651	PP1720	R I Pryor
921374	PP1733	Wilma Porteous
921727	PP1735	G Palmer
921376	PP1741	Margaret Miller
921659	PP1748	Susan E Wright
921378	PP1750	Wilma Sweeney
921732	PP1765	Susan Falconer
921380	PP1766	Stuart Barnes
921663	PP1768	R A Pryor
921669	PP1786	Michael Boyd
921742	PP1791	Gudrun Reid
921675	PP1797	Dianne Kennedy
921679	PP1809	George Sweeney
921682	PP1815	David A Porteous
921685	PP1821	Colin Miller
921382	PP1827	Gavin Boyd
921386	PP1833	Kirsty Barnes
921387	PP1839	Vivienne Boyd
921390	PP1845	John F Davidson
921392	PP1851	Eric Smith
921395	PP1857	Annabel Smith
921397	PP1863	Mary M Young
921399	PP1869	James Young
921401	PP1875	John T Cogle
921402	PP1881	Janette D Barnes
921403	PP1887	Jenny Davidson
921404	PP1893	Pamela Thomson
921406	PP1899	Kevin Davidson
921408	PP1905	Hugh Gillespie
921410	PP1911	Jennifer Gillespie
778810	PP1917	John Barton
909886	PP1924	Mary Clapperton
782000	PP1928	Kenneth Purves
921918	PP1931	John Scaife
922025	PP1938	Linda Scaife
921919	PP1945	George Gray
921920	PP1955	Nan Gray
921925	PP1963	Colin Richardson

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921414	PP1972	Edith May Barton
921929	PP1976	David Binnie
782003	PP1980	E Purves
921417	PP1988	Alex McLean
921960	PP1991	George Mackay
921962	PP2003	Karen Langham
921423	PP2014	Marjory McLean
776516	PP2020	George Barnes
783974	PP2023	Donald Marshall
921965	PP2031	Elizabeth Richardson
921425	PP2039	Myra G Rodger
921968	PP2042	Avril Thomson
921826	PP2053	Lorna Reid
921970	PP2054	Gayle Marshall
921430	PP2056	David S M Hamilton
921828	PP2071	Hazel Johnson
921431	PP2072	Sally Couch
921434	PP2080	E Hutchison
776560	PP2088	James Hutchison
754767	PP2093	Eskbank Amenity Society
921999	PP2098	Colin Johnson
921436	PP2101	Karen Miller
921658	PP2113	Patrick Mark
921437	PP2122	Robert Scott
921709	PP2126	Chris Boyle
921722	PP2135	K Palmer
921794	PP2141	Patricia Barclay
921830	PP2143	A F Wardrope
921832	PP2151	Elizabeth Anderson
921835	PP2159	Janette Evans
921888	PP2166	Ann O'Brian
921900	PP2171	Marshall Scott
921889	PP2174	Gail Reid
921893	PP2181	Zoe Campbell
921896	PP2190	Kenneth A Hyslop
922005	PP2201	Jan Krwawicz
922006	PP2209	Marjorie Krwawicz
921905	PP2216	Carolyn Millar
922020	PP2218	Simon Evans
922075	PP2227	Anne Murray
921908	PP2237	Charles A Millar
921910	PP2245	Isobel Ritchie
921914	PP2251	Lewis Jones
921915	PP2257	Karlyn Durrant
921917	PP2263	John Blair
909049	PP2270	Ross Craig
921259	PP2276	Caroline Sneddon
921439	PP2282	James Telfer
921444	PP2288	Lynn MacLeod
921443	PP2294	Kenneth McLean
921865	PP2301	Joy Moore
921622	PP2317	Jim Moir

921616	PP2330	Alan Mercer
921599	PP2338	Julia Peden
921976	PP2347	Moira Jones
921768	PP2354	Matthew McCreath
921753	PP2360	W R Cunningham
921740	PP2366	A H Cunningham
921971	PP2372	Zow-Htet
921974	PP2380	Rae Watson
921975	PP2386	Christina Watson
922145	PP2399	Eskbank Amenity Society
770249	PP2671	Gladman Developments
909735	PP2702	Midlothian Matters
921821	PP2703	Margaret Hodge
779811	PP2711	Ian Holmes
778853	PP2752	Taylor Wimpey UK Ltd/Hallam Land Management Ltd
909847	PP2753	Lawfield Estate
754760	PP2795	Shiela Barker
778171	PP2809	Jacqueline Marsh
754735	PP2860	Scottish Natural Heritage
Provision of the development plan to which the issue relates:	<p>Vision and Aims: 1.1 Introduction, 1.2 The Vision, 1.3 Aims & Objectives and 2.1 National & Regional Context Sets the vision for the next ten years, sets out the strategic aims and objectives of the Plan, and provides information on the national/regional policy context.</p>	
Planning authority's summary of the representation(s):		
<p><u>Supports the Proposed Plan's Vision, Aims & Objectives or National & Regional Context</u></p> <p>Support the aims and objectives of the plan. (PP2711 Ian Holmes)</p> <p>Welcomes the three new aims that are not in the current Midlothian Local Plan (2008). Commitment to a 'robust' response to climate change is particularly supported. Welcomes commitment to implementation of a Green Network, however it is essential that this does not lead to a watering down of commitments to protection of the environment and green spaces that are not part of the network. Considers the Strategic Objectives on pages 2 and 3 are commendable. (PP22 Midlothian Green Party).</p> <p>Broadly support the Proposed Plan's Vision and Aims that take into account economic and population growth and social and environmental issues, focusing on promoting and managing achievable economic and social sustainable growth (PP923 Melville Golf Centre, PP2671 Gladman Developments, PP2753 Lawfield Estate, PP6 John Wishart, PP359 Lel Eory, PP914 SEStran, PP966 RSPB Scotland; PP967 RSPB Scotland).</p> <p>While supporting the Vision, hopes that Midlothian Council will show that the will to promote and invest in cycling exists by explicitly mentioning "cycling" in its vision (PP359 Lel Eory).</p> <p>Broadly support the Vision in terms of delivering a successful growing area reflecting that South East of Scotland is the key growth area for the country and Midlothian will play its part in this growth, securing long-term social, economic and environmental benefits. Support the Council's intention to seek locations for new housing close to good community facilities, shops and employment opportunities with efficient and high quality public</p>		

transport connections (PP223 Lawfield Estate; PP1190 Lawfield Estate; PP1045 Barratt Homes, PP1164 Taylor Wimpey UK Ltd and Hallam Land Management Ltd).

Scottish Natural Heritage continues to support the Plan's Vision for Midlothian and welcomes the stated role of green networks in the Vision and Strategic Aims. Considers aspects of the Vision and related principles will be difficult to deliver given the scale and location of growth in Midlothian. States Scottish Natural Heritage's representation on the Proposed Plan aims to clarify and secure opportunities to address these challenges. Scottish Natural Heritage wishes emphasise the need to ensure the vision for natural heritage, specifically green networks and biodiversity, is delivered at all stages of the planning process. States the level of detail at some points is likely to make this more of a challenge and their comments seek to address this. Considers the 7th bullet point of the Environmental Objectives identified in paragraph 1.3.2 "Promote sustainable energy solutions where this can be achieved in a manner acceptable in terms of the local environment" requires review. States this position reflects some sustainable energy solutions are likely to have effects beyond their local environment (PP2860 Scottish Natural Heritage).

The Proposed Plan's aims are generally supported, although it is clear that in terms of the first aim - "to implement the requirements of the Strategic Development Plan for South East Scotland (SESplan)", the LDP requires to allocate additional housing numbers as both the five year effective land supply and SESplan targets will not be achieved (PP438 Barratt Homes).

Broadly support the Aims and Objectives. Encouraged that one of the Council's strategic aims is "To provide positively for development which secures long-term social, economic and environmental benefits for existing and new residents...". Submission provides further detail. Cautions against the Council placing overly restrictive financial burdens on the private sector in terms of infrastructure delivery, particularly as it is seeking to recover from the affects of the economic downturn (PP2752 Taylor Wimpey UK Ltd and Hallam Land Management Ltd).

Strategic objectives are commendable (PP693 Lasswade District Civic Society; PP1582 Andrew Barker; PP1600 Rachel Davies; PP2301 Joy Moore; PP2795 Shiela Barker).

Support the environmental objective to "Safeguard biodiversity and take full account of development impact on the water environment." (PP1422 SEPA).

The Strategy for Sustainable Growth section identifies the core regions for development based on accessibility (main roads linking together the City of Edinburgh with Midlothian). These are indeed the key spatial areas to be developed to promote sustainable growth (PP398 Lel Eory).

Objects to the Proposed Plan as insufficient emphasis on sustainability

Objects to the Proposed Plan as there is insufficient emphasis on "sustainability". (PP929 Julian Holbrook)

Objects to the Proposed Plan as it is predicated on unsustainable population growth

Objects to the Proposed Plan as it is considered the proposed changes are driven by unsustainable population growth and that policies have been weakened to support this

growth, including MIN3, ECON1 & the town centre section; there is no coherent strategy to manage population growth, and the new development will create adverse impacts from increased car use and impact on struggling public services (PP482 Ruari Cormack; PP483 Sara Cormack; PP673 Margaret Hodge; PP929 Julian Holbrook; PP1463 Anne Dale; PP1476 Anne Holland; PP1492 Anna MacWhirter; PP1504 Christina Harley; PP1564 Andrew Thomson; PP1574 Beth Thomson; PP1631 Dawn Robertson; PP1639 Derek Robertson; PP1647 Stewart Y Marshall; PP1655 Elsie Marshall; PP1663 Stuart Davis; PP1665; Joan Faithfull; PP1679 John Owen; PP1681 Emma Moir; PP1695 M A Faithfull; PP1703 Marie Owen; PP1705 S M Croall; PP1716 David Miller; PP1720 R I Pryor; PP1733 Wilma Porteous; PP1735 G Palmer; PP1741 Margaret Miller; PP1748 Susan E Wright; PP1750 Wilma Sweeney; PP1765 Susan Falconer; PP1766 Stuart Barnes; PP1768 R A Pryor; PP1786 Michael Boyd; PP1791 Gudrun Reid; PP1797 Dianne Kennedy; PP1809 George Sweeney; PP1815 David A Porteous; PP1821 Colin Miller; PP1827 Gavin Boyd; PP1833 Kirsty Barnes; PP1839 Vivienne Boyd; PP1845 John F Davidson; PP1851 Eric Smith; PP1857 Annabel Smith; PP1863 Mary M Young; PP1869 James Young; PP1875 John T Cogle; PP1881 Janette D Barnes; PP1887 Jenny Davidson; PP1893 Pamela Thomson; PP1899 Kevin Davidson; PP1905 Hugh Gillespie; PP1911 Jennifer Gillespie; PP1917 John Barton; PP1924 Mary Clapperton; PP1928 Kenneth Purves; PP1931 John Scaife; PP1938 Linda Scaife; PP1945 George Gray; PP1955 Nan Gray; PP1963 Colin Richardson; PP1972 Edith May Barton; PP1976 David Binnie; PP1980 E Purves; PP1988 Alex McLean; PP1991 George Mackay; PP2003 Karen Langham; PP2014 Marjory McLean; PP2020 George Barnes; PP2023 Donald Marshall; PP2031 Elizabeth Richardson; PP2039 Myra G Rodger; PP2042 Avril Thomson; PP2053 Lorna Reid; PP2054 Gayle Marshall; PP2056 David S M Hamilton; PP2071 Hazel Johnson; PP2072 Sally Couch; PP2080 E Hutchison; PP2088 James Hutchison; PP2093 Eskbank Amenity Society; PP2098 Colin Johnson; PP2101 Karen Miller; PP2113 Patrick Mark; PP2122 Robert Scott; PP2126 Chris Boyle; PP2135 K Palmer; PP2141 Patricia Barclay; PP2143 A F Wardrope; PP2151 Elizabeth Anderson; PP2159 Janette Evans; PP2166 Ann O'Brian; PP2171 Marshall Scott; PP2174 Gail Reid; PP2181 Zoe Campbell; PP2190 Kenneth A Hyslop; PP2201 Jan Krwawicz; PP2209 Marjorie Krwawicz; PP2216 Carolyn Millar; PP2218 Simon Evans; PP2227 Anne Murray; PP2237 Charles A Millar; PP2245 Isobel Ritchie; PP2251 Lewis Jones; PP2257 Karlyn Durrant; PP2263 John Blair; PP2270 Ross Craig; PP2276 Caroline Sneddon; PP2282 James Telfer; PP2288 Lynn MacLeod; PP2294 Kenneth McLean; PP2317 Jim Moir; PP2330 Alan Mercer; PP2338 Julia Peden; PP2347 Moira Jones; PP2354 Matthew McCreath; PP2360 W R Cunningham; PP2366 A H Cunningham; PP2372 Zow-Htet; PP2380 Rae Watson; PP2386 Christina Watson; PP2399 Eskbank Amenity Society; PP2809 Jacqueline Marsh).

Otherwise objects to the Proposed Plan, Vision, Aims & Objectives or National & Regional Context

Objects to the plan as doesn't consider it good for the environment or community (PP1124 Susan Morrison).

In the context of the Proposed Plan's continued support (paragraph 1.1.5) for development committed in previous local plans but not yet completed, considers in some instances, such allocations are unnecessary and unsatisfactory (PP1039 Mirabelle Maslin).

Encouraged that a number of matters from their comments on the Main Issues Report have been included in the Proposed Plan. However, raises other points and requested text/policy changes to the Proposed Plan. States these are dealt with in separate topic specific comments to the Proposed Plan (PP203 Wind Prospect Developments Limited).

Objects to the Proposed Plan because: primary focus of vision is facilitation of economic and population growth, sustainability only mentioned as last item; vision omits a statement made in the Main Issues Report, which it is hoped does not signify the Council no longer considers growth a challenge; and reference to inclusion of “prosperity, quality of life and wider sustainable development principles” provides no guide to how the Council will make decisions when it is clear that “prosperity” comes into conflict with “quality of life” or “wider sustainable development principles” (PP21 Midlothian Green Party).

Strongly desires to see the Plan present an aspirational vision which looks at ways to make Midlothian a robust, autonomous region rather than merely a dormitory and retail area for Edinburgh (PP2702 Midlothian Matters).

Whilst professing regeneration of town centres and encompassing green issues, states the Proposed Plan appears in practice to be completely at odds with both (PP178 Constance Newbould).

Considers that ‘The Vision’ is lacking in terms of reference to climate change (PP204 Wind Prospect Developments Limited).

Note that ‘green networks’ are the only aspect of the natural environment identified as contributing to the Proposed Plan’s Vision. Recognise the importance of green networks but emphasise it is not the only aspect of Midlothian’s natural environment that deserves and requires attention (PP1421 SEPA).

Welcomes the general aspirations for the economic development of the area, but objects to the Proposed Plan as would prefer greater emphasis on completion of life sciences development at The Bush and requests that it be given specific mention in The Vision in recognition of its Enterprise Area status and its importance for the economic growth of the area (PP287 Scottish Enterprise).

The Vision refers to a sense of 'renewed vibrancy' and 'striving to meet needs locally', yet with the exception of two locations the overall policy for the Tynewater Community Council area is characterised by a strict restraint on almost any development. It is difficult to see how any sense of 'vibrancy' and meeting of 'local needs' can be achieved in such a restrictive environment (PP1484 Tynewater Community Council).

Considers the second paragraph of the Vision, lines 1/2; ‘..a sense of place’ and ‘wherever possible’ are both phrases requiring clarification and strengthening (PP978 Edinburgh & Lothians Green Belt Network).

Vision and Aims start with prerequisite to build unsustainable quantities of houses in given areas that will inevitably create a lowering of the quality of life for existing residents, and it is hard to imagine any current resident supporting the plan in its entirety. The stated purposes of the plan include: 'ensure the availability of infrastructure to support such growth' and 'promote sustainable travel', and believes the plan fails on both counts (PP529 Walter Stone).

The principal drivers of Midlothian Local Development Plan appear to be a misplaced commitment to unsustainable population growth, and increased prioritisation of unsustainable economic growth beyond the capacity of existing infrastructure and public services. Planning authorities must carry out their development planning functions with the objective of contributing to sustainable development. While the Council may protest that

they do so, the reality is that the extent of poorly controlled development demonstrates disdain for this objective (PP2703 Margaret Hodge).

Whilst welcoming and supporting the strategic aim "To respond robustly to the challenges of mitigating climate change and adapting to its impacts", objects to the Proposed Plan because should be acknowledgement of the role renewable energy can play in mitigating and addressing climate change here. Welcomes acknowledgement that the principles of sustainable development provide the basis for objectives and reference to promoting "sustainable energy solutions" in Midlothian where "this can be achieved in a manner acceptable in terms of the local environment" (PP205 Wind Prospect Developments Limited).

Objects to the Proposed Plan because some of its Strategic Objectives are considered not borne out in the remainder of the Plan, and are not considered sound given implementation to date and not evidence-based (PP8 Ruari Cormack).

'Sustainable' and 'sustainability' have precise definitions and interpretations derived from the Brundtland Report, and must be used with care, which in the case of the third strategic aim and first strategic economic objective may not be so. Regarding the fifth strategic economic objective, 'seeking' reuse of brownfield land does not give enough emphasis to its reuse, the plan does not appear to include data on the amount of brownfield land/unoccupied property with potential for re-development, and it is disappointing that no reference appears to have been made to the 2008 review of the Edinburgh Green Belt. Regarding the seventh strategic environmental objective, "where this can be achieved in a manner acceptable in terms of the local environment" does not convey enough weight to comply with the definition of 'sustainable' (PP1037 Edinburgh & Lothians Green Belt Network).

There is a failure to identify and explain Midlothian's special qualities in the objectives, and those which are given are generic and applicable to any council. The challenges the county faces during the period of the proposed plan are without precedent and the plan should focus on how to protect this inheritance whilst also meeting the needs of SESplan. Without an understanding of the opportunities and threats the county faces it is impossible to measure how the planning objectives are being met. Within the Vision the only reference is to the natural environment "providing inspiration", an objective which can neither be monitored, assessed, measured or delivered. Furthermore, proper recognition needs to be given to the opportunities which the outstanding landscape and character could provide to tourism, employment and the wider economy (PP1620 Jon Grounsell).

Regarding paragraph 2.1.2, the extent to which the plan accords with SESplan and Scottish Planning Policy is questioned with regard to housing land supply in terms of five year effective land supply and SESplan targets as outlined within further submissions to the Proposed Plan (PP225 Lawfield Estate).

This section seems totally focussed on commercial development, with little if any mention of conservation or environmental issues. It is also rather vague. Section 2.1.4 seems to indicate that Midlothian has little to no influence on what options are available and that there is no initiative from within the Council as to how best to progress and evolve. This sheep like stance is both worrying and disheartening as it provides little hope of reasonable dialogue as to the predetermined and fixed agenda enforced from outside the area (PP457 Duncan McAuslan).

In paragraphs 2.1.2 - the wording "where there is no conflict in interest or intent", should be removed from the proposed plan. The Planning etc. (Scotland) Act is clear that the planning authority is to take into account the National Planning Framework in preparing a local development plan. The policies of National Planning Framework 3 should not be set aside where there is conflict with the strategic development plan but the issues of conflict should be dealt with. Although there is no legislative provision the same approach is expected for policies of Scottish Planning Policy (PP360 Scottish Government)

Modifications sought by those submitting representations:

None specified but challenge the strategy of the Proposed Plan. (PP483 Sara Cormack; PP673 Margaret Hodge; PP1463 Anne Dale; PP1476 Anne Holland; PP1492 Anna MacWhirter; PP1504 Christina Harley; PP1564 Andrew Thomson; PP1574 Beth Thomson; PP1631 Dawn Robertson; PP1639 Derek Robertson; PP1647 Stewart Y Marshall; PP1655 Elsie Marshall; PP1663 Stuart Davis; PP1665 Joan Faithfull; PP1679 John Owen; PP1681 Emma Moir; PP1695 M A Faithfull; PP1703 Marie Owen; PP1705 S M Croall; PP1716 David Miller; PP1720 R I Pryor; PP1733 Wilma Porteous; PP1735 G Palmer; PP1741 Margaret Miller; PP1748 Susan E Wright; PP1750 Wilma Sweeney; PP1765 Susan Falconer; PP1766 Stuart Barnes; PP1768 R A Pryor; PP1786 Michael Boyd; PP1791 Gudrun Reid; PP1797 Dianne Kennedy; PP1809 George Sweeney; PP1815 David A Porteous; PP1821 Colin Miller; PP1827 Gavin Boyd; PP1833 Kirsty Barnes; PP1839 Vivienne Boyd; PP1845 John F Davidson; PP1851 Eric Smith; PP1857 Annabel Smith; PP1863 Mary M Young; PP1869 James Young; PP1875 John T Cogle; PP1881 Janette D Barnes; PP1887 Jenny Davidson; PP1893 Pamela Thomson; PP1899 Kevin Davidson; PP1905 Hugh Gillespie; PP1911 Jennifer Gillespie; PP1917 John Barton; PP1924 Mary Clapperton; PP1928 Kenneth Purves; PP1931 John Scaife; PP1938 Linda Scaife; PP1945 George Gray; PP1955 Nan Gray; PP1963 Colin Richardson; PP1972 Edith May Barton; PP1976 David Binnie; PP1980 E Purves; PP1988 Alex McLean; PP1991 George Mackay; PP2003 Karen Langham; PP2014 Marjory McLean; PP2020 George Barnes; PP2023 Donald Marshall; PP2031 Elizabeth Richardson; PP2039 Myra G Rodger; PP2042 Avril Thomson; PP2053 Lorna Reid; PP2054 Gayle Marshall; PP2056 David S M Hamilton; PP2071 Hazel Johnson; PP2072 Sally Couch; PP2080 E Hutchison; PP2088 James Hutchison; PP2093 Eskbank Amenity Society; PP2098 Colin Johnson; PP2101 Karen Miller; PP2113 Patrick Mark; PP2122 Robert Scott; PP2126 Chris Boyle; PP2135 K Palmer; PP2141 Patricia Barclay; PP2143 A F Wardrope; PP2151 Elizabeth Anderson; PP2159 Janette Evans; PP2166 Ann O'Brian; PP2171 Marshall Scott; PP2174 Gail Reid; PP2181 Zoe Campbell; PP2190 Kenneth A Hyslop; PP2201 Jan Krwawicz; PP2209 Marjorie Krwawicz; PP2216 Carolyn Millar; PP2218 Simon Evans; PP2227 Anne Murray; PP2237 Charles A Millar; PP2245 Isobel Ritchie; PP2251 Lewis Jones; PP2257 Karlyn Durrant; PP2263 John Blair; PP2270 Ross Craig; PP2276 Caroline Sneddon; PP2282 James Telfer; PP2288 Lynn MacLeod; PP2294 Kenneth McLean; PP2317 Jim Moir; PP2330 Alan Mercer; PP2338 Julia Peden; PP2347 Moira Jones; PP2354 Matthew McCreath; PP2360 W R Cunningham; PP2366 A H Cunningham; PP2372 Zow-Htet; PP2380 Rae Watson; PP2386 Christina Watson; PP2399 Eskbank Amenity Society PP2809 Jacqueline Marsh)

None specified. (PP6 John Wishart; PP8 Ruari Cormack; PP178 Constance Newbould; PP203 Wind Prospect Developments Limited; PP223 + PP2753 Lawfield Estate; PP398 Lel Eory; PP482 Ruari Cormack; PP529 Walter Stone; PP693 Lasswade District Civic Society; PP914 SEStran; PP923 Melville Golf Centre; PP929 Julian Holbrook; PP966 + PP967 RSPB Scotland; PP1045 Barratt Homes; PP1124 Susan Morrison; PP1164 + PP2751 Taylor Wimpey UK Ltd and Hallam Land Management Ltd; PP1190 Lawfield Estate;

PP1421 SEPA; PP1484 Tynewater Community Council; PP1582 Andrew Barker; PP1600 Rachel Davies; PP1620 Jon Grounsell; PP2301 Joy Moore; PP2703 Margaret Hodge; PP2795 Shiela Barker; PP2671 Gladman Developments; PP2711 Ian Holmes).

Supports the Proposed Plan, Vision, Aims & Objectives or National & Regional Context

Considers the Proposed Plan should: provide indication of what 'robust' means in practice, e.g. through supplementary guidance, linking to Single Midlothian Plan greenhouse gas reduction targets, and a clear commitment that mitigation is always preferable to adaptation. States reference should also be made in the plan to duties under Section 44 of the Climate Change (Scotland) Act 2009. And a commitment to the additional reporting on climate change activity recommended to public bodies. Requests an additional 'Environmental Objective' is made in the plan: "to secure the Council's commitments to reduction of greenhouse gas emissions through all aspects of its activities, including decision-making on individual planning applications." The plan should make it clear that no form of fossil fuel extraction or use will be regarded as sustainable. Proposes the plan applies the same test to other development proposals as applied to sustainable energy in the 'Environmental Objectives' section, i.e. that these developments are promoted "where this can be achieved in an environmentally acceptable manner". That text should be appended to both of the first two Economic Objectives listed in the Proposed Plan. (PP22 Midlothian Green Party)

Hopes that Midlothian Council will show that the will to promote and invest in cycling exists by explicitly mentioning "cycling" in its vision. (PP359 Lel Eory)

Considers the 7th bullet point of the Environmental Objectives identified in paragraph 1.3.2 "Promote sustainable energy solutions where this can be achieved in a manner acceptable in terms of the local environment" requires review. For this bullet point to be consistent with criteria A and B of policy NRG1, the word "local" in front of "environment" in these criteria should be deleted. See objections to policy NRG1 for further detail. Further changes are set out in Scottish Natural Heritage's responses to other parts of the Proposed Plan. (PP2860 Scottish Natural Heritage)

Recommend the wording is modified to address the Water Framework Directive's 'enhance' objective: "Safeguard and enhance biodiversity and take full account of development impact on the water environment whilst consideration being taken for its improvement." (PP1422 SEPA)

Otherwise objects to the Proposed Plan, Vision, Aims & Objectives or National & Regional Context

In relation to paragraph 1.1.5 and committed development from previous Midlothian Local Plans, the Local Development Plan should state these developments will only be supported if there is a continuing need for them and they are satisfactory. (PP1039 Mirabelle Maslin)

Vision should start with concept of sustainability at its heart, asking 'can we continue this trajectory over the plan period and beyond and still meet aims in terms of quality of life, transition to a low carbon economy and community engagement?' Further clarity is required as to how the Council will make decisions when it is clear that "prosperity" comes into conflict with "quality of life" or "wider sustainable development principles". (PP21 Midlothian Green Party)

An aspirational vision which looks at ways to make Midlothian a robust, autonomous region rather than merely a dormitory and retail area for Edinburgh. (PP2702 Midlothian Matters)

Requests reference is made to the importance of tackling climate change in line with national policy. (PP204 Wind Prospect Developments Limited)

Requests life sciences at The Bush be given specific mention in The Vision in recognition of its Enterprise Area status and importance for the economic growth of the area: "The Biocampus Life Science Enterprise Area will be completed and will act as a strong economic focus for Midlothian." (PP287 Scottish Enterprise)

Suggests rewording as follows: 'Whilst demonstrating a renewed vibrancy, our towns and villages will retain their identities, striving to meet needs locally. A key aim will be to locate housing close....' second paragraph, line 9: after 'improved facilities', insert 'the effective protection of the green belt'.... For the avoidance of doubt. (PP978 Edinburgh & Lothians Green Belt Network)

In relation to the third strategic aim/first strategic economic objective requests: replace "sustainable" with "secure". Fifth strategic environmental objective requests: replace "seek" with "prioritise". Seventh strategic environmental objective requests: modify to read "Promote sustainable energy solutions where their cumulative impacts do not endanger the local environment." (PP1037 Edinburgh & Lothians Green Belt Network)

Requests the plan acknowledge the role renewable energy can play in mitigating and addressing climate change. (PP205 Wind Prospect Developments Limited)

None, subject to allocation of additional housing land. (PP225 Lawfield Estate; PP438 Barratt Homes)

Be innovative and use local knowledge and experience to create a compromise of ideas and demands that suits the local people who will be affected by the proposed developments. (PP457 Duncan McAuslan)

In paragraph 2.1.2, the wording "where there is no conflict in interest or intent" should be removed from the first sentence, so that it reads as: "The Plan takes full account of SESplan's spatial development strategy and strategic policy framework, the provisions of the Third National Planning Framework and revised Scottish Planning Policy are given due consideration". (PP360 Scottish Government)

Summary of responses (including reasons) by planning authority:

Context

Section 1 Vision and Aims of the Proposed Plan introduces the plan and its aims and objectives and puts it in the context of the Strategic Development Plan for South East Scotland. It provides a Vision of how the Council will plan and manage the physical, social and economic changes over the next ten years that are anticipated. The policy framework provides the detail for delivering on the plan's vision and aims and objectives.

Supports the Proposed Plan, Vision, Aims & Objectives or National & Regional Context

The Council welcomes the support shown where it is expressed.

The Council considers:

- it would be excessive and anomalous to modify the strategic aim as suggested;
- it would be excessive and anomalous to modify this aim to clarify its statutory underpinnings. The Reporter(s) will note that the first strategic aim does not refer to Section 16(6) of the Town and Country Planning (Scotland) Act 1997;
- it is not for a local development plan to commit to climate change reporting arrangements under or to accompany those under The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015;
- it is not for a local development plan to seek to commit the Council to reducing greenhouse gas emissions across its functions;
- there is no Planning justification for seeking to reduce greenhouse gas emissions arising from all development proposals;
- asserting that no fossil fuel extraction or use will be regarded as sustainable would be at odds with the wider energy and Planning policy framework with which the Plan must integrate;
- the inclusion of the phrase “where this can be achieved in an environmentally acceptable manner” is intended to denote the particular local environmental quality/amenity issues that can be associated with sustainable energy solutions. In general, it is contended that these are less an issue in the pursuit of economic objectives; and
- implementation of a green network will not lead to a watering down of commitment to the environment and open spaces not included within the green network. The Council will apply the policy framework equally in the assessment of all development proposals (PP22 Midlothian Green Party).

The Council considers the brief nature of the Vision does not allow for specific reference to cycling. (PP359 LeI Eory)

The Council confirms that all three aspects of sustainability are included. (PP966, PP967 RSPB Scotland)

The phrase “the local environment” is simply intended to refer to local environmental quality/amenity. (PP2860 Scottish Natural Heritage)

The Council does not consider the proposed modification is necessary. The fourth bullet of the Strategic Aims addresses enhancement of the natural environment. (PP1422 SEPA)

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections.

Objects to the Proposed Plan as insufficient emphasis on sustainability

The Council considers the Proposed Plan has been prepared with the objective of optimising the contribution to sustainable development, giving due weight to sustainable development policy/statutory guidance within the Scottish Planning Policy, whilst ensuring consistency with the SESplan Strategic Development Plan (June 2013). The Environmental Assessment (CD086) and development sites assessment (CD020) has ensured the integration of environmental considerations, in particular with regard to contributing to sustainable development in the preparation of the Proposed Plan. (PP929 Julian Holbrook)

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection.

Objects to the Proposed Plan as it is predicated on unsustainable population growth

The Proposed Plan's strategy and policy framework have been prepared so as to ensure consistency with the SESplan Strategic Development Plan's (June 2013) (CD111) requirement for contributing towards the growth needs of south-east Scotland, and to ensure regard and due weight has been given to [National Planning Framework 3](#) and to [Scottish Planning Policy](#). Paragraph 2.4 clarifies that sustainable travel and transport and delivery of essential infrastructure are integral to the Plan's strategy for development. The Environmental Assessment (CD086) and development sites assessment (CD020) has ensured the integration of environmental considerations, in particular with regard to contributing to sustainable development in the preparation of the Proposed Plan. (PP482 Ruari Cormack; PP483 Sara Cormack; PP673 Margaret Hodge; PP929 Julian Holbrook; PP1463 Anne Dale; PP1476 Anne Holland; PP1492 Anna MacWhirter; PP1504 Christina Harley; PP1564 Andrew Thomson; PP1574 Beth Thomson; PP1631 Dawn Robertson; PP1639 Derek Robertson; PP1647 Stewart Y Marshall; PP1655 Elsie Marshall; PP1663 Stuart Davis; PP1665; Joan Faithfull; PP1679 John Owen; PP1681 Emma Moir; PP1695 M A Faithfull; PP1703 Marie Owen; PP1705 S M Croall; PP1716 David Miller; PP1720 R I Pryor; PP1733 Wilma Porteous; PP1735 G Palmer; PP1741 Margaret Miller; PP1748 Susan E Wright; PP1750 Wilma Sweeney; PP1765 Susan Falconer; PP1766 Stuart Barnes; PP1768 R A Pryor; PP1786 Michael Boyd; PP1791 Gudrun Reid; PP1797 Dianne Kennedy; PP1809 George Sweeney; PP1815 David A Porteous; PP1821 Colin Miller; PP1827 Gavin Boyd; PP1833 Kirsty Barnes; PP1839 Vivienne Boyd; PP1845 John F Davidson; PP1851 Eric Smith; PP1857 Annabel Smith; PP1863 Mary M Young; PP1869 James Young; PP1875 John T Cogle; PP1881 Janette D Barnes; PP1887 Jenny Davidson; PP1893 Pamela Thomson; PP1899 Kevin Davidson; PP1905 Hugh Gillespie; PP1911 Jennifer Gillespie; PP1917 John Barton; PP1924 Mary Clapperton; PP1928 Kenneth Purves; PP1931 John Scaife; PP1938 Linda Scaife; PP1945 George Gray; PP1955 Nan Gray; PP1963 Colin Richardson; PP1972 Edith May Barton; PP1976 David Binnie; PP1980 E Purves; PP1988 Alex McLean; PP1991 George Mackay; PP2003 Karen Langham; PP2014 Marjory McLean; PP2020 George Barnes; PP2023 Donald Marshall; PP2031 Elizabeth Richardson; PP2039 Myra G Rodger; PP2042 Avril Thomson; PP2053 Lorna Reid; PP2054 Gayle Marshall; PP2056 David S M Hamilton; PP2071 Hazel Johnson; PP2072 Sally Couch; PP2080 E Hutchison; PP2088 James Hutchison; PP2093 Eskbank Amenity Society; PP2098 Colin Johnson; PP2101 Karen Miller; PP2113 Patrick Mark; PP2122 Robert Scott; PP2126 Chris Boyle; PP2135 K Palmer; PP2141 Patricia Barclay; PP2143 A F Wardrope; PP2151 Elizabeth Anderson; PP2159 Janette Evans; PP2166 Ann O'Brian; PP2171 Marshall Scott; PP2174 Gail Reid; PP2181 Zoe Campbell; PP2190 Kenneth A Hyslop; PP2201 Jan Krwawicz; PP2209 Marjorie Krwawicz; PP2216 Carolyn Millar; PP2218 Simon Evans; PP2227 Anne Murray; PP2237 Charles A Millar; PP2245 Isobel Ritchie; PP2251 Lewis Jones; PP2257 Karlyn Durrant; PP2263 John Blair; PP2270 Ross Craig; PP2276 Caroline Sneddon; PP2282 James Telfer; PP2288 Lynn MacLeod; PP2294 Kenneth McLean; PP2317 Jim Moir; PP2330 Alan Mercer; PP2338 Julia Peden; PP2347 Moira Jones; PP2354 Matthew McCreath; PP2360 W R Cunningham; PP2366 A H Cunningham; PP2372 Zow-Htet; PP2380 Rae Watson; PP2386 Christina Watson; PP2399 Eskbank Amenity Society; PP2809 Jacqueline Marsh)

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections.

Otherwise objects to the Proposed Plan, Vision, Aims & Objectives or National & Regional Context

No specific modifications are sought but challenge the strategy of the Proposed Plan. (PP483 Sara Cormack; PP673 Margaret Hodge; PP1463 Anne Dale; PP1476 Anne Holland; PP1492 Anna MacWhirter; PP1504 Christina Harley; PP1564 Andrew Thomson; PP1574 Beth Thomson; PP1631 Dawn Robertson; PP1639 Derek Robertson; PP1647 Stewart Y Marshall; PP1655 Elsie Marshall; PP1663 Stuart Davis; PP1665 Joan Faithfull; PP1679 John Owen; PP1681 Emma Moir; PP1695 M A Faithfull; PP1703 Marie Owen; PP1705 S M Croall; PP1716 David Miller; PP1720 R I Pryor; PP1733 Wilma Porteous; PP1735 G Palmer; PP1741 Margaret Miller; PP1748 Susan E Wright; PP1750 Wilma Sweeney; PP1765 Susan Falconer; PP1766 Stuart Barnes; PP1768 R A Pryor; PP1786 Michael Boyd; PP1791 Gudrun Reid; PP1797 Dianne Kennedy; PP1809 George Sweeney; PP1815 David A Porteous; PP1821 Colin Miller; PP1827 Gavin Boyd; PP1833 Kirsty Barnes; PP1839 Vivienne Boyd; PP1845 John F Davidson; PP1851 Eric Smith; PP1857 Annabel Smith; PP1863 Mary M Young; PP1869 James Young; PP1875 John T Cogle; PP1881 Janette D Barnes; PP1887 Jenny Davidson; PP1893 Pamela Thomson; PP1899 Kevin Davidson; PP1905 Hugh Gillespie; PP1911 Jennifer Gillespie; PP1917 John Barton; PP1924 Mary Clapperton; PP1928 Kenneth Purves; PP1931 John Scaife; PP1938 Linda Scaife; PP1945 George Gray; PP1955 Nan Gray; PP1963 Colin Richardson; PP1972 Edith May Barton; PP1976 David Binnie; PP1980 E Purves; PP1988 Alex McLean; PP1991 George Mackay; PP2003 Karen Langham; PP2014 Marjory McLean; PP2020 George Barnes; PP2023 Donald Marshall; PP2031 Elizabeth Richardson; PP2039 Myra G Rodger; PP2042 Avril Thomson; PP2053 Lorna Reid; PP2054 Gayle Marshall; PP2056 David S M Hamilton; PP2071 Hazel Johnson; PP2072 Sally Couch; PP2080 E Hutchison; PP2088 James Hutchison; PP2093 Eskbank Amenity Society; PP2098 Colin Johnson; PP2101 Karen Miller; PP2113 Patrick Mark; PP2122 Robert Scott; PP2126 Chris Boyle; PP2135 K Palmer; PP2141 Patricia Barclay; PP2143 A F Wardrope; PP2151 Elizabeth Anderson; PP2159 Janette Evans; PP2166 Ann O'Brian; PP2171 Marshall Scott; PP2174 Gail Reid; PP2181 Zoe Campbell; PP2190 Kenneth A Hyslop; PP2201 Jan Krwawicz; PP2209 Marjorie Krwawicz; PP2216 Carolyn Millar; PP2218 Simon Evans; PP2227 Anne Murray; PP2237 Charles A Millar; PP2245 Isobel Ritchie; PP2251 Lewis Jones; PP2257 Karlyn Durrant; PP2263 John Blair; PP2270 Ross Craig; PP2276 Caroline Sneddon; PP2282 James Telfer; PP2288 Lynn MacLeod; PP2294 Kenneth McLean; PP2317 Jim Moir; PP2330 Alan Mercer; PP2338 Julia Peden; PP2347 Moira Jones; PP2354 Matthew McCreath; PP2360 W R Cunningham; PP2366 A H Cunningham; PP2372 Zow-Htet; PP2380 Rae Watson; PP2386 Christina Watson; PP2399 Eskbank Amenity Society PP2809 Jacqueline Marsh)

The Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections.

The Council notes these points. Section 1 Vision and Aims is intended to provide a brief background to the direction of the plan. In preparing the plan the Council has been mindful of the Scottish Government's desire following the 2006 planning reforms for development plans that are "slimmed down" with reduced content. Where the comments are relevant, the Council considers these matters are sufficiently addressed in the Proposed Plan. (PP1124 Susan Morrison; PP203 Wind Prospect Developments Limited; PP178 Constance Newbold; PP1421 SEPA; PP8 Ruari Cormack; P225 Lawfield Estate; PP457 Duncan McAuslan; PP1620 John Grounsell)

For these reasons the Council requests that the Reporter(s) makes no change to the

Proposed Plan in respect of these objections.

The prominence given to Midlothian playing its part in the growth of south-east Scotland reflects the development requirements set out for Midlothian in the SESplan Strategic Development Plan (June 2013) (CD111). Reference to sustainable development principles is included in the Vision's concluding paragraph to highlight the need to optimise growth's contribution to sustainable development. The Council is aware that providing for such growth is a challenge, but one it considers the Proposed Plan can help meet and address. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation.

The Council does not underestimate the difficulties in capturing the contribution of development proposals to the economy whilst recognising the potential impacts, and in taking this into account in planning decisions. However, the Council considers the Proposed Plan provides the policy framework basis for informing this decision making process. (PP21 Midlothian Green Party). For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection.

Section 2.2 of the Proposed Plan clarifies why the Council considers treating such sites as 'committed' is necessary and why they remain as committed allocations in the Proposed Plan. The Council does not consider it appropriate to de-allocate sites that have been through due plan making process and have been allocated to meet identified former Structure Plan requirements. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection (PP1039 Mirabelle Maslin).

The Council considers the Proposed Plan presents an aspirational vision, and one where Midlothian is far more than a dormitory and retail destination for Edinburgh. Whilst it is envisioned that Midlothian will strive "to meet needs locally", the pursuit of full economic autonomy would be unrealistic and inconsistent with the SESplan Strategic Development Plan's requirement that Midlothian play its part in the wider growth of south-east Scotland (June 2013). It would fail to have sufficient regard of [National Planning Framework 3](#) and strong emphasis it places on the need for significant housing development in south east Scotland. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP2702 Midlothian Matters)

The Council considers the reference to sustainable development principles in this part of the Proposed Plan is sufficient. Other sections of the Proposed Plan provide the Council's policy framework and position on the role of wind energy. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP204 Wind Prospect Developments Limited)

The Council considers specific reference to The Bush in the Vision would unreasonably skew the economic vision of the document and is unnecessary given the support in the plan for this area. The Council considers its support for The Bush area is very strong and clear in the Proposed Plan. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP287 Scottish Enterprise)

Outwith settlement boundaries in rural and countryside area there is a general presumption against some forms of development. This has been the consistent approach of the Council to help maintain Midlothian's attractive landscape. However, the plan does provide a

variety of opportunities and policy support for appropriate development in rural and countryside areas. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP1484 Tynewater Community Council)

Within the context of a brief vision statement, it is not considered appropriate to elaborate on these terms. The Council considers section 1 of the Proposed Plan sets out a robust and clear vision for the plan and Midlothian. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP978 Edinburgh & Lothians Green Belt Network)

The growth provided for in the Proposed Plan is consistent with the SESplan Strategic Development Plan (June 2013), and the strategy seeks to optimise the contribution to sustainable development, including in terms of accessibility by more sustainable modes of travel and transport and provision of essential infrastructure. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections. (PP529 Walter Stone; PP2703 Margaret Hodge)

The Council considers it would be unnecessary and inappropriate to modify this strategic aim as suggested. These aims are intended to be headline and high level in nature. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP205 Wind Prospect Developments Limited)

Whilst 'sustainable development' has a definition in the Brundtland Report, it remains a highly contested concept. References to "sustainable" in "sustainable local economy" and "sustainable business locations" are more helpfully understood as relating to 'sustainable economic growth', with the concern here being both viability and accessibility by sustainable modes of travel and transport.

The Council's approach to identifying sites is in line with paragraph 40 of the Scottish Planning Policy. Where possible, brownfield and urban sites are proposed for allocation. The proposed modifications are not considered realistic given the growth challenges faced by Midlothian. Given the scale of requirements for new development identified in the Strategic Development Plan for Midlothian, there is insufficient brownfield land that can be used to meet the identified requirements.

Regarding the seventh environmental objective, it is noted that the phrase is not consistent with the objector's understanding of 'sustainable'. The objector appears to interpret 'sustainable' in much 'stronger' terms than in, for example, [Scottish Planning Policy](#). For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP1037 Edinburgh & Lothians Green Belt Network)

The intention of paragraph 2.1.2 of the Proposed Plan is to clarify that the Plan requires to be consistent with the SESplan Strategic Development Plan (June 2013), and that it must take into account the National Planning Framework and Scottish Planning Policy, provided this would not lead to inconsistency with the SESplan Strategic Development Plan. The Council's position is that the Proposed Plan statutorily cannot be inconsistent with the approved Strategic Development Plan (2013). Therefore if there are inconsistencies or differences between the Strategic Development Plan and/or [National Planning Framework 3](#) or [Scottish Planning Policy](#), the Local Development Plan must first be consistent with the Strategic Development Plan. It is considered that the modification proposed by the Scottish

Government would make the statutory/policy position less clear. This would be because if the Local Development Plan took full account of National Planning Framework 3 or Scottish Planning Policy where these documents had inconsistencies with the Strategic Development Plan, then the Local Development Plan would not be consistent with the Strategic Development Plan. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP360 Scottish Government)

Reporter's conclusions:

Support

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support from various parties are noted but do not require any further consideration. However, many of the representations of support are generalised and caveated with suggestions to change the proposed local development plan. Amongst others, these unresolved matters are dealt with below.

Vision, objectives, and aims context

2. Section 16(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires local development plans to take into account the National Planning Framework. And, section 16(6) requires that local development plans are consistent with the strategic development plan for the area. Consequently, the proposed Midlothian Local Development Plan should be consistent with the strategic development plan for Edinburgh and South East Scotland (SESplan) approved in June 2013. SESplan sets out its own vision, aims and spatial strategy which any local development plan prepared in the area it covers should ensure consistency with.

3. Section 15(1) of the Act (referring to the form and content of local development plans) directs that local development plans should include a spatial strategy, being a detailed statement of the planning authority's policies and proposals as to the development and use of land. The section also directs that plans can set out other matters as may be prescribed; and set out any other matters which the planning authority consider it appropriate to include.

4. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 require planning authorities in preparing local development plans to have regard to, amongst other matters, any strategic development plan; regional transport strategy; local transport strategy; river basin management plan; and local housing strategy prepared for the area, as well as the national waste management plan.

5. From the above provisions it follows that the proposed Midlothian Local Development Plan should be consistent with the content of SESplan, and other relevant documents, as providing the basis for its own spatial strategy. Subject to consistency, I find that there is no impediment to the proposed plan setting out its own vision, aims and objectives.

The introduction

6. The proposed plan's introduction outlines the context for the local development plan and sets out its purpose. At paragraph 1.1.5 the introduction confirms that the proposed

plan “builds upon the foundation of previous Local Plans and gives continued support to the development proposals provided for in the context of previous plans, where these have not yet been delivered”. A representation seeks to caveat this statement by including reference to these sites only being supported if “there is a continuing need for them and they are satisfactory”.

7. As explained in Issue 3 (requirement for new development) SESplan expresses a housing need for the region of which Midlothian is required to contribute to. This contribution is to be delivered through previously identified (established/committed), and new, housing allocations. As described in Issue 2 (committed development), there is a similar requirement for employment land.

8. As identified in the recently approved housing land audit (2016), unless constrained, the housing allocations previously identified in Midlothian local plans are considered to be able to deliver, or capable of delivering, housing during the plan period and contributing to the SESplan housing requirement. Therefore, at present, there is a continuing need for existing housing sites. And, to ensure a range and choice of employment land there is a requirement to maintain existing employment sites alongside allocation of new sites. This situation may change in the future as I note that paragraph 2.2.4 of the proposed plan suggests that when the local development plan is reviewed there will be the opportunity to remove housing sites which have demonstrated no substantive progress towards delivery. This matter is further dealt with in Issue 2.

9. The question of whether an established site is “satisfactory” in planning terms has been initially answered by its inclusion as an allocation in a previous local plan. There is sufficient provision within SESplan and the proposed local development plan (the development plan) to deal with the detailed matters in consideration of allocations (including design, access, natural and built environment protection, and infrastructure provision). Therefore, I find that applying the provisions of the development plan would ensure that established/committed sites were developed “satisfactorily”. However, as stated in paragraph 8 above, there would be an opportunity to review any sites there were deemed “unsatisfactory” in terms of delivery when the next local development plan is prepared. No modifications to the introductory section of the proposed plan are required in relation to this matter.

The vision

10. The SESplan vision is:

“By 2020, the Edinburgh City Region is a healthier, more prosperous and sustainable place which continues to be internationally recognised as an outstanding area in which to live, work and do business”.

11. The proposed local development plan expresses this vision through its own vision, strategic aims and strategic objectives (pages 2 and 3 of the plan); as well as spatially through its policies and proposals for Midlothian. The vision acknowledges that Midlothian is part of a wider city-region with associated economic and population growth. Despite this, there is a desire through the vision to retain the qualities of the Midlothian region. Therefore, I do not agree that the vision promotes Midlothian as simply a dormitory and retail area for Edinburgh. No change to the vision is required on this matter.

12. I find that sustainability is central to the proposed plan’s vision where “sustainability” is

taken in its wider definition as balancing social, economic and environmental matters while ensuring consistency with the provisions of SESplan and other relevant provisions. This is evident in the first paragraph of the vision where it is stated that Midlothian will secure “long-term social, economic and environmental benefits”; and in the final paragraph where the vision expresses a desire to “work with communities and partners to ensure that prosperity, quality of life and wider sustainable development principles are central to its planning decisions”. This suggests that a balanced approach will be taken when reviewing development proposals in light of the provisions of the development plan; a principle which is endorsed by Scottish Planning Policy (2014) in its four outcomes for the planning system (pages 6 and 7 of the national policy). No change to the vision is required in terms of its reference and approach to sustainability.

13. Expressed outside the vision, SESplan and the proposed local development plan include environmental protection policies to ensure that development is advanced, unless otherwise justified, only when any impacts are acceptable. Consequently, there is no need for the vision to explicitly state that all proposals should only be accepted “where this can be achieved in an environmentally acceptable manner”.

14. Again, outwith the vision, cycling is mentioned in the strategic objectives of the proposed plan (as a social objective); at paragraph 4.5.4 (referring to sustainable transport); and in proposed policies DEV 6 (layout and design of new development) and TRAN 1 (sustainable travel). The vision also includes reference to “improved facilities” as a consequence of development. I find that active travel and encouraging cycling is an integral part of the proposed plan. Therefore, I find that there is no need to specifically mention “cycling” within the vision.

15. Scottish Planning Policy identifies minerals as a natural asset to be facilitated sustainably (as shown on page 8); and that minerals “make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment” (paragraph 234). Following national policy, SESplan policy 4 (minerals) includes the requirements to safeguard important mineral resources from sterilisation; identify areas of search for aggregate minerals and coal; and support and encourage the use of secondary and recycled aggregates. The proposed local development plan includes a minerals section with policies covering areas of search; surface mineral extraction; and onshore oil and gas. Based on the provisions of national policy, and the provisions of the development plan, I consider that it would be inappropriate and unreasonable to suggest in the vision for the proposed plan, as promoted in representation, that “no form of fossil fuel extraction or use would be regarded as sustainable”. Instead, I find that the provisions of the proposed plan align with other related planning documents and support the transition to a low carbon economy where the appropriate facilitation of mineral/aggregate assets is carefully controlled. No change to the vision is required in relation to this matter.

16. The Bush Bioscience Cluster has its own policy within the proposed plan (policy ECON 2) which mentions the “Bush Framework Masterplan” and safeguards the area for the specific purpose of supporting and expanding bioscience research and development. Several paragraphs are also dedicated to the ‘Midlothian Campus of Edinburgh Science Triangle’ (paragraphs 4.3.1 to 4.3.3). The vision also includes a statement of support for its communities and partners “to ensure that prosperity, quality of life and wider sustainable development principles are central to its planning decisions”. The strategic aims also include an aim to “support the development of a vibrant, competitive and sustainable local economy”. In addition, there are a suite of economic objectives which support growing the

economy and increasing job prospects. These provisions are all generally supportive of development at The Bush. There is an appropriate and reasonable level of recognition and support for The Bush area within the plan. Therefore, despite Scottish Enterprise's suggestion, I find that there is no need to specifically mention the life science enterprise area at The Bush within the vision.

17. The Edinburgh and Lothians Green Belt Network suggest the inclusion within the vision of a phrase stating that the green belt will be protected. The majority of the vision refers to the benefits of growth with little reference to protection of assets. To align with the strategic aims and objectives of the proposed plan I consider that part of the vision for Midlothian does include a desire to protect natural (and built) heritage assets including the green belt. I find that reference to protection of these assets would be better directed to the final sentence of the second paragraph of the vision rather than in the section where benefits to the green network are outlined as suggested by the Edinburgh and Lothian Green Belt Network.

18. I agree with a representation that the term "sense of place" in relation to settlements is vague and would be more reasonably defined as settlement "character" (following the text of proposed policy DEV 6) or settlement "identity" (as suggested in representation). However, I find that the phrase "wherever possible" in the sentence "wherever possible, new housing will be located close to..." when describing the location of new housing in relation to facilities and public transport is reasonable as it acknowledges that the growth requirements may require housing in less accessible locations to meet demand. No change to this phrase is therefore necessary.

The strategic aims

19. The Town and Country Planning (Scotland) Act 1997 (as amended) requires development plans to exercise the function of contributing to sustainable development and to take account of the Scottish Government's guidance on the subject. Scottish Planning Policy sets out the government's guidance, supporting the UK government's five guiding principles of sustainable development, including living within environmental limits, ensuring a strong, healthy and just society, and achieving a sustainable economy. While, section 44 of the Climate Change (Scotland) Act 2009 requires all public bodies when exercising their functions to contribute to the delivery of climate change targets, and act in a way that is most sustainable.

20. The proposed plan should be read alongside its development plan counterpart SESplan which includes an aim to "contribute to the response to climate change through mitigation and adaptation and promote high quality design / development". It also acknowledges at paragraph 15 that "both the urban and rural environments will also need to withstand and respond to the effects of climate change in the period to 2032". In tandem the proposed plan includes a strategic aim to "respond robustly to the challenges of mitigating climate change and adapting to its impacts". The objectives, spatial strategy and policy provisions of the proposed plan then set out in more detail how climate change mitigation and adaptation may occur in relation to planning processes including the design and layout of new development; accessibility to services/facilities; water systems, drainage, and flood avoidance; air quality; woodland and tree planting; heat resources; renewable and low carbon energy; and protection of peat and carbon rich soils. I find that the provisions of the proposed plan are sufficient to align with the climate change duties set out in the Climate Change (Scotland) Act 2009; and that there is no need to directly cite the duties of section 44 of the Act in the plan. I agree with the council that it would be

inappropriate for the proposed plan to include climate change commitments to be applied to the public authority as a whole. Further, I find the term “robustly” in the strategic aim referring to climate change reasonable in conveying a “strong” commitment to dealing with the matter. No change to the proposed plan is required on this matter.

21. The strategic aim “to support the development of a vibrant, competitive and sustainable local economy” is reasonable. It conveys a desire to maintain the local economy now and into the future. I find no justification to replace the word “sustainable” to “secure” as expressed in representation.

The strategic objectives

22. The strategic objectives set out in the proposed plan are broken-down into three areas: environmental, social and economic objectives. I consider that the objectives are sufficiently detailed to refer to the Midlothian context. And, although the objectives do not set specific targets, there is the opportunity to monitor their achievement through the accompanying action programme and when reviewing the local development plan in the future. No changes to the objectives are required in relation to these matters.

23. Following my conclusions in paragraph 20 above, I find that there is no need to insert a new environmental objective, as suggested in representations “to secure the council’s commitments to the reduction of greenhouse gas emissions through all aspects of its activities, including decision-making on individual planning applications”. In addition, as I concluded in paragraph 13 above, I consider that there is no need to append “where this can be achieved in an environmentally sustainable manner” to the end of the first two economic objectives (in relation to the creation of business locations).

24. Scottish Planning Policy states at paragraph 40 that “planning should direct the right development to the right place” suggesting that decisions should be guided by a set of principles including “considering the re-use or re-development of brownfield land before new development takes place on greenfield sites”. However, SESplan is more definitive where, at paragraph 113, it states that “priority in allocating new sites for housing development should be given to brownfield sites within existing built up areas”. As SESplan forms part of the statutory development plan I consider that the proposed local development plan should adhere to its terminology. Consequently, I find that the fifth environmental objective should be modified to “prioritise” the reuse of brownfield land rather than “seek” its reuse.

25. Proposed plan policy NRG 1 (renewable energy and low carbon energy projects), refers to potential impacts on the environment as a whole. Therefore, I agree with Scottish Natural Heritage that the seventh environmental objective on promoting sustainable energy solutions should not refer solely to “local” impacts. A modification to remove the word “local” from this objective is therefore justified. However, I do not agree with Edinburgh and Lothians Green Belt Network that the word “cumulative” is required to be inserted into the objective. The wording of the objective is appropriate to encompass any “cumulative” impacts on the environment, particularly when read alongside criterion I of policy NRG 1 which requires an assessment of cumulative impacts. Furthermore, I find that policy NRG 1 makes sufficient reference to the ability of energy projects to help meet climate change targets and, therefore, there is no need to re-iterate this within the environmental objectives as suggested by Wind Prospect Developments Limited.

26. The European Water Framework Directive (2000/60/EC) was transposed into Scottish

Law through the Water Environment and Water Services (Scotland) Act 2003. Section 2(5) of the Act confirms that “every public body and office-holder must, in exercising any functions, have regard to the desirability of protecting the water environment”. Section 1(2) confirms that “protection of the water environment” includes: “(a) preventing further deterioration of, and protecting and enhancing, the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on those aquatic ecosystems”. I note that the strategic objectives of the proposed plan include reference to safeguarding biodiversity and taking account of development impact on the water environment. I also note that paragraph 5.1.28 of the plan refers to the objective of river basin management plans in Midlothian to ensure that no water body deteriorates and that all achieve ‘good’ status. However, to align with the provisions of the Directive and the Act, I agree with the Scottish Environment Protection Agency that the strategic objective should make reference to “enhancement” of biodiversity and “improvement” of the water environment.

Other matters/spatial strategy

27. Rather than providing specific references, many of the representations summarised by the council in this schedule 4 refer to the overall strategy of the proposed local development plan. I now turn to these matters.

28. I note that there is no reference to the 2008 Edinburgh Green Belt Review in SESplan or the proposed plan. A lack of reference to a specific document, which may be superseded during the lifetime of a plan, is not inappropriate or unreasonable. The reasoned justification and policy provisions in relation to the amendment of green belt boundaries and the protection of its boundaries in the future are reasonably included in the proposed plan in section 5.1 (safeguarding and managing our natural environment). Further conclusions in relation to unresolved matters concerning the green belt are found in Issue 12 (green belt).

29. I note that parties consider the growth directed to Midlothian to be “unsustainable” and that the spatial strategy and policies of the plan have been weakened to accommodate growth. However, as expressed primarily in Issue 3 (requirement for new development), and in my conclusions on the introduction of the plan above, SESplan (and its accompanying supplementary guidance on housing land) sets a housing requirement for Midlothian to meet. The proposed plan must ensure consistency with the SESplan requirements for growth. I find that through its vision, aims, objectives, spatial strategy and policies the proposed plan (together with SESplan) provide a coherent plan-led strategy to accommodate growth and make provision for required infrastructure. These matters are further discussed throughout this report including Issue 3; Issue 6 (improving transport connectivity); Issue 8 (town centres and retail); Issue 12 (green belt); Issue 13 (green network and Newbattle strategic greenspace safeguard); Issue 14 (prime agricultural land and carbon rich soils); Issue 23 (general delivery issues); and Issue 24 (policy – IMP 1, IMP 2, IMP 3, IMP 4 and IMP 5).

30. I note the comments from Tynewater Community Council in relation to vibrant communities and meeting needs locally. The proposed plan identifies committed housing sites in Edgehead, Cousland and Pathhead totalling 67 homes. I note that these, and other, settlements in the Tynewater community are surrounded by countryside and other designations. Proposed policy STRAT 2 (windfall housing sites) would allow new housing within settlements. And, in specific circumstances, proposed policy RD 1 (development in the countryside) would allow development outwith settlement boundaries. There is a

delicate balance to be found between safeguarding the character of small/rural settlements and allowing sufficient housing to ensure they retain a sustainable population. I consider that the proposed plan continues to support a reasonable level of housing for these communities at present but that this could be supplemented through policies STRAT 2 and RD 1 if required. No change to the plan is required on this basis.

31. It is suggested in representations that local knowledge and expertise should be used to create a compromise of ideas and demands that suits local people who would be influenced by new development. The examination of conformity with the participation statement at the front of this report, and the conclusions in Issue 34 (process, consultation etc.), confirm that the council has engaged on the proposed plan in the way it said it would. In relation to major planning applications there is a process of prior engagement with communities before applications are submitted together with neighbour notification required for all developments. There are also mechanisms to ensure consultation with community councils on applications. Furthermore, there is a requirement on planning authorities to consult on forthcoming supplementary guidance including masterplans and development briefs prepared for sites. I find that these mechanisms would be sufficient to ensure that local knowledge and expertise was used in the future development of sites in Midlothian. No change to the proposed plan is required on this basis.

32. The council argue that there could be conflicts between national policy and guidance and the provisions within SESplan. This is reflected in paragraph 2.1.2 where the plan caveats the national and regional context by stating it has taken the National Planning Framework and Scottish Planning Policy into account “where there is no conflict of interest or intent” with SESplan. I consider that any conflict between policy positions would become apparent at the development management stage where the decision-maker would need to determine the weight to be applied to statutory and non-statutory provisions. Paragraph 2.1.2 is not statement of how policy should be implemented but a statement clarifying that the national and regional planning context has been taken into account in preparing the proposed plan. Therefore, I find that there is no need to caveat the statement with the phrase about conflict of interest or intent. A modification is required on this basis.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Replacing the first sentence of the second paragraph of The Vision on page 2 with:

“Whilst demonstrating a renewed vibrancy, our towns and villages will retain their character and identities, striving to meet needs locally.”

2. Replacing the final sentence of the second paragraph of The Vision on page 2 with:

“The natural and built environment will be protected and be an attraction and inspiration to its communities and visitors alike.”

3. Replacing the fifth Environmental Objective on page 2 with:

“Prioritise the reuse of brownfield land over the development of greenfield, especially Green Belt, land and the efficient use of land generally.”

4. Replacing the seventh Environmental Objective on page 3 with:

“Promote sustainable energy solutions where this can be achieved in a manner acceptable in terms of the environment.”

5. Replacing the ninth Environmental Objective on page 3 with:

“Safeguard and enhance biodiversity and take full account of development impact on the water environment whilst consideration being taken for its improvement.”

6. Replacing paragraph 2.1.2 on page 4 with:

“The Plan takes full account of SESplan’s spatial development strategy and strategic policy framework and the provisions of the Third National Planning Framework and the revised Scottish Planning Policy.”

Issue 2	Committed Development	
Development plan reference:	The Strategy for Sustainable Growth - Committed	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>907759 PP69 908875 PP91 904548 PP121 907616 PP234 758758 PP258 778604 PP297 778604 PP298 778604 PP300 778604 PP301 778604 PP303 778604 PP328 778604 PP331 778604 PP332 778604 PP347 778668 PP353 909579 PP412 909746 PP416 909848 PP445 754718 PP491 907142 PP535 921601 PP671 922009 PP886 909848 PP1021 907142 PP1043 966852 PP1091 922062 PP1210 778056 PP1419 778056 PP1420 780183 PP1527 780183 PP1530 910215 PP2668 778853 PP2817 921869 PP2839 909352 PP2898</p>	<p>Buccleuch Property Group Homes for Scotland Gary Jack sportscotland Paddy Carstairs Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Biotechnology and Bioscience Research Council (BBSRC) Straiton Park Ltd Roy Martin Barratt Homes Ltd Newtongrange Community Council Mirabelle Maslin Ross Laird Andrew McNab Barratt Homes Mirabelle Maslin ORS plc P W Steele SEPA SEPA Shawfair LLP Shawfair LLP University of Edinburgh Taylor Wimpey UK Ltd/Hallam Land Management Ltd Alan Robertson Network Rail</p>	
Provision of the development plan to which the issue relates:	Policy STRAT1, paragraphs 2.21 to 2.24	

Planning authority's summary of the representation(s):Representations seeking review or reduction of committed sites (not site specific)Seeks review of committed sites before they are carried forward to the Midlothian Local Development Plan

Objects to sites in STRAT1 not being reviewed before being included in the Proposed Plan. Considers that lack of review could mean that sites are allocated in the LDP without an assessment of possible significant effects in the context of current legislation, policy and the physical environment. (PP1419, PP1420-SEPA)

Wishes Council to consider withdrawal of support for committed sites that have not come forward/expansion of paragraph 2.2.4 (refers to potential site de-allocations)

Page five of the submission, (section 3.0 The Strategy for Growth), sets out an acknowledgement in the Proposed Plan from the Council that there has been little progress in developing some of the identified previous Local Plan committed housing sites. Cautions against the Council's relaxed view to continuing to identify these sites in the Proposed Plan, stating their identification does not equate to housing coming forward. Considers that the Council needs to be flexible in its approach to maintaining an effective five year land supply. States the Council should consider withdrawal of support for committed housing sites from previous Local Plans that are not delivering houses. Considers continued support for these sites should be considered prior to this Local Development Plan cycle, and not put back another five years. Considers that other sites able to come forward in the short to medium term, and that accord with the development strategy, should be considered more favourably. Considers that site Hs16 Seafield Road East, Bilston is able to come forward in the short to medium term in accordance with the Local Development Plan's development strategy. (PP2817 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Considers that text in paragraph 2.2.4 should be expanded to reflect thrust of SPP and PAN2/2010. Wishes to remind Council of tests of effectiveness in PAN2/2010, and states that range of sites should be included in plan, with effective site programming to ensure no shortage of effective housing land occurs. Also considers that Council should engage with landowners/developers as part of review, and take considered view of site effectiveness. (PP1530 Shawfair LLP)

Considers that too much economic land has been allocated

Considers that economic land is undeveloped due to overprovision of sites, not the economic downturn or infrastructure constraints - seeks to illustrate this by reference to site on north side of Bush Loan. (PP535 Mirabelle Maslin)

Considers that too much land allocated in Penicuik

Objects to committed housing allocations at Penicuik on the following grounds: scale of development. Considers the scale very large; states there is little provision for infrastructure improvement for the scale of allocated housing development; development is to north of the town which may result in retail spending going to Straiton; considers the Proposed Plan indicates the committed development at north Penicuik will be positive for the town centre, but considers it will damage the town centre further; considers the town centre could be

enlarged to encompass the town park and leisure centre; and opportunities exist to create strategic walking and cycling routes through the town based on a new "Greenway" along the Loan Burn that passes north-south through central Penicuik. (PP671 Ross Laird)

Objects to the inclusion committed housing allocations at Penicuik (particularly h58) and to the road safeguards relating to these sites. Considers that the proposed road cuts through sensitive woodland (resulting in loss of habitat) and considers that the change of use of the nursery to be cynical and possibly illegal, seeks environmental study on the road given this impact and close proximity to the Pentland Hills. Raises concerns about loss of farmland as a result of committed developments and considers that recent attempts to extend the Pentland Hills Regional Park underline the need for the developer to find an alternative access or have site de-allocated. (PP2839 Alan Robertson)

Site specific representations

Representations seeking de-allocation or reduction of specific committed sites

Objects to committed development sites East Newtongrange (h34), Lingerwood (h35), South Mayfield (h38) and Dykeneuk (h49). Considers this will lead to coalescence/ loss of identity and is not in keeping with other plan objectives, and that brownfield sites should be prioritised. Considers that development will lead to pollution from car use, loss of habitat, and strain on an already overburdened infrastructure (which is also threatened by centralisation proposals). (PP258 Paddy Carstairs)

Concerned about loss of village identity, and wishes coalescence be kept to a minimum. Wishes 'green separation' between Mayfield and Newtongrange. Considers that proposed Newbattle Strategic Greenspace does not assist with this objective. Does not agree to the co-location of committed housing sites h34, h35, h38 and h49. (PP491 Newtongrange Community Council)

Considers that Oatslie business site (e34) is surplus to requirements, as there has been no take up at this and other sites since allocated. Considers that site is important to preserve for agricultural use. (PP1043 Mirabelle Maslin)

Objects to housing sites between Newtongrange and Mayfield for reasons of community identity (with inadequate landscape buffer), noise, traffic congestion, strain on utilities, and impact on quality of life. (PP1210 P W Steele)

Seeks changes relating to treatment of sites h34, h35, h38 and h49

Objects to the 'Development Considerations' text for site h49, proposes substitute text which would have effect of removing requirement to restrict housing development to northern part of the site with community woodland/open space to the south, as well as references to footpath linkages, local road improvements, and primary school capacity. Would also remove reference to planned road enhancements linked to B6482 (which representor objects to separately under PP325). (PP328 Grange Estates (Newbattle) Ltd)

Wishes removal of safeguarding (in paragraph 8.2.39) for new primary school within site h38 South Mayfield - considers that case for additional primary school has not been made. Also considers that recent evidence (from consents on parts of sites h34/h38) is that detailed planning process yields greater capacities than initial estimates, and that sites h34,

h35, h38 & h49 should be reviewed with the intention of accepting increases in numbers - states that this is supported by SPP and no education contribution towards primary school facilities is required. (PP331 Grange Estates (Newbattle) Ltd)

Objects to text in Table 8.14 relating to sites h34 and h35. Suggests amended text that would have the effect of requiring the current planning briefs for sites Q and R to be revised or replaced. Also wishes reference to a review of the sites capacities to be made. Also wishes text added in respect of h34 to note the site constraints and to note need for committed effort to develop site. Representor's proposed new text for h34 deletes reference to expectation that delivery of southern part of site likely to be delayed due to ground conditions in neighbouring h38/h49. Representor's proposed new text for h35 deletes mention of enhancements to local roads. (PP332 Grange Estates (Newbattle) Ltd)

Considers that Council has underestimated the capacity of some sites, in particular for sites h34, h35, h38 and h49. States that this constrains the sites as Council refuses consent for the higher numbers as failing to comply with the Brief and the LP capacity. Suggests revised capacities to be substituted for current capacities in Table 8.12, Table 8.14, Appendix Table 1A.2 and Appendix Table 1A.4. Also wishes removal of references in Appendix Table 1A.2 to sites allocated in 2003 plan that do not have extant planning permission requiring reasoned justification as to why a 25% affordable housing requirement should not apply to the site. Suggests alternative text that would retain a requirement for the provision of 5-10% affordable housing. (PP347 Grange Estates (Newbattle) Ltd)

Seeks inclusion of site Hs18 as a committed housing site

Requests that site Hs18 Roslin Institute is included within Appendix 1A of the Proposed Plan in the schedule of Committed Housing Development sites and supported by policy STRAT1. Considers that as site Hs18 has minded to grant Planning Permission in Principle (August 2014) status, it should be listed in Appendix 1A as part of the Established Housing Land Supply and supported by policy STRAT1 Committed Development. (PP353 Biotechnology and Bioscience Research Council (BBSRC))

Seeks allocation of economic site at Straiton View (e7) as residential site

Considers that site at Straiton View, identified under Policy STRAT1 as being part of the Established Economic Land Supply with the site reference e7, should be allocated for residential development. Considers that 2ha site could provide 50-60 units of housing, that it is effective and deliverable and is supported by national policy and SDP policy 7. States that economic site has been allocated for 12 years with no activity since office development on western part was granted in 2003 - reallocation would be consistent with SPP. Considers that housing use is compliant with surrounding uses and has defensible boundaries. Considers that site is effective in terms of tests in PAN 2/2010. Considers that Midlothian does not have an effective housing land supply. (PP412 Straiton Park Ltd)

Seeks wider range of uses on committed site e11

In respect of committed site e11, wishes proposals map and text references to site to exclude already developed areas, and in respect of the remaining land, wishes plan to continue to allow class 4/5 development, but also to allow alternative uses (that would therefore be assessed on their merits) where they are compatible with surrounding land uses and in particular the new park and ride site and the soon to open rail station. (PP416 Roy Martin)

Seeks increase in site capacity of committed site at h41 at Mayfield

Supports inclusion of land at h41 for housing, but for more units than indicated in the proposed LDP. Considers that site capacity should be amended to approximately 180 units - based on net developable area (6ha) and achievable densities. Considers that increased density is more efficient use of greenfield site, and meets SG guidance. Considers that site is effective in terms of PAN2/2010 criteria. Considers that site will contribute to Mayfield through developer contributions and increased use of local facilities. States that LDP will not achieve SDP housing requirements, nor provide a 5 year housing land supply - considers that this site will contribute towards meeting requirements. (PP445, PP1021 Barratt Homes)

Seeks increase in density and support for care home at h55 Seafield Moor

Supports the continued allocation of committed site h55 Seafield Moor Road, Bilston (allocated in the Midlothian Local Plan 2008). However, would like the site's capacity to be increased from 150 to 300 homes and for a care home or other (as described in the submission) "amenity" use to be included within this existing committed allocation. (PP2668 University of Edinburgh)

Detail site specific matters

Notes blaes pitch at site h12 (former Dalkeith High School) - does not have record as to whether a replacement facility has been provided elsewhere. Requests that confirmation is provided that compensatory provision for this facility has already been provided elsewhere, or, that a note in relation to this allocation is provided to the effect that, in accordance with SPP paragraph 226, compensatory provision is likely to be required. Considers that this would provide clarity for a prospective developer and to Sports Scotland in terms of their role. (PP234 sportscotland)

Supports development of committed site h12, but states that previous planning brief had referred to the opportunity for the two sites to be developed together. Considers that it is in the interests of the proper planning of the area for the two sites to be developed in conjunction with one another. (PP886 Andrew McNab)

Supports inclusion of Shawfair as a committed development under Policy STRAT1. Supports Council maintaining an established economic and housing land supply. Refers to status of Shawfair at time of submission, including signing of S75 agreement, and lodging of MSC application, considers that reference to Shawfair at Appendix 1A, Table 1A.3 and reference in paragraph should be altered from 'Minded to Consent' to read 'Consent' (PP1527 Shawfair LLP)

Other MattersSeeks Council actions to assist in making sites deliverable

Supports reference to reviewing sites over time to ensure they are deliverable, but considers that this will in some cases require action from the Council - for example in reviewing development briefs. (PP91 Homes for Scotland)

Welcomes support in paragraph 1.15 for development proposals not yet delivered. Considers that the Local Development Plan should have regard to the issues and reasons

for these sites not coming forward and remaining undelivered to-date. States that Grange Estates (GE) has interests in East Newtongrange/Lingerwood/South Mayfield - h34, h35, h38 and h49 and that GE will continue to investigate the constraints to the development of these committed development sites. This is considered further in other representations. (PP297 Grange Estates (Newbattle) Ltd)

Welcomes Council's recognition of the need to ensure the delivery of committed development land. States that Grange Estates has interests in East Newtongrange/Lingerwood/South Mayfield - h34, h35, h38 and h49 and will continue to investigate the constraints to the development of these committed development sites. Considers that Council is not playing their part in assisting in the delivery of committed sites through continued failure to recognise site specific constraints to development, onerous development requirements and unrealistic planning briefs. (PP298 Grange Estates (Newbattle) Ltd)

Considers that Policy STRAT 1 does not itself assist in the delivery of stalled committed development sites. States that infrastructure constraints and the economic downturn around 2008 are not the only reasons for sites not progressing. In respect of Grange Estates interests (sites h34, h35, h38, h49): considers that unrealistic planning briefs, onerous and unjustified development requirements imposed under previous IMP policies, challenging ground conditions/ topography and interests of tenant farmers (with secure agricultural tenancies), have all impacted upon viability. Considers that until the Council acknowledge the impact of these constraints, then it is optimistic to state that these stalled committed development sites can be expected to contribute. Considers that Midlothian Local Development Plan is not assisting in unblocking sites. Development requirements, set out in Settlement Statements, have in some cases increased and previously identified constraints such as undeliverable development briefs remain a requirement of the Midlothian Local Development Plan. Although Council acknowledge infrastructure constraints to be a cause for the failure to deliver committed development sites, the Local Development Plan contains no policy or proposals to review/overcome such constraints. (PP300 Grange Estates (Newbattle) Ltd)

Wishes to see more detail as to how Council proposes to unlock stalled sites. In addition, wishes reference to increasing housing densities widened to give support for increasing housing numbers on all sites where it can be shown that they capable of accommodating more development (having regard to development management standards) - considers that increasing densities on its own will not be sufficient to unlock stalled sites. (PP303 Grange Estates (Newbattle) Ltd)

Seeks removal of reference to potential future de-allocation of sites

Grange Estates (GE) does not accept the statement in paragraph 2.2.4 that work is in progress to resolve any outstanding infrastructure provision, land assembly and other delivery matters. With respect to GE promoted sites at h34, h35, h38 and h49; considers that the Council have not demonstrated a full acceptance of the constraints to delivery. Considers that the challenging ground conditions are only one constraint and cannot be addressed within the constraints of the development brief (more commentary on the constraints to the delivery of these sites is contained within representations on the settlement statements). (PP301 Grange Estates (Newbattle) Ltd)

Seeks change to nature of housing sites

Considers that (in response to delivery problems at large sites) larger sites should be sub divided into smaller sites with varying designs and a good range of house types and tenures. Also notes potential difficulties for providing affordable housing if large sites removed. (PP121 Gary Jack)

Support

Supports inclusion of site for planned range of activities

Network Rail's current holdings are formed by two large plots of land, on part of the former Monktonhall Colliery. The more southern portion is within the Structure Plan core and we support the inclusion of this site for the planned range of economic and community activities. (PP2898 Network Rail)

Support for committed development sites continuing to be allocated in the MLDP

Supports the MLDP continuing to allocate site h46 Cowden Cleugh for 100 units. (PP69 Buccleuch Property Group)

Wishes to confirm the effectiveness of site h50. Considers that site meets national, strategic and local planning policies, and is effective in context of PAN2/2010 guidance. Refers to planning permission in principle application submitted in January 2015, ongoing work on supporting assessments, landowners continuing support and ongoing negotiations with landowners. (PP1091 ORS plc)

Modifications sought by those submitting representations:

Representations seeking review or reduction of committed sites (not site specific)

Seeks review of committed sites before they are carried forward to the Midlothian Local Development Plan

Objects to sites in STRAT1, and seeks review before they are included in the LDP. (PP1419, PP1420 SEPA)

Wishes Council to consider withdrawal of support for committed sites that have not come forward/ expansion of paragraph 2.2.4 (refers to potential site de-allocations)

Considers that too much economic land has been allocated

Wishes reference in paragraph 2.2.2 amended to indicate that some of the previous allocations remain undeveloped due to overprovision of sites (PP535 Mirabelle Maslin)

Considers that too much land allocated in Penicuik

Reduce the scale of the committed housing allocations in Penicuik. Seeks creation of strategic walking and cycling routes through the town based on a new "Greenway" along the Loan Burn that passes north-south through central Penicuik. Penicuik town centre could be enlarged to encompass the town park and leisure centre. (PP671 Ross Laird)

No changes to the proposed plan suggested. (PP2839 Alan Robertson)

Site specific representations

Representations seeking de-allocation or reduction of specific committed sites

Brownfield sites should be prioritised - thrust of objection is that sites h34, h35, h38 and h49 should be de-allocated. (PP258 Paddy Carstairs)

Wishes a green separation maintained between Newtongrange and Mayfield, and consequently the co-location of committed housing sites h34, h35, h38 and h49 to be reconsidered. (PP491 Newtongrange Community Council)

Seeks de-allocation of committed Oatslie business site (e34). (PP1043 Mirabelle Maslin)

No modifications to the proposed plan suggested. (PP1210 P W Steele)

Seeks changes relating to treatment of sites h34, h35, h38 and h49

Proposes substitute text for h49 'Development Considerations' table as follows: 'h49 - Site allocated in MLP 2008 (site H7). The design and layout of the site and delivery of the development should be brought forward within the context of the development briefs for the adjoining committed development sites (h34 and h35 in Newtongrange, and h38 in Mayfield – see above). Additional capacity will be required for secondary schools for which developer contributions will be sought'. (PP328 Grange Estates (Newbattle) Ltd)

Removal of safeguarding (in paragraph 8.2.39) for new primary school within site h38 South Mayfield. Review of capacities at sites h34, h35, h38 & h49. (PP331 Grange Estates (Newbattle) Ltd)

Seeks new text in relation to sites h34 and h35 in table 8.14, as follows: 'h34 East Newtongrange - Site allocated in MLP 2003 (site Q); part of site under construction, with early phases complete. The restrictions on capacity, ground conditions, the tenant farmer and the development requirements have contributed to the difficulty in bringing forward a development. There is a need for a committed effort to resolve these difficulties to ensure housing is delivered on this site (and neighbouring committed land) to contribute to housing land requirements. The previous Brief for the site requires to be revised or replaced. Furthermore a review of the sites capacity is required given the higher densities and numbers achieved on the Cruden and Persimmon consents now under construction. This is likely to lead to an increase in numbers which will contribute to housing land requirements. It is important that development of those parts of the site adjacent to Newtongrange respect the distinctive character of the miners' rows, in terms of layout and building materials. The site is adjacent to Mayfield Industrial Estate and the housing development will require the inclusion of suitable screening/landscaping to address noise and amenity issues. h35 Lingerwood - Site allocated in MLP 2003 (site R). Delivery of the site is likely to be delayed as its development is expected to be undertaken alongside that of neighbouring sites in Mayfield (h38 & h49). The previous Brief for the site requires to be revised or replaced. Furthermore a review of the sites capacity is required given the higher densities and numbers achieved on the Cruden and Persimmon consents now under construction. This is likely to lead to an increase in numbers which will contribute to housing land requirements'. (PP332 Grange Estates (Newbattle) Ltd)

Seeks all references to capacities at sites h34, h35, h38 and h49 to be amended as follows: h34, Site Q, East Newtongrange 250 (capacity); h35, Site R, Lingerwood, 140 (capacity); h38, Site U, South Mayfield, 550 (capacity); h49 H7, Dykeneuk, Mayfield, 100 (capacity). Seeks affordable housing references in Appendix Table 1A.2 Sites allocated in 2003 Midlothian Local Plan changed to state: 'For sites allocated but not yet consented, there remains a requirement for the provision of 5-10% affordable housing'. (PP347 Grange Estates (Newbattle) Ltd)

Seeks inclusion of site Hs18 as a committed housing site

Include site Hs18 Roslin Institute in Appendix 1A as a Committed Housing Site. (PP353 Biotechnology and Bioscience Research Council (BBSRC))

Seeks allocation of economic site at Straiton View (e7) as residential site

Seeks allocation of site at Straiton View for residential development (inference is also that economic allocation should be withdrawn). (PP412 Straiton Park Ltd)

Seeks wider range of uses on committed site e11

Site e11, proposals map and text references should exclude already developed areas. In respect of remaining land, should continue to allow class 4/5 development, but also allow alternative uses (to be assessed on their merits) where they are compatible with surrounding land uses. (PP416 Roy Martin)

Seeks increase in site capacity of committed site h41 at Mayfield

Seeks amendment of site capacity to approximately 180 units. (PP445, PP1021 Barratt Homes)

Seeks increase in density and support for care home at h55 Seafield Moor

Increase allocation of h55 Seafield Moor Road from 150 to 300 homes and for a care home or other (as described in the submission) "amenity" use to be included within this existing committed allocation. (PP2668 University of Edinburgh)

Detail site specific matters

Requests that confirmation is provided that compensatory provision for this facility has already been provided elsewhere, or, that a note in relation to this allocation is provided to the effect that, in accordance with SPP paragraph 226, compensatory provision is likely to be required. (PP234 sportscotland)

Suggests additional text for h12 Development Considerations paragraph in table 8.5, viz. 'The site could be developed in conjunction with the site to the south east, a former public house and brownfield development opportunity'. (PP886 Andrew McNab)

Supports main thrust of policy, but seeks minor amendment to reflect progress with Shawfair site. (PP1527 Shawfair LLP)

Other Matters

Seeks Council actions to assist in making sites deliverable

Not expressly set out as objection, but representor considers that in reviewing sites to ensure deliverability, Council may require to take positive actions. (PP91 Homes for Scotland)

None sought in relation to this representation, but other related representations from Grange Estates consider matters relating to non-development of sites. (PP297 Grange Estates (Newbattle) Ltd)

No changes to the proposed plan suggested. (PP298 Grange Estates (Newbattle) Ltd)

Considers that policy STRAT 1 should contain commitment to review the approach to development and infrastructure requirements associated with delivery of committed development sites. (PP300 Grange Estates (Newbattle) Ltd)

Wishes 2nd bullet point of paragraph 2.3.9 amended to read 'support increased housing numbers and densities on appropriate sites'. Also wishes to see more detail as to how Council proposes to unlock stalled sites. (PP303 Grange Estates (Newbattle) Ltd)

Seeks removal of reference to potential future de-allocation of sites

Deletion of text from paragraph 2.2.4 which signals potential future de-allocation of sites which do not make substantive progress towards delivery over the period of the plan. (PP301 Grange Estates (Newbattle) Ltd)

Seeks change to nature of housing sites

Modification sought not expressly stated, but seeks larger housing sites subdivided in to smaller sites with varying designs and a good range of house types and tenures. (PP121 Gary Jack)

Representations indicating support

Supports inclusion of site for planned range of activities

Promotes land within its ownership at Shawfair for longer-term development potential, including energy/solar or waste water treatment facilities. (PP2898 Network Rail)

Support for committed development sites continuing to be allocated in the MLDP

No change sought – support. (PP69 Buccleuch Property Group)

Wishes to confirm the effectiveness of site Hs7 (objections to implementation requirements made under PP1101/1102 handled under Implementation Schedule 4 - Issue). (PP1091 ORS plc)

Summary of responses (including reasons) by planning authority:Context

Previous local plans provided for substantial growth across Midlothian, meeting the needs of the structure plans in place at the time. Policy STRAT1 states that Midlothian Council will seek the early implementation of these sites. Scottish Planning Policy (paragraph 117) expects the housing land requirement to be met from a number of sources, but most notably from the sites in the established housing land supply which are effective or are expected to become effective within the plan period ([Scottish Planning Policy](#)). Employment sites have much longer lead-in times to development and are subject to a range of factors affecting investment decisions and demand in comparison to housing land.

The plan is clear that committed development sites are key to ensuring the effective delivery of the development strategy and the Council is keen to work with developers and support the development of these sites. To this end the Plan raises the possibility that in 5 years time, when it is next reviewed, support may be removed from housing sites which have demonstrated no substantive progress towards delivery. Given the different circumstances facing employment land, the benefits of securing investment that secures jobs and the increasing pressure facing the Council to reallocate such sites for housing, the Council is likely to maintain its support for these sites in a subsequent review of the MLDP.

Representations seeking review or reduction of committed sites (not site specific)Seeks review of committed sites before they are carried forward to the Midlothian Local Development Plan

Many of the sites allocated in previous plans have been developed, are being developed or benefit from planning permission. As the Local Development Plan has proceeded to adoption more sites have entered these categories, and still more are likely to be consented by the time the plan is adopted.

The previous allocations have benefited from careful scrutiny of environmental factors, and relevant information has been carried forward to the Settlement Statements in the Midlothian Local Development Plan Proposed Plan. The Council has taken account of these environmental constraint factors when allocating sites (evident in the low densities at some sites). Allocated sites are still required to pass scrutiny through the development management process. The Council considers that it has provided appropriate policies for determining planning applications that reflect current legislation and guidance.

The annual Housing Land Audit process also provides a valuable health check on the status of sites identified in the housing land supply. Issues of programming and constraints (legacy or new) can be discussed with house builders through the sector's umbrella organisation – Homes for Scotland and sometimes with developers directly. Allied to the audit process the Council has a duty to prepare and regularly review an Action Programme. It is anticipated that reviews of the Action Programme will provide a trigger mechanism to identify and put in place any interventions deemed necessary to remove constraints or re-programme infrastructure requirements and/or phasing in order to kick start development of allocated sites.

Scottish Planning Policy (paragraph 117) expects the housing land requirement to be met from a number of sources, but most notably from the sites in the established housing land

supply which are effective or are expected to become effective within the plan period ([Scottish Planning Policy](#)). The Strategic Development Plan for South East Scotland (SDP) 2013 ([Strategic Development Plan for South East Scotland](#)) recognises the scale of the potential contribution from committed development sites in tables 3 and 4. The SDP recognises that in some cases sites may not prove deliverable by 2024, 2032 or at all (paragraph 109). The SESplan Housing Supplementary Guidance requires LDPs to provide for a scale of housing that recognises that not all committed sites may be developed by 2024 or 2032.

Allocation in the Development Plan does not guarantee that a site will be developed at the density indicated, and there is the potential that at some sites an acceptable solution may not be found. Paragraph 2.2.4 signals the potential for sites to be removed which have demonstrated no substantive progress towards delivery, when the LDP is reviewed (this might encompass any sites that present insoluble environmental difficulties). The Council considers that it is appropriate to give notice of its future intentions, and to remove ineffective or unviable sites.

If they are proven to be undevelopable, and a shortage of effective housing land results, the risk in this situation is borne by Midlothian Council, who would have to consider further action, as described in paragraph 2.3.9. The Council mitigates this risk through its realistic site capacity estimates and its land allocations which include a margin over the SDP requirement (described in the Housing Strategy Schedule 4).

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations (PP1419, PP142 -SEPA).

Wishes Council to consider withdrawal of support for committed sites that have not come forward/expansion of paragraph 2.2.4 (refers to potential site de-allocations

The Council has allocated Hs16 and expects it to be developed by 2024. The Council considers that it has an adequate range and choice of sites to meet housing needs established in the Strategic Development Plan for Edinburgh and South East Scotland. Matters relating to strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy Schedule 4. The Council considers that it has made realistic assumptions about the scale of growth and the expected contribution by 2024 from its committed sites.

Paragraph 2.2.4 signals the potential for sites to be removed which have demonstrated no substantive progress towards delivery, when the LDP is reviewed. The Council considers that it is appropriate to give notice of its future intentions, and to remove ineffective or unviable sites. Homes for Scotland in their response to the Proposed Plan, welcomes the recognition given to reviewing sites over time to ensure they are deliverable.

The option to remove support from allocated housing sites is a change of approach by the Council and signals its commitment to enabling development to take place and capture the benefits that new housing and new people bring to a community. Some site owners or developers may have been content to take little action to develop sites, in the expectation that they would never be de-allocated. The Council considers it is best to introduce potential de-allocation in a phased way, by foreshadowing it in this plan, prior to any site de-allocations in future plans. One potential benefit of raising the possibility of future de-allocation in this plan may be to stimulate more activity on the part of developers to bring sites forward.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP1530 Shawfair LLP, PP2817 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Considers that too much economic land has been allocated

The Council does not consider that it has allocated too much economic land. This matter is considered further in issue 33 - Economic Sites. The Strategic Development Plan for South East Scotland (SDP) 2013 ([Strategic Development Plan](#)) requires additional employment land to be allocated in specified corridors. SDP Policy 2 requires LDPs to support the delivery of the quantity of the established strategic employment land supply identified in the SDP. LDPs must also provide a range and choice of marketable sites to meet anticipated requirements. The LDP must also be consistent with the SDP.

A number of less effective committed economic sites have been deleted from the established economic land supply. These sites had been part of the established land supply for a long time and were deemed to have little prospect of attracting investment over the lifetime of the new plan. The loss of these sites has been in part compensated for by the allocation of additional sites at key locations with good transport connections (Shawfair Park, Salter's Park and Ashgrove, Loanhead) to augment existing business park locations and provide a better range and choice of sites to the market, and in the case of Shawfair Park (and potentially Salter's Park) the potential for ancillary uses to support existing and future businesses and the growing day time workforce. This approach is consistent with the SDP. Midlothian Council is however taking a cautious view to the potential de-allocation of further sites, as employment sites have a much longer lead in time to development due to the irregular pattern of demand and external influences within the market. Another relevant factor is that coincident to the adoption of the 2008 Midlothian Local Plan, the country entered a deep and long lasting recession.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP535 Mirabelle Maslin)

Considers that too much land allocated in Penicuik

The Greenlaw site (h25) now has a planning consent (application reference 12/00475/DPP). The Council was minded to grant planning permission for an application at Deanburn (h26), but this site will likely be included in a larger planning application which also includes the site allocated in the Midlothian Local Plan 2008 (h58). There is active developer interest in all of the committed Penicuik sites.

Midlothian Council supports the early implementation of all committed development sites. If the sites without planning consent were de-allocated, the Council would have to consider the implications for the 5 year housing land supply, and this might require replacement sites within the A701 corridor to be found. The Council acknowledges that developments on the northern side may have a tendency to travel north for shopping rather than use the town centre, but the Council must assess sites in the round. There has been a lack of willing site promoters on the south side of the town and the steep increase in levels to the south of Penicuik makes this area unattractive in landscape terms.

The Council has set out the implementation requirements for new development in Penicuik in the Proposed Plan Settlement Statements. This includes, amongst other things, formation of a roundabout junction between the A702 and Mauricewood Road, a north west

Penicuik link road, education capacity enhancements and town centre improvements. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate basis to accommodate the development without unacceptable impacts on local services and infrastructure.

Regarding the point on expansion of the town centre and a green network: the Council considers that the proposed extension does not relate well to the town centre, and would cover intervening residential streets (the encouragement of town centre uses might have a significant impact on their amenity). It would seem more appropriate to focus efforts on maintaining and enhancing the existing town centre area, rather than distribute potential town centre activities over a wider area. The Council can see no particular benefit to the park and leisure centre through placing them in the town centre.

The Council notes the suggested formation of new strategic walking and cycling routes through the town based on a new "Greenway" along the Loan Burn that passes north south through central Penicuik. The Proposed Plan states that the Council will prepare Midlothian Green Network Supplementary Guidance. This will allow for more detailed green network proposals to be considered and prepared by the Council, and then for them to be subject to public consultation."

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP671 Ross Laird, PP2839 Alan Robertson)

Site specific representations

Representations seeking de-allocation or reduction of specific committed sites

Development at h34 and h38 has commenced (in part). Midlothian Council supports the early implementation of all committed development sites. If the sites without planning consent were de-allocated, the Council would have to consider the implications for the 5 year housing land supply, and this might require replacement sites within the A7/A68/Borders rail corridor to be found. The Council will seek to overcome the problems holding back development at this site but if there is no progress over the plan period the Council may consider removing non-viable sites (as described in paragraph 2.2.24 of the LDP) but the Council considers it premature to de-allocate at this stage.

The development brief for the South Mayfield/East Newtongrange area (CD132) includes a linear park feature between Mayfield and the site of the new Primary School, and landscape buffers around the edge of the sites and the existing industrial area. These landscape features will help to maintain the separate identities of the two communities. The planning brief uses different densities and character areas to mitigate the landscape impact.

These sites are close to existing/proposed facilities to high frequency bus routes (with potential to be extended further as roads are extended with new development) and to Newtongrange station. These features will all serve to reduce car use. The development brief (CD132) addresses the matter of screening and landscaping to address noise and amenity issues from Mayfield Industrial Estate.

The Council has set out the implementation requirements for new development in Mayfield/ Easthouses and Newtongrange in the Proposed Plan Settlement Statements. Policies

IMP1 and IMP2 and the associated Supplementary Guidance (SG) provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate basis to accommodate the development without unacceptable impacts on local services and infrastructure.

In respect of de-allocation of the committed Oatslie business site (e34), the Council expects this to be masterplanned and delivered together with site Ec5, which is allocated in the Proposed Plan. The Council has allocated this adjacent site to create a combined site of sufficient scale for modern business needs. It would be premature in the Council's view to start de-allocating even before there has been a chance to market the expanded site.

Combined site e34/Ec5 enjoys a good location by the A701, and is close to public transport and the nearby Bush bioscience cluster. The Council considers that it has identified an appropriate level of economic land supply. It has deleted some less marketable sites and allocated new sites to meet Strategic Development Plan requirements. The Strategic Development Plan for South East Scotland (SDP) 2013 ([Strategic Development Plan](#)) requires an additional 15ha of employment land to be allocated in the A701 corridor, and Policy 2 requires LDPs to support the delivery of the quantity of the established strategic employment land supply identified in the SDP. LDPs must also provide a range and choice of marketable sites to meet anticipated requirements. This matter is considered further in issue 33 - Economic Sites. The Council considers that employment sites generally have a longer lead in time to development than housing sites due to the irregular pattern of demand and external influences within the market.

The Council therefore requests that the Reporter(s) make no changes to the Proposed Plan in respect of these representations. (PP258 Paddy Carstairs, PP491 Newtongrange Community Council, PP1043 Mirabelle Maslin, PP1210 P W Steele)

Seeks changes relating to treatment of sites h34, h35, h38 and h49

The Council considers that to meet the needs of South Mayfield and East Newtongrange a new primary school will be required to support the development of the above sites. A site has been identified, at the heart of the expanded community (identified on the proposals map and the planning brief). The Council does not consider it acceptable to remove reference to the primary school, and a strong case would have to be made by developer interests to relocate it from its indicated position in the LDP, which the Council considers is optimal.

In respect of the representor's suggested new text for sites h34 and h35, the substantive points relate to:

- the description of factors delaying the site to be expanded to include tenant farmer, site capacities and developer requirements;
- the inclusion of an express requirement to revise or replace the brief;
- the deletion of the reference to the need to incorporate improvements to local distributor roads.

Taking these in turn: the Council's understanding is that shallow bedrock at neighbouring site h38 is the principle reason for the developer being unable to bring forward a scheme meeting the development brief. This matter was considered further in the site investigation report for the previous planning application ([Application 08/00515/FUL - site investigation report 23 July 2008](#)). While the report suggests that existing ground levels are maintained

where possible to minimise the extent of rock excavations it does not suggest that it was an impediment to development. The Council does not possess all of the facts regarding the status of the tenant farmer, and do not consider it appropriate to make comments on this in its LDP. The committed effort to resolve the difficulties, referred to in the plan, will give the parties an opportunity to look further at these matters and also the suggested difficulties with site densities and developer requirements and viability issues in general. Without evidence of viability the Council does not consider it appropriate to list site capacity and developer contributions as reasons for lack of progress, as this has not been demonstrated. The Council considers that the new distributor road and upgrading of the B6482 are essential elements of the expansion of South Mayfield/East Newtongrange. There may be potential to review detailed alignments and phasing as part of any changes to the approved development brief, but in the Council's view it would be unacceptable to delete this requirement from the settlement statements.

It is possible that the further efforts to progress the South Mayfield/East Newtongrange sites over the lifetime of the LDP, may conclude that they cannot all be delivered over the allocated extent in a way that is acceptable. In this situation the Council will have to come to a judgement on the future status of the sites (paragraph 2.2.24 of LDP refers).

In respect of the representor's suggested new text for site h49, the substantive points appear to be:

- removal of requirement to restrict housing development to northern part of the site with community woodland/open space to the south;
- removal of references to local road improvements and footpath linkages;
- removal of references primary school capacity.

Taking these in turn: Site h49 is elevated, and will fill the remaining gap between Mayfield and Gowkshill on the landward site of Stobhill Road. The proposed form of development set out in the settlement statement, will to some extent offset these aspects of the site. The Council also considers that the upgrade of local roads is an essential element of the expansion of South Mayfield/East Newtongrange. There may be potential to review detailed alignments and phasing as part of any changes to the approved development brief, but in the Council's view it would be unacceptable to delete this requirement from the settlement statements. The development of local green networks emanates from the identification of the "Central Scotland Green Network" as a national development priority in the National Planning Framework 3 (NPF 3). As is required by the NPF3 the Strategic Development Plan directs that LDPs facilitate the development of green networks locally. The Council considers the policy framework within the proposed plan and the requirement for developer contributions towards this is consistent with the SDP and circular 3/2012. It will also address other policy objectives of the plan including active travel, reduced car usage and facilitate improved access to the countryside. The development will generate demand for primary school places, and it is requisite to seek developer contributions towards the proposed new primary school.

In relation to the representation seeking amendment of site capacities, the Council acknowledges that there have been difficulties bringing forward the adjoining sites of h34, h35, h38, and h49. The Proposed Plan states that the Council will work with the developer to support delivery of this development, which may result in changes to the final layout in the approved development brief (paragraph 8.2.27). The plan states, however, that there will be a number of principles which must be adhered to. The Council is aware of the strong community opposition to coalescence between Newtongrange and Mayfield (the

brief addresses this through a green separation corridor (CD132). The higher parts of the sites have potential adverse landscape impacts, while the lower parts adjoin a conservation area. The approved brief addresses this through different densities and character areas and the use of landscaping. There will also be a need for land for education and open space requirements, and improvements to the road network.

The Council expects to work constructively with site promoters to attempt to develop a practical solution which continues to meet objectives set out in the brief. The Council does not consider it prudent to change expected house numbers at this stage and in advance of further work. It may transpire that the higher densities sought by the representor are not compatible with essential site development principles, or that they may give rise to further developer requirements making the development less viable. Achievement of higher densities than programmed at adjacent sites does not indicate that increased site capacities will be achievable or acceptable elsewhere in South Mayfield. This would have to be justified through the development management process.

In relation to the representation seeking the retention of the 5-10% affordable housing requirement for sites allocated but not yet consented, this matter is addressed in the Affordable Housing Schedule 4 (Issue 9). For sites allocated prior to 2008 the level of affordable housing provision is set at 5-10%. To date the Council does not retrofit the current policy requirement of 25% to these sites. However, if an application is received from an earlier allocation and the proposal exceeds the original number of houses identified in the relevant plan then the Council will consider applying the 25% requirement to the additional houses over and above the planned allocations.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP328, PP331, PP332, PP347 Grange Estates (Newbattle) Ltd)

Seeks inclusion of site Hs18 as a committed housing site

The Midlothian Local Development Plan Proposed Plan allocates the site under Policy STRAT3 to meet the strategic housing land requirement established in the Strategic Development Plan 2013 (SDP). It is accurate therefore, to list the site in table 3A which lists the strategic housing land allocations rather than in table 1A which refers to land which is already allocated or to large windfall sites. The site is identified as a proposed housing site and it will be subject of an Examination into the plan. If it is retained following the Examination it will be included and identified in the adopted plan as a site required to meet the SDP housing land requirement. Only at the next review would it be regarded as a committed site and only then if it remains undeveloped at that time.

This site is subject of a planning application (13/0877/PPP) which the Council is minded to grant, subject to completion of legal agreement. Should the application be granted in the interim, the Council is of the view that it should continue to be treated as a housing allocation under STRAT3 and not STRAT1, to avoid a situation where the application lapsed, and the site was left with no support or status. The listing of new allocations in Appendix 3 also provides clarity as to meeting the SDP requirements (set out in table 2.3). It is not clear if the representor is seeking this, but the Council considers that it would not be acceptable to discount the contribution of sites allocated in proposed plans to meeting the SDP additional housing allowances, where they are approved before the plan can be adopted.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP353 Biotechnology and Bioscience Research Council (BBSRC))

Seeks allocation of economic site at Straiton View (e7) as a residential site

This proposal for housing on this site, which includes the undeveloped part of economic site e7 and other land within the settlement boundary has not been assessed through the development sites assessment process or in preparing the Proposed Plan.

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are handled in issue 3 - Requirement for New Development - Housing Strategy.

The Strategic Development Plan for Edinburgh and South East Scotland (SDP) 2013 ([Strategic Development Plan](#)) requires an additional 15ha of employment land to be allocated in the A701 corridor, and Policy 2 requires LDPs to support the delivery of the quantity of the established strategic employment land supply identified in the SDP. LDPs must also provide a range and choice of marketable sites to meet anticipated requirements. This matter is considered further in the Schedule 4 relating to Economic Sites (Issue 33). The Council considers that it has identified an appropriate level of economic land supply. It has deleted some less marketable sites and allocated new sites to meet Strategic Development Plan requirements. The Council considers that employment sites can have a long lead in time to development due to the irregular pattern of demand and external influences within the market.

As a rule residential land values are higher than land for employment uses. The 2015 Department of Communities and Local Government paper 'Land value estimates for policy appraisal' found that residential land values were higher than industrial in most of the authorities assessed (CD016). The 2002 DTZ Pinda study for the Scottish Executive, although dated, reached similar conclusions for Scotland (CD023). This can lead to pressure to seek residential uses on employment land. Promoting economic growth is a prime objective of the Midlothian Economic Development Framework (CD049) and the economic recovery plan 'Ambitious Midlothian' (CD024). The plan seeks to ensure a readily available supply of land and a range and choice of sites to support economic growth over the plan period and beyond, so the Council considers that it is justified in resisting these pressures.

Part of the economic allocation has been developed, and an access road into the site formed. The Council envisages similar development on the remainder of the allocation. The site is allocated for business use only. This will form a buffer between the retail park loading area and the existing housing area, being compatible with both of the neighbouring uses.

The Council has concerns that the site will have low amenity for a residential use, with the visually unattractive retail park loading area on the banking above, and potential noise and disturbance from its operation. The site slopes downward from the higher ground to the back of the retail park. Some of this area (which is not allocated under e7 but would be allocated under this proposal) has been colonised by trees and shrubs, which serve to mask this use and their loss would be detrimental to the amenity of the area.

As the residential site proposal is new, and is more extensive than the area previously allocated, the Council, has been unable to conduct a thorough assessment, including views of SEPA in respect of flood risk from the May Burn and the downstream culvert where it flows under Loanhead Road.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP412 Straiton Park Ltd)

Seeks wider range of uses on committed site e11

The Council can see no merit in redrawing the site boundaries or changing the text to exclude reference to the already developed parts of the site. Once the site is wholly developed, it will remain in the local plan proposals map and the established economic land supply, as existing fully developed industrial sites already are (for example Bilston Glen industrial estate) and be subject to policies ECON1 and other relevant policies of the plan. The effect of the suggested change would be to remove parts of the site from the established land supply, and potentially open it up to other non-employment uses. The Council does not consider this justified in terms of the economic objectives of the plan, or the intent of the Strategic Development Plan for South East Scotland (SDP) 2013.

This site is well located for the new Eskbank station. There are sustainability benefits in having employment sites located close to good public transport (it is generally even more preferable to have 'trip ends' near good public transport than points of origin, as this allows for greater use of public transport through park and ride). In respect of allowing a wider range of uses on this site, the Council considers that the Class 4 and Class 5 uses which are supported, allow for a large range of employment uses.

The Council considers that the representor's suggested change, (which would allow development other than Class 4 or 5 provided it was compatible with surrounding land uses) would not be in keeping with the plan led system. When determining appropriate uses for the land through the development plan, the Council must consider a wider range of factors, beyond compatibility with neighbouring uses, including for example the provision of adequate employment land and support for a town centre first principle for activities likely to attract large numbers of people (such as retail or commercial leisure).

Site promoters have the opportunity to make the case for alternative uses and a departure from the plan through the development management process. It is not clear if the representor has another land use in mind, but the Council considers it appropriate to handle potential development in a more controlled way by being clear about what uses are supported at sites in the development plan.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP416 Roy Martin)

Seeks increase in site capacity of committed site h41 at Mayfield

The Council considers that the site capacity it has indicated for the site is reasonable and realistic. The final number of houses will be determined at the planning application stage. It would be up to the developer to demonstrate that a different number is achievable, while conforming to all relevant policies, but the Council is not minded to change site capacities at this stage. The Council is currently considering an application at this site for 199 dwellings ([16/00134/DPP](#)).

The sites attributes are considered in the Dalkeith/Eskbank Settlement Statement of the Proposed Plan. The elevated nature of site h41 requires development to avoid the highest parts of the site and incorporate substantial perimeter planting. Additional capacity will be required at primary and secondary school level for the 60 unit allocation, and the education solution for the area would have to be substantially re-thought if the promoters higher site allocation was established.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP445, PP1021 Barratt Homes)

Seeks increase in density and support for care home at h55 Seafield Moor Road

The Council considers that its proposed site allocation of 150 units is a realistic and reasonable best estimate of what may be expected from this site. The Settlement Statement in the Midlothian Local Development Plan Proposed Plan (MLDP) refers to the need for the site to be provided with additional structural planting to mitigate landscape impact and to accommodate additional space requirements of Bilston Primary School.

An applicant might be able to demonstrate at planning application stage that a higher density was achievable, which made adequate provision for landscaping, education needs, and avoidance of flood risk, and was acceptable in all other respects. However the Council considers it would be an unnecessary risk to base its settlement strategy on speculative higher densities, as this approach might not provide the necessary housing land if sites fell short.

The plan does not make express allocation for residential care homes on any of the allocated sites. It would be for the applicant to justify that an application containing a residential care home was acceptable at planning application stage. This is generally a use which is compatible with a residential area, but the Council would have to consider matters such as (amongst others) the elevated risk from flooding (where inhabitants are less mobile), roads and parking and the impact of such a development on the site layout.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP2668 University of Edinburgh)

Detail site specific matters

Dalkeith High School (along with St David's High School and Woodburn Primary School) was relocated to the Dalkeith Community Campus in 2003. The Campus contains enhanced sports facilities compared to the schools it replaced (including all weather external playing surfaces). The facilities are available to the wider community when not required for education purposes. As compensatory provision was made more than a decade ago, at the time of the relocation, there is no requirement to make additional provision now.

The Shawfair settlement now (June 2016) has planning permission and construction is underway. The Council is content to make factual changes of this manner (at this site and other locations where their status changes as the plan is proceeding to adoption) as non-material drafting changes before the plan is adopted.

With respect to the change sought to site h12 (and reference to the adjacent former public house) the Council considers that because the former public house is in the settlement

boundary, an application would fall to be considered under Policy DEV2 (Protecting Amenity within the Built-Up Area). The other applicable policy (ENV8 Protection of River Valleys) has been changed in the Proposed LDP to give more support for development in the built-up area. The Council is not convinced that this urban brownfield site needs to be linked to the ex High School site in order to secure its timeous redevelopment.

The Council is the owner of the ex High School site. A draft development brief for the site has been produced (CD019). The Council considers that the continued allocation of the h12 site as committed development on unchanged boundaries is the option most likely to lead to its quick development. The Settlement Statement text for h12 does not preclude a joint development with the site promoters of the former public house, so the proposed text change appears unnecessary. The Council does not consider it advisable to require a joint approach through the development plan.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP234 sportscotland, PP1527 Shawfair LLP, PP886 Andrew McNab)

Other matters

Seeks Council actions to assist in making sites deliverable

In relation to stalled sites, the Council has indicated in the Proposed Plan LDP Settlement Statements that, in respect of those sites which have encountered development problems, it will work to resolve the difficulties, and that this may result in changes to the final layouts from approved development briefs. The Council considers that a blanket support for 'increased housing numbers and densities on appropriate sites' might be unacceptable at some sites, or even make them less viable by triggering additional developer requirements. It should be noted that such sites are the exception, and that most sites allocated in previous Local Plans have been are or are about to be developed. The Settlement Statements provide a brief summary of the position at each committed site.

In respect of developer contributions, the Council will seek contributions for the infrastructure and facilities that are required for developments to be implemented successfully. Developer requirements may change to some extent, if for example factual evidence on such matters as the pupil product ratio per household justifies it. The preparation of Developer Contribution Supplementary Guidance will give an opportunity to refine these matters further. In the Council's view however the LDP gives the best guide to the developer requirements that are needed at the time of the plans preparation, and committing to a review at the same time as the plan is prepared and adopted would not seem to give the requisite guidance and certainty expected of a development plan.

The Council therefore requests that the Reporter(s) make no changes to the Proposed Plan in respect of these representations. (PP91 Homes for Scotland, PP297, PP298, PP300, PP303 Grange Estates (Newbattle) Ltd)

Seeks removal of reference to potential future de-allocation of sites

Paragraph 2.2.4 signals the potential for sites to be removed which have demonstrated no substantive progress towards delivery, when the LDP is reviewed. The Council considers that it is appropriate to give notice of its future intentions, and to remove ineffective or unviable sites. This approach is supported by Homes for Scotland in their representations

to the MLDP Proposed Plan. In this eventuality, it would be for a future plan to identify replacement housing land.

It should be stressed that this is not aimed at any particular site. The Council considers that it must allow for potential de-allocation at sites where a solution cannot be found which is viable, meets environmental considerations and can fund necessary infrastructure. Any de-allocation will not be implemented until the next Local Development Plan – this provides an opportunity to work to overcome problems at sites which have not come forward.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP301 Grange Estates (Newbattle) Ltd)

Seeks change to nature of housing sites

Not expressly stated, but seeks larger housing sites subdivided in to smaller sites with varying designs and a good range of house types and tenures

The Council notes the representor’s wish to improve the design of larger housing sites, and considers that its Quality of Place policies (set out in section 3.3 of the Proposed LDP will help to achieve this). In addition the Council will require the preparation of development briefs and masterplans (under the terms of Policy IMP1) for its allocated sites: this will provide an opportunity to raise standards.

The Council’s affordable housing policy DEV3 (Affordable and Specialist Housing) and associated Supplementary Guidance will help to ensure that there is a range of tenures on larger sites.

The Council considers that it has the policy basis in place to meet the objectives of the Representor and therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP121 Gary Jack)

Support

Supports inclusion of site for planned range of activities

The Council acknowledges Network Rail’s support for the inclusion of the site for the planned range of economic and community activities. (PP2898 Network Rail)

Support for committed development sites continuing to be allocated in the MLDP

The Council acknowledges the representor’s support for the continuing allocation of site h46 Cowden Cleugh for 100 units. (PP69 Buccleuch Property Group)

The Council notes the representor’s support for h50 and the supporting statement regarding its effectiveness. (PP1091 ORS plc)

Reporter’s conclusions:

Support

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support from various

parties are noted but do not require any further consideration.

Review of committed sites

2. Proposed Midlothian Local Development Plan policy STRAT 1 (committed development) supports the early implementation of all committed development sites. As information, legislation and regulation have been updated and changed since many of the committed sites were initially allocated in the 2003 and 2008 Midlothian Local Plans (and 2003 Shawfair Local Plan), particularly in relation to flood risk and environmental control, The Scottish Environment Protection Agency (SEPA) suggest that all of these sites should have been subject to review as part of the local development plan drafting process.

3. As highlighted by the council, many of the committed sites identified in the proposed plan have now been completed; are under construction; have extant planning permission; or are at the application stage. Others are covered by development considerations as set out in development briefs and masterplans; and/or by developer requirements set out in the proposed local development plan settlement statements. Specific requirements and actions for sites are also set out in the proposed plan's accompanying action programme, which will be updated regularly to reflect any changing requirements for development sites. The annual housing land audit also provides an opportunity to "review" the effectiveness of sites in relation to potential constraints. Furthermore, proposals on committed sites would be subject to consultation with statutory bodies (including SEPA) and application of relevant development plan policies that control flood risk and environmental impacts including strategic development plan for Edinburgh and South East Scotland (SESplan) policy 15 (water and flooding), and local development plan policies:

- DEV 5 (sustainability in new development).
- ENV 8 (protection of river valleys).
- ENV 9 (flooding).
- ENV 10 (water environment).
- ENV 12-15 (protection of nature conservation and protected species).
- ENV 16 (vacant, derelict and contaminated land).
- ENV 17 (air quality).
- ENV 18 (noise).
- IMP 3 (water and drainage).

4. I consider that the requirement to consult/inform statutory bodies at the application stage; the provisions of the development plan; and the continual review of the effectiveness and programming of sites are sufficient to ensure that any issues concerning flood risk, environmental impacts and other impacts could be suitably controlled at the application stage for committed sites. I note that this approach may identify a need for previously unreported mitigation and may result in potential objection from statutory bodies to a site being consented for development.

5. Committed (or established) sites are significant in contributing to the housing land requirement (as identified in Issue 3 – requirement for new development) and providing sufficient land for employment (see Issue 33 – economic sites). Therefore, I find that it would be inappropriate at this time in the development plan process to require a review of committed sites. However, I agree with SEPA that the risk of committed sites no longer being fully supported in relation to emerging requirements (and possibly previously unknown risks) should be expressed in the proposed plan. A modification to the reasoned justification is therefore justified.

De-allocation of committed sites in the future

6. At paragraph 2.2.4 the proposed plan indicates that housing sites which fail to make substantive progress towards delivery during the plan period will be subject to review and potential deletion from future plans. The paragraph continues by stating that committed employment sites would likely continue to be supported due to the longer lead-in times required to deliver development.

7. The suggestion from Taylor Wimpey UK Limited and Hallam Land Management/Barton Wilmore in relation to removing support for committed housing sites now, rather than wait until the next review of the local development plan, is addressed at paragraphs 49-51 in Issue 3 (requirement for new development).

8. Unresolved representations in relation to proposed housing site Hs16 (Seafield Road, Bilston) are addressed in Issue 28 (A701 corridor strategic development area – Bilston, Loanhead, Auchendinny etc) where it is recommended to be retained as a housing proposal. However, in relation to this allocation, I note that the site is considered to be effective in the agreed 2016 housing land audit and has programmed completions to 2023 and beyond. Land is also safeguarded for potential housing development to the north of site Hs16 should it be required in the future (a matter further discussed in Issue 3 of this report). However, as identified in Issue 3, there is sufficient housing land at present without the need to allocate further land or consider the release of safeguarded sites.

9. Shawfair LLP argue that paragraph 2.2.4 should reflect the provisions of Scottish Planning Policy (2014) and Scottish Government planning advice 2/2010 on housing land audits. I note that Scottish Government policy and advice refers to the “effectiveness” of sites in relation to their ability to deliver housing within the plan period. The terms of paragraph 2.2.4 of the proposed plan refer to the “deliverability” of committed sites. I consider that this is sufficient to forewarn those with an interest in committed sites of the potential for deletion from future plans if substantive progress towards delivery is not undertaken. It is for the council to determine its criteria in relation to judging whether a site has made substantive progress or not when it comes to review the local development plan. A site may be “effective” but may have made no progress towards delivery. Conversely, a site may currently be “ineffective” but substantial work has been undertaken to progress the site (removal of an infrastructure constraint for example). I find that the terms of paragraph 2.2.4 are adequate as written.

Economic land allocations

10. Economic sites are also addressed in Issue 33 of this report.

11. SESplan identifies 125 hectares of strategic employment land in the Midlothian/Borders sub-regional area and a requirement for this area to allocate 25 hectares of additional employment land. The new allocations are directed to two strategic development areas in Midlothian - the A7/A68/Borders Rail Corridor (10 hectares) and the A701 Corridor (15 hectares). SESplan includes a further requirement to allocate 20 hectares within South East Edinburgh (Shawfair Park).

12. SESplan policy 2 (supply and location of employment land) “supports the development of a range of marketable sites of the size and quantity to meet the requirements of business and industry in the SESplan area”. The policy requires local development plans support the delivery of established strategic employment land; and for plans to provide for a

range and choice of sites. Paragraph 72 of SESplan requires the promotion of key employment sectors throughout Midlothian to encourage economic growth. Paragraphs 93 and 94 of the plan also require local development plans to “maintain a supply of employment land allocations to meet changing demand”; ensure that there is a “generous range and choice of employment sites” across the SESplan area; and give continued support for safeguarded employment sites.

13. Paragraph 2.3.14 of the proposed Midlothian Local Development plan identifies that, further to the need to meet the SESplan requirements, “a key objective of the sustainable settlement strategy is to promote more local employment opportunities”. This strategy is being adopted to help reverse the trend of commuting to work outwith Midlothian, particularly to Edinburgh.

14. At paragraph 4.2.2 the proposed Midlothian Local Development Plan identifies that there is an established employment land supply of 202 hectares of which 50 hectares is dedicated to the bioscience sector. The remaining supply is allocated for business and employment uses. However, as of 2014, only 50 hectares was classified as “immediately available” with the rest being identified as constrained. Consequently, the council removed some smaller sites from the established supply and compensated their loss with new allocations in more accessible and investment attractive locations. This follows advice contained in Scottish Planning Policy (2014) which suggests that “new sites should be identified where existing sites no longer meet current needs and market expectations” (paragraph 103). The introduction of “Assisted Area” status in June 2014 to parts of Midlothian is also considered by the council to boost the ability of sites to be delivered for employment.

15. The proposed plan identifies new strategic economic land allocations in Appendix 3B totalling 48 hectares of land for business and industry; 60 hectares of land for mixed use at West Straiton (principally commercial/employment uses); and 14.4 hectares for biotechnology uses. These allocations would provide a range and choice of accessible sites in accordance with SESplan; and are sufficient to meet and exceed the requirement for 45 hectares of employment land required to be allocated by SESplan.

16. I note the concerns that there is an oversupply of employment land in Midlothian. However, I find that the council has acted reasonably by removing sites which are no longer considered viable; compensated their loss with additional allocations; and met the SESplan requirement for additional employment land on a range of sites. There is an issue with constrained established sites. However, I agree with the council that this may be as a result of the economic downturn coinciding with allocation of many of these sites in the current Midlothian Local Plan in 2008. Since then the economy has improved and positive interventions (including the assisted area status and promotion of Midlothian through its Economic Development Framework) to support delivery have occurred. There is the option to review committed development sites in the future. However, based on the evidence submitted, I find that the supply of committed/established employment land is not restricting the promotion/delivery of employment land in Midlothian. Therefore, no change to the proposed plan is required on this matter.

Penicuik

17. The following paragraphs deal with committed housing sites in Penicuik and suggestions to expand the town centre and create a new strategic walking/cycling route in the settlement. Matters concerning newly promoted housing sites in and around Penicuik

are addressed in Issue 29 (A701 Corridor strategic development area – Penicuik).

Committed housing sites

18. Committed housing sites are located to the north of Penicuik at Greenlaw (site h25); Deanburn (site h26); North West Penicuik (site h58); Bellmans Depot (site h63); and the former Jackson Street School (site h64). According to the agreed 2016 housing land audit, the Greenlaw site was granted planning permission in January 2016 for 458 flats and houses with construction programmed to begin in 2017/18. Similarly, the council is “minded to grant” planning permission for 109 houses at Deanburn with the housing land audit anticipating delivery of houses from 2022/23. Planning permission for 385 houses at the North West Penicuik site is also at the “minded to grant” stage with completions predicted in 2018/19. The Bellmans Depot (17 houses) and former Jackson Street School (14 houses) sites have planning permission and are due to complete by 2017.

19. The developer requirements set out in the settlement statement of the proposed local development plan, together with the implementation policies of the plan, would ensure that required infrastructure was in place to support committed housing sites in Penicuik. The policies of the plan would also ensure that important woodland, landscape and habitat were protected where necessary. Furthermore, the council acknowledges that some new residents from these developments may be inclined to shop outside of Penicuik. However, for the reasons stated below, I find that the need for housing land is sufficient to outweigh any impact on the town centre that may occur from new residents choosing to shop elsewhere.

20. I note that the expansion to the north of the settlement would total some 900 homes. However, as indicated in Issue 3 (requirement for new development) the committed housing sites allocated across Midlothian contribute significantly to meeting the SESplan housing land requirement for 12,490 houses across Midlothian to 2024. De-allocation of these sites, as suggested in representations, would require additional land for housing to be found elsewhere in the A701 Corridor; and, as described in paragraph 18 above, the committed housing sites in Penicuik are at an advanced stage in the planning process. Consequently, removal of support for them in the proposed plan would be unreasonable.

Town centre expansion

21. Paragraph 62 of Scottish Planning Policy (2014) suggests that development plans identify town centres which display a diverse mix of uses, including shopping; a high level of accessibility; qualities of character and identity which create a sense of place and further the well-being of communities; wider economic and social activity during the day and evening; and integration with residential areas.

22. The existing boundary of Penicuik Town Centre primarily relates to shopping and other commercial/leisure activities along John Street and the A701. I accept that parkland and the leisure centre located to the north of the existing town centre further the well-being of the community and provide character, identity and activity. However, I do not agree with Mr Laird’s suggestion that these areas should be incorporated within the town centre boundary as the park and leisure centre are separated from the existing town centre by residential development along Jackson Street and Wilson Street. Amendment of the town centre boundary to incorporate the park and centre would result in an elongated and vastly expanded designation where a range of commercial and related uses could be considered. Consequently, I find that the existing town centre boundary should be retained.

Strategic walking and cycling route – Loan Burn

23. Proposed local development plan policy ENV 2 (Midlothian green network) supports the delivery of green network opportunities, including foot and cycle paths. I agree with the council that the suggestion of a strategic walking and cycling route through Penicuik could be suitably addressed in forthcoming supplementary guidance on green networks without the need to modify the proposed plan to include a route along Loan Burn.

Site specific matters

24. The following paragraphs address site specific issues raised in connection with committed housing and employment sites.

East Newtongrange (h34); Lingerwood (h35); South Mayfield (h38); Dykeneuk (h49)

25. The proposed local development plan identifies committed housing sites incorporating farmland to the south of Mayfield; east of Newtongrange; and north of Gowkshill. With the exception of Dykeneuk (site h49), these sites were first allocated in the 2003 Midlothian Local Plan and provide an expansion area of over 75 hectares. A development brief to guide development of the area was approved by the council in April 2005.

26. East Newtongrange (site h34) is promoted with an indicative capacity of 133 houses; with the agreed 2016 housing land audit suggesting parts of the site are under construction (and the proposed plan identifying that parts are also complete). Lingerwood (site h35) is allocated for some 137 houses in the plan. The housing land audit notes that planning permission has not been consented and that delivery of housing on this site is not anticipated until after 2023. South Mayfield (site h38) has an indicative capacity of 474 houses in the proposed plan with the housing land audit suggesting completions from 2020/21 on the remainder of the site (as some development has occurred). The site at Dykeneuk (h49) is shown with an indicative capacity of 50 houses. This site does not have planning permission with the housing land audit predicting delivery post 2023.

27. These four committed housing allocations would provide an expansion of some 800 houses. I note that some of these established sites have yet to deliver housing. Nevertheless, as identified in Issue 3 (requirement for new development) the supply of housing land from established sites will make a significant contribution to the SESplan housing land requirement for 12,490 houses across Midlothian to 2024. Those sites which are constrained at present may become “effective” during the plan period as impediments to development are resolved. Furthermore, there will be a requirement for further housing beyond 2024 which these sites may contribute towards. Removal of these sites may require housing land to be found elsewhere in the A701 Corridor strategic development area. Consequently, I find that there is a strategic requirement to retain these sites for housing development at present. However, I note that support for the sites may be removed on review of the local development plan in the future should there be a failure to make substantive progress towards delivery.

28. In relation to development impact, I find that the provisions of the development brief for the area, together with the developer requirements within the settlement statements and implementation policies of the proposed plan, would be sufficient to ensure: the avoidance of physical coalescence between existing settlements; the loss of important habitat; harmful impact to amenity (including noise and air pollution); the control of traffic; and the provision of adequate green space. No change to the plan is required to address these issues.

29. In relation to site capacity, Grange Estates (Newbattle) Limited suggests increasing the capacity of h34 to 250 houses; h35 to 140 houses; h38 to 550 houses; and h49 to 100 houses. These changes would increase the capacity of the overall expansion area from around 800 to over 1,000 houses. I note that the capacities stated in the proposed plan can be subject to review because, as noted in Issue 3, many sites have a lower capacity than would likely be realised once planning permission was granted. I further note that the development brief for the area suggested a capacity of 175 houses for East Newtongrange (site h34) – 38 houses above that set in the proposed plan. In addition, the housing land audit of 2016 suggests a remaining capacity of only 439 houses for South Mayfield (site h38). I am also aware that the sites are constrained to some extent by sloping land; ground conditions; neighbouring industrial uses; and the Newtongrange Conservation Area which may impact on the density and layout of development. In review of the above, I consider that it is appropriate for the capacities of sites h34, h35, h38 and h49 to remain unmodified. In any case, there would be an opportunity through the planning application process to change the capacities where justified.

30. Grange Estates (Newbattle) Limited also suggests the addition of text to indicate that the committed sites which did not have extant planning permission would only be subject to a 5-10% affordable housing contribution. As per my conclusions on this matter in Issue 5 (affordable and specialist housing), I find that the plan should not be modified in this way. Again, there would be an opportunity at the application stage to negotiate a different contribution if justified.

31. Turning to the development considerations for committed sites, I find that the council is fully committed to the early implementation of committed sites through policy STRAT 1 (committed development). The settlement statements for Mayfield/Easthouses and Newtongrange also fully support (as a key planning objective) the delivery of housing on committed sites. Consequently, I do not find it necessary (or appropriate) for the development considerations for site h34 to refer to specific restrictions that Grange Estates (Newbattle) Limited suggests in relation to tenancy issues and developer requirements; or, for the reasons stated in paragraph 29 above, the matter of capacity. The issue of ground conditions is referred within the development considerations as written. However, I agree with Grange Estates (Newbattle) Limited that consideration should be given to preparing a revised development brief. The current brief is over 12 years old during which time circumstances and approaches to design/layout may have changed. It also omits reference to site h49 (Dykeneuk). I note that the council's response endorses this approach where it states "there may be potential to review detailed alignments and phasing as part of any changes to the approved development brief". Consequential changes to the development considerations of sites h35, h38 and h49 are also necessary to reflect this modification.

32. I agree with the council that omission of references for the need for improved local distributor roads on site h35 (Lingerwood) or site h49 (Dykeneuk), as suggested by Grange Estates (Newbattle) Limited, is unjustified. Any negotiation in relation to improvements, or changes in road layout, could be suitably controlled at the application stage.

33. As indicated in Issue 3 of this report, the council has been proactive in relation to identifying education requirements in Midlothian as a result of housing growth. There is no information from Grange Estates (Newbattle) Limited to justify the removal of requirements for primary school contributions in relation to site h49. Similarly, although I note that the developer is experiencing difficulty in delivering housing on the site, there is limited justification to remove the allocation of a primary school from site h38. However, I note that

paragraph 8.2.39 of the proposed plan states in relation to this allocation that “options will be reviewed to meet development as it progresses, but the MLDP continues to safeguard a provisional site within site h38 South Mayfield should this be required”. Therefore, there is provision in the plan to allow the safeguard to be removed should it be demonstrated that it is not required. No change to the proposed plan is required to address this matter.

Oatslie (e34)

34. Established economic land supply site e34 is located to the west of Roslin. The five hectare site is bound by Penicuik Road (the B7006) to the north; the A701 and Gowkley Moss Roundabout to the west; safeguarded employment site Ec5 (Oatslie expansion) to the east; and farmland to the south. Although allocated in the 2008 Midlothian Local Plan for business use the site is also covered by the green belt designation and identified as prime agricultural land. The development considerations for the site identified in the proposed local development plan suggest that the site “should remain in the Green Belt until both sites are fully developed” (referring also to the neighbouring Ec5 safeguard). The site is well located in terms of the road network and access to public transport. Robust landscaping (as required by the proposed plan) would ensure that the qualities of the green belt in this location could be safeguarded. Furthermore, the site would make an important contribution to the SESplan requirements to safeguard existing and promote further employment land in Midlothian (see paragraph 10-16 above). Consequently, I find that the site should be retained at present. As explained elsewhere in these conclusions, there would be an opportunity to re-assess the support given to this (and the adjoining site) when the local development plan is reviewed.

Roslin Institute (Hs18)

35. The suggestion from the Biotechnology and Bioscience Research Council to include housing site Hs18 (Roslin Institute) as a committed development site (rather than a newly allocated site) is addressed in Issue 30 (A701 Corridor strategic development area – Roslin).

Straiton View (e7)

36. Straiton Park Limited suggest that established economic land supply site e7 at Straiton View be re-designated as a housing site. The site is partially developed for business use with the majority occupied at the time of my site inspection (March 2017). The site is bound by the Straiton Retail Park and tree planting to the north; further planting to the east (with housing site h54 further east); an established housing development to the south; and Sainsbury’s superstore to the west.

37. As concluded in paragraphs 10-16 above, there is a need to retain existing employment land in accordance with SESplan to ensure the provision of a range and choice of sites. Furthermore, as concluded in Issue 3 of this report, there is no need for additional housing land to meet the SESplan housing land requirement at this time. In addition, I note that the site has not been fully assessed by the council in preparation of the proposed plan for housing and that there may be issues concerning amenity and flood risk. For these reasons, I find that site e7 should not be re-allocated to allow delivery of 50-60 houses. This conclusion would not prevent an application being assessed against the provisions of local development plan policies STRAT 2 (windfall housing sites) and ECON 1 (existing employment locations).

Hardengreen Industrial Estate (e11)

38. Site e11 is an established employment site for business and general industry. As observed at my site inspection (and evident from the proposals map) the site is split into two parts by the Edinburgh College building and associated parking. The northern part of the site is wholly developed as business and general industrial uses. The southern part has been developed as a solar farm and parking for the Eskbank railway station. There are no areas of site e11 that remain undeveloped. Despite this, I agree with the council that in order to provide adequate protection for established employment uses that site e11 should continue to be identified and safeguarded in the proposed plan. No alternative uses are suggested in representations about this site. However, I consider that any other potential uses on the site could be suitably addressed using policy ECON 1 (existing employment locations), and others, at the application stage.

Mayfield (h41)

39. Established housing site h41 (North Mayfield) is identified in the proposed plan (within table 1A.2 on page 152) with a total capacity of zero. However, the Midlothian Local Plan (2003) identifies the site with a capacity of 60 units through policy HOUS3 (safeguarded housing sites). The supporting text in the 2003 plan suggests that “the numbers to be accommodated at the latter will be limited by the need to avoid the highest parts of the site and to provide substantial perimeter planting to create a long-term settlement edge”. I further note that the site is identified with a capacity of 63 units in the agreed 2016 housing land audit with completions anticipated from 2019/20; and that the settlement statements section of the proposed plan identifies the site with an outstanding capacity of 63 houses. I also note that a planning application for 199 houses on the site is being considered by the council.

40. Barratt Homes suggest that the capacity of allocation h41 is increased to 180 houses on the six hectare site. As I explained in Issue 3, the capacity of sites may be subject to change at the application stage based on detailed design and layout information. Typically, the capacity of sites has increased across Midlothian. A density of 10.5 houses to the hectare (63/6) would be particularly low; but equally a density of 30 houses to the hectare (180/6) may be considered high for a sub-urban location. Due to the potential restrictions of the site (in terms of elevation and the need for robust landscaping) I find that the 63 houses as promoted in the housing land audit and proposed plan settlement statement to be reasonable. Any change to this could be suitably addressed at the application stage.

Seafield Moor (h55)

41. Established housing site h55 is allocated in the proposed plan for 150 houses. The agreed 2016 housing land audit suggests that this allocation means that the site would be developed at a density of 18.6 houses to the hectare. The development considerations for the site suggest that the capacity has been chosen to “provide scope, through the development brief and planning application process, for provision of substantial structural planting to mitigate landscape impact”.

42. The grassland site is bound by Seafield Moor Road (the A703) to the west; Seafield Road to the north; the A701 to the south; and housing development and parkland (associated with Bilston Primary School) to the east. An open waterway is located on the site. Views to the Pentland Hills in the north are available from the site; and the site provides a highly visible “entrance” to Bilston from the A701 and Seafield Moor Road. I find

that due to the location of the site; the need for structural planting; the presence of a water feature; and the need to integrate the site with its surroundings that the capacity of 150 houses is reasonable. However, the development brief for the site and subsequent planning application would allow a revision of this capacity if justified. In addition, any addition of a care home (or other amenity uses) could be considered through the development brief and planning application process. I consider that there is no justification to prescribe these uses for the site based on the submissions presented to the examination.

Former Dalkeith High School (h12)

43. The council has confirmed that compensatory sports pitch provision for the blaes pitches at the former Dalkeith High School was provided in 2003 at the Dalkeith Community Campus. Consequently, the proposed plan does not need to refer to any requirement for compensatory provision in relation to the development of site h12.

44. Land to the south-east of the former Dalkeith High School includes vacant land and a former public house. The council's draft development brief for the former high school site notes that "from a planning perspective, the council acknowledges there are merits in developing this land outwith its ownership in conjunction with the site of the former high school. However, it should be noted that development of the former high school site is not dependent upon the inclusion of this adjacent land". I agree with this statement. The fact that the former school site is wholly within the council's ownership means that redevelopment of the site may be more likely than if the site was required to be developed together with adjacent sites outwith its ownership. The development considerations for site h12 set out in the proposed local development plan require a masterplan to be prepared for the site which could include potential links to the adjacent sites. Furthermore, the policies of the proposed plan would support development of the vacant land and former public house to compatible uses within the urban area should these come forward. I find that the development considerations for site h12 should remain unchanged and not refer to the need to develop the former high school in tandem with land to the south-east.

Shawfair

45. The agreed 2016 housing land audit shows Shawfair with full planning permission and under construction; Shawfair ("Millerhill") with outline (planning permission in principle) consent from August 2014; and Shawfair Phase 2 with outline consent from 2014. Therefore, I agree with Shawfair LLP that the status of site h43 (Shawfair) in Appendix Table 1A.3 – Sites allocated in 2003 Shawfair Local Plan – should be amended to reflect this progression.

Other matters

Council actions to assist in making sites deliverable

46. As previously expressed in these conclusions, the proposed local development plan would not prevent the review of site capacity at the planning application stage where justified. In addition, any developer requirements could be reviewed at the planning application stage taking account of matters including site conditions and development viability. The matter of potential de-allocation of sites is dealt with in paragraphs 6 to 9 above. I note that the proposed plan is supportive of the early implementation and delivery of committed development sites as reflected in policy STRAT 1 and the settlement

statements. Revised actions may be required in relation to ageing development briefs for sites. To this end, I have recommended the potential review or revision of the brief covering committed sites around Newtongrange and Mayfield. No other change to the proposed plan is required in relation to council actions to assist the delivery of sites.

Nature of housing sites

47. The policies contained in section 3.3 of the proposed plan (quality of place) together with policy DEV 3 (affordable and specialist housing), and the requirement for masterplans and/or development briefs for sites, would be sufficient to ensure that larger sites provide a range and choice of housing types and tenures. Therefore, no change to the plan is required in relation to the concerns of Mr McNab.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Inserting a new paragraph 2.2.5 to section 2.2 'Existing Development Commitments' on page 5 as follows:

"2.2.5 There have been some legislative and regulatory changes, as well as identified changes to the physical environment (including updated flood risk mapping), since committed sites were allocated. In order to ensure compliance with legislation, and the provisions of the development plan, the council will require proposals for development on committed sites to be supported by up-to-date information on the physical environment and flood risk. This will allow informed consultation with statutory bodies and ensure that an appropriate response to any identified or potential environmental harm or flood risk is taken."

2. Replacing the second sentence of the development considerations for site h38 (South Mayfield) on page 104 with:

"There is a development brief for the site (and sites h34 and h35 in Newtongrange) which requires to be revised or replaced. The design and layout of development should also relate to adjacent site h49 at Dykeneuk. The developer has experienced..."

3. Replacing the third sentence of the development considerations for site h49 (Dykeneuk, Mayfield) on page 105 with:

"The design and layout of the site and delivery of the development should be brought forward within the context of the development brief for the adjoining committed development sites (h34, h35 and h38) or any revised or replacement development brief for the area."

4. Adding a new final sentence to the development considerations for site h34 (East Newtongrange) on page 109 as follows:

"There is a requirement for this brief to be revised or replaced."

5. Adding a new final sentence to the development consideration for site h35 (Lingerwood) on page 109 as follows:

“There is a requirement for this brief to be revised or replaced.”

6. Amending the status for site h43 (Shawfair) within ‘Appendix Table 1A.3 Sites allocated in 2003 Shawfair Local Plan’ on page 152 from “M/C” to “Consent”.

Issue 3	Requirement for New Development – Housing Strategy	
Development plan reference:	The Strategy for Sustainable Growth	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
906008	PP16	Moorfoot Community Council
778339	PP23	Midlothian Green Party
908634	PP34	Philip Burton
908722	PP39	David Sugden
909035	PP76	Maire Devlin
909143	PP87	Tony Gray
908875	PP95	Homes for Scotland
909222	PP97	Allan Piper
909031	PP99	Newbattle Abbey Trust
908025	PP109	Edward Angus
904548	PP120	Gary Jack
770249	PP145	Gladman Developments
908022	PP153	Ruari Cormack
909730	PP154	Sara Cormack
909771	PP186	Constance Newbould
909801	PP191	H Tibbetts
909801	PP196	H Tibbetts
909847	PP224	Lawfield Estate
909847	PP226	Lawfield Estate
909847	PP227	Lawfield Estate
909847	PP228	Lawfield Estate
909735	PP244	Midlothian Matters
909735	PP245	Midlothian Matters
909863	PP271	Alasdair Ferguson
909734	PP273	Katherine Reid
909734	PP274	Katherine Reid
909863	PP284	Alasdair Ferguson
909863	PP285	Alasdair Ferguson
909507	PP288	Scottish Enterprise
754797	PP337	APT Planning & Development Ltd
774360	PP339	Buchanan
778668	PP354	Biotechnology and Bioscience Research Council (BBSRC)
909846	PP424	Eskbank & Newbattle Community Council
909848	PP431	Barratt Homes
909846	PP446	Eskbank & Newbattle Community Council
909605	PP452	Jane Tallents
909824	PP459	Brian Larkin
909826	PP466	Duncan McAuslan
779467	PP471	John Sharp
779467	PP473	John Sharp
921678	PP559	Malcolm McGregor
909730	PP562	Sara Cormack

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921260	PP606	Nancy McLean
921296	PP614	Sarah Barron
779397	PP637	Bonnyrigg and Lasswade Community Council
779397	PP660	Bonnyrigg and Lasswade Community Council
921821	PP672	Margaret Hodge
922014	PP694	Lasswade District Civic Society
783974	PP862	Donald Marshall
783971	PP863	Isobel Marshall
921865	PP873	Joy Moore
921960	PP883	George Mackay
778171	PP910	Jacqueline Marsh
754882	PP924	Melville Golf Centre
766577	PP930	Julian Holbrook
921869	PP947	Alan Robertson
921869	PP948	Alan Robertson
921869	PP949	Alan Robertson
778967	PP1018	Taylor Wimpey East Scotland
909848	PP1020	Barratt Homes
826479	PP1033	Edinburgh and Lothian Green Network
907142	PP1044	Mirabelle Maslin
777783	PP1060	Damhead and District Community Council
908022	PP1071	Ruari Cormack
922155	PP1109	Rowan Nemitz
754760	PP1136	Shiela Barker
779397	PP1158	Bonnyrigg and Lasswade Community Council
778581	PP1385	Hallam Land Management
922078	PP1464	Anne Dale
778372	PP1470	Bruce Hobbs
778417	PP1474	Celia Hobbs
922079	PP1480	Anne Holland
778551	PP1489	Tynewater Community Council
778551	PP1490	Tynewater Community Council
922087	PP1499	Anna MacWhirter
922089	PP1507	Christina Harley
922094	PP1517	Geoffrey Alderson
922108	PP1550	Patricia Dimarco
922115	PP1566	Andrew Thomson
922118	PP1576	Beth Thomson
922085	PP1583	Andrew Barker
779436	PP1618	Ritchie Family & Barratt David Wilson Homes
921337	PP1632	Dawn Robertson
921342	PP1640	Derek Robertson
921686	PP1648	Stewart Y Marshall
921694	PP1656	Elsie Marshall
921697	PP1664	Stuart Davis
921630	PP1666	Joan Faithfull
921698	PP1680	John Owen
921636	PP1683	Emma Moir
921640	PP1696	M A Faithfull
929852	PP1704	Marie Owen
921644	PP1707	S M Croall
921372	PP1717	David Miller

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921651	PP1723	R I Pryor
921374	PP1734	Wilma Porteous
921727	PP1736	G Palmer
921376	PP1743	Margaret Miller
921659	PP1749	Susan E Wright
921378	PP1754	Wilma Sweeney
921732	PP1767	Susan Falconer
921380	PP1769	Stuart Barnes
921663	PP1770	R A Pryor
921669	PP1788	Michael Boyd
921742	PP1795	Gudrun Reid
921675	PP1800	Dianne Kennedy
921679	PP1810	George Sweeney
921682	PP1816	David A Porteous
921685	PP1822	Colin Miller
921382	PP1828	Gavin Boyd
921386	PP1834	Kirsty Barnes
921387	PP1840	Vivienne Boyd
921390	PP1846	John F Davidson
921392	PP1852	Eric Smith
921395	PP1858	Annabel Smith
921397	PP1864	Mary M Young
921399	PP1870	James Young
921401	PP1876	John T Cogle
921402	PP1882	Janette D Barnes
921403	PP1888	Jenny Davidson
921404	PP1894	Pamela Thomson
921406	PP1900	Kevin Davidson
921408	PP1906	Hugh Gillespie
921410	PP1912	Jennifer Gillespie
778810	PP1918	John Barton
909886	PP1925	Mary Clapperton
921918	PP1932	John Scaife
782000	PP1936	Kenneth Purves
922025	PP1939	Linda Scaife
921919	PP1946	George Gray
921920	PP1956	Nan Gray
921925	PP1964	Colin Richardson
921414	PP1973	Edith May Barton
921929	PP1977	David Binnie
782003	PP1985	E Purves
921417	PP1989	Alex McLean
921960	PP1994	George Mackay
921962	PP2004	Karen Langham
921423	PP2015	Marjory McLean
776516	PP2021	George Barnes
783974	PP2028	Donald Marshall
921965	PP2032	Elizabeth Richardson
921425	PP2040	Myra G Rodger
921968	PP2043	Avril Thomson
921970	PP2055	Gayle Marshall
921826	PP2057	Lorna Reid

921430	PP2059	David S M Hamilton
921828	PP2073	Hazel Johnson
921431	PP2074	Sally Couch
921434	PP2081	E Hutchison
776560	PP2089	James Hutchison
754767	PP2095	Eskbank Amenity Society
921436	PP2105	Karen Miller
921999	PP2111	Colin Johnson
921658	PP2115	Patrick Mark
921437	PP2124	Robert Scott
921709	PP2127	Chris Boyle
921722	PP2136	K Palmer
921794	PP2142	Patricia Barclay
921830	PP2148	A F Wardrope
921832	PP2153	Elizabeth Anderson
921835	PP2160	Janette Evans
921888	PP2168	Ann O'Brian
921889	PP2175	Gail Reid
921900	PP2178	Marshall Scott
921893	PP2182	Zoe Campbell
921896	PP2191	Kenneth A Hyslop
922005	PP2202	Jan Krwawicz
922006	PP2210	Marjorie Krwawicz
922020	PP2219	Simon Evans
921905	PP2220	Carolyn Millar
922075	PP2228	Anne Murray
921908	PP2238	Charles A Millar
921910	PP2246	Isobel Ritchie
921914	PP2252	Lewis Jones
921915	PP2258	Karlynn Durrant
921917	PP2264	John Blair
909049	PP2271	Ross Craig
921259	PP2277	Caroline Sneddon
921439	PP2283	James Telfer
921444	PP2289	Lynn MacLeod
921443	PP2295	Kenneth McLean
921865	PP2303	Joy Moore
921622	PP2320	Jim Moir
921616	PP2331	Alan Mercer
921599	PP2339	Julia Peden
921976	PP2348	Moira Jones
921768	PP2355	Matthew McCreath
921753	PP2361	W R Cunningham
921740	PP2367	A H Cunningham
921971	PP2373	Zow-Htet
921974	PP2381	Rae Watson
921975	PP2387	Christina Watson
922145	PP2402	Eskbank Amenity Society
908626	PP2704	Ailsa Carlisle
908634	PP2709	Philip Burton
909143	PP2710	Tony Gray
909143	PP2713	Tony Gray

761187	PP2714	Constance Newbould
909846	PP2715	Eskbank & Newbattle Community Council
909820	PP2738	Helen Armstrong
922128	PP2744	Clarendon Planning and Development Ltd
909730	PP2745	Sara Cormack
909735	PP2756	Midlothian Matters
921854	PP2757	Mary E Berry
754767	PP2775	Eskbank Amenity Society
766577	PP2793	Julian Holbrook
766577	PP2794	Julian Holbrook
778585	PP2833	Claire Houston
965285	PP2848	Aileen E Angus
909222	PP2886	Allan Piper
Provision of the development plan to which the issue relates:	Section 2.3 Housing, paragraphs 2.3.1 – 2.3.15	
Planning authority's summary of the representation(s):		
<p><u>Scale and impact of the development strategy (standard letter)</u></p> <p>A number of “standard letter” representations signed by individuals and groups were received objecting to the scale and impact of the proposed development strategy and raising specific concerns regarding:</p> <ul style="list-style-type: none"> • physical & visual coalescence; • risk of losing landscape character, amenity open space & Green Belt; • adverse impact on River Valleys; • negative impact on general quality of life in communities; • unsustainable pressure on community infrastructure & public services <p>(PP883 George Mackay, PP910 Jacqueline Marsh, PP1480 Anne Holland, PP1566 Andrew Thomson, PP1576 Beth Thomson, PP1632 Dawn Robertson, PP1640 Derek Robertson, PP1648 Stewart Y Marshall, PP1656 Elsie Marshall, PP1664 Stuart Davis, PP1666 Joan Faithfull, PP1680 John Owen, PP1683 Emma Moir, PP1696 M A Faithfull, PP1704 Marie Owen, PP1707 S M Croall, PP1717 David Miller, PP1723 R I Pryor, PP1734 Wilma Porteous, PP1736 G Palmer, PP1743 Margaret Miller, PP1749 Susan E. Wright, PP1754 Wilma Sweeney, PP1767 Susan Falconer, PP1769 Stuart Barnes, PP1770 R A Pryor, PP1788 Michael Boyd, PP1795 Gudrun Reid, PP1800 Dianne Kennedy, PP1810 George Sweeney, PP1816 David A Porteous, PP1822 Colin Miller, PP1828 Gavin Boyd, PP1834 Kirsty Barnes, PP1840 Vivienne Boyd, PP1846 John F Davidson, PP1852 Eric Smith, PP1858 Annabel Smith, PP1864 Mary M Young, PP1870 James Young, PP1876 John T Cogle, PP1882 Janette D Barnes, PP1888 Jenny Davidson, PP1894 Pamela Thomson, PP1900 Kevin Davidson, PP1906 Hugh Gillespie, PP1912 Jennifer Gillespie, PP1918 John Barton, PP1925 Mary Clapperton, PP1932 John Scaife, PP1936 Kenneth Purves, PP1939 Linda Scaife, PP1946 George Gray, PP1956 Nan Gray, PP1964 Colin Richardson, PP1973 Edith May Barton, PP1977 David Binnie, PP1985 E Purves, PP1989 Alex McLean, PP1994 George Mackay, PP2004 Karen Langham, PP2015 Marjory McLean, PP2021 George Barnes, PP2028 Donald Marshall, PP2032 Elizabeth Richardson, PP2040 Myra G Rodger, PP2043 Avril Thomson, PP2055 Gayle Marshall, PP2057 Lorna Reid, PP2059 David S M Hamilton, PP2073, Hazel Johnson, PP2074 Sally Couch, PP2081 E Hutchison, PP2089 James Hutchison, PP2095 Eskbank Amenity</p>		

Society, PP2105 Karen Miller, PP2111 Colin Johnson, PP2115 Patrick Mark, PP2124 Robert Scott, PP2127 Chris Boyle, PP2136 K Palmer, PP2142 Patricia Barclay, PP2148 A F Wardrope, PP2153 Elizabeth Anderson, PP2160 Janette Evans, PP2168 Ann O'Brian, PP2175 Gail Reid, PP2178 Marshall Scott, PP2182 Zoe Campbell, PP2191 Kenneth A Hyslop, PP2202 Jan Krwawicz, PP2210 Marjorie Krwawicz, PP2219 Simon Evans, PP2220 Carolyn Millar, PP2228 Anne Murray, PP2238 Charles A Millar, PP2246 Isobel Ritchie, PP2252 Lewis Jones, PP2258 Karlyn Durrant, PP2264 John Blair, PP2271 Ross Craig, PP2277 Caroline Sneddon, PP2283 James Telfer, PP2289 Lynn MacLeod, PP2295 Kenneth McLean, PP2320 Jim Moir, PP2331 Alan Mercer, PP2339 Julia Peden, PP2348 Moira Jones, PP2355 Matthew McCreath, PP2361 W R Cunningham, PP2367 A H Cunningham, PP2373 Zow-Htet, PP2381 Rae Watson, PP2387 Christina Watson, PP2745 Sara Cormack)

Scale and impact of the development strategy (non-standard objections)

In addition to the representations above more representations were received of a non standard nature which also raised concern about the scale of the proposed development strategy. Some of the submissions here raise the same or similar concerns to those listed above but the majority expand on these points or introduce new ones. Given the volume of submissions the nature of the representations have been summarised in a series of bullet points below:

- Strategy based on encouraging in-migration (pp2715) with resulting problems for infrastructure/public services;
- Lack of provision of social/affordable housing;
- Concerned about the design and general quality of the new housing;
- Population projections from National Records of Scotland do not support the population growth anticipated in the Proposed Plan – based on assumed house building;
- Concern about capacity of house building industry to sustain increase from 600 house per annum to 950;
- Rising population not met by local job creation resulting in out-commuting;
- Impact of scale of development has not been taken into account with regards to infrastructure, services, etc. Lack of GPs and capacity of existing (and new) schools, concern that other public bodies have not costed the implications of the scale of growth proposed and there is no infrastructure plan to accompany the LDP. Plan should not be approved until infrastructure and service needs are addressed;
- Increase in traffic, congestion and the potential deterioration of air quality generally arising from scale of growth proposed;
- Concern at loss of green spaces, greenfield land, and adverse impact on local amenity;
- Scale of growth makes loss of Green Belt, Prime Agricultural Land and habitats unavoidable. Should prioritise the use of brownfield sites, consider reusing vacant properties and encourage windfall sites. Strategy should prioritise protection of the green, prime agricultural land, habitat and delivery of sustainable transport before more house building;
- Need for cross boundary approach to addressing cumulative transport impact of development (pp2710) particularly in the A701 corridor. Development in Midlothian and Edinburgh is contributing to traffic problems, erosion of the green belt and the risk of coalescence with city making Midlothian a suburb of Edinburgh;
- Concerned that policy TRAN1 does not apply to all sites;
- Scale of growth proposed is not required to meet Midlothian's own needs but is in

part meeting shortfall in Edinburgh. Housing requirements should be recalculated. No justification for allocating more land for housing than is required by SESplan;

- Strategy would increase population by 46% which is not considered sustainable;
- Strategy is flawed due to the lack of progress on committed sites due to overprovision of housing land;
- Proposed Plan should encourage more direct input from communities and individuals into preparing the plan;
- Objects to STRAT2 – Does not make sense. All development will lead to loss of greenspace around existing settlements
- Scale of growth in Bonnyrigg – all new estates need a range of services and facilities. Concerned not enough of these are being provided (pp660)
- Arguments for scale of growth are not sound
- Concern about loss of rural environment to development – Wellington Primary School (PP947) – dealt with in issue 11
- Proposed plan risks undermining cohesion and quality of life for a number of towns and communities – cites policies RP20 and DEV2 already been breached
- Alternative strategy proposed – move away from concentrated development on large sites, community based, smaller scale brownfield development, support sustainable development in rural area and approach to transport not based on road building

(PP16 Moorfoot Community Council, PP23 Midlothian Green Party, PP34, PP2709 Philip Burton, PP39 David Sugden, PP76 Maire Devlin, PP87, PP2710, PP2713 Tony Gray, PP97, PP2886 Allan Piper, PP109 Edward Angus, PP153 Ruari Cormack, PP154 Sara Cormack, PP186, PP2714 Constance Newbould, PP191, PP196 H Tibbetts, PP244, PP245, PP2756 Midlothian Matters, PP271, PP284, PP285 Alasdair Ferguson, PP273, PP274 Katherine Reid, PP339 Buchanan, PP424, PP446, PP2715 Eskbank & Newbattle Community Council, PP452 Jane Tallents, PP459 Brian Larkin, PP466 Duncan McAuslan, PP471, PP473 John Sharp, PP559 Malcolm McGregor, PP606 Nancy McLean, PP614 Sarah Barron, PP637, PP660 Bonnyrigg and Lasswade Community Council, PP672 Margaret Hodge, PP694 Lasswade District Civic Society, PP862 Donald Marshall, PP863 Isobel Marshall, PP873, PP2303 Joy Moore, PP930, PP2793, PP2794 Julian Holbrook, PP947, PP948, PP949 Alan Robertson, PP1033 Edinburgh & Lothian Green Network, PP1044 Mirabelle Maslin, PP1060 Damhead and District Community Council, PP1071 Ruari Cormack, PP1109 Rowan Nemitz, PP1136 Shiela Barker, PP1158 Bonnyrigg and Lasswade Community Council, PP1464 Anne Dale, PP1470 Bruce Hobbs, PP1474 Celia Hobbs, PP1499 Anna MacWhirter, PP1507 Christina Harley, PP1517 Geoffrey Alderson, PP1550 Patricia Dimarco, PP1583 Andrew Barker, PP2402, PP2775 Eskbank Amenity Society, PP2704 Ailsa Carlisle, PP2738 Helen Armstrong, PP2757 Mary E Berry, PP2833 Claire Houston, PP2848 Aileen E Angus

Questions deliverability of projected completions, 5-year effective housing land supply and provision of flexibility allowance

Welcomes Council's intention to review sites over time for deliverability, but notes that may require positive action from the Council e.g. review of briefs. Considers that LDP does not provide detail on how the requirements in the two periods in the SDP (2009-19 and 2019-24) will be met. Considers that no provision is made for generosity allowance - asserts that this should be added to the housing land requirement already identified in the SESplan SG. This approach is being followed by other SESplan authorities and is endorsed by Scottish Government in their response to Fife LDP. On the basis of 10% generosity allowance (although HfS would support higher generosity allowance given slower implementation at historic allocations) the housing land requirement rises to 8888 (2009-19), and 4851 (2019-

24). States that the LDP meets the requirement set out in the SDP SPG, but does not meet the increased requirement arising from generosity allowance. Additional sites for 526 units required, preferably in the period to 2019. HfS advocate updating the supply picture based on latest HLA, they state that this increases the shortfall to 895 in period to 2019, or 252 by 2024. Sites should be identified that can be developed quickly, to meet at a minimum, 252 units. HfS wish additional text to ensure maintenance of a 5 year supply based on annual assessment of the programming in the HLA, and presumption in favour of development that contributes to sustainable development with any applications being determined against SESplan policy 7. (PP95 Homes for Scotland)

Considers that LDP does not take into account the SPP requirement for generous supply (10-20% over target). If this generosity margin were to be added then the housing land requirement set out in the plan will not be sufficient and further housing allocations would be required. (PP145 Gladman Developments)

Considers that LDP does not define programmed completions into pre-2019 and 2019-24 periods, as required by SPP and SESplan, nor provide for a 10%-20% generosity allowance as per SPP. Considers that LDP Action Programme projected programming (1,085 completions by 2019 and a further 2,195 completions between 2019-24) is overly optimistic. Refers to Homes For Scotland representation, applying 2014 HLA and including a 10% generosity allowance and adding the LDP site programming, which asserts that there is still a shortfall of c.900 units in the period to 2019. Whilst a proportion of this shortfall is recovered in the 2019-24 period, representor considers that there is shortfall of c.250 units for the overall period to 2024. Considers that with likely adoption date of LDP, new LDP sites are unlikely to achieve planning consents until late 2016/early 2017: therefore at best, new sites could only contribute from 2017/18 onwards which would allow just two years contribution to the 2009-19 SESplan period. Considers that with the 10% generosity allowance (and taking account of completions up to 2014) there is a 'net' requirement of 6,445 units between 2014-19. With 2014 HLA effective housing land supply of 4,351 units (and adding 120 unit windfall allowance), there remains a net shortfall of 1,974 units in the period to 2019. Based upon Homes For Scotland standard completion rate (24 units per annum by one developer or 48 units per annum on larger sites with two developers), 476 units could be delivered from Proposed LDP sites by 2019 - resulting in a shortfall of just under 1,500 units. Using similar approach a shortfall of c.300 units is expected for 2019-24. The reliance on a number of large-scale sites is also of concern as is the slow take-up of committed sites. The LDP spatial strategy is generally supported but additional, deliverable sites are required within identified Strategic Development Areas. (PP224, PP226, PP227, PP228 Lawfield Estate)

Considers that Midlothian will miss housing targets and should seek to complement its existing allocations with a range of further sites capable of delivering in short term, in accordance with SDP Policy 7 [makes case for site at Dewarton, considered under separate cover]. (PP337 APT Planning & Development Ltd)

Considers that LDP does not define programmed completions into pre-2019 and 2019-24 periods, as required by SPP and SESplan, nor provide for a 10%-20% generosity allowance as per SPP. Considers that LDP Action Programme projected programming (1,085 completions by 2019 and a further 2,195 completions between 2019-24) is overly optimistic. Refers to Homes For Scotland representation, applying 2014 HLA and including a 10% generosity allowance and adding the LDP site programming, which asserts that there is still a shortfall of c.900 units in the period to 2019. Whilst a proportion of this shortfall is recovered in the 2019-24 period, representor considers that there is shortfall of

c.250 units for the overall period to 2024. Considers that with likely adoption date of LDP, new LDP sites are unlikely to achieve planning consents until late 2016/early 2017: therefore at best, new sites could only contribute from 2017/18 onwards which would allow just two years contribution to the 2009-19 SESplan period. Considers that with the 10% generosity allowance (and taking account of completions up to 2014) there is a 'net' requirement of 6,445 units between 2014-19. With 2014 HLA effective housing land supply of 4,351 units (and adding 120 unit windfall allowance), there remains a net shortfall of 1,974 units in the period to 2019. Based upon Homes For Scotland standard completion rate (24 units per annum by one developer or 48 units per annum on larger sites with two developers), 476 units could be delivered from Proposed LDP sites by 2019 - resulting in a shortfall of just under 1,500 units. Using similar approach a shortfall of c.300 units is expected for 2019-24. The reliance on a number of large-scale sites is also of concern. (PP431 Barratt Homes)

Concerned that the LDP does not appear to take into account the SPP requirement to increase supply by 10-20% to give generous allowance. Believes the housing allocations are insufficient when compared against this required generosity margin. Considers the more housing the better as far as economic prosperity is concerned. (PP924 Melville Golf Centre)

In connection with case for Stobs Farm 2 (addressed under separate cover) makes representation on housing supply and demand. Considers that the proposed LDP is not consistent with SDP, its SG, or SPP. Considers that the necessary generosity allowance has not been applied (states that it is incumbent on the LDP to apply a generosity margin with explanation for the extent chosen), and that housing requirements are required to be reassessed by the SDP SG, using the most up to date Housing Land Audit information (in this case HLA 2014). Considers also that the LDP fails to indicate into which period (2009-19) or (2019-24) the additional housing land allowance would be required. Representor provides their own assessment of housing land needed for the LDP, finds shortfall of 895 from 2009-19, surplus 643 from 2019-24, with overall shortfall of 253 from 2009-24. (PP1018 Taylor Wimpey East Scotland)

Comments on housing land are part of wider representation seeking higher density at committed site (handled under separate cover). Queries extent to which proposed LDP accords with SDP and SPP. Considers that there is a lack of delivery in committed sites. Considers that proposed LDP does not programme completions into 2009-2019 and 2019-24 as required by SDP/SPP or provide a generosity allowance as per SPP. Considers that LDP delivery schedules are overly optimistic. Refers to Homes for Scotland analysis which indicates that there is a shortfall in the period to 2019, which although partly recovered 2019-24 still leaves an overall shortfall of c250 units. States that if the LDP is adopted in timescale set out in DPS7, new sites would at best only contribute from 2017/18 onwards, allowing only two years contribution to 2009-19 SESplan period - representor estimates the shortfall in the period to 2019 (before taking into account LDP sites) to be 1973 units (adding 10% generosity allowance to SESplan requirement, and based on 2014 HLA); and suggests that only around 500 units are likely to be built at proposed LDP sites by 2019, giving shortfall of 1500 units. Considers that realistic take up from LDP sites could lead to a further shortfall of 300 units in the period 2019-24. (PP1020 Barratt Homes)

Considers that it is the Scottish Government's position that LDPs in city regions can only meet SPP requirements if a generosity allowance of 10-20% is added to the housing land requirement identified in the SDP. States that this requirement has been followed by the other authorities in the SESplan area. Considers that there is a housing land

requirement of 8888 units (with a 10% generosity allowance), and that the Council needs to modify the plan to find land with capacity to deliver 842 homes by 2019. Considers that development strategy will not maintain a 5 year effective housing land supply at all times as required by SDP/SPP, and that additional effective housing sites that are capable of being effective in short term to 2019 are required; these should be allocated prior to submission of the plan for examination. If not, the housing land supply policies will be considered out of date in terms of SPP paragraph 125, and a presumption in favour of development that contributes to sustainable development will apply. Policy STRAT2. Considers that in accord with SESplan provisions, Council will need to support windfall development on unallocated sites to ensure a 5 year supply at all times, suggests that if this is not done the presumption in favour of sustainable development will come into play, leading to locational decisions being made by appeal. Considers that Policy STRAT2 seeks to depart from SESplan policy 7, by only supporting windfall development within built-up areas. (PP1385 Hallam Land Management)

Questions degree to which LDP accords with SDP and SESplan. States that there has been a lack of delivery with sites allocated previously, considers that this is due to allocation of large sites with major infrastructure requirements - believes that this smaller scale development can provide greater range/choice in longer term. States that LDP does not define completions into 2009-19 and 2019-24 periods as required by the SDP/SPP, nor provide 10-20% generosity allowance required by SPP. Refers to Homes for Scotland representation, which asserts that there is a shortfall of c.900 units in the period to 2019, partially recovered in the 2019-24 period, but with an overall shortfall of 250 units. Considers it likely that new sites could only contribute from 2017/18 onwards which would allow only two years contribution to the SESplan 2009-19 period. Notes that SDP 2009-19 requirement is for 8080 units, and adds a 10% generosity allowance to get 8888. Using housing land completions from HLAs (2443 up to 2014) results in net requirement of 6445 units 2014-19, and with effective land supply of 4351 units (2014 HLA) gives a shortfall of 1974 units in period to 2019. Using Homes for Scotland standard completion rates of 24 per one developer site or 48 with two developers, representor considers that less than 500 units are likely to be developed on the LDP sites, resulting in a shortfall of nearly 1500 units. The representor considers that an estimated 1800 units could be delivered from proposed LDP sites in the period to 2019-2024, along with 2700 from committed sites. Representor considers the requirement is 4851 (by taking SDP requirement and adding 10%), leading to shortfall of c.300 units in the later period. The reliance on large scale sites is raised as a concern (and lack of developer at Redheugh is noted). The LDP spatial strategy is generally supported, but representor seeks additional deliverable sites within the SDAs. (PP1618 Ritchie Family & Barratt David Wilson Homes)

Considers that LDP requires to allocate additional land to meet 5 year land supply and SDP targets. (PP2744 Clarendon Planning and Development Ltd)

Other matters

Considers Trust may at some point promote residential development on part of estate, proceeds to be used to maintain the estate, which could include listed building. Considers that LDP in respect of windfall development is not compatible with SDP Policy 7. (PP99-Newbattle Abbey Trust)

Objects to non-allocation of site at The Paddock, Harvieston, south of Gorebridge, with capacity up to 10 units. States that site has necessary infrastructure either in place or shortly in place. Considers that strategy of large allocations has encountered infrastructure

constraints and glut of such sites. Raises concerns about quality of development delivered by large house builders. (PP120 Gary Jack)

Considers that figure 2.1 should be relocated to start of section, and that cross-border infrastructure and development sites with significance for the wider region should be indicated on this map. (PP288 Scottish Enterprise)

Policy STRAT2 should be modified to reflect the definition of 'Windfall' as set out in the approved SESPlan Strategic Development Plan (June 2013), so that other windfall sites, not necessarily falling within the urban boundary/ settlement envelope, but otherwise acceptable in planning terms, would be supported by policy STRAT 2. (PP354, Biotechnology and Bioscience Research Council (BBSRC))

Considers overall policy for Tynewater area, (with only two exceptions) restrictive on almost any development. (PP1489 Tynewater Community Council)

STRAT 3. Considers that village envelopes are very tightly drawn. Windfall developments have on occasion been inappropriately high density - the Tynewater villages could make a small but positive contribution if boundaries less tightly drawn. (PP1490 Tynewater Community Council)

Modifications sought by those submitting representations:

Scale and impact of the development strategy (standard letter)

No changes to the proposed plan suggested. (PP883 George Mackay, PP910 Jacqueline Marsh, PP1480 Anne Holland, PP1566 Andrew Thomson, PP1576 Beth Thomson, PP1632 Dawn Robertson, PP1640 Derek Robertson, PP1648 Stewart Y Marshall, PP1656 Elsie Marshall, PP1664 Stuart Davis, PP1666 Joan Faithfull, PP1680 John Owen, PP1683 Emma Moir, PP1696 M A Faithfull, PP1704 Marie Owen, PP1707 S M Croall, PP1717 David Miller, PP1723 R I Pryor, PP1734 Wilma Porteous, PP1736 G Palmer, PP1743 Margaret Miller, PP1749 Susan E Wright, PP1754 Wilma Sweeney, PP1767 Susan Falconer, PP1769 Stuart Barnes, PP1770 R A Pryor, PP1788 Michael Boyd, PP1795 Gudrun Reid, PP1800 Dianne Kennedy, PP1810 George Sweeney, PP1816 David A Porteous, PP1822 Colin Miller, PP1828 Gavin Boyd, PP1834 Kirsty Barnes, PP1840 Vivienne Boyd, PP1846 John F Davidson, PP1852 Eric Smith, PP1858 Annabel Smith, PP1864 Mary M Young, PP1870 James Young, PP1876 John T Cogle, PP1882 Janette D Barnes, PP1888 Jenny Davidson, PP1894 Pamela Thomson, PP1900 Kevin Davidson, PP1906 Hugh Gillespie, PP1912 Jennifer Gillespie, PP1918 John Barton, PP1925 Mary Clapperton, PP1932 John Scaife, PP1936 Kenneth Purves, PP1939 Linda Scaife, PP1946 George Gray, PP1956 Nan Gray, PP1964 Colin Richardson, PP1973 Edith May Barton, PP1977 David Binnie, PP1985 E Purves, PP1989 Alex McLean, PP1994 George Mackay, PP2004 Karen Langham, PP2015 Marjory McLean, PP2021 George Barnes, PP2028 Donald Marshall, PP2032 Elizabeth Richardson, PP2040 Myra G Rodger, PP2043 Avril Thomson, PP2055 Gayle Marshall, PP2057 Lorna Reid, PP2059 David S M Hamilton, PP2073, Hazel Johnson, PP2074 Sally Couch, PP2081 E Hutchison, PP2089 James Hutchison, PP2095 Eskbank Amenity Society, PP2105 Karen Miller, PP2111 Colin Johnson, PP2115 Patrick Mark, PP2124 Robert Scott, PP2127 Chris Boyle, PP2136 K Palmer, PP2142 Patricia Barclay, PP2148 A F Wardrope, PP2153 Elizabeth Anderson, PP2160 Janette Evans, PP2168 Ann O'Brian, PP2175 Gail Reid, PP2178 Marshall Scott, PP2182 Zoe Campbell, PP2191 Kenneth A Hyslop, PP2202 Jan Krwawicz, PP2210 Marjorie Krwawicz, PP2219 Simon Evans, PP2220 Carolyn Millar, PP2228 Anne Murray,

PP2238 Charles A Millar, PP2246 Isobel Ritchie, PP2252 Lewis Jones, PP2258 Karlyn Durrant, PP2264 John Blair, PP2271 Ross Craig, PP2277 Caroline Sneddon, PP2283 James Telfer, PP2289 Lynn MacLeod, PP2295 Kenneth McLean, PP2320 Jim Moir, PP2331 Alan Mercer, PP2339 Julia Peden, PP2348 Moira Jones, PP2355 Matthew McCreath, PP2361 W R Cunningham, PP2367 A H Cunningham, PP2373 Zow-Htet, PP2381 Rae Watson, PP2387 Christina Watson, PP2745 Sara Cormack)

Scale and impact of the development strategy (non-standard objections)

Modifications sought to address concerns in terms of: impact on infrastructure and public services, provision of social/ affordable housing and enforcement of standards on sustainability of housing. (PP16 Moorfoot Community Council)

Give serious consideration to a “Plan B” strategy, to be applied in the event that the programmed scale of housing development does not materialise. (PP23 Midlothian Green Party)

Development should not commence until provision is made in schools, health centre, roads etc to accommodate it. (PP34 Philip Burton)

Seeks slow down in housing growth (especially that portion which meets Edinburgh demand), protection of remaining greenspaces, reconsideration of A701 alignment. (PP39 David Sugden)

Scale of development should be less, and scale/density around existing communities should be smaller and more sensitive to those communities. (PP76 Maire Devlin)

The LDP should address the effects of cross boundary issues (green belt, coalescence and transport infrastructure/assessment) at paragraph 8.3.11 as a key issue. (PP87 Tony Gray)

Recent residential developments have not taken account of local amenity/character and policies in the plan should be amended to rectify this; opposes loss of Green Belt and agricultural land to development; plan does not adequately deal with integrating with road network, public transport, business premises and green areas; plan should support ecologically driven developments. (PP97 Allan Piper)

Seeks provision of detailed/ costed infrastructure plan to accompany MLDP. Seeks detail in plan as to how ongoing costs are to be addressed, and emissions mitigated. (PP109 Edward Angus)

Seeks deletion of Hs12 and safeguarding of farmland on grounds (amongst others) that too much land has been allocated. (PP153 Ruari Cormack)

Modifications sought viz. population estimates from new development, a detailed/ costed infrastructure plan and recurring costs apportioned to all relevant public service organisations, detail on air quality consequences and statement on what is to be done to mitigate emissions/pollutants from road vehicles. (PP154, PP562 Sara Cormack, PP637 Bonnyrigg and Lasswade Community Council, PP1071 Ruari Cormack)

Use brownfield sites and those allocated in 2008 plan and not developed, to meet SESplan requirements (in preference to agricultural land). (PP186 Constance Newbould)

Seeks reconsideration of scale of growth and balance between greenfield and brownfield sites. Infers reduction in the scale of housing proposed at Bonnyrigg. (PP191, PP196 H Tibbetts)

Seeks modifications to TRAN1. Clarity sought over whether TRAN1 is applicable to previously allocated sites. Consider that roads should be re-prioritised to support walking/cycling; dedicated routes to encourage walking/cycling; Separation of cycling/walking routes from roads. (PP244 Midlothian Matters)

Considers that approach of helping meet part of Edinburgh's need in Midlothian should cease, and that the identified housing need of 9347 new houses by 2032 from HNSA2 should be used as the basis for housing requirements. (PP245 Midlothian Matters)

Seeks review of plan, with more input from local people. (PP271 Alasdair Ferguson)

Seeks significant reduction in quantity of new housing identified by plan. (PP273 Katherine Reid)

Considers that development of windfall sites should be encouraged wherever possible. Inference is also that the strategy and the housing land allocations should be changed to avoid greenfield (especially prime agricultural land) locations. (PP274 Katherine Reid)

Review of plan to consider how loss of agricultural land can be avoided by development strategy. (PP285 Alasdair Ferguson)

Seeks change to strategy underpinning plan. (PP339 Buchanan)

The number of identified sites for development should be reduced. (PP424 Eskbank & Newbattle Community Council)

Considers that proposals to address infrastructure and services are needed before approval of the plan. (PP446 Eskbank & Newbattle Community Council)

Seeks change in policy, so that only housing that is required for county's own needs is supported. (PP452 Jane Tallents)

Seeks change in policy, so that only housing that is required for county's own needs is supported. (PP459 Brian Larkin)

Plan should be scrapped and replaced by one focussed on sustainability and residents needs. (PP471 John Sharp)

Seeks a map of brownfield land for Midlothian, for development to be forced onto this land, cessation of development on greenfield land and land banking, and wishes incentives for development on brownfield land. (PP473 John Sharp)

Review of scale of development indicated in the LDP. (PP559 Malcolm McGregor)

Seeks emphasis on brownfield development, with better education/health and green spaces. (PP606 Nancy McLean)

Seeks a recalculation of the housing requirements and the resultant required allocations.

Wishes change in emphasis, with greater focus on brownfield sites. (PP614 Sarah Barron)
Suggests inclusion of small retail units and community facilities within new estates. New schools need to be designed with potential of extension taken account of. Need clear allocation of green corridors away from roads for people to walk. (PP660 Bonnyrigg and Lasswade Community Council)

Requests the Proposed Plan prioritise reducing existing high levels of commuting through robust policies on shopping, housing, retail and employment to build a region where people to choose to live, learn, work, shop, grow food and play. Requests the Local Development Plan prioritise protection of Green Belt and open spaces, both in urban areas and restricting urban spread into the countryside and river valley. This should be rigorously enforced within consistent transparent and representative community planning practice. (PP672 Margaret Hodge)

Seeks halt to new development to protect green, agricultural and recreation spaces that remain. (PP873 Joy Moore)

Seeks more emphasis in housing strategy on brownfield land and considers that plan should assess the quantity of such land (including unoccupied properties/long term offices) that could be used for housing. (PP1033 Edinburgh and Lothian Green Network)

In respect of committed development, previous allocations should only be supported if there is a continuing need for them and they are satisfactory. (PP1044 Mirabelle Maslin)

Specific change sought in respect of Hs16, considered in separate report, inference of representation is also that strategy should be revisited in respect of implications from higher densities on sites, and balance between brownfield and greenfield land. (PP1060 Damhead and District Community Council)

Reduction in proposed scale of housing growth. (PP1109 Rowan Nemitz)

In respect of housing strategy; Seeks allocation of council houses, with numbers, locations and timings specified; Seeks a costed infrastructure and service plan and further work on environmental implications of strategy; also; inference of representation is that too much land has been allocated for housing. (PP1158 Bonnyrigg and Lasswade Community Council)

Eskbank Amenity Society seeks a review of the Local Development Plan LDP strategy and reductions in housing allocations. (PP2402 Eskbank Amenity Society)

Seeks a cessation to new house building, until sufficient provision is made in services. (PP2709 Philip Burton)

Reassessment of transport implications. (PP2710 Tony Gray)

Seeks LDP to address the effects of cross boundary issues. (PP2713 Tony Gray)

Seeks reduction in the number of identified sites for development. (PP2715 Eskbank & Newbattle Community Council)

Seeks rewriting of plan to address matters listed above. (PP2738 Helen Armstrong)
Wishes to ensure that MLDP is reconsidered to prevent over ambitious development.

Where land is allocated wishes constraints of greenbelt, coalescence, and transport sustainability to be respected. (PP2756 Midlothian Matters)

Seeks approach to housing strategy where smaller non-agricultural areas are used, with different types of houses for different groups. (PP2757 Mary E Berry)

Requests the Proposed Plan prioritise existing reducing high levels of commuting through robust policies on shopping, housing, retail and employment to build a region where people to choose to live, learn, work, shop, grow food and play. Requests the Local Development Plan prioritise protection of green spaces and open spaces, both in urban areas and restricting urban spread into the countryside and river valley. Requests this be rigorously enforced within consistent transparent and representative community planning practice. (PP2793, PP2794 Julian Holbrook)

Seeks provision of detailed/costed infrastructure plan to accompany MLDP. Seeks detail in plan as to how ongoing costs are to be addressed, and emissions mitigated. (PP2848 Aileen E Angus)

No changes to the proposed plan suggested. (PP1517 Geoffrey Alderson)

Questions deliverability of projected completions, 5-year effective housing land supply and provision of flexibility allowance

Seeks following modifications: the housing land supply position be updated to account for HLA 2014. Information added to the plan to clarify how the housing land requirement will be met in each of the two SESplan periods - minimum of 10% generosity allowance to be applied, (using interpretation set out in HfS submission). Identify sites for, as a minimum, an additional 252 homes on land that can be developed quickly. Add text confirming the Council's recognition of the SPP presumption in favour of development that contributes to sustainable development. (PP95 Homes for Scotland)

The housing land supply in the plan should be increased by a minimum of 10% to accord with the SPP requirement for a generous supply. The plan should include a specific policy, reiterating SESplan Policy 7 to address any shortfall in the five-year effective housing-land supply that arises. This issue which should not be left to supporting text/Action Plan to address. The text in LDP para 2.3.9 is not clear or precise enough in terms of triggers for action in relation to a housing land shortfall. (PP145 Gladman Developments)

Wishes LDP to: Identify the split between 2009-19 and 2019-24 allocations. Add minimum 10% flexibility allowance to SESplan requirements as per SPP Revise LDP site programming based upon realistic phasing and start dates in relation to LDP approval considers that revised figures will lead to requirement for additional housing sites to be allocated. (PP227 Lawfield Estate, PP431 Barratt Homes)

Seeks allocation of additional land to meet needs [Dewarton proposal considered under separate cover]. (PP337 APT Planning & Development Ltd)

Considers that further housing allocations are required. (PP924 Melville Golf Centre)

Seeks amendment to remedy housing land shortfall found in representors housing land paper. (PP1018 Taylor Wimpey East Scotland)

Seeks additional housing land (in course of representation seeking higher density at committed site). (PP1020 Barratt Homes)

Seeks replacement of tables 2.2, 2.3, and 2.4 with new table 2.2, that sets out representors interpretation/understanding of land supply situation - proposes new figures for further allocations based on this approach of 842 (2009-19), notes a surplus of 122 from 2019-24, and an overall further allocation requirement of 720 from 2009-24. Seeks removal of reference in paragraph 2.3.4 to constrained sites coming forward (considers that this is contrary to SDP policy 5, and that Council has confirmed that no completions on constrained sites are anticipated before 2024). Seeks removal of last sentence of paragraph 2.3.5 (which refers to presumption against development outwith built-up areas) with new text providing support for appropriate greenfield housing where there is a shortfall in the 5 year effective housing land supply. Seeks removal of paragraph 2.3.6 (which relates to table 2.3, removal of which is also sought by representor, see above). Seeks deletion of first three sentences of paragraph 2.3.7 on the grounds that statements are wrong, and Midlothian does not have a generous supply of housing land. Seeks deletion of first sentence of paragraph 2.3.8 and 2.3.9, and deletion of last bullet point of paragraph 2.3.9 (which refers to support for early development of longer term sites) and insertion of new text supporting additional windfall sites, including appropriate greenfield housing sites, where there is a shortfall in the effective housing land supply. Suggests alteration to policy STRAT2, to insert new paragraph which states that in circumstances where there is a shortfall in the 5 year effective housing land supply, the Council will support appropriate greenfield housing proposals where they are in accord with the provisions of SDP policy 7, and SPP. (PP1385 Hallam Land Management)

Seeks additional deliverable sites within the SDAs, of which Barleyknowe Road is one. (PP1618 Ritchie Family & Barratt David Wilson Homes)

Seeks allocation of additional land for housing. (PP2744 Clarendon Planning and Development Ltd)

No changes to the plan suggested. (PP284 Alasdair Ferguson, PP466 Duncan McAuslan, PP694 Lasswade District Civic Society PP862 Donald Marshall, PP863 Isobel Marshall, PP930 Julian Holbrook, PP947, PP948, PP949 Alan Robertson, PP1136 Shiela Barker, PP1464 Anne Dale, PP1470 Bruce Hobbs, PP1474 Celia Hobbs, PP1499 Anna MacWhirter, PP1507 Christina Harley, PP1550 Patricia Dimarco, PP1583 Andrew Barker, PP2303 Joy Moore, PP2704 Ailsa Carlisle, PP2714 Constance Newbould, PP2775 Eskbank Amenity Society, PP2833 Claire Houston, PP2886 Allan Piper, PP1489 Tynewater Community Council)

Other matters

Allocate site at The Paddock, Harvieston, south of Gorebridge, as part of strategy to encourage smaller scaled housing developments. (PP120 Gary Jack)

Considers that further joint working between landowners and the Council is required to deliver committed housing sites. Supports the LDP Spatial Strategy but seeks additional deliverable housing allocations. (PP224, PP226, PP228 Lawfield Estate)

Wishes figure 2.1 to be altered to: Add a wider context to Figure 2.1 to include cross-boundary/infrastructure connections, and other strategic sites important to the economic growth of the area, and Reordering the LDP such that Figure 2.1 appears at the start of

Section 2. (PP288 Scottish Enterprise)

States the Council should consider withdrawal of support for committed housing sites from previous Local Plans that are not delivering houses, but more immediately than indicated in plan. Considers that other sites able to come forward in the short to medium term, and that accord with the development strategy, should be considered more favourably (site Hs16 Seafield Road East is one such). (PP2817 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Seeks looser boundaries around villages in the Tynewater area. (PP1490 Tynewater Community Council)

Summary of responses (including reasons) by planning authority:

Context

This schedule 4 addresses issues raised in respect of the housing strategy section of the proposed plan. Matters relating to a specific site or sites are addressed in issues 2 and 26 – 33.

The proposed Midlothian Local Development Plan has been prepared in the context of the approved Strategic Development Plan for South East Scotland (SDP). It has identified a significant level of growth and a housing land requirement well in excess of the areas own need and demand (as set out in the Housing Need and Demand Assessment (HNDA) for SDP1). The SDP requires the Council to identify land for an additional 2,550 houses. The Council considers that Midlothian meets that requirement and, to be consistent with the SDP, the Council has set out a strategy that allocates land for 3,760 houses up to 2024 and identifies a further potential 1,395 houses to be safeguarded for development beyond 2024 to help maintain an effective housing land supply beyond the plan period. It also identifies additional housing development opportunities which, due to potential constraints may not come forward. Therefore these sites are not relied upon in the proposed plan to meet the strategic requirement. However, if they do, the number of houses completed will be counted towards the strategic land requirement.

House completions for the year to March 2016 were 641 and this reflects an improving picture over the last few years. The Council is optimistic that current market conditions and the capacity of the house building sector is moving in the right direction and that the higher levels of completions can continue or increase over the plan period. The start of house building in earnest at Shawfair earlier this year will provide further impetus to the annual completions.

The preparation and consultation of Housing Land Audit (HLA) 15 and 16 was delayed due to organisational and staff resource changes within the Council and delays in publishing the Proposed Plan until after the General Election in May 2015. This meant that the new allocations in the Proposed Plan could not be incorporated into HLA 15 as planned but HLA16 instead. Both audits are currently with Homes for Scotland (HfS) and the Council anticipate a meeting to discuss and agree the audits in October.

In preparing the proposed plan and identifying the proposed development strategy the Council acknowledges the challenge of meeting the significant growth targets agreed through the SDP and at the same time managing and mitigating some of the physical and environmental impacts arising or likely to arise from the proposed development. This comes at a time when a large proportion of committed development from previous plans is

being developed or is about to start. Planned growth is beginning to impact on communities across Midlothian, travel patterns and demands for, and demands on, services and facilities. Midlothian's proximity to Edinburgh is making it an attractive place for people to move to, a fact reflected in the 2011 census and reinforced by subsequent population projections. Therefore the Council appreciates and acknowledges the level of concern expressed by individuals and groups who have made representations to the proposed plan and acknowledges the issues raised in respect of the strategic context and principles/objectives of the strategy and the impact this is having locally in many communities.

Scale and impact of the development strategy (standard letter)

The requirement for new housing and employment land in Midlothian is determined by the Strategic Development for South East Scotland. The Proposed Midlothian Local Development Plan (MLDP) has to be consistent with the SDP and identify sites to meet this requirement. The fact that most of the main towns in Midlothian are grouped in close proximity across the northern part of the County (close to the City bypass) and given the scale of development proposed then there is a high risk of coalescence. The Council introduced a policy on coalescence in the 2008 Midlothian Local Plan and it is keen to maintain this policy to protect the setting of communities. In the settlement statement section of the proposed plan the Council identifies sites and locations (in the requirements table) where mitigation measures may be necessary to address coalescence. These measures principally involve landscaping but also include requirements for development briefs and/or master plans to promote good design and layout of sites. In addition the existence of green belt/designated countryside between settlements as well as the Newbattle strategic green space will all help to preserve appropriate buffers and minimise potential adverse impact. Given the scale of proposed development the Council considers the plan provides a sufficient policy framework and settlement strategy to manage issues of coalescence.

In terms of the possible risk of losing landscape character, amenity open space and green belt the Council considers that the plan provides a strong framework to address these matters. In allocating sites for development in the plan the Council assesses each site and identifies any mitigation measures needed as a consequence of the proposed development. The requirements for the allocated sites are listed in the requirements table of each settlement statement in section 8 of the plan. The plan includes new open space standards based on an assessment of the quantity, quality and accessibility of existing open spaces within a given area. The plan views open space as a community asset and the purpose of the policy is to assess and identify appropriate local solutions to improve existing spaces (amenity, function and usability) or create new ones, not simply allocate new spaces solely on the traditional quantity per head of population standard. The Council considers the new approach will address some of the concerns raised in the representations.

In respect of loss green belt the Council acknowledges that some loss is to be expected given the scale of growth required by the SDP and the settlement pattern in Midlothian but it has sought to follow Government guidance and identify brownfield sites first then greenfield then green belt. Midlothian does not have much brownfield land readily available to develop or in locations that could meet the aims and objectives of the plan, particularly in terms of sustainable development. The Proposed Plan requires the preparation of development briefs or master plans for the allocated sites. In the case of green belt sites the Council would seek to secure appropriate landscape and visual impact

mitigation measures through this process.

The River Valley policy was also introduced in the 2008 Midlothian Local Plan. Generally it has been regarded as a successful policy. The Council consider that there are relatively few development sites which will impact on the designation. Some concern has been raised about the exclusion of the policy in urban envelopes but the Council believes that the policy would be contrary to policy DEV2 in this context and any conflict or mitigation can be successfully managed through design briefs and or the planning application process.

Following years of constraint the housing market in Midlothian is demonstrating sustained activity and there is building activity in each of the main Midlothian communities. The Council acknowledges the concerns about impacts on infrastructure and services but contends that new housing is contributing and will continue to contribute to necessary infrastructure and facilities to support its provision and the growing communities. These requirements are set out in the implementation and settlement statement sections of the Proposed Plan. The Council also acknowledges recent concerns about NHS facilities. The Council has consulted the NHS and is aware that they are reviewing the situation and the local centre catchment areas and will be prioritising investment to address capacity issues in some areas. A new GP practice was recently announced for Newtongrange (to open in 2017). While no new development is proposed in Newtongrange the new facility will obviously address issues facing the existing community but also may allow for adjustments to neighbouring practice catchments or practice lists in Mayfield/Gorebridge and Bonnyrigg to relieve any ongoing capacity issues there.

The Council considers that there have been many changes that do offer positive impacts on the general quality of life in communities despite the claims in the representations. The reintroduction of Borders Rail presents a new and additional form of public transport that will extend travel choices to many and help reduce the reliance on car travel. Equally the proposed A701 relief road and A702 link will also enable long standing transport planning objectives (improved public transport & new active travel measures) to be realised on a congested part of the road network in the A701 corridor. The new community at Shawfair is now under construction and will help bolster the housing land supply and introduce a mix of developers and house types to an already active housing market. New policy designations are introduced in the Proposed Plan including; Special Landscape Areas, historic battlefields and the proposed Midlothian strategic greenspace which will have a prominent role in the development of Midlothian's green network. The historic built environment has also benefited and improved as a result of the Townscape Heritage Initiative and the Conservation Area Renewal Initiatives implemented in Dalkeith and currently underway in Gorebridge (CARS only). The Council have recently submitted a bid for a CARS scheme for Penicuik.

The Council therefore request that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP883 George Mackay, PP910 Jacqueline Marsh, PP1480 Anne Holland, PP1566 Andrew Thomson, PP1576 Beth Thomson, PP1632 Dawn Robertson, PP1640 Derek Robertson, PP1648 Stewart Y Marshall, PP1656 Elsie Marshall, PP1664 Stuart Davis, PP1666 Joan Faithfull, PP1680 John Owen, PP1683 Emma Moir, PP1696 M A Faithfull, PP1704 Marie Owen, PP1707 S M Croall, PP1717 David Miller, PP1723 R I Pryor, PP1734 Wilma Porteous, PP1736 G Palmer, PP1743 Margaret Miller, PP1749 Susan E Wright, PP1754 Wilma Sweeney, PP1767 Susan Falconer, PP1769 Stuart Barnes, PP1770 R A Pryor, PP1788 Michael Boyd, PP1795 Gudrun Reid, PP1800 Dianne Kennedy, PP1810 George Sweeney, PP1816 David A Porteous, PP1822 Colin

Miller, PP1828 Gavin Boyd, PP1834 Kirsty Barnes, PP1840 Vivienne Boyd, PP1846 John F Davidson, PP1852 Eric Smith, PP1858 Annabel Smith, PP1864 Mary M Young, PP1870 James Young, PP1876 John T Cogle, PP1882 Janette D Barnes, PP1888 Jenny Davidson, PP1894 Pamela Thomson, PP1900 Kevin Davidson, PP1906 Hugh Gillespie, PP1912 Jennifer Gillespie, PP1918 John Barton, PP1925 Mary Clapperton, PP1932 John Scaife, PP1936 Kenneth Purves, PP1939 Linda Scaife, PP1946 George Gray, PP1956 Nan Gray, PP1964 Colin Richardson, PP1973 Edith May Barton, PP1977 David Binnie, PP1985 E Purves, PP1989 Alex McLean, PP1994 George Mackay, PP2004 Karen Langham, PP2015 Marjory McLean, PP2021 George Barnes, PP2028 Donald Marshall, PP2032 Elizabeth Richardson, PP2040 Myra G Rodger, PP2043 Avril Thomson, PP2055 Gayle Marshall, PP2057 Lorna Reid, PP2059 David S M Hamilton, PP2073, Hazel Johnson, PP2074 Sally Couch, PP2081 E Hutchison, PP2089 James Hutchison, PP2095 Eskbank Amenity Society, PP2105 Karen Miller, PP2111 Colin Johnson, PP2115 Patrick Mark, PP2124 Robert Scott, PP2127 Chris Boyle, PP2136 K Palmer, PP2142 Patricia Barclay, PP2148 A F Wardrope, PP2153 Elizabeth Anderson, PP2160 Janette Evans, PP2168 Ann O'Brian, PP2175 Gail Reid, PP2178 Marshall Scott, PP2182 Zoe Campbell, PP2191 Kenneth A Hyslop, PP2202 Jan Krwawicz, PP2210 Marjorie Krwawicz, PP2219 Simon Evans, PP2220 Carolyn Millar, PP2228 Anne Murray, PP2238 Charles A Millar, PP2246 Isobel Ritchie, PP2252 Lewis Jones, PP2258 Karlyn Durrant, PP2264 John Blair, PP2271 Ross Craig, PP2277 Caroline Sneddon, PP2283 James Telfer, PP2289 Lynn MacLeod, PP2295 Kenneth McLean, PP2320 Jim Moir, PP2331 Alan Mercer, PP2339 Julia Peden, PP2348 Moira Jones, PP2355 Matthew McCreath, PP2361 W R Cunningham, PP2367 A H Cunningham, PP2373 Zow-Htet, PP2381 Rae Watson, PP2387 Christina Watson, PP2745 Sara Cormack)

Scale and impact of the development strategy (non-standard objections)

In the previous response to the standard letters (pages 19-21) the Council considers it has addressed some of the issues raised in these non-standard letters (coalescence, amenity and green belt/greenspace, pressure on infrastructure and facilities and the negative impact new growth is having on the general quality of life in communities) so will focus on the remaining comments made. The reference to the adverse impact of growth on the range of services in Bonnyrigg is addressed in issue 32.

Population and migration

The Census is the credited source for demographic information and between censuses projections and mid-year estimates attempt to update the population position. It is the basis for development planning purposes.

Census Scotland 2011 re-affirmed that for the first time in a long time the population of Midlothian was growing as a consequence of natural growth (births over deaths) and in-migration and not solely due to in-migration. House building contributes to population growth in any given settlement but the Council doesn't accept that it is the sole cause. The Council is satisfied that the Census results and the NRS mid-year estimates and population projections for Midlothian represent a fair and reasonable picture of current circumstances.

Housing requirement

The housing land requirement is established at the Strategic Development Plan level and is guided by a Housing Need and Demand Assessment (HNDA). The Council acknowledges that the land requirement in the SDP is more than the HNDA identified for Midlothian but

there is also an expectation that Midlothian makes a significant contribution to the wider development needs and aspirations of South East Scotland. The Midlothian Local Development Plan must be consistent with the SDP and identify how it will meet the strategic housing land requirement. The Council considers that the proximity to Edinburgh, the well established bus links with the City and now Borders Rail puts Midlothian in a good place to make such a contribution.

In meeting the strategic housing land requirement the Council acknowledges the role windfall housing developments can make to the overall housing land supply and does take account of these through the annual housing land audit process.

Policy STRAT2 provides support for windfall housing developments. Equally brownfield sites (previously developed sites) can also contribute to meeting the housing land requirement. However, Midlothian does not have a large amount of brownfield land readily available which would meet the Council's site selection criteria (CD020) or sustainable development criteria. Together these sites would not be sufficient to meet the strategic housing requirement and even with a reasonably large supply of housing land the SDP still requires the Council to allocate new land for housing.

Despite the scale of housing proposed the Council considers that the housing strategy represents a reasonable and balanced distribution of sites and sets out the necessary infrastructure requirements to support this level of growth.

Commuting

Proximity to Edinburgh and the strong job market that the City provides will contribute to be an attraction to people living in Midlothian and generate outward commuting. The Proposed Plan acknowledges this and has put in place a development framework that seeks to reduce this by allocating economic land in locations that are serviced by (or could be) by good public transport connections and are of a scale and location that is likely to be more attractive to investment and development. Through its economic recovery plan "Ambitious Midlothian" the Council is keen to promote and support development that generates new job generating opportunities in Midlothian. The Proposed Plan also supports and promotes sustainable travel (TRAN1) and seeks to develop an active travel network across the County which prioritises walking, cycling and public transport initiatives. This will provide alternative travel choices for those that do commute and potentially reduce the need to travel by car. The reintroduction of Borders Rail will also greatly assist in this objective. The increasingly diverse nature of employment opportunities combined with varying work patterns and people having more than one job or several jobs over their career means that predicting and responding to travel patterns and demands becomes increasingly difficult. The Council considers that providing sustainable travel choices will help reduce the need to travel by car and therefore make commuting a more sustainable practice.

Traffic and congestion/need for cross boundary approach

Transport issues are included and addressed in the Strategic Development Plan for South East Scotland (and its associated Action Programme) and reflects the issues and infrastructure required to manage planned growth. A cross boundary transport study has been commissioned by Transport Scotland looking at the impacts of growth coming through SDP1 on the strategic road network. This involves all SESplan planning and transport authorities. Results of the study are not expected until the Autumn but the

Proposed Plan acknowledges the study and the potential for subsequent infrastructure requirements and interventions to be addressed at Local Development Plan level. The transport modelling work carried out at the Main Issues Report stage (CD150) indicated that many parts of the road network were at or over capacity and would require intervention to resolve. The transport appraisal of the Proposed Plan identified the A701 relief road and A702 link as the preferred solution to capacity and congestion issues in the A701 corridor. Issue 6 Improving Connectivity – Transport covers this project in more detail. The project will enable the existing stretch of the A701 to be dedicated to active travel and public transport provision and provide an opportunity for the Council to realise some of its transport objectives which have been constrained through lack of road space capacity.

TRAN1

The Council considers that policy TRAN1 together with policy IMP1 ensures that transport considerations for all sites are satisfactorily addressed.

Lack of progress on committed sites

The Council considers there are some committed sites that have taken longer than initially thought to develop but remains confident that these will come forward and, through policy STRAT 1 makes clear that these sites are still expected to contribute to the strategic housing land requirement. The Council is committed to supporting developers in this respect (STRAT1) but appreciates that inaction cannot go on indefinitely and so has indicated in the proposed plan that at the next review period, sites which cannot demonstrate progress (pre-app discussions or application as a minimum) may be subject of review and potential de-allocation. However, it is relevant that many of the committed sites that have been developed or are still under construction have received consent for an increased number of houses than originally planned. In particular the development at Hopefield which is now approaching the final phases is expected to deliver in excess of 1300 units when finally finished. It was allocated for 1000 houses in the 2008 local plan. On the larger sites the Council has observed that a number of amendment applications are being submitted as developers react to changing market conditions and customer requirements. This includes replacing consented units with smaller house types either by reducing the number of bedrooms and/or reducing the overall footprint of the house but keeping the same number of bedrooms. In any event this has the net result of increasing the numbers across the site.

Community input

The Council considers that it has consulted widely in the plan preparation process and has tried either to accommodate local concerns or explain why it has not agreed with certain representations. The Council is currently reviewing the way in which it engages and serves/supports communities and this will inform future development plan related consultations.

Rural development/loss of land at Wellington PS

The former Wellington Primary School is included in the plan as an additional housing opportunity site. It has constraints (principally road access) and there is uncertainty if these can be overcome and the site delivered in the plan period. To this end the site is not relied on to meet the strategic housing requirements but if it is developed then the agreed number

of units would be counted toward the strategic requirement. Part of the site is brownfield and the Council considers there is merit in bringing the site back into active use. The potential to include adjoining land may assist in overcoming the constraints.

Affordable Housing

The Council acknowledges the comments made about the lack of social/affordable housing. The Council is addressing the provision of affordable housing through its own social housing programme, liaising with other Registered Social Landlords with development programmes and also through contributions and/or provision by private builders on allocated and windfall sites (policy DEV3). To date the Council has built 924 affordable homes for rent across Midlothian. In September the Council will consider options for the next phase of its social housing programme which it is hoped will deliver approximately 340 more homes. Specific issues relating to affordable housing are addressed in detail in issue 5 – Affordable and Specialist Housing.

Alternative strategy proposed

The Council acknowledges the alternative strategy suggested but does not consider there would be sufficient brownfield sites to make it a viable proposition. Furthermore the proposed greater number of smaller sites distributed over a larger area including rural areas would adversely impact on the sustainable development credentials of a proposal. The Council considers the current strategy to be a better sustainable and deliverable balance and one that is supported by existing infrastructure or has the scale to support investment in the new infrastructure required to deliver it.

The Council therefore request that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP16 Moorfoot Community Council, PP23 Midlothian Green Party, PP34 Philip Burton, PP39 David Sugden, PP76 Maire Devlin, PP87, PP2710, PP2713 Tony Gray, PP97, PP2866 Allan Piper, PP109 Edward Angus, PP153, PP1071 Ruari Cormack, PP154, PP562 Sara Cormack, PP186, PP2714 Constance Newbould, PP191; PP196 H Tibbetts, PP244, PP245, PP2756 Midlothian Matters, PP271, PP284, PP285 Alasdair Ferguson, PP273, PP274 Katherine Reid, PP339 Buchanan, PP424, PP446 Eskbank & Newbattle Community Council, PP452 Jane Tallents, PP459 Brian Larkin, PP466 Duncan McAuslan, PP471, PP473 John Sharp, PP559 Malcolm McGregor, PP606 Nancy McLean, PP614 Sarah Barron, PP637, PP660 Bonnyrigg and Lasswade Community Council, PP672 Margaret Hodge, PP694 Lasswade District Civic Society, PP862 Donald Marshall, PP863 Isobel Marshall, PP873, PP2303 Joy Moore, PP930, PP2793, PP2794 Julian Holbrook, PP947, PP948, PP949 Alan Robertson, PP1033 Edinburgh & Lothian Green Network, PP1044 Mirabelle Maslin, PP1060 Damhead and District Community Council, PP1109 Rowan Nemitz, PP1136 Shiela Barker, PP1158 Bonnyrigg and Lasswade Community Council, PP1464 Anne Dale, PP1470 Bruce Hobbs, PP1474 Celia Hobbs, PP1499 Anna MacWhirter, PP1507 Christina Harley, PP1517 Geoffrey Alderson, PP1550 Patricia Dimarco, PP1583 Andrew Barker, PP2402, PP2715, PP2775 Eskbank Amenity Society, PP2704 Ailsa Carlisle, PP2709 Philip Burton, PP2738 Helen Armstrong, PP2757 Mary E Berry, PP2833 Claire Houston, PP2848 Aileen E Angus)

Questions deliverability of projected completions, 5-year effective housing land supply and lack of generosity allowance

House completions in Midlothian have risen steadily since 2009 to reach 641 in 2015/2016 (see table below). Windfall applications are by nature more unpredictable to estimate but

over the last ten years have averaged 185 completions per annum.

Year	House Completions
2015-2016	641
2014-2015	589
2013-2014	603
2012-2013	558
2011-2012	418
2010-2011	459
2009-2010	417

Source – Midlothian Council 2016

The Council is encouraged by these figures and considers they demonstrate that not only is Midlothian an active housing market area and an attractive place to live but also that house builders are beginning to increase the rate of production and demonstrate the capacity of the sector to respond to the challenging housing requirements of SDP1. With the start of house building in Shawfair in 2016 this will bring further opportunity to increase annual house completions. Given the scale of Shawfair its development will most likely be divided amongst several developers. The Council anticipate as construction gains momentum completions could be around 200 units per year. On this basis the Council considers that overall annual completions could reach 800 units per year or more. At this rate the SESplan requirement would be met over the plan period, however the current practice of reallocating any shortfall in any given year over the remaining plan period only increases the requirement in future years. The replacement SDP2, currently at Proposed Plan stage, seeks to introduce annualised housing supply targets which will simplify the programming process and remove much of the conjecture over calculating the effective five year housing land supply.

The Housing Land Audit (HLA) provides a snap shot of the housing market and the potential delivery of housing land in Midlothian. The programmed completions are agreed in conjunction with Homes for Scotland and are based on developers' feedback. In previous audits the number of sites considered to be constrained has been relatively small and remained consistently small, around 145 units, from HLA12 onwards.

The representations on land supply relate to the supply situation identified in HLA 14 (CD147). The Council had intended to publish the Proposed Plan in early 2015 and incorporate the Proposed Plan sites into the next housing audit HLA15 (CD148) but matters outwith Council control delayed publication and resulted in the proposed sites being included in draft HLA16.

The sites in the proposed plan will increase the established supply from 11,553 (HLA14) to 16,010 (HLA16) and result in an effective land supply of 15,871 houses. The draft HLA15 and HLA16 are currently with HfS for comment and the Council anticipates a follow-up meeting in October to review comments and hopefully reach a consensus on the up to date housing land supply position. HLA16 will be the base from which the Council starts implementation of the proposed plan. Assuming the supply figures and effective sites remain largely unchanged then the onus to deliver rests, in the first instance with the house builders. The draft HLA16 identifies an effective housing land supply for the period 2016/17 to 2020/21 of 6,733 set against a requirement of 4,188 which is the equivalent of an 8 year effective housing land supply (effective land supply calculation in Draft Planning and Delivery Advice: Housing and Infrastructure (CD022, table 1, page 5). In this context

the Council considers that the concerns expressed in the representations about the assumed shortfall in the effective supply and the requests for additional sites do not reflect current circumstances. If the feedback from developers is taken at face value and the level of effective sites remains the same or relatively similar as at present then the Council does not consider additional sites are necessary to achieve an effective 5 year land supply and the arguments based on HLA14 are not relevant.

The Proposed MLDP is accompanied by an Action Programme. It will act as a barometer to measure the performance of the plan. If there are issues with the land supply then the Action Programme is a central part of the mechanism with which to identify appropriate measures to remedy the problem. The housing allocations phasing programme highlighted in the Proposed Action Programme (CD139, page 23 and 24) was predicated on the plan being adopted in 2015 and draft HLA15 (CD148). This will be reviewed and amended to reflect the delay in submitting the plan to Ministers and, if necessary, as a result of changes arising from the outcome of the Examination. Nonetheless the Council has encouraged developers to engage with the Planning Authority in tandem with the Examination and adoption process.

The Proposed SDP2 was approved by the SESplan Joint Committee for publication in June 2016 (subject to ratification by SESplan partners). In respect of future housing requirements it highlights the healthy housing land supplies established through adopted and emerging LDP1 allocations and suggests that most SESplan Council areas are likely to be able to meet the proposed housing supply target from their established housing land supplies. The Housing Need and Demand Assessment supporting SDP2 identifies a significant shift in the type of housing required from SDP1. Approximately 64% of the overall housing requirement is for social or below market rent affordable housing as opposed to market housing.

The Council notes Homes for Scotland's (HfS) support for reviewing the deliverability of sites over time. The Council considers that the Action Programme and Housing Land Audit (HLA) process to be central to this issue. The Council considers the use of development briefs for allocated sites is a positive approach to ensuring good practice in site design and layout. It is keen to work with developers to ensure this happens. However the Council would also encourage developers to be proactive with delivering their sites, particularly long standing ones. The vast majority of sites allocated in the plan are promoted by developers in the first instance and their implementation is largely controlled by developers. The annual Housing Land Audit (HLA) process provides an opportunity for both parties to undertake such a review and identify any adjustments to the start, programming and/or finish dates of allocated sites and any amendments would then feed through to the Action Programme at the next scheduled review.

The Council considers that paragraph 2.3.4 of the Proposed Plan (CD112) is clear as to how the strategic housing land requirement will be met across the three SESplan Strategic Development Areas in Midlothian (South East Edinburgh (Shawfair), A7/A68 Borders Rail Corridor and A701 corridor). In addition the Action Programme contains a phased programme of the proposed housing sites grouped by each plan period (2009-19 and 2019-2024). The Council considers the plan and action programme give sufficient clarity on the deliverability of the proposed sites and are consistent with the approach set out in the SESplan supplementary guidance on housing land (November 2014).

The Council considers there are some committed sites that have taken longer than initially thought to develop but remains confident that these will come forward and, through policy

STRAT 1 makes clear that these sites are still expected to contribute to the strategic housing land requirement. The Council is committed to supporting developers in this respect (STRAT1) but appreciates that inaction cannot go on indefinitely and so has indicated in the proposed plan that at the next review period, sites which cannot demonstrate progress (pre-app discussions or application as a minimum) may be subject of review and potential de-allocation. However, it is relevant that many of the committed sites that have been developed or are still under construction have received consent for an increased number of houses than originally planned. In particular the development at Hopefield which is now approaching the final phases is expected to deliver in excess of 1300 units when finally finished. It was allocated for 1000 houses in the 2008 local plan. On the larger sites the Council has observed that a number of amendment applications are being submitted as developers react to changing market conditions and customer requirements. This includes replacing consented units with smaller house types either by reducing the number of bedrooms and/or reducing the overall footprint of the house but keeping the same number of bedrooms. In any event this has the net result of increasing the numbers across the site.

The Council does not consider that the issue of “generosity” applies to the approved SDP1. It also disagrees that it hasn’t allocated sufficient land or sites in the proposed plan.

The current Strategic Development Plan (SDP) for South East Scotland was approved in June 2013 and coincided with the publication of the draft replacement Scottish Planning Policy (SPP). The draft SPP introduced a requirement that SDPs should identify a Housing Supply Target (HST) and include a generosity allowance (10 – 20%) to make up the overall housing land requirement. The Proposed Midlothian Local Development Plan is required to be consistent with the SDP. The Council considers that only where the SDP has set housing supply targets can the LDP translate them at local level. SESplan SDP1 does not set a HST but an overall housing land requirement, and therefore to be consistent with the SDP the Proposed MLDP must identify sites to meet this requirement. The Council did write by email to the Scottish Government in January 2015 requesting clarification on this point but did not receive a response. The Council did not receive any representations from the Government on the issue of generosity or any other aspect of the housing strategy section.

Notwithstanding the above, the Proposed Plan allocates sites for 3,760 houses in the plan period and up to 2024. This is substantially more (47%) than the SESplan housing land requirement (2,550 units) and Midlothian’s own housing needs - 2,200 units (HNDA for SDP1). In addition to the 3,760 units the Proposed Plan also identifies potential for an extra 1,395 units beyond 2024 on a number of extended sites (Hs0, Hs1, Hs7, Hs12 and Hs16). This will provide a degree of extra flexibility in the land supply beyond the plan period and ensure that the SESplan housing requirement can be met. These site extensions are safeguarded for future development and if they are supported through the Examination then the extended sites could be brought forward through the next development plan if required. Furthermore the plan also identifies additional housing development opportunities (CD112, appendix 3c, sites AHs1, AHs2, AHs3, AHs4 and AHs5). Given the nature and characteristics of these sites, all of them have development uncertainties and consequently they are not relied upon to meet the required housing allocations. However, if they are developed then the resulting housing units will nevertheless contribute to meeting the SESplan housing requirement. These sites could potentially deliver between 420 and 610 additional units.

In its report to Council on 24 June 2014 the Council acknowledged the then forthcoming

SPP and requirement for a generosity allowance (CD151, paragraph 3.4) and confirms that it has factored this in to the land requirement figures. The Council therefore considers that the Proposed Plan is consistent with the requirements of SPP and SDP1 and that no additional sites need to be added to the land supply.

The Council therefore request that the Reporter(s) make no change to the proposed plan in respect of these representations. (PP95 Homes for Scotland, PP145 Gladman Developments, PP227 Lawfield Estate, PP337 APT Planning & Development Ltd, PP431, PP1020 Barratt Homes, PP924 Melville Golf Centre, PP1018 Taylor Wimpey East Scotland, PP1385 Hallam Land Management, PP1618 Ritchie Family & Barratt David Wilson Homes, PP2744 Clarendon Planning and Development Ltd)

Other matters

The Council considers that it has allocated enough housing land to meet the strategic housing land requirement and that policy STRAT2 is consistent with the Strategic Development Plan for South East Scotland (SDP) 2013. Policy STRAT 2 reflects the environmental objectives of the plan, in supporting re-use of brownfield land in built-up areas. This is consistent with Scottish Planning Policy (SPP) and SDP1 ([Strategic Development Plan](#), paragraph 113 refers). Paragraph 2.3.9 of the Proposed Plan refers to maintaining an effective 5 year housing land supply and lists a number of actions and options that the Council could consider in the event that a shortfall is identified. The Council considers this is consistent with the provisions of SDP policy 7. In addition the Proposed Plan also allows for development in the countryside, in a controlled way, through policy RD1 - Development in the Countryside and policy ECON 7 supports the continued use and development of Midlothian's further education facilities, including Newbattle Abbey College.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representation. (PP99-Newbattle Abbey Trust, PP354, Biotechnology and Bioscience Research Council (BBSRC))

The Council does not consider that any additional sites are required. The site for ten units suggested to the south of Gorebridge is a new one, has not been subject to any site assessment. The Council acknowledges that small sites can very often be developed quicker than larger sites and can contribute to the overall range and choice of sites in the housing land supply. However, given the scale of housing land in the proposed plan the Council is of the view that this site would offer little by way of delivering that requirement.

The Council therefore request that the Reporter(s) make no change to the proposed plan in respect of this representation. (PP120 Gary Jack)

The Council considers that the Strategy for Sustainable Growth section of the plan is clearly and logically laid out and does not support the suggestion of moving table 2.1 to the start of the section. The suggestion that cross boundary infrastructure should also be identified on the strategy map is not valid. The cross boundary transport study has not yet concluded and therefore no cross boundary transport interventions have been confirmed or committed that would enable these to be mapped. Likewise a mechanism for ensuring developer contributions are secured for these requirements is still under consideration by the SESplan partner authorities. However, Borders Rail is a major piece of cross boundary infrastructure which is now operational and is identified on the map in table 2.1. Passenger numbers in its first year of operation have exceeded initial estimates and the Government

and the Borders Rail authorities are working collaboratively to maximise the wider economic benefits to the Edinburgh City Region.
The Council therefore request that the Reporter(s) make no change to the proposed plan in respect of this representation. (PP288 Scottish Enterprise)

The Council considers that the key principle of the plan in respect of rural development is sustainability. The Council considers that it has conceded to small scale extensions in some of the larger villages in the current local plan (Pathhead and North Middleton) but considers the contribution these can make to the strategic land requirement are, in most cases limited. A lot of the smaller villages have limited capacity in terms of services and facilities, particularly schools. The scale of development required to support even a small convenience facility would most likely require significantly larger allocations than perhaps suggested. The Council is concerned that relaxation of the boundaries would result in more car based journeys to access services and schools and be contrary to the aims and objectives of the plan.

The Council therefore request that the Reporter(s) make no change to the proposed plan in respect of these representations. (PP1489, PP1490 Tynewater Community Council)

Reporter’s conclusions:

Preamble

1. In addition to the unresolved representations and supporting examination documents, the following conclusions have been informed by further written exchanges between invited parties and discussions during a hearing session held at the St John’s and Kings Park Church, Dalkeith on Thursday 9 March 2017.
2. All of the unresolved issues raised in representations have been addressed in the conclusions below. However, in order to provide a coherent and flowing response the conclusions do not follow the headings provided in the council’s summary and response above.

Housing land supply context

3. The Town and Country Planning (Scotland) Act 1997 (as amended) requires local development plans to be “consistent” with strategic development plans. Consequently, the proposed Midlothian Local Development Plan is required to be consistent with the provisions of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) approved in June 2013.
4. SESplan (through policy 5 on housing land) identifies that “for the period from 2009 to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development”. The policy also directs that supplementary guidance should set out how much of that requirement should be met in each of the six local development plan areas including Midlothian. The policy further states that “subject to any justifiable allowance for anticipated housing completions from ‘windfall’ sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period”. In addition, it states that those existing sites which are assessed as constrained, but also capable of delivering housing completions in the

period 2024 to 2032 should be safeguarded for future housing development.

5. To support SESplan, statutory supplementary guidance on housing land was adopted in November 2014. Taking into account allowances for constrained sites, demolitions and windfall, the supplementary guidance identifies that 83,207 homes of the 107,545 required by 2024 could be met by existing housing allocations throughout the region. The supplementary guidance confirms that the housing land requirement for Midlothian is 12,490 homes between 2009 and 2024 (8,080 to 2019; and 4,410 to 2024). It states that most of this requirement is expected to be built on land which is already committed for development so that, in Midlothian, additional land is only required to accommodate 2,550 new homes to 2024.

6. Following the provisions of SESplan (paragraph 113), the supplementary guidance on housing land prioritises brownfield land ahead of greenfield sites but highlights that no significant brownfield opportunities were identified in 2014 when the guidance was adopted. It therefore directs housing to land within SDAs; and only then to sites outwith SDAs. Table 3.2 (additional allowances within and outwith SDAs) in the supplementary guidance confirms that Midlothian could accommodate the 2,550 homes in its three strategic development areas (SDAs) as follows: 450 homes in the South East Wedge SDA; 1,350 homes in the A7/A68/Borders Rail corridor SDA; and 750 homes in the A701 corridor SDA. However, paragraph 3.8 of the supplementary guidance states that the assumption regarding the scale of likely completions on existing sites must be re-assessed in local development plans (which aligns with a commitment stated in paragraph 23 of SESplan); and that “any changes in this figure will have implications for the amount of additional housing land needed. Where necessary, alternative housing sites will need to be allocated”.

Setting a “housing land requirement”

7. Scottish Planning Policy (2014) requires strategic development plans to set a housing supply target as evidenced from a housing needs and demand assessment (HNDA). The target is a policy view of the number of homes the authority agree will be delivered over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability. A 10-20% “generous margin” is to be added to the housing supply target to obtain a “housing land requirement”. The housing land requirement is to be met by effective, or capable of becoming effective, housing allocations identified in local development plans.

8. However, SESplan was prepared and approved by Scottish Ministers prior to the publication of Scottish Planning Policy in 2014. Consequently, SESplan was subject to the provisions of the previous Scottish Planning Policy published in 2010. That version of Scottish Planning Policy stated that “in city regions the strategic development plan should identify the housing land requirement for the plan area and indicate where land should be allocated in local development plans to meet requirements” (paragraph 72). In addition, it required the allocation of “a generous supply of land for housing in the development plan” to give the flexibility necessary for the continued delivery of new housing. Unlike the 2014 version of Scottish Planning Policy, it did not suggest that any specific margin of generosity be added.

9. Paragraph 115 of SESplan (and policies 6 and 7 on housing land flexibility and maintaining a five year housing land supply) states that “allocating a generous supply of land for housing in the development plan will give the flexibility necessary for the continued

delivery of housing”; and that “maintaining a supply of effective land for at least 5 years at all times should ensure that there is a continuing generous supply of land for house building”. These provisions echo the terms of Scottish Planning Policy (2010). As identified in the conclusions below, the allocations confirmed through the proposed Midlothian Local Development Plan would ensure the maintenance of a 5 years’ effective housing land supply; and, consequently, a generous supply of land for housing.

10. Furthermore, I note that paragraph 26 of SESplan states that “in order to provide a generous supply of land, the SDP identifies the total housing requirement for the SESplan area...”. Paragraphs 108 to 113 of SESplan are entitled “housing land requirement”. Policy 5 of SESplan refers to “housing requirements”. In addition, section 3 of the SESplan supplementary guidance on housing land is entitled “housing land requirement”; and table 3.1 within the supplementary guidance sets out the “housing land requirement by local development plan area”.

11. The “housing land requirement” for Midlothian of 12,490 homes is set out in supplementary guidance and I agree with the council that, based on the findings set out above, it would be inappropriate to re-interpret the requirement for Midlothian now as a “housing supply target” to which a “generous margin” should be added.

12. While I have concluded that no generous margin is added I note that at the hearing it was agreed that the housing allocations in Midlothian are generally “low density”. A report cited by the council suggested an increase in site capacity averaging around 20% (some as high as 30%) when a masterplan, development brief or planning application was considered. Indeed, through our examination of the proposed plan we have found many sites to be allocated at a low density. Consequently, there is a degree of flexibility over-and-above the housing allocations which can likely be relied upon.

13. Although the application of a margin of generosity has been supported following the examination of some other local development plans, circumstances are seldom identical. A different strategic development plan with different provisions will justify a different approach. Indeed, where justified in the circumstances, different approaches have been taken in relation to local development plans even within the SESplan area. Each examination should be undertaken on its own merits based on the evidence submitted.

Provision for housing 10 years post-adoption

14. Scottish Planning Policy (2014) requires local development plans “to allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption”. The proposed local development plan is now anticipated for adoption in 2017. Therefore, in accordance with Scottish Planning Policy, the proposed plan should allocate housing land up to the year 2027.

15. However, the SESplan supplementary guidance on housing land only provides a “housing land requirement” for the period to 2024. Although a universal figure of 45,999 houses is identified as potentially being required across Edinburgh and South East Scotland between 2024 and 2032 this is not allocated specifically to authorities through SESplan or the supplementary guidance.

16. Other local development plans in the SESplan area (including Edinburgh, Fife and Scottish Borders) have calculated an additional housing land requirement for the 10 year

period beyond adoption using a range of methodologies. Four methodologies were discussed at the hearing session in relation to the proposed Midlothian Local Development Plan including using: (1) the annual housing need for Midlothian set out in the housing need and demand assessment which supported SESplan of 34 homes per year; (2) the annual figure of 882 homes as derived from the housing land requirement for Midlothian for the period 2019 to 2024 of 4,410 homes; (3) the annual housing requirement set by the proposed strategic development plan for Edinburgh and South East Scotland (SESplan 2) of 587 homes; and (4) the annual housing supply target of 565 homes set out in the Midlothian Local Housing Strategy 2013-2017. These methods would provide an additional housing land requirement of between 102 and 2,646 homes in the period 2024 to 2027.

17. The council agreed with others at the hearing session that the proposed plan could allocate land to 2027. However, as per section 16(6) of the Town and Country Planning (Scotland) Act 1997 (as amended), there is a requirement for the proposed local development plan to ensure consistency with the strategic development plan; which, in this case, only provides a housing land requirement to 2024.

18. Furthermore, I find that there are considerable differences between the methodologies considered at the hearing session with none providing certainty of the specific housing land requirement for Midlothian which may be needed in the future. It would be inappropriate at this time to use the proposed SESplan 2 figures to calculate an additional housing land requirement to 2027. However, SESplan 2 will be the statutory document which will confirm the actual housing supply target for Midlothian for the period beyond 2024 from which a generous margin can be added and a final housing land requirement be calculated. SESplan 2 is due for examination in Summer 2017 and approval in 2018. Therefore, the local development plan for Midlothian would need to be reviewed in order to reflect the provisions of SESplan 2 and the housing supply target it sets. Until that time, there is sufficient housing land (as demonstrated in Table 2 below) to ensure the maintenance of an effective housing land supply. Therefore, I find that as approval of SESplan 2 is relatively close it is unnecessary for this examination to predict the potential housing supply target/housing land requirement for the period between 2024 and 2027.

19. In any event, as required by SESplan, the proposed plan safeguards land with potential to deliver housing in the period 2024 to 2032 (over 1,000 homes). There is also a significant amount of housing land in the established supply (3,500 homes identified in the agreed 2016 housing land audit) which is currently constrained but may, as discussed in the hearing session, become available once constraints are resolved. In addition, as identified in paragraph 12 above, there is flexibility in housing sites to deliver higher densities than anticipated in the proposed plan. Furthermore, the provisions of SESplan policy 7 would allow the release of housing land in the event that a 5-year effective housing land supply was not maintained (together with the provisions of Scottish Planning Policy - see paragraph 42 below). Consequently, I find that there is sufficient provision to ensure continuity in the housing land supply across Midlothian in the period beyond 2024 without the need to predict the housing land requirement to 2027.

Re-assessment of the continuing effectiveness of sites

20. I note the concerns of local residents with respect to the level of growth for Midlothian aligned to the protection of green space, open space, farmland, infrastructure provision and maintenance of settlement character and identity. These were key considerations in the council's assessment of sites when determining where to allocate new land for housing. At

the hearing the council highlighted the difficulties of providing housing land in a small authority with challenging geography where the majority of settlements are located in relatively close proximity in the north along strategic transport (rail/road) routes. However, there are safeguards within the proposed plan to ensure that sites are properly designed and take account of residential amenity (sunlight, daylight, overshadowing, and privacy); sufficient school capacity; provision of new or upgraded road infrastructure; waste; water; flooding; open space provision; habitat and wildlife protection; and coalescence.

21. The SESplan supplementary guidance on housing land notes that meeting the housing requirement will be challenging with a need for significant transport and strategic infrastructure assets and an increase in the rate of housing completions if the requirement is to be met. With the aforementioned provisions of the proposed plan, and the active use of the accompanying action programme, I consider that the required housing can be satisfactorily accommodated and appropriately planned-for to meet the housing land requirement and contribute to the city-region needs and demands.

22. Despite this challenge there remains a direction from SESplan (at paragraph 23), and the SESplan supplementary guidance on housing land, to re-assess the “extent to which sites already identified for housing (i.e. the 83,207 units) remain capable of delivering house completions by 2024” within local development plans.

23. The council suggests in its further written submissions that it has carried out a re-assessment. Although the annual housing land audit (last agreed in 2016) provides a basis for a re-assessment there is no suggestion of a re-assessment within the proposed plan or any illustration of a re-assessment provided in any supporting paper. I have therefore carried out the requisite re-assessment in Table 1 below using the 2016 housing land audit taking account of housing completions; the established housing supply that is effective or expected to become effective in the plan period; and, where appropriately evidenced, the contribution from windfall sites.

Completions

24. All parties attending the hearing session agreed that 3,652 homes were built in Midlothian between 2009 and 2016.

Established housing land supply

25. Extrapolation of data from the agreed 2016 housing land audit provides the established housing land supply that is effective (or expected to become effective during the plan period). The audit only predicts programming up to the year 2022/23. However, in its written response Hallam Land Management provided projected completions for the year 2023/24 which no party has disputed. I find the projections for this year reasonable. In relation to this matter, I note that Hallam Land Management has indicated that site Hs4 (274) at “Thornybank Green” be included as a new LDP allocation with 39 housing units. However, this site is a continuation of established housing site allocated for 101 houses (site h67 East of Thornybank, Dalkeith) predicted to deliver before 2019 (as shown on page 153 of the proposed plan). Consequently, I find that the established supply should be increased by 39 units from 2,156 to 2,195. Conversely, this means that the new LDP allocations (dealt with later) are to be reduced by 39 units in the 2009 to 2019 period.

Windfall

26. Housing from windfall sites (those not previously identified) can also be taken into account in meeting the housing land requirement where, according to Scottish Planning Policy, the expected contribution “must be realistic and based on clear evidence of past completions and sound assumptions about future trends” (paragraph 117). I note that the technical note for the SESplan supplementary guidance on housing land identifies an assumed windfall in Midlothian of 400 homes between 2009 and 2019; 320 homes in the period 2019 to 2024; and 340 in the period 2024 to 2032. This formed part of the assessment which identified that a further 24,338 homes would be required across the SESplan area; of which Midlothian was directed to find 2,550 additional homes to 2024. The technical note uses an “estimate of windfall” and refers to the housing calculations being based on local authority 2012 housing land audit information but is unclear as the actual basis of the windfall assumptions. In this context, I consider it appropriate that a re-calculation of the windfall assumption is made using a wider range of data.

27. In the written submissions the council indicate that windfall could contribute up to 189 homes per year based on 10 years of housing land audit data from 2007 to 2016. Following analysis presented in the Hallam Land Management written response the council conceded at the hearing session that the actual windfall allowance over this period averaged 152 homes per year. However, this average includes a windfall of 411 homes in 2009 which some parties consider to be unrealistic. I agree that inclusion of this entry is several hundred homes above any other entry and therefore artificially increases the average windfall over the 10 year period. Removal of this entry retains nine years’ of windfall housing data which amounts to 1,111 homes or an average of 123 homes per year. I find that there is adequate support in the form of the housing land audit records to find this windfall assumption reasonable and appropriate.

Re-assessment

Table 1: Re-assessment of housing land supply

	2009-2019	2019-2024	2009-2024
Housing Land Requirement	8,080* ¹	4,410* ¹	12,490
<i>Minus</i>			
Completions (2009-2016)* ²	3,652	0	3,652
Established land supply* ³	2,195	3,125	5,320
Projected windfall* ⁴	369	615	984
<i>Equals</i>			
Total housing land supply	6,216	3,740	9,956
+/- Housing Land Requirement	-1,864	-670	-2,534

*¹ – Using the SESplan supplementary guidance on housing land figures.

*² – As expressed in the agreed 2016 housing land audit.

*³ – As extrapolated from the agreed 2016 housing land audit.

*⁴ – An average of 123 homes per year based on 9 years of housing land audit data.

28. The re-assessment shown in Table 1 above indicates that the proposed local development plan is required to allocate 2,534 housing units (16 less than anticipated by the SESplan supplementary guidance on housing land of 2,550) to meet the housing land requirement to 2024.

29. The proposed local development plan allocates additional land which would, according to the agreed 2016 housing land audit (and augmented figures supplied by Hallam Land Management for the year 2023/24) deliver 3,041 homes by 2024; a figure 507

homes (or 20%) above the re-assessed requirement 2,534 homes. Additionally, I again note that the indicative capacity of the land allocated for housing is lower than would likely be delivered; and, therefore, there is an additional degree of flexibility over and above the re-assessed housing land requirement.

30. The newly allocated land for housing has been identified following a robust analysis by the council which included an assessment of promoted housing sites to inform the Main Issues Report (2013); a strategic environmental assessment of sites; and support and programming through the draft action programme and agreed 2016 housing land audit. Many sites proposed for housing in the proposed plan are also supported by landowners/ developers; have been subject to public consultation; and could be supported by available or planned infrastructure. Sites are also allocated across the three strategic development areas, as required by SESplan, ensuring a range and choice of housing locations. Based on this approach I consider that the new housing allocations are effective or are capable of becoming effective during the plan period.

31. Table 2 below demonstrates that following adoption of the proposed local development plan there would be sufficient housing land to meet, and exceed, the housing land requirement over the plan period to 2024. I note that there would be a shortfall in the housing land supply in the initial years following adoption of the local development plan. However, there would be a surplus above the housing land requirement in the period beyond 2019 as sites allocated in the proposed plan start to deliver. Again, this calculation does not take into account the potential increases in site capacity or the ability of currently constrained sites in the established supply to deliver housing in the plan period.

Table 2: Housing land supply with new LDP allocations

	2009-2019	2019-2024	2009-2024
Housing Land Requirement	8,080* ¹	4,410* ¹	12,490
<i>Minus</i>			
Completions (2009-2016)* ²	3,652	0	3,652
Established land supply* ³	2,195	3,125	5,320
New LDP allocations* ⁴	475	2,566	3,041
Projected windfall* ⁵	369	615	984
<i>Equals</i>			
Total housing land supply	6,691	6,306	12,997
+/- Housing Land Requirement	-1,389	1,896	507

*¹ – Using the SESplan supplementary guidance on housing land figures.

*² – As expressed in the agreed 2016 housing land audit.

*³ – As extrapolated from the agreed 2016 housing land audit.

*⁴ – As taken from the Hallam Land Management written submission response (and extrapolated from the agreed 2016 housing land audit programming).

*⁵ – An average of 123 homes per year based on 9 years of housing land audit data.

32. Therefore, despite potential changes in the housing situation, I consider that the provision of housing in Midlothian through the proposed plan (both committed and new housing sites) is resilient, reasonable and appropriate to meet the housing land requirement.

Maintenance of a five-year effective housing land supply

33. Further to meeting the housing land requirement, a policy principle of Scottish Planning Policy is that the planning system should maintain “at least a 5-year supply of

effective housing land at all times” (paragraph 110); and that local development plans should “provide for a minimum of 5 years effective land supply at all times”.

34. As noted in paragraph 9 of these conclusions SESplan requires the maintenance of a 5-year effective housing land supply to ensure a continuing generous supply of housing. This statement is further reflected in SESplan policy 6 (housing land flexibility) which allows future phases of sites to be brought forward in advance to support the provision of a 5-year effective housing land supply. Similarly, policy 7 (maintaining a five year housing land supply) provides three criteria to assess the acceptability of greenfield housing development proposals “to maintain a five years’ effective housing land supply”.

35. It is clear from national and regional policy that significant importance is placed on the maintenance of a 5-years’ effective housing land supply at all times.

36. The only Scottish Government published method to calculate a 5 year effective housing land supply is contained in the ‘Draft Planning Delivery Advice: Housing and Infrastructure’ advice note of 2016 as follows:

Table 3: 5-Year Effective Land Supply Calculation

5-year effective land supply (years)	=	5-year effective housing land supply (units)	x5
		5-year housing supply target (units)	

37. The council suggests in its response above that there would be an 8 years’ effective housing land supply from 2017 to 2021. However, in its further written response in advance of the hearing session the council revised this figure to a 6.7 years’ effective housing land supply. The council’s calculation uses the method shown in the draft advice note as follows:

Table 4: 5-Year Effective Housing Land Supply 2017-2021

5-year effective land supply (years)	=	5,629*	=	1.34	x5	=	6.7 years
		4,188**					

* Programmed completions from 2016/17 to 2020/21 from the agreed housing land audit 2016.

** 3 years at 808 homes and 2 years at 882 homes derived from the housing land requirement.

38. I note that this method of calculation uses the housing supply target (using Scottish Planning Policy terminology) and not the housing land requirement figure which would be higher as it would include a margin for generosity. Consequently, as the council’s figure uses the housing land requirement as its basis, the calculation underestimates the actual effective housing land supply and incorporates a further degree of flexibility.

39. Conversely, a different calculation is supplied by Hallam Land Management which suggests that a 5-year effective housing land supply would not be met at any time following adoption of the proposed local development plan. This calculation adds the outstanding housing land requirement from previous years as, it is argued, only 3,652 homes of the required 8,080 requirement have been completed to date. Consequently, there is an outstanding requirement of 4,428 homes which need to be delivered in the period to 2019 – an annual housing requirement of 1,476 homes instead of the 808 and 882 homes used in the council’s calculation. I have used this revised figure in the draft advice note methodology below demonstrating a 4.6 years’ effective housing land supply.

Table 5: 5-Years Effective Housing Land Supply 2017-2021 (alternative)

5-year effective land supply (years)	=	5,629*	=	0.91	x5	=	4.6 years
		6,192**					

* Programmed completions from 2016/17 to 2020/21 from the agreed housing land audit 2016.

** 3 years at 1,476 homes and 2 years at 882 homes derived from the housing land requirement and outstanding housing requirements carried forward from previous years.

40. Although the alternative calculation shows that a 5-year effective housing land supply would not be maintained on adoption of the proposed local development plan it, again, uses the housing land requirement as its basis rather than the housing supply target. Consequently, it underestimates the amount of effective housing land that would be provided. It also takes no account of windfall which is predicted to make a contribution of over 600 homes over the 5 year period. And, it takes no account of the likely potential increases in housing capacity over that anticipated in the proposed plan. In addition, the carrying forward of outstanding supply is not used in the draft Scottish Government advice methodology. For these reasons, I consider that even if the alternative calculation was to be endorsed the established housing land supply and additional housing land supply allocated through the proposed plan would be sufficient to ensure the maintenance of a 5-year effective housing land supply as required by Scottish Planning Policy and SESplan.

Policy provision for the maintenance of a 5-year effective housing land supply

41. Calculation of the 5-year effective housing land supply is subject to change and the results in the tables above reflect a snapshot of the housing land supply situation based on the current housing requirements and predicted programming of housing delivery. As I have concluded that a 5-years’ effective housing land supply would be maintained additional sites are not required to be allocated at this time to supplement the effective housing land supply. However, there should be a policy mechanism to allow the release of housing land to ensure the maintenance of a 5-year effective housing land supply.

42. Paragraph 115 of Scottish Planning Policy also suggests that “where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.” Paragraphs 32-35 provide a presumption in favour of development that contributes to sustainable development and criteria to assess proposals. This presumption is given significant weight as a material consideration where a plan is considered to be out-of-date. And, paragraph 125 states that where a shortfall in the 5-years’ effective housing land supply emerges, the development plan policies for the supply of housing land will not be considered up-to-date.

43. Paragraph 2.3.9 of the proposed local development plan states that “the council must maintain a five-year effective supply of land at all times”; and that “the effectiveness of the land supply will be kept under review throughout the lifetime of the Plan” with the action programme cited as the tool to ‘trigger’ a response should the supply drop below five years. Proposed policy STRAT 2 (windfall housing sites) also supports housing proposals within the built-up area. However, this approach fails to provide a bespoke local mechanism to deal with housing proposals on unallocated sites in greenfield locations.

44. At a regional level SESplan policy 6 allows safeguarded sites to be brought forward to help maintain an effective housing land supply; while policy 7 provides criteria to assess greenfield housing proposals either within or outwith strategic development areas to

maintain a 5-years' effective housing land supply. The criteria include: a. the development will be in keeping with the character of the settlement and local area; b. the development will not undermine green belt objectives; and c. any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

45. I find that although there is provision through Scottish Planning Policy to assess proposals where a 5-year effective housing land supply is not maintained these would be a material consideration rather than as part of the statutory development plan. However, policy 7 of SESplan provides a clear statutory footing to assess greenfield housing proposals. As part of the development plan this policy would be used to assess any greenfield housing proposal submitted in Midlothian without the need to replicate its provisions in the local development plan. Despite this, I find that reference to the potential release of greenfield housing land where a failure to maintain a 5-year effective housing land supply emerges should be made more explicit in the supporting text of the local development plan.

Expressing the housing land supply situation in the proposed plan

46. As written, section 2.3 of the proposed plan entitled 'requirement for new development' would be inconsistent with the conclusions above and the resulting recommendations to modify the plan. Therefore, I find that section 2.3 should be modified to explain the re-assessment of the housing land supply; provide an explanation of how the housing land requirement is anticipated to be met together with the insertion of a simple table as an illustration; and changes to ensure the maintenance of a 5-year effective housing land supply at all times. The recommended adjustments to section 2.3 should provide clarity to users of the plan in relation to housing land supply matters. Consequential changes are also required to Appendix 3A and the settlement statements to update the indicative capacities of the new housing allocations reflecting the programming of the 2016 housing land audit.

Other matters

47. Many individuals and groups have expressed common concerns regarding the need for additional housing across Midlothian and the consequential pressures on the quality of life; loss of land; and impact on infrastructure. These matters, among others, are addressed below.

Community involvement in plan-making

48. Some parties have expressed concern about community consultation on the proposed local development plan. This matter is dealt with below in Issue 34 (process, consultation etc) at paragraphs 11 and 12.

The need for additional housing in Midlothian

49. I note that the population of Midlothian will increase in tandem with increased house-building and that there are associated pressures on communities as a result of growth. However, as expressed earlier in these conclusions, there is a statutory requirement for the proposed Midlothian Local Development Plan to be consistent with the provisions of the approved SESplan Strategic Development Plan. It is necessary for Midlothian to contribute to the housing need and demand of the region which is influenced by in-migration to Edinburgh and its neighbouring authorities; which, as acknowledged by the council, means

providing land for housing beyond that of its own needs and demands. As demonstrated in the conclusions above, it is expected that the housing land requirement for Midlothian will be met over the plan period. And, as identified in paragraphs 20 and 21 above, there are sufficient provisions within the development plan to ensure that development is located in the right location and integrates successfully with existing communities.

Lack of progress on committed housing sites

50. The proposed local development plan indicates that housing sites which fail to make progress during the plan period will be subject to review and potential deletion from future plans (see section 2.2 entitled 'existing development commitments'). The council has suggested that one indicator in the review of sites would be whether pre-application discussions had taken place. I also note that, as discussed at the hearing session, there are some factors (known and unknown) which could restrict or help release sites to development over the plan period.

51. Taylor Wimpey UK Limited and Hallam Land Management Limited suggest the deletion of some committed sites from the established housing land supply in favour of other sites that could come forward in the short to medium term. As identified in paragraph 18 above, there are some 3,500 homes allocated in the established supply that are not currently anticipated to deliver within the plan period. However, these could come forward if constraints on their delivery were lifted.

52. Based on the above findings, I consider it would be unreasonable and inappropriate to delete committed housing sites brought forward from previous local plans simply on the basis that other sites may deliver housing sooner without considered site-specific reasons. Through this examination we have addressed unresolved representations relating to housing allocations but, based on the evidence submitted, have concluded that none should be deleted from the proposed plan. Also, as concluded in the sections above, the established and newly allocated housing land should be sufficient to ensure that the housing land requirement is met without the need for additional allocations. The indication in the proposed plan to review sites means that there will be an opportunity for those with an interest in sites to push forward progress on delivery or face the site being de-allocated in the future. No change to the proposed plan is required on this basis. Further discussion on committed sites is provided in Issue 2 (committed development); and the specific site endorsed by Taylor Wimpey UK Limited and Hallam Land Management Limited at Seafield Road East (site Hs16) is addressed in Issue 28 (A701 corridor strategic development area – Bilston, Loanhead and Auchendinny etc).

Loss of land

53. Further to my conclusions in paragraphs 20 and 21 above, although the council has pursued a brownfield first approach there is insufficient land within current settlement boundaries or on previously developed land to avoid the loss of greenfield sites to housing (and other uses). The land allocated for housing has been directed (as required by SESplan) to the strategic development areas which are best served by infrastructure and location in relation to Edinburgh and other service centres. This approach is reasonable in relation to the aim of minimising the impact of development while recognising that accommodating growth is necessary. The alternative strategy suggested in representations of community-based small-scale brownfield housing development would not be sufficient to meet the housing land requirement set by SESplan but such developments would still be consistent with the strategy and policies set out in the

development plan.

54. The policies of the development plan are sufficient to ensure that the loss of greenfield sites is minimised where possible and that adequate green/open/play space is provided within new developments. I am also satisfied that the policies of the development plan would ensure that the layout of development would follow the established landscape character of the area and protect river valley features. No change to the proposed plan is required in relation to these matters.

Impacts arising from growth

55. The council acknowledge that there is high risk of coalescence in Midlothian. However, I agree with the council that proposed plan policy DEV 1 (community identity and coalescence) - dealt within in Issue 4 (open space, design and coalescence) of this examination report – provides adequate protection to ensure that development proposals include a strong landscape framework to avoid communities being physically merged. In addition, the site-specific requirements set out in the settlement statements in the proposed plan give a strong indication of where there are risks of coalescence and the need for a robust response. I find that these provisions are appropriate and reasonable to protect the character of existing communities.

56. New development will be subject to policies which protect the amenity of existing residents (policy DEV 2 – protecting amenity within the built-up area) and ensure integration with existing communities/developments (policy DEV 6 – layout and design of new development). I find these provisions adequate to ensure the impacts on existing communities in terms of design including materials, build heights, drainage, privacy, daylight, and access are adequately controlled. I also note that policy TCR 2 (location of new retail and commercial leisure facilities), and the implementation policies of the plan would support, where justified, shopping and community facilities to serve new residents.

57. Similarly, the design, transport and implementation policies of the proposed plan (together with the settlement statements and accompanying action programme) would ensure that new development provides sufficient infrastructure where required and makes good use of existing services and amenities including the Borders Rail and new/upgraded road provision. Potential congestion, additional impact on services from commuting, and air pollution would be subject to any transport appraisals conducted at the application stage for sites where mitigation could be used if required and deemed acceptable. The proposals for more active and sustainable forms of travel (improved bus routes, rail connections, cycling, and walking) would all help in reducing congestion and air pollution. Transport matters are further discussed in Issue 6 (improving transport connectivity) and Issue 7 (site Ec3 and A701 relief road). However, I find that there is sufficient provision in the development plan to deal satisfactorily with transport matters associated with housing without any need for revision.

58. In relation to health care provision, the council's written response to a further information request through this examination confirmed that "the National Health Service (NHS) is concerned about the adequacy of health care services and facilities to fully accommodate the strategic housing requirement". However, during the main issues report stage "the NHS did not indicate that there would be any significant issues that would prevent the delivery of the strategic housing requirement". The council response further notes that the primary concern of the NHS is not necessarily physical healthcare facilities but principally internal resource issues (workforce and funding constraints). I note that to

address healthcare pressures the Midlothian Integration Joint Board and local general practices are taking action, namely:

- Establishing two new practices (2017 and 2024) in Newtongrange and Shawfair Town Centre.
- Extending two practice buildings (2017 and 2019) in Loanhead and Danderhall.
- Developing a strategic programme for general practice to co-ordinate action to respond to current pressures.

59. I further note that the proposed plan (through policy IMP 4 – health centres) supports new and expanded healthcare facilities where there is an identified need. I also note that the council considers that, where reasonable and proportionate, contributions towards healthcare facilities could be sought from developers where new physical space or expanded facilities are necessary as a result of development.

60. I find that the council has demonstrated a working relationship with the NHS in seeking to understand the healthcare pressures in Midlothian and support the provision of new or expanded facilities through the provisions of the development plan to combat increased demand for services arising from growth. No change to the proposed plan is therefore required on this matter.

61. I now turn to education capacity and provision. It is clear from the council’s further written submissions on this matter that the planning authority has been in discussions with the education authority throughout the production of the proposed local development plan to ensure that growth can be suitably accommodated. During the hearing session, the council’s witness on education confirmed that the level of housing growth required by SESplan could be adequately accommodated but that further housing beyond that required would present “challenges”. As indicated above, there is no need at this time to allocate further housing land.

62. The implementation policies of the proposed plan, together with the detailed settlement statements and accompanying action programme, would ensure that the required education infrastructure was provided to accommodate pupil growth throughout Midlothian. Education is an item cited as being “essential infrastructure” in the proposed plan to which contributions may be sought. I find that the provisions of the proposed plan would be sufficient to ensure that adequate provision was made to accommodate new pupil growth.

63. However, I note that since the proposed plan was published (2015) the council has experienced uplift in pupils in certain areas. Consequently, the council has reviewed its position in relation to education provision in order to meet the anticipated growth from new housing development. The review refers to the need for additional facilities in Bonnyrigg; Dalkeith; Mayfield; and Gorebridge. I sought further written information on this matter from the council with respect to how these additional facilities should be shown in the proposed plan. The council provided a detailed response indicating modifications to proposed policy IMP 2 (essential infrastructure required to enable new development to take place); the settlement statements (linking requirements to particular housing developments); and an update to the council’s schedule of land ownership.

64. Although it is acknowledged that the development plan should be the starting-point for addressing infrastructure needs landowners and developers expressed concern regarding the additional facilities required by the council. In reply Homes for Scotland, and other

interested parties, suggested that the newly arising educational need proposed by the council should not be included in the proposed plan as:

- The settled view of the council has not been officially amended to support the proposed modifications.
- No education appraisal or background papers (including pupil rolls; forecasts; site appraisal; catchment review) have been submitted to justify the need for additional requirements.
- The process of introducing additional requirements late in the examination process provides uncertainty to landowners, developers and communities.
- No environmental information has been provided to support the inclusion of the additional education facilities.
- The proposed Action Programme does not include the requirements.

65. In any case, it is also argued by Hallam Land Management that there is sufficient education capacity in Midlothian to accommodate growth without the need for additional facilities. However, the provisions of Scottish Government Circular 3/2012 on Planning Obligations and Good Neighbour Agreements would facilitate any additional education requirements at the planning application stage if proven to be necessary and justified.

66. To properly plan for future provision I consider it generally appropriate that the local development plan represents the most up-to-date position in relation to education requirements. This position is supported by Scottish Government Circular 3/2012 which endorses a plan-led approach (early disclosure of infrastructure needs) stating that “broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the SDP or LDP, where they will have been subject to scrutiny at examination”.

67. In this case a period of almost two years has passed since the council approved the proposed plan for publication (settled its view on matters). Therefore, it is reasonable to find that education needs may have changed over that period. However, I agree with Homes for Scotland (and others) that the council has not “officially” changed its settled view with an endorsement from a committee/full council to modify the proposed plan to account for additional education facilities. This position would not necessarily prevent a change to the proposed plan though the examination process though.

68. I agree with objecting parties that there is a lack of supporting information to justify substantive modification to the proposed plan and the consequential changes to the development requirements for sites. This situation means that housing sites previously considered “effective” may have to be re-assessed in relation to delivery; and the newly arising requirements provide a level of uncertainty to those with development interests and communities. Similarly, limited information has been supplied by the council in relation to the actual siting of some of the additional educational infrastructure. And, although there are provisions to allow environmental assessment of any recommended changes to the proposed plan following the examination, the changes now proposed by the council have not been subject to strategic environmental assessment (including an assessment of alternatives) from the outset of the plan-making process.

69. The proposed action programme would be reviewed following adoption of the local development plan to take account of any revisions, and subsequently monitored and reviewed. Therefore, additional education facilities could be accounted for in the action programme going forward.

70. On balancing the above, and with respect to the particular circumstances, I find that it would be unreasonable and inappropriate for the detailed modifications supplied by the council through the examination process in relation to additional education facilities to be recommended for inclusion in the proposed plan. However, I return to my previous finding that there is sufficient provision within the proposed plan (and in Scottish Government advice) to support the requirement for education contributions associated with proposed development where justified and reasonable through the planning application process.

Lack of affordable housing provision

71. Proposed plan policy DEV 3 (affordable and specialist housing) requires residential proposals to provide a contribution of 25% affordable housing. There are exceptions for windfall sites below 15 homes (or less than 0.5 hectares); and for sites below 50 homes (or between 0.5 to 1.6 hectares). A reasoned justification is required for any other exceptions, including on committed sites where previous local plans required a lower contribution level - a matter dealt with in Issue 5 (affordable and specialist housing). There is therefore a clear policy position that affordable housing should be provided on all residential sites across Midlothian.

72. In addition, the Strategic Housing Investment Plan for Midlothian indicates that revenue from the Scottish Government should provide additional affordable housing products. The council itself has an on-going programme of building council housing across Midlothian. I find that the provisions of the proposed plan, together with on-going investment, is reasonable in terms of providing affordable accommodation in Midlothian in tandem with the provision of market housing (which may include more “affordable” products). No change to the proposed plan is required to enable further affordable homes to come forward.

Specific sites

73. Other specific matters are dealt with separately in this examination report. The suggestion of loosening the village boundaries in the Tynewater area is addressed in Issue 1 (vision, aims and objectives). Potential increases in the capacity of committed sites, including site h41 at Mayfield, is dealt with in Issue 2 (committed development). The potential loss of the rural environment in relation to Wellington School is referred in Issue 11 (rural development). The suggestions to allocate land for housing at ‘The Paddock’ (Harvieston), a site in Dewarton, and a site at Barleyknowe Road (Gorebridge) are dealt with in Issue 31 (A7-A68 borders rail corridor – other settlements). The scale of growth in Bonnyrigg and the proposal to delete site Hs12 (Hopefield Farm 2) are addressed in Issue 32 (A7/A68 borders rail corridor strategic development area - Bonnyrigg).

Figure 2.1 – Midlothian Strategy for Development

74. Scottish Enterprise suggest moving figure 2.1 (which shows spatially the strategy for development across Midlothian) to the beginning of section 2 of the proposed plan. I accept that moving the figure to the beginning could act as a useful visual introduction. However, without the introductory text and reasoned justification throughout section 2 the figure would be hard to interpret if positioned at the beginning. I find that the figure should remain at the end of the section.

75. Scottish Enterprise also considers that further detail including cross-boundary infrastructure connections and other strategic sites important to the economic growth of the

area should be illustrated on figure 2.1. Although this information would be useful for context the purpose of figure 2.1 in the proposed local development plan is to show the strategy for Midlothian not the wider region. And, in any event, I find that the wider strategic relationships are adequately shown in SESplan figure 1 (the spatial strategy) and figure 2 (strategic infrastructure). No change to the proposed plan is required on this basis.

Brownfield land and infrastructure costing

76. I note that some representations seek the provision of a plan showing brownfield land across Midlothian; and a detailed cost/infrastructure plan. I consider that the council’s vacant and derelict land survey includes useful information on previously developed land without the need to provide this within the proposed plan. Similarly, I consider that the production of the accompanying action programme (which sets out specific infrastructure needs and programming) provides sufficient detail on the infrastructure required to support development across Midlothian. Furthermore, I consider that as the proposed plan refers to spatial elements it would be inappropriate for it to provide specific cost analysis of required infrastructure elements. However, this could be provided elsewhere at the discretion of the council if deemed useful and necessary for publication.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Replacing the final sentence of paragraph 2.3.5 under section 2.3 ‘Requirement for New Development’ on page 6 with the following:

“Outwith the built-up areas, there will be a general presumption against housing development unless a deficit in the 5 year effective housing land supply emerges.”

2. Replacing paragraph 2.3.6 under section 2.3 ‘Requirement for New Development’ on page 6 with the following:

“2.3.6 To meet the Midlothian requirement to 2024 (12,490 houses), the SESplan Supplementary Guidance on Housing Land predicted a requirement to identify additional housing land to accommodate 2,550 houses through the MLDP, spread across three Strategic Development Areas. As required by SESplan this assumption was re-assessed during production of the local development plan (at the examination stage) producing a revised need for 2,534 houses. Consequently, new allocations (listed in Appendix 3A of this Plan) have been allocated in the three Strategic Development Areas across Midlothian to meet this need. The Midlothian housing requirement and a prediction of how the housing requirement will be met over the lifetime of the plan through completions, committed housing (the established supply), new allocations, and windfall is as follows:

	2009-2019	2019-2024	2009-2024
Housing Land Requirement	8,080	4,410	12,490
<i>Minus</i>			
Completions (2009-2016)*	3,652	0	3,652
Established land supply*	2,195	3,125	5,320
New LDP allocations*	475	2,566	3,041
Projected windfall*	369	615	984
<i>Equals</i>			
Total housing land supply	6,691	6,306	12,997

* Using the agreed 2016 housing land audit for completions and programming; and an average windfall allowance of 123 homes per year based on 9 years of historic housing land audit data.

Table 2.3 Midlothian Housing Land Requirement and Housing Land Supply 2009-2024

3. Deleting ‘Table 2.3 SESplan additional housing allowances’ from page 6 under section 2.3 ‘Requirement for New Development’.
4. Deleting the last sentence beginning “The combined contribution...” of paragraph 2.3.7 under section 2.3 ‘Requirement for New Development’ on page 6.
5. Deleting ‘Table 2.4 MLDP new housing land provision’ from page 7 under section 2.3 ‘Requirement for New Development’.
6. Inserting a new paragraph 2.3.10 under section 2.3 ‘Requirement for New Development’ on page 7 as follows:

“2.3.10 These actions should enable the release of further housing. However, where there is an identified deficit in the five year effective housing land supply there will be a requirement to ensure the continued delivery of housing to meet the housing land requirement. Therefore, housing proposals on greenfield/green belt locations may be acceptable where it is demonstrated that they will augment the 5-year effective housing land supply following the provisions of SESplan policy 7.”

7. Amending the paragraph numbering by changing paragraph 2.3.10 to 2.3.11 and 2.3.11 to 2.3.12 under section 2.3 ‘Requirement for New Development’.
8. Replacing the table in Appendix 3A Strategic Housing Land Allocations with the following:

		Indicative Capacity (to 2024)	Indicative Capacity (post 2024)	Safeguarded Capacity (beyond 2024)
South East Edinburgh/Shawfair Strategic Development Area				
Hs0	Cauldcoats	320	30	200
Hs1	Newton Farm	225	255	220
A7/A68/Borders Rail Corridor Strategic Development Area				
Hs2	Larkfield West, Eskbank	60		
Hs3	Larkfield South, Eskbank	35		
Hs4	Thornybank East, Dalkeith	82		
Hs5	Thornybank North, Dalkeith	30		
Hs7	Redheugh West (Phase 2), Gorebridge	150	50	400
Hs8	Stobhill Road, Gorebridge	80		
Hs9	Broomieknowe, Bonnyrigg	56		
Hs10	Dalhousie Mains, Bonnyrigg	300		
Hs11	Dalhousie South, Bonnyrigg	175	185	
Hs12	Hopefield Farm 2, Bonnyrigg	375		375
Hs13	Polton Street, Bonnyrigg	18		
Hs14	Rosewell North	60		
A701 Corridor Strategic Development Area				
Hs15	Edgefield Road, Loanhead	41		
Hs16	Seafield Road, Bilston	330	20	200

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Hs17	Pentland Plants, by Bilston	75		
Hs18	Roslin Institute, Roslin	180	20	
Hs19	Roslin Expansion	75	185	
Hs20	Auchendinny	342	8	
Hs21	Eastfield Farm Road, Penicuik	12		
Hs22	Kirkhill Road, Penicuik	20		
TOTALS		3,041	753	1,395

9. Amending the settlement statements to reflect changes in programming of new housing allocations following the changes shown in amended Appendix 3A (recommendation 8 above).

Issue 4	Open Space, Design & Coalescence	
Development plan reference:	Sections 3.1 Accomodating Growth in Our Communities and 3.3 Quality of Place	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
906008	PP17	Moorfoot Community Council
778339	PP24	Midlothian Green Party
904548	PP122	Gary Jack
904548	PP125	Gary Jack
909251	PP142	Eric Blackmore
909771	PP179	Constance Newbould
909771	PP181	Constance Newbould
909801	PP192	H Tibbetts
907616	PP232	sportscotland
907616	PP235	sportscotland
907616	PP236	sportscotland
907616	PP237	sportscotland
907616	PP238	sportscotland
907616	PP239	sportscotland
907616	PP240	sportscotland
907616	PP242	sportscotland
909735	PP246	Midlothian Matters
909735	PP248	Midlothian Matters
909735	PP250	Midlothian Matters
909735	PP251	Midlothian Matters
909735	PP252	Midlothian Matters
909734	PP275	Katherine Reid
909734	PP277	Katherine Reid
778604	PP305	Grange Estates (Newbattle) Ltd
778604	PP306	Grange Estates (Newbattle) Ltd
778604	PP308	Grange Estates (Newbattle) Ltd
778604	PP309	Grange Estates (Newbattle) Ltd
909846	PP425	Eskbank & Newbattle Community Council
909846	PP426	Eskbank & Newbattle Community Council
909895	PP458	Paul de Roo
782016	PP503	City of Edinburgh Council
907142	PP539	Mirabelle Maslin
921296	PP615	Sarah Barron
779397	PP655	Bonnyrigg and Lasswade Community Council
779397	PP657	Bonnyrigg and Lasswade Community Council
779397	PP658	Bonnyrigg and Lasswade Community Council
779397	PP659	Bonnyrigg and Lasswade Community Council
921821	PP674	Margaret Hodge
921821	PP675	Margaret Hodge
922014	PP695	Lasswade District Civic Society
922014	PP696	Lasswade District Civic Society
922014	PP698	Lasswade District Civic Society
754728	PP903	Historic Scotland

754732	PP916	SEStran
766577	PP931	Julian Holbrook
921869	PP946	Alan Robertson
907142	PP1052	Mirabelle Maslin
909848	PP1062	Barratt Homes
909848	PP1065	Barratt Homes
909847	PP1191	Lawfield Estate
909847	PP1193	Lawfield Estate
907142	PP1418	Mirabelle Maslin
778056	PP1423	SEPA
778551	PP1495	Tynewater Community Council
778551	PP1496	Tynewater Community Council
778551	PP1498	Tynewater Community Council
922108	PP1553	Patricia Dimarco
922108	PP1554	Patricia Dimarco
922085	PP1584	Andrew Barker
922085	PP1585	Andrew Barker
922085	PP1587	Andrew Barker
922086	PP1602	Rachel Davies
922086	PP1605	Rachel Davies
921865	PP2304	Joy Moore
921865	PP2305	Joy Moore
921865	PP2307	Joy Moore
922145	PP2403	Eskbank Amenity Society
922145	PP2404	Eskbank Amenity Society
909735	PP2656	Midlothian Matters
921296	PP2657	Sarah Barron
778056	PP2658	SEPA
922085	PP2760	Andrew Barker
922086	PP2761	Rachel Davies
921865	PP2762	Joy Moore
754767	PP2765	Eskbank Amenity Society
754767	PP2766	Eskbank Amenity Society
909735	PP2781	Midlothian Matters
909801	PP2788	H Tibbetts
754760	PP2796	Shiela Barker
754760	PP2797	Shiela Barker
754718	PP2858	Newtongrange Community Council
754735	PP2865	Scottish Natural Heritage
754735	PP2877	Scottish Natural Heritage
909222	PP2887	Allan Piper
909222	PP2888	Allan Piper
<p>Provision of the development plan to which the issue relates:</p>	<p>Policies DEV1 Community Identity and Coalescence; DEV2 Protecting Amenity within the Built-Up Area; DEV4 Residential Park Homes; DEV5 Sustainability in New Development; DEV6 Layout and Design of New Development; DEV7 Landscaping in New Development; DEV8 Open Spaces; DEV9 Open Space Standards and DEV10 Outdoor Sports Facilities</p>	

Planning authority's summary of the representation(s):Policy DEV1 Community Identity and Coalescence

Considers the proposals in the Proposed Plan will contravene policy DEV1 as the number of houses and sites proposed will cause coalescence. (PP181 Constance Newbould)

Concerned about the loss of community identity and coalescence (PP192 H Tibbetts, PP658 Bonnyrigg and Lasswade Community Council)

States much new housing in Midlothian has been for owner occupiers on greenfield additions to existing communities, and their design does not encourage integration or use of existing facilities by incomers. (PP615 Sarah Barron)

Considers the massive housing allocations risk undermining cohesion and quality of life by loss of open space and merging of Edinburgh with Midlothian towns and cities. States many of the Green Belt, woodland and river valley boundaries have been lost despite the protective policies of the Midlothian Local Plan (2008). The Proposed Plan reduces the gaps between some settlements to small strips of grass or roads. (PP674 Margaret Hodge, PP931 Julian Holbrook)

States policy DEV1 seeks to prevent coalescence at the cost of supporting sustainable development and that Scottish Planning Policy (2014) introduces a presumption in favour of development that contributes to sustainable development. Considers the policy is negatively worded and could undermine the policy presumption established by Scottish Planning Policy. States the term coalescence is not acknowledged in Scottish Planning Policy. (PP305 Grange Estates (Newbattle) Ltd)

States two of Midlothian Matters key themes are: 1. Protect the rural and historical character of Midlothian, and 2. Protect and encourage strong communities. States policy DEV1 is welcome as considers it recognises the importance of these key themes. States the identity and characteristics of Midlothian's existing communities must be maintained. Requests that Local Development Plan goes further than just recommending mitigation measures. Considers landscaped buffer zones and/or narrow strips of grassland peppered with trees is insufficient to prevent coalescence. Considers site Hs9 Broomieknowe increases coalescence by further eroding the separation between Eskbank and Bonnyrigg. States site Hs9 is contrary to a 2013 Scottish Natural Heritage Report and policy ENV7 of the Proposed Plan. (PP246 Midlothian Matters)

Welcomes policy DEV1. Concerned that the intent of the policy will be reduced by the phrase "reduce the impression of coalescence" (referring to paragraph 3.1.4). Considers it essential to prevent coalescence and not that the impression of coalescence has occurred. Eskbank and Newbattle Community Council's concerns are heightened by proposals in the Proposed Plan that will eliminate boundaries between several distinct communities. A policy is needed that does not permit coalescence, even if it were possible to reduce the perception of coalescence. The separate identities of communities needs to be protected, not the illusion of meaningful separation. (PP426 Eskbank & Newbattle Community Council)

Seeks strengthening of policy DEV1 on coalescence. (PP695 Lasswade District Civic Society, PP1584 Andrew Barker; PP1602 Rachel Davies; PP2304 Joy Moore, PP2796 Shiela Barker, PP2887 Allan Piper)

Refers to further coalescence of Midlothian communities through the Proposed Plan and loss of green boundaries and agricultural land. Refers to protective policies in the Midlothian Local Plan (2008) not being adhered to. Objects to the Bonnyrigg proposed housing sites Broomieknowe (Hs9), Dalhousie Mains (Hs10) and Dalhousie South (Hs11) sites and Eskbank sites Larkfield West (Hs2) and Larkfield South West (Hs3). (PP2403, PP2765 Eskbank Amenity Society).

Concerned about the loss of community identity and coalescence. Policy DEV 1 should be strengthened to combat coalescence by requiring and defining the minimum acceptable width of "landscaped buffer zones and other community woodland". (PP2788 H Tibbetts)

Concerned about loss of village identity, and wishes coalescence be kept to a minimum. Wishes 'green separation' between Mayfield and Newtongrange. Considers that proposed Newbattle Strategic Greenspace assists with this objective. Does not agree to the co-location of committed housing sites h34, h35, h38 and h49. (PP2858 Newtongrange Community Council)

Supportive of policy DEV1

States policy DEV1 is generally supported. (PP1062 Barratt Homes, PP1191 Lawfield Estate)

Policy DEV2 Protecting Amenity within the Built-Up Area

The Proposed Plan risks undermining cohesion and quality of life for a number of existing towns and communities. States the massive housing allocations in the Proposed Plan will increase damage to communities' amenities. Considers the Midlothian Local Plan (2008) policy RP20 equivalent in the Proposed Plan, policy DEV2, has already been breached at a number of sites and villages across Midlothian. Considers the Local Development Plan should prioritise protection of Green Belt and open spaces, both in urban areas and restricting urban spread into the countryside and river valley. This should be rigorously enforced within consistent transparent and representative community planning practice. States it is now accepted that ready access to green spaces and nature are essential to people's mental and physical health. (PP675 Margaret Hodge)

States the equivalent policy in the adopted Midlothian Local Plan (2008) (policy RP20) has been breached in a number of locations in different parts of Midlothian. Consider the Proposed Plan's strategy risks undermining cohesion and quality of life in a number of Midlothian communities by removing rural margins and placing strain on community infrastructure. (PP2404, PP2766 Eskbank Amenity Society)

Objects to policy DEV2 as it is considered that it should have a presumption in favour of development. (PP306 Grange Estates (Newbattle) Ltd)

Policy DEV4 Residential Park Homes

Considers that whilst Midlothian supports both parks Pentland Park is on unstable ground and is unsafe. Not so long ago the ground opened up and a caravan sank into the hole. (PP179 Constance Newbould)

Policies DEV5-DEV7 Sustainability, Layout and Design of New Development

Objects to policy DEV5 and considers that criterion C should have additional text to ensure that standards met are a legal requirement under Water Environment (Controlled Activities) (Scotland) Regulations 2011 rather than best practice. (PP1423 SEPA)

Considers that the language in policy DEV5 is too weak and should be strengthened. (PP1052 Mirabelle Maslin)

Welcomes the intent of policies DEV5 and DEV6 but regret that Supplementary Guidance not available. Expresses concern that previous policy on spacing between houses not location specific. (PP1495; PP1496 Tynewater Community Council)

Objects to policy DEV5 due to lack of reference to flooding matters. (PP2658 SEPA)

Raises concerns regarding criteria J and N in policy DEV6. Criterion J should be clearer in allowing for factoring rather than Council maintenance, particularly with regard with the associated footnote. Criterion N should exempt development from providing cycle parking should private garages or rear gardens be included. (PP308 Grange Estates (Newbattle) Ltd)

Objects to policy DEV6 due to the lack of general standards for lighting. Considers that this is a serious omission as badly designed lighting can have detrimental effect by causing glare and night-time light pollution, making it impossible to see the night sky. Can also be energy inefficient. (PP1418 Mirabelle Maslin)

Objects to policy DEV7 due to the requirement for a 30m landscape buffer. Considers that each site has its own characteristics and standardised tree planting cannot be justified in landscape terms. (PP309 Grange Estates (Newbattle) Ltd)

Objects to provision in policy DEV7 regarding 30m tree belts as it is considered impractical in almost all potential development sites within Tynewater. (PP1498 Tynewater Community Council)

Seeks to ensure that policies DEV2-DEV10 are not diluted. (PP696; PP698 Lasswade District Civic Society, PP1585; PP1587, PP2760, Andrew Barker; PP1605, PP2761 Rachel Davies; PP2762, PP2305, PP2307 Joy Moore; PP2797 Shiela Barker; PP2888 Allan Piper)

While welcoming principles of placemaking set out in the plan, believes that this could be strengthened by adding a requirement for local/community food growing. Many open spaces in new developments are underused. Council should use current experience in promoting community food growing and schools and hospitals and apply it to new housing developments. (PP24 Midlothian Green Party)

Considers that in order to meet the Council's design aspirations, standard house designs will not always provide an acceptable solution. Therefore developers should be required to be flexible with these taking into account the local vernacular. Considers that the large scale allocations in the plan do not promote this and that smaller sites would be more appropriate. (PP122 Gary Jack)

Welcomes the principles of landscaping in new housing developments but cautions against the creation of "green deserts" which are not equivalent to the loss of natural landscapes

with their native biodiversity and potential for play and relaxation by local communities. States a tendency to plant low maintenance, prickly shrubs may visually supply some greenery, but it is very different from a natural urban/rural buffer. (PP251 Midlothian Matters)

Considers that new build development should be in keeping with existing buildings in particular to height and finish. (PP275 Katherine Reid)

States existing woods and established hedgerows on development sites should be maintained and should not be allowed to be dug up and destroyed. States planted hedgerows in Midlothian are a mix of hawthorn, blackthorn, native maple, bramble, dog rose and are source of shelter and feeding for wider range of birds including migratory birds throughout the year. (PP277 Katherine Reid)

Supportive of the aims of sustainable place making but feel that this should be more clearly defined. Consider that there is difficulty in achieving this aim given the need to allocate new housing. Regards new developments to be typically located further away from public transport, employment, shops, community facilities and designed for private car use. Will require clear/robust means of ensuring that developers comply with these aims. (PP425 Eskbank & Newbattle Community Council)

Concerned that housing developments are designed to accommodate as many units as possible. (PP458 Paul de Roo)

Considers that the language in the Quality of Place section of the plan (3.3) is too weak and should be strengthened. (PP539 Mirabelle Maslin)

Additional requirements should be made in the plan to ensure that new housing is future proofed. (PP655 Bonnyrigg and Lasswade Community Council)

Considers that new housing development should have appropriately sized shops; a small meeting hall for small baby/toddler groups and residents meetings (or community schools); green amenity corridors away from roads for walking that has 'common land' protected status; adequate residential parking; drainage system and additional council staff for maintenance. (PP657 Bonnyrigg and Lasswade Community Council);

Propose that design policies should make provision for cycling and walking facilities. The SEStran 'Cycling Infrastructure: Design Guidance and Best Practice' document outlines basic design principles which could be incorporated/referred to by the plan. (PP916 SEStran)

Considers that the design and materials of new building tends to be poor, all of these houses are the same and that there should be greater use of green technology. (PP1553; PP1554 Patricia Dimarco)

Concerned about relationship between new housing development and access to public transport. While it is recognised the policy DEV6 (amongst others) go some way towards addressing this, there is nothing that requires all new developments to be sited and designed such that the requirement for car use is minimised, only 'major' developments need accord with this. Consider that many new housing developments do not make any attempt to avoid the need for car use. (PP2656 Midlothian Matters)

States much new housing in Midlothian has been for owner occupiers on greenfield additions to existing communities, and their design does not encourage integration or use of existing facilities by incomers. Considers that new developments can be characterised as private developments tacked on to existing settlements with focus on access arrangements (frequently road based) on the opposite side of the existing settlement. Considers there has been overwhelming private houses with little mix of tenure of housing types. Considers these developments lend themselves/the occupiers less likely to use local shops and facilities and achieving social integration. (PP2657 Sarah Barron)

Supports policies DEV5-DEV7 Sustainability, Layout and Design of New Development

Supportive of policy DEV5 in light of need to reduce environmental impact. Feel the reference to broadband access important due of lack of it at Hopefield. (PP248 Midlothian Matters)

Supportive of policy DEV6 but consider that the manner in which sites have been allocated may make implementing it difficult. (PP125 Gary Jack)

Supportive of policy DEV6, particularly with regards to provision for footpaths and cycle paths. (PP250 Midlothian Matters)

Welcomes provision in policy DEV6 relating to incorporating historic buildings into the layout of new developments. (PP903 Historic Scotland)

Emphasis on sustainable development and high quality placemaking set out in policies DEV5-9 are generally supported. Consider the site being promoted at Mayfield can be planned/designed to meet these. (PP1065 Barratt Homes, PP1193 Lawfield Estate)

Supports the commitment to sustainable place-making in the MLDP and policy DEV6. Quality of Place Supplementary Guidance is noted and would seek input into its preparation. (PP2865 Scottish Natural Heritage)

Welcomes commitment to sustainable place-making in policy DEV6 and feel it will help to embed a design-led approach to planning in Midlothian. (PP2877 Scottish Natural Heritage)

Considers that recent experience with housing developments is that developers are very reluctant to incorporate features that meet the principles of 'sustainable placemaking. Welcomes reference for Redheugh to provision of allotments or space for local food growing, and considers that this requirement should be county-wide. (PP17 Moorfoot Community Council)

Sets out themes that 'Midlothian Matters' is focussed on, including improving quality of life by providing good amenities. Considers that garden centred housing and permaculture creation within housing developments would be a positive feature. (PP2781 Midlothian Matters)

Policies DEV8-DEV10 Open Space and Outdoor Sports Facilities

Objects to the lack of any assessment of play space requirements for site AHs3 in line with the open space standards in the plan. (PP142 Eric Blackmore)

Considers that housing growth on scale proposed without infrastructure plan will lead to [amongst other things] inadequate recreation facilities. Refers to meeting of Bonnyrigg and Lasswade Community Council which resolved that defined proportion of land (3%) be kept as parkland in keeping with 'Fields in Trust recommendations. (PP659 Bonnyrigg and Lasswade Community Council)

Objection references sections 4.9 and 5.1 of the plan but the focus of submission appears to be on open space, recreation and playing fields so has been categorised as relating to section 3.3 which addresses these issues. Objects to the loss and erosion of open spaces, playing fields and recreation facilities in general to continued house building over the years. Does not consider the plan makes suitable provision for such facilities given the increased population projected as a result of the planned development. Is concerned about the trend to sell off these facilities or transfer management to other bodies. The Council should be more proactive about funding the management and maintenance of these assets (use of Heritage Lottery funds). Considers there is a need for a new public park in Penicuik and suggests that provision is made at Mauricewood (the allocated housing site h26-Deanburn). (PP946 Alan Robertson)

Supports Policies DEV8-DEV10 Open Space and Outdoor Sports Facilities

Supports policy DEV8. (PP252 Midlothian Matters)

Supports policy DEV10. Sets out role of Sportscotland in planning process, stresses that irrespective of comments at this stage, sportscotland may still comment further at the planning application stage and that SPP policy protection applies. In relation to new education provision for Bonnyrigg, Newtongrange, Rosewell, Loanhead, Bilston and Penicuik/Auchedinnny - recommends that sportscotland's detailed design guidance for schools sport provision is used to inform school design. Considers that this can help achieve appropriate facilities for school and community use. (PP232; PP235; PP236; PP237; PP238; PP239; PP240; PP242 sportscotland)

Other matters

Raises concerns that the committed sites in the wider Millerhill area may cause conflict with the Energy From Waste Facility. (PP503 City of Edinburgh Council)

Modifications sought by those submitting representations:

Policy DEV1 Community Identity and Coalescence

No modifications to the Proposed Plan suggested (PP181 Constance Newbould, PP658 Bonnyrigg and Lasswade Community Council)

Considers sustainable place making should be defined in the plan. Policy DEV1 should be strengthened to ensure against coalescence by requiring and defining minimum acceptable width of "landscape buffer zones and other community woodland". Considers community woodland could be planted now in anticipation of development sites already in the pipeline. (PP615 Sarah Barron)

The Proposed Plan policies should be strengthened to prioritise protection of communities and surrounding green boundaries and agricultural land. (PP674 Margaret Hodge, PP931 Julian Holbrook)

Delete policy DEV1 from the Proposed Plan. (PP305 Grange Estates (Newbattle) Ltd)

States new developments must be of a proportion and design to be able to become an organic part of existing communities. Considers too often housing estates are tacked on to existing communities with no integration. Refers to the proposals at Auchendinny. Considers the policy must go further in strengthening the importance of community and the integration of new developments into those communities. (PP246 Midlothian Matters)

Requests a clear policy preventing, not mitigating, coalescence. (PP426 Eskbank & Newbattle Community Council)

Policy DEV1 should require and define the minimum acceptable width of 'landscape buffer zones and other community woodland.' (PP695 Lasswade District Civic Society, PP1584 Andrew Barker; PP1602 Rachel Davies; PP2304 Joy Moore, PP2788 H Tibbetts, PP2796 Shiela Barker, PP2887 Allan Piper)

Strengthened policies which create robust identifiable settlements and settlement boundaries. The plan should prioritise reducing existing commuting and creating an attractive region for people to live and work in. (PP2403, PP2765 Eskbank Amenity Society)

Wishes a green separation maintained between Newtongrange and Mayfield, and consequently the co-location of committed housing sites h34, h35, h38 and h49 to be reconsidered. (PP2858 Newtongrange Community Council)

Supportive of policy DEV1

No modifications to the Proposed Plan suggested (PP1062 Barratt Homes, PP1191 Lawfield Estate)

Policy DEV2 Protecting Amenity within the Built-Up Area

States policies DEV2 - DEV10 must not be diluted. (PP192 H Tibbetts)

Requests the Proposed Plan prioritise reducing existing high levels of commuting through robust policies on shopping, housing, retail and employment to build a region where people to choose to live, learn, work, shop, grow food and play. Requests the Local Development Plan prioritise protection Green Belt and open spaces, both in urban areas and restricting urban spread into the countryside and river valley. Requests this be rigorously enforced within consistent transparent and representative community planning practice. (PP675 Margaret Hodge)

Policies protecting Green Belt, open spaces and restricting development in the countryside and river valleys should be prioritised and rigorously enforced within consistent transparent and representative community planning practice. (PP2404, PP2766 Eskbank Amenity Society)

Proposes change to DEV2 to say the following:

'Development within existing and future built-up areas, and in particular within residential areas, will be supported where it does not detract materially from the existing character or amenity of the area.' (PP306 Grange Estates (Newbattle) Ltd)

Policy DEV4 Residential Park Homes

No modifications to the Proposed Plan suggested. (PP179 Constance Newbould)

Policies DEV5-DEV7 Sustainability, Layout and Design of New Development

Considers that requirement for allotments or space for local food growing should be county-wide, perhaps through policies DEV5 and/or DEV6. (PP17 Moorfoot Community Council)

Policy DEV5: 'The Council will expect...' should be replaced with 'All development proposals must have regard...' (PP1052 Mirabelle Maslin)

Change to criterion C of policy DEV5 as follows: 'C. treating and conserving water on site in line with best practice and in compliance with CIRIA guidance on sustainable urban drainage systems .' (PP1423 SEPA)

Seeks additional criterion to policy DEV5: 'I. where flood risk has been identified to a site for new development or where new development will increase flood risk elsewhere, the layout of the site will be designed to reduce flood risk on or off site.' (PP2658 SEPA)

DEV 6 - Suggests wording along the following lines: 'All external lighting that is part of proposed development must be designed to minimise light pollution. Light sources must be shielded so that they are not visible from adjoining land. The intensity of the light source must be the minimum necessary to achieve the intended lighting effect. Light pollution cause by reflection from illuminated surfaces must be avoided or minimised.' (PP1418 Mirabelle Maslin)

Seeks inclusion of community food growing in the sustainable place making section of the plan. (PP24 Midlothian Green Party)

No modifications to the Proposed Plan suggested (PP122, PP125 Gary Jack, PP248 Midlothian Matters)

Concerned the criterion H focuses too much on the negative impact of open space. Needs to be recognition that young people need communal areas. (PP250 Midlothian Matters)

Asks the Council to promote and support innovative garden centred housing and permaculture creation in housing developments to enhance the rural landscape. (PP251 Midlothian Matters)

Considers that new build development should be in keeping with existing buildings in particular to height and finish. (PP275 Katherine Reid)

Requests stronger requirement for developers to maintain existing woods and hedgerows on development sites. (PP277 Katherine Reid)

Amend Policy DEV 6, criteria J & N as follows:

*J. *2 Where new open space is provided, arrangements for its long-term maintenance (which could include factoring) shall be agreed with the Council as part of any planning permission.*

N. cycle parking and bin stores shall be incorporated into the layout of developments

(except where the development consists of houses with private rear garden space).
 (PP308 Grange Estates (Newbattle) Ltd)

Amend DEV 7 (E) to read as follows:

... where a site abuts the countryside, incorporate tree belts of sufficient width, but no less than 10m, to define the urban edge... (PP309 Grange Estates (Newbattle) Ltd)

A+DS should be a consultee on major planning applications/sensitive sites. (PP425 Eskbank & Newbattle Community Council)

Focus should be on creating sustainable/attractive living space first and then add housing to complement it. (PP458 Paul de Roo)

In paragraph 3.3.4 & 3.3.6 reference to 'seeks to' should be deleted and replaced by 'will'.
 In paragraph 3.3.6 reference to 'As a minimum' in this paragraph should be replaced with 'All new developments must meet basic... In addition the must meet the six key design elements.' (PP539 Mirabelle Maslin)

Modern amenities such as fast broadband access, smart metering and access to renewable/community energy should be minimum standards. Every development should be required to provide a traffic impact analysis to minimise congestion and toxic fumes from cars. (PP655 Bonnyrigg and Lasswade Community Council)

All new housing developments should have appropriately sized shops and meeting areas, green amenity corridors and adequate parking and drainage (PP657 Bonnyrigg and Lasswade Community Council)

Seeks to ensure that policies DEV2-DEV10 are not diluted. No change to the plan proposed. (PP696; PP698 Lasswade District Civic Society)

Suggest that consideration is also given to any existing key view of and from such buildings. (PP903 Historic Scotland)

Suggest incorporation of SEStran's 'Cycling Infrastructure: Design Guidance and Best Practice' into design policies. (PP916 SEStran)

No modifications to the Proposed Plan suggested (PP1065 Barratt Homes, PP1193 Lawfield Estate)

No modifications to the Proposed Plan suggested (PP1495; PP1496 Tynewater Community Council)

Considers that the policy should be qualified to take account of the scale of new development. (PP1498 Tynewater Community Council)

Suggests a greater use of green technology in new build housing. (PP1553; PP1554 Patricia Dimarco)

Supports Lasswade District Civic Society letter. Seeks to ensure that policies DEV2-DEV10 are not diluted. (PP1585; PP1587 Andrew Barker; PP1605 Rachel Davies; PP2305, PP2307 Joy Moore; PP2797 Shiela Barker; PP2888 Allan Piper)

More up to date design standards should be made applicable to sites allocated in previous plans, particularly with regard to minimising the use of cars. (PP2656 Midlothian Matters)

Considers sustainable place making should be defined in the plan. (PP2657 Sarah Barron)

No modifications to the Proposed Plan suggested but seek additional action in Action Programme on preparing Quality of Place SG and would wish to be a partner in its production. (PP2877 Scottish Natural Heritage)

Seeks garden centred housing and permaculture creation within housing developments. (PP2781 Midlothian Matters)

Policies DEV8-DEV10 Open Space

The area needs to be assessed for 'Play Area', as per Appendix 4, and the present area to be retained/enhanced as per Midlothian's policy. (PP142 Eric Blackmore)

No modifications to the Proposed Plan suggested – support (PP252 Midlothian Matters)

No modifications to the Proposed Plan suggested. (PP232; PP235; PP236; PP237; PP238; PP239; PP240; PP242 sportscotland)

Seeks infrastructure plan to address recreation requirements and for defined proportion of land (3%) be kept as parkland. (PP659 Bonnyrigg and Lasswade Community Council)

Seeks the provision of a new public park in Penicuik on the committed housing site at Mauricewood - site h26 Deanburn. (PP946 Alan Robertson)

Does not want policies DEV2-DEV10 to be diluted. No change to the plan proposed. (PP2760 Andrew Barker; PP2761 Rachel Davies; PP2762 Joy Moore)

Other matters

Suggest the Midlothian Council masterplan the wider Millerhill area to ensure committed sites and the Energy From Waste Facility can co-exist. (PP503 City of Edinburgh Council)

Summary of responses (including reasons) by planning authority:

Context

The proposed plan acknowledges that Midlothian is making a significant contribution to the wider Edinburgh City region growth requirements, principally as it is well placed to do so given its proximity to the City and good transport connections. That said, the challenge for the plan is to ensure the benefits associated with new housing and economic developments are secured without significant negative impacts on the communities in which they are located.

Community identity, coalescence, housing choices and protecting amenity are all issues that can affect the attractiveness of a place to live and work. Likewise designing places with sustainable principles in mind, achieving high standards of layout and building design as well as landscape design are also factors. The proposed plan seeks to provide an appropriate policy framework which will encourage good practice in developing quality

places.

Open space is a valuable community asset that has as significant a role to play in the make-up of a community as housing land, employment land, town centres etc. The Council has mapped and provided policy protection to the key open spaces across communities, including outdoor sports facilities. For the first time, based on the Council's open space audit and strategy, the Council has introduced new standards for the provision and maintenance of open spaces.

Policy DEV1 Community Identity and Coalescence

Given the scale of development that Midlothian is required to accommodate by the SDP and the location of the major settlements at the northern end of the council area, it is accepted that coalescence is a potential problem when selecting sites for development. This was considered during the site selection process as outlined in the Development Sites Assessment Technical Note (page 5) (CD020). Where possible the Council has sought to choose sites that minimise the possible effect of coalescence and to identify mitigating measures where there is the risk of a site contributing to coalescence. Policy DEV1 establishes the principle and the settlement statements include specific landscaping interventions for sites.

While the representor's concerns regarding coalescence are acknowledged, it is considered that avoiding all coalescence is not possible given the development pressures and the geography of Midlothian. The Council considers that the proposed plan includes appropriate measures for mitigating coalescence and therefore requests that the Reporter(s) make no changes in respect of these representations (PP181 Constance Newbould; PP192 H Tibbetts; PP615 Sarah Barron; PP658 Bonnyrigg and Lasswade Community Council; PP674 Margaret Hodge)

The Council considers that, notwithstanding the lack of explicit reference to coalescence in the SPP, Midlothian Council has a responsibility to consider the social, economic and environmental effect of its decisions in light of local circumstances. It is plain that the main settlements in Midlothian are in close proximity and that there are concerns from local residents with regard to the implications of this. In this context, taking coalescence into account when assessing sites and putting in place mitigation measures where coalescence may be an issue is considered a responsible course of action. The Council requests that the Reporter(s) make no changes to the plan in respect of this representation. (PP305 Grange Estates (Newbattle) Ltd)

The Council has sought to avoid sites that have a coalescence risk but to meet the scale of the development pressures this is not always possible given the geography of Midlothian. The Council will seek to further mitigate any impact through landscaping and site design solutions. It is considered that visual coalescence is the only tangible impact of coalescence which can be assessed, while loss of community identity resulting from it, while important, is harder to assess and more subjective depending on the individuals perspective.

With regards to changes seeking a tighter definition of the mitigating landscape features that policy DEV1 would entail, it is considered that the Settlement Statements provide more detailed site specific measures while policy DEV7 sets a minimum of 30m width for a landscaped boundary facing the countryside. The Council considers that this is sufficient and request that the Reporter(s) make no modifications to the plan in respect of these

representations. (PP246 Midlothian Matters; PP426 Eskbank & Newbattle Community Council; PP695 Lasswade District Civic Society; PP931 Julian Holbrook; PP1584 Andrew Barker; PP1602 Rachel Davies; PP2304 Joy Moore; PP2403, PP2765 Eskbank Amenity Society; PP2788 H Tibbetts; PP2796 Shiela Barker; PP2858 Newtongrange Community Council; PP2887 Allan Piper)

The support for policy DEV1 is noted. The Council considers that there is no need to modify the plan in light of these representations. (PP1062 Barratt Homes; PP1191 Lawfield Estate)

Policy DEV2 Protecting Amenity within the Built-Up Area

While it is appreciated that civic groups (such as Eskbank Amenity Society) or members of the public do not always agree with decisions the Council makes on planning applications, this is considered to be the result of weighing different and sometimes competing matters, which is essentially a matter of judgement. The Council is of the opinion that policy RP20 in the Midlothian Local Plan (2008) (CD054) has been implemented consistently. In respect of the suggestion to reword the policy to be more proactive the point is acknowledged but the Council considers that with such a short policy the message is clear however it is presented.

The Council therefore requests that the Reporter(s) make no modifications to the plan in respect of these representations. (PP675 Margaret Hodge ; PP2404 Eskbank Amenity Society; PP2766 Eskbank Amenity Society, PP306 Grange Estates (Newbattle) Ltd)

Policy DEV4 Residential Park Homes

Much of the area to the west of the A701 has problems with ground conditions, which have been investigated by the Council as part of its Environmental Health remit. However, the Council does not believe that there is a need to amend policy DEV4 to take account of this as its purpose is to provide certainty to the many residents living at Residential Park Homes that they will not lose their homes to alternative development. The Council therefore requests that the Reporter(s) make no modifications to the plan in respect of this representation. (PP179 Constance Newbould)

Policies DEV5-DEV7 Sustainability, Layout and Design of New Development

The general support for these policies is noted.

The Council does not consider that higher density of development is necessarily a bad thing as it can help reduce the need to allocate further sites. Furthermore, where a site is in a more accessible location in terms of public transport it makes sense to maximise the potential patronage. Provided that the development is of a good design and is compatible with other policies in the plan, an increased density need not be a problem.

The Council does not consider that there is a substantial difference between its text in DEV5 ('The Council will expect...') and the representor's suggested change ('All development proposals must have regard...'), and it does not expect that such a change would have a material effect on the operation of policy DEV5.

SEPA's concerns regarding the reference to flooding in policy DEV5 are partly addressed through criterion C. This is supplemented by policy ENV9 Flooding and the provisions in

the settlement statements. The Council considers that applications for planning permission have to be assessed against the plan as a whole and that references to flooding throughout the plan would represent unnecessary repetition.

While the concerns regarding 'future proofing' new housing by providing services such as super-fast broadband are noted, the Council does not feel that it would be possible to compel this through the planning application process. Services such as this are a matter that need to be agreed between the housebuilder and operators such as BT, which are outwith the Council's control. With regard to renewables, it is considered that policies NRG3 and NRG4 will assist in this regard.

Criterion M of policy DEV6 requires new development to provide street lighting that meets the Council's standards. With regard to light pollution, the Council considers that its policy approach is appropriate. This matter is considered further in the Schedule 4 for Issue 18 (Other Natural Environment).

The Council is not in favour of including specific references to documents produced by outside bodies when the principles expressed in them can be reflected in the text of the plan and its policies. Changes were made to the current Midlothian Local Plan following representations by the key agencies to mention many documents, which subsequently became out of date or hard to find when determining planning applications, and made the plan needlessly complicated to read due to prolific referencing. The proposed changes from sportsscotland and SEPA are therefore not supported.

The Council does not see the need to dilute standards established in the 2003 Midlothian Local Plan (CD055) on spacing between houses and landscaping for the Tynewater Community Council area. It is not clear what the merit of this would be, as this has not prevented new housing being delivered in the 13 years that these have been in place.

The accessibility of sites to public transport was assessed in the selection of sites during the site assessment process as outlined in the Development Sites Assessment Technical Note (CD020, page 3-4). Furthermore criterion L of policy DEV6 makes provision for accessibility of buses within the layout of new developments to ensure that they can reach the houses themselves.

With regard to the relationship between new developments and the communities which they extend, the Council considers that there are limitations on what can be done through the planning system. Nonetheless criteria A and D of policy DEV6 seek to ensure that the layout of development should complement or enhance the character of adjoining urban area and that existing pedestrian routes are taken into account. It is considered that this makes provision for better integration insofar as the planning system can do so. The need for providing quality of life for new residents through the provision of amenities, open spaces and gardens is addressed by criteria J and K of policy DEV6.

With regards to those representations seeking more scope for community food growing, this is addressed by criterion H of Policy DEV7. The Council is in agreement with those representors who state that standard house types may not be appropriate on every site, and the plan addresses this concern in paragraph 3.3.8. It is not clear how the manner in which the sites have been chosen would make delivering well designed housing more difficult.

Concerns regarding the use of non-native species are noted, however criterion D of policy

DEV 7 identifies a preference for native species in the landscape treatment of new developments. In general the settlement statements, which give some more detail on how the sites should be developed, state that existing landscape features should be retained and incorporated into the new development.

The Council therefore requests that the Reporter(s) make no modifications to the plan in respect of these representations. (PP17 Moorfoot Community Council; PP24 Midlothian Green Party; PP122, PP125 Gary Jack; PP248, PP250, PP251, PP2656, PP2781 Midlothian Matters; PP275, PP277 Katherine Reid; PP425 Eskbank & Newbattle Community Council; PP458 Paul de Roo; PP539, PP1052, PP1418 Mirabelle Maslin; PP655, PP657 Bonnyrigg and Lasswade Community Council; PP675 Margaret Hodge; PP696, PP698 Lasswade District Civic Society; PP903 Historic Scotland; PP916 SEStran; PP1065 Barratt Homes; PP1193 Lawfield Estate; PP1423 SEPA; PP1495, PP1496, PP1498 Tynewater Community Council; PP1553, PP1554 Patricia Dimarco; PP1585, PP1587 Andrew Barker; PP1605 Rachel Davies; PP2305, PP2307 Joy Moore; PP2797 Shiela Barker; PP2888 Allan Piper; PP2657 Sarah Barron; PP2658 SEPA; PP2865, PP2877 Scottish Natural Heritage)

In relation to the concerns raised by Grange Estates, the Council considers that the criteria in policy DEV6 do not preclude the use of factoring companies, only that long-term funding and maintenance requirements are agreed with the Council prior to the approval of the development. In relation to the 30m landscaping belt, the Council considers that this provision is necessary to provide effective screening and allow for the growth of larger trees to maturity without impinging on neighbouring houses and gardens. The Council therefore requests that the Reporter(s) make no modification to the proposed plan with respect to these representations (PP308, PP309 Grange Estates (Newbattle) Ltd)

Policies DEV8-DEV10 Open Space

With regards to the proposed allocation AHs3 Belwood Crescent, the Council considers that the application of policies DEV8-DEV10 will involve the assessment of any loss of open space provision and any mitigation measures that may be required. Furthermore, policy IMP1 requires that a masterplan is prepared which takes account of open space provision. The Council therefore requests that the Reporter(s) make no modification to the proposed plan with respect to this representation (PP142 Eric Blackmore)

The support for policy DEV8 is noted.(PP252 Midlothian Matters; PP232, PP235, PP236, PP237, PP238, PP239, PP240, PP242 sportscotland)

The impact that development on infrastructure and services has been considered with respect to all issues in the preparation of the plan. The plan makes provision to mitigate any needs that arise from new development. In relation to the affect on open space, it is important to note that Open Space Standards identified in policy DEV 9 and Appendix 4 of the Proposed Plan apply to different types of open space, not just playing fields and are based on an assessment of the quantity, quality and accessibility of existing open spaces within (or adjacent to) a community. In respect of sports pitch provision the Council is undertaking a review of its Sports Pitch Needs Assessment. (PP659 Bonnyrigg and Lasswade Community Council; PP946 Alan Robertson)

The support for these policies is noted, the Council is of the view that no modifications are required. (PP2760 Andrew Barker; PP2761 Rachel Davies; PP2762 Joy Moore)

Other matters

Midlothian Council considers that as the first phase of the Zero Waste Project has been completed (the Anaerobic Digestion plant) and is about to become operational and the second phase has detailed planning consent (which was issued with consideration of the adjoining committed sites), that there is no risk of committed sites causing a sterilising affect. Furthermore, given the location of the development at the northern tip of Millerhill (see Danderhall/Shawfair Settlement Statement map, page 88) it is considered that the committed site in closest proximity is Whitehill Mains (e26), which as an economic site will raise fewer amenity concerns than a committed housing site would. This Council therefore requests that the Reporter(s) make no modifications to the plan in respect of this representation. (PP503 City of Edinburgh Council)

Reporter's conclusions:Community identity and coalescence

1. A number of representations express concern that proposed Midlothian Local Development Plan policy DEV 1 (community identity and coalescence) should be strengthened to: prioritise protection of communities; embed requirements on scale of development and design; reduce the need to travel; protect green belt boundaries; and protect prime agricultural land. However, other policies within the proposed local development plan address these issues, for example:

- policy DEV 5 (sustainability in new development) includes criteria to ensure accessibility;
- policy DEV 6 (layout and design of new development) includes criteria to manage the impact of new development on residential amenity and integrate it into its surroundings;
- policy ENV 1 (green belt) includes criteria to control new development in the green belt;
- policy ENV 4 (prime agricultural land) seeks to ensure development does not result in the loss of prime agricultural land, unless defined criteria are met.

Therefore, I find that no amendments are necessary in respect of these representations.

2. A representation requests that policy DEV 1 is deleted as it does not comply with the presumption in favour of sustainable development as set out in Scottish Planning Policy (2014). Paragraph 2 of Scottish Planning Policy highlights that the planning system should take a positive approach to enabling high-quality development. When describing the presumption in favour of development that contributes to sustainable development, paragraph 30 of the national policy goes on to state that development plans should positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time. The wording of policy DEV 1 does not propose a positive approach. I therefore find an amendment is required to the policy to ensure it consistency with Scottish Planning Policy.

3. Eskbank and Newbattle Community Council request that policy DEV 1 is modified to prevent coalescence rather than mitigating against it. Whilst I acknowledge these concerns, I agree with the council that given the development pressures, and the geography of the area, it is not always possible to avoid coalescence. I therefore find that it is appropriate for policy DEV 1 to refer to appropriate mitigation measures.

Protecting amenity within the built-up area

4. A number of representations express concern that the approach of the proposed plan undermines the requirements of policy DEV 2 (protecting amenity within the built-up area). In addition, that the development strategy of the proposed plan risks undermining the cohesion and quality of life of a number of existing towns and communities. The representations consider that the policy should ensure the protection of green belt and open spaces within urban areas and prevent urban sprawl. Whilst I acknowledge these concerns, as explained within paragraph 1 above, there are a number of policies within the proposed plan that will manage the impact of new development on the issues raised. This matter is also addressed in Issue 1 (vision, aims and objectives) above. I therefore find that no amendments are necessary in respect of these representations.

5. A representation suggests that policy DEV 2 should be reworded in order to comply with the presumption in favour of sustainable development as set out within Scottish Planning Policy. I agree that, as written, the policy does not propose a positive approach as required by paragraphs 2 and 30 of Scottish Planning Policy (see paragraph 4 above). I therefore find that an amendment is required to the policy to ensure consistency with Scottish Planning Policy.

6. A representation requests a modification to policy DEV 2 to ensure that new build development should be in keeping with existing buildings, in particular to height and finish. Policy DEV 6 includes a number of criteria to manage the design of new development. Criterion 'A' identifies that the layout of new development should complement or enhance the character of any adjoining or nearby urban area. In addition, criterion 'C' requires good quality materials to be used. I therefore find that no amendments are required in respect of this representation.

Sustainability, layout and design of new development

7. A number of representations request that policy DEV 5 (sustainability in new development) and/or policy DEV 6 (layout and design in new development) should include a requirement for allotments or space for local food growing. As a specific reference is made within criteria 'H' of policy DEV 7 (landscaping in new development) to promoting, where appropriate, community food growing. I find that no amendments are required in respect of these representations.

8. A representation considers that policy DEV 5 should be strengthened to require all new development proposals to have regard to the principles of sustainability. Paragraph 28 of Scottish Planning Policy states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term with the aim being to achieve the right development in the right place; it is not to allow development at any cost. I find that policy DEV 5 aligns with Scottish Planning Policy in that it states that the council will expect development proposals to have regard to the identified principles of sustainability. I therefore find that no amendment is required in respect of this representation.

9. The Scottish Environment Protection Agency (SEPA) requests that criterion 'C' of policy DEV 5 is amended to ensure compliance with best practice and other guidance with regard to sustainable urban drainage. Paragraph 255 of Scottish Planning Policy requires the planning system to promote the avoidance of increased surface water flooding through requirements for sustainable drainage systems. I therefore agree that the wording of the

policy does not clearly highlight that there is a requirement to comply. An amendment to policy DEV 5 is therefore required. However, as best practice and guidance could change, I find that it unnecessary to refer specifically to Construction Industry Research and Information Association guidance.

10. SEPA also requests an additional criterion is added to policy DEV 5 to address issues of flooding. I acknowledge the council's argument that applications for planning permission have to be assessed against the plan as a whole and that references to flooding throughout the proposed plan would create unnecessary repetition. Matters related to flooding and the water environment are addressed in Issue 16 (flooding) below. However, I note that policy DEV 5 does include a number of criteria which are identified as 'principles of sustainability'. Paragraph 29 of Scottish Planning Policy identifies a number of principles in respect of sustainable development; this includes taking account of flood risk. I therefore find that a further amendment is required to ensure compliance with Scottish Planning Policy.

11. Midlothian Matters express concern that criterion 'H' of policy DEV 6 focuses too much on the negative impact of open space in relation to congregation and social disturbance and should instead recognise that young people need communal areas. The criterion refers to open space for different age groups, not specifically young people. In addition, the policy is flexible enough to address any identified need for the provision of communal areas for young people as part of a development. I therefore find that no modification is required in respect of this representation.

12. Midlothian Matters also express concern that the green spaces created around new developments have no character and are not equivalent to lost natural landscapes. Whilst I acknowledge these concerns, I consider that this matter is addressed within the requirements within policies DEV 6 and DEV 7, particularly those to: ensure locally prominent landscape features are reflected in the layout of the development; that new open space should complement and/or contribute to existing open space provision and the proposed green network; the design of the scheme should complement the existing landscape; and where a site abuts countryside, proposals should incorporate tree belts and access to the countryside. I therefore find that no modification is required in respect of this representation.

13. Grange Estates express concerns with regard to criteria 'J' of policy DEV 6, identifying that long-term maintenance with the council is not the only method of maintaining open space. Whilst I note these concerns, I do not consider the policy would limit any long-term maintenance arrangements to only being with the council. The footnote to criteria 'J' clearly states that arrangements shall be agreed with the council, not made with the council. This is in accordance with paragraph 46 of Scottish Government Planning Advice Note 65: Planning and Open Spaces (2008) which states that councils should work with developers and other bodies to seek the best mechanisms and funding for the long-term maintenance of new open spaces. I therefore find that no modification is required in respect of this representation.

14. Grange Estates identify further concerns with regard to the requirement of criteria 'N' of policy DEV 6 with regard to the provision of cycle parking and bin stores. The representation states that the policy should be revised to clarify that this requirement would not apply when the development consists of houses with private rear garden space. Scottish Planning Policy is clear that the planning system should promote sustainable transport and active travel; paragraph 270 identifies that it should support patterns of development which provide safe and convenient opportunities for walking and cycling for

both active travel and recreation.

15. With regard to the issue of the provision of bin stores, paragraph 190 of Scottish Planning Policy requires that all new development, including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

16. Whilst I acknowledge the concerns expressed by Grange Estates, I find that given the requirements of Scottish Planning Policy, it is appropriate for new residential development, including that with rear gardens, to have access to cycle parking and bin stores. Depending on the nature of the development this could either be part of the new residential curtilages or a shared area. I therefore find that no modifications are required in response to this representation.

17. Eskbank and Newbattle Community Council state that they consider it is necessary for a clear and robust system to be put in place that forces developers to comply with the council's aims and request that Architecture and Design Scotland are identified as a consultee on major applications and sensitive sites. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The proposed plan translates the council's aims into planning policies and therefore, once adopted, the policies will be used as the starting point for the determination of planning applications. Should the council wish to seek advice from Architecture and Design Scotland it can do so, there is no requirement to include reference to this within the proposed plan. I therefore find that no modification is required in respect of this representation.

18. Bonnyrigg and Lasswade Community Council consider that additional requirements should be included within the proposed plan to ensure that new housing is future proofed and includes modern amenities, such as: fast broadband access, smart metering and access to renewable energy or community energy. In addition, that new housing should be required to provide a traffic impact analysis with solutions to minimise congestion, control emissions and prioritise walking and cycling routes. A number of the policies within the proposed plan address the issues identified within this representation, such as: DEV 5, criteria 'H' for broadband and other digital technologies; NRG 1 (renewable and low carbon energy projects) and NRG 3 (energy use and low and zero carbon generating technology); and TRAN 1 (sustainable travel). I therefore find that no amendment is required in respect of this element of the representation.

19. In addition, Bonnyrigg and Lasswade Community Council state that all new housing estates need to incorporate appropriately sized shops. Whilst policies DEV 5 and DEV 6 do not specifically refer to new retail facilities, the site-specific policies within section 8 of the proposed plan identify where the council consider there is a need to provide new facilities as part of housing schemes. I therefore find that no modification is required in respect of this representation.

20. Historic Environment Scotland request that criterion 'B' of policy DEV 6 makes reference to consideration of any existing key views of and from historic buildings. Criterion 'B' is flexible in its wording to allow the consideration of existing key views from historic buildings to inform the layout and design of new development, in that it states that "historic buildings should be reflected in the layout of the development". The provisions of proposed policy ENV 22 (listed buildings) may also be applicable in some cases where the

setting of a listed building (including important views) would be addressed. I therefore find that no modification is required in respect of this representation.

21. SEStran state that as the proposed plan includes design principles with regard to the design of buildings and places, they request a similar approach to the provision of cycling and walking facilities. Paragraph 273 of Scottish Planning Policy requires development plans to: support development in locations that allow access to local amenities by walking, cycling and public transport; identify active travel networks; and promote opportunities for travel by more sustainable modes. There is no requirement to provide specific design standards for the provision of cycling and walking facilities. I therefore find that no modification is required in respect of this representation.

Landscaping in new development

22. A representation requests that policy DEV 7(landscaping in new development) should include a stronger requirement for developers to maintain existing woods and hedgerows on development sites. Policy ENV 11 (woodland, trees and hedges) provides a strong requirement for existing woods and established hedgerows to be maintained as part of development proposals where their removal would only be permitted where it is clearly demonstrated that significant and clearly defined benefits will be achieved. I therefore find that no modification is required in respect of this representation.

23. A number of representations express concerns that criteria 'E' of policy DEV 7 which requires tree belts of at least 30 metres to be planted, where a site abuts the countryside, does not acknowledge that each site has its own characteristics. In addition, that it is not appropriate to adopt a standardised approach to define the urban edge where it cannot be justified in landscape terms. The council consider that a 30 metre landscaping belt is necessary to provide effective screening and allow for the growth of larger trees to maturity.

24. Scottish Planning Policy clearly sets out in paragraph 202 that the siting and design of development should take account of local landscape character. Whilst I acknowledge the view of the council, in the context of Scottish Planning Policy, I conclude that landscaping requirements should be informed by an assessment of the local area. I therefore find that an amendment is required to policy DEV 7 to ensure consistency with Scottish Planning Policy.

Open space

25. A representation expresses concern that site AHs3 (Belwood Crescent, Penicuik) has not been assessed against the requirements of policy DEV 9 (open space standards). This matter is covered in Issue 29 (A701 corridor strategic development area - Penicuik).

26. A representation seeks the provision of a new public park in Penicuik on site h26 (Deanburn). This matter is covered in Issue 29 (A701 corridor strategic development area - Penicuik).

Other matters

27. A number of representations suggest that the term 'sustainable place making' is not clearly defined within the proposed plan. Paragraph 1.3.2 of the proposed plan sets out the strategic objectives, highlighting that the sustainable place-making factors and the wider principles of sustainable development provide the basis for the environmental, social and

economic objectives underpinning the proposed plans policies and proposals. These factors and principles have clearly informed the plan objectives. I therefore find that no amendments are necessary in respect of these representations.

28. The matter raised by Ms Maslin regarding light pollution is covered in Issue 18 (other natural environment).

29. A representation expresses concern that section 3.3 (quality of place) of the proposed plan needs to provide greater emphasis on creating a sustainable and attractive living space first, then add housing to complement this. Whilst I acknowledge this concern, I consider that the policies within section 3.3 of the proposed plan have been included to seek to ensure that new housing development is sustainable and will provide a quality living environment. I therefore find that no modification is required in respect of this representation.

30. A representation suggests that it is not appropriate for paragraph 3.3.4 of the proposed plan only to “seek to establish minimum design standards” but that it should establish such standards. The representation further expresses concern regarding paragraph 3.3.6 of the proposed plan which also states that the plan “seeks to ensure” that design principles are incorporated into all development and that reference to developments meeting minimum requirements is not appropriate.

31. A local development plan should set out policies to guide development. I therefore agree, with regard to the first and second points made by the representee, that amendments are required to ensure clarity as the proposed plan does establish design standards and through the development management process will ensure they are incorporated. However, with regard to the third point, I consider the terminology used is appropriate; the policies within section 3.3 of the proposed plan do set out minimum requirements. I therefore find that no amendment is required in respect of this element of the representation.

Supportive comments

32. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Deleting the first sentence of policy DEV 1 (community identity and coalescence) on page 12 and replacing with:

“Development will be supported where it does not result in the physical or visual coalescence of neighbouring communities. Where coalescence may occur, the development must include mitigation measures to maintain visual separation and protect community identity.”

2. Amending policy DEV 2 (protecting amenity within the built-up area) on page 13 by deleting “not” and replacing “where” with “unless”.

3. Amending criterion 'C' in policy DEV 5 (sustainability in new development) on page 16 by replacing the word "line" with "accordance".

4. Amending policy DEV 5 (sustainability in new development) on page 16 by adding a new criterion 'I' which states:

"where flood risk has been identified on a development site or where a development proposal will increase flood risk elsewhere, the layout of the site will be designed to reduce flood risk on or off site, in accordance with policy ENV 9."

5. Adding the following text to the end of the second sentence of policy DEV 7 (landscaping in new development) on page 18:

"be informed by the results of an appropriately detailed landscape assessment, to ensure the landscaping proposals"

6. Replacing criterion 'E' of policy DEV 7 (landscaping in new development) on page 18 with:

"provide effective screening. Where the development abuts the countryside an effective tree belt will be required to define the urban edge, allow for future growth of the trees and promote pedestrian access to the countryside beyond and wider path networks;"

7. Amending paragraph 3.3.4 on page 15 by deleting "seeks to" and replacing "establish" with "defines".

8. Amending paragraph 3.3.6 on page 15 by replacing "seeks to" with "will".

Issue 5	Affordable and Specialist Housing	
Development plan reference:	Policy DEV 3, paragraphs 3.2.2 - 3.2.7 and Proposal STRAT 3	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>908875 PP92 Homes for Scotland 909847 PP229 Lawfield Estate 909735 PP247 Midlothian Matters 909734 PP276 Katherine Reid 778604 PP302 Grange Estates (Newbattle) Ltd 778604 PP307 Grange Estates (Newbattle) Ltd 778668 PP357 Biotechnology and Bioscience Research Council (BBSRC) 909890 PP403 Rosebery Estates 909846 PP449 Eskbank & Newbattle Community Council 909730 PP568 Sara Cormack 779397 PP644 Bonnyrigg and Lasswade Community Council 766577 PP932 Julian Holbrook 909848 PP1063 Barratt Homes 908022 PP1069 Ruari Cormack 779397 PP1162 Bonnyrigg and Lasswade Community Council 780183 PP1533 Shawfair LLP 922145 PP2418 Eskbank Amenity Society 754760 PP2716 Shiela Barker 922085 PP2717 Andrew Barker 921865 PP2719 Joy Moore 922086 PP2723 Rachel Davies 908025 PP2731 Edward Angus 909820 PP2737 Helen Armstrong 922014 PP2759 Lasswade District Civic Society 906008 PP2787 Moorfoot Community Council 778339 PP2822 Midlothian Green Party 965285 PP2843 Aileen E Angus</p>		
Provision of the development plan to which the issue relates:	Affordable and Specialist Housing (Section 3.2, paragraphs 3.2.2 - 3.2.7). Provides policy for securing affordable and specialist housing from new residential development.	
Planning authority's summary of the representation(s):		
<p><u>Affordable Housing Requirement from the Midlothian Local Plan (2003)</u></p> <p>Homes for Scotland has no objection to policy DEV 3 and supports the flexibility the policy provides for lower affordable housing contributions from sites where this is justified to the Council. Homes for Scotland notes the requirement in policy DEV 3 for sites allocated in the Midlothian Local Plan (2003), not possessing a planning consent, is to provide a 25% affordable housing requirement unless justified otherwise to the Council. States the requirement in the Midlothian Local Plan (2003) had been for 5-10% affordable housing from sites. Homes for Scotland notes this increase from 5-10% to 25% and considers the</p>		

flexibility in policy DEV 3 is all the more essential, particularly in respect of longer-standing sites which have been purchased and prepared basis of the previous lower figure (the 5-10% figure). (PP92 Homes for Scotland)

Grange Estates has no objections to the proposed affordable housing requirements for new housing allocations made within the Proposed Plan (paragraph 3.2.5), and supports the policy flexibility for lower contributions to be made where this has been justified to the Council. Grange Estates objects to the application of a 25% affordable housing requirement applying to all housing sites allocated in previous Local Plans that do not have an extant planning consent (paragraph 3.2.6). State the Proposed Plan is predicated upon committed development from previous Local Plans. Further state the commitments and land deals associated with these opportunities will have been undertaken upon the development requirements applying at the time of their allocation. Refers to paragraph 1.1.5 of the Proposed Plan stating "This Plan builds upon the foundation of previous Local Plans and gives continued support to the development proposals provided for in the context of previous plans, where these have not yet been delivered." Objector refers to the Midlothian Local Plan (2008) maintaining the affordable housing requirement of committed sites (i.e. those allocated in the Midlothian Local Plan (2003)) at the same level as when they were first allocated. Objector states sites allocated in the 2003 Midlothian Local Plan which have yet to be developed are clearly constrained by infrastructure and viability. Considers that increasing the affordable housing requirement from the Midlothian Local Plan (2003) requirement of 5%-10% up to 25% will only create an additional obstacle to delivery of these committed sites. (PP307 Grange Estates (Newbattle) Ltd)

Sites allocated in the 2003 Local Plan should be required to provide more affordable housing, with some only being subject to 5% provision, which is inadequate. Considers that recent experience with housing developments is that developers are very reluctant to incorporate features that meet the principles of sustainable place making. (PP2787 Moorfoot Community Council)

Raises particular concerns regarding sites allocated in the Midlothian Local Plan (2003) having a requirement for 5-10% affordable housing, which can then also be reduced. States no grounds are set out in policy DEV 3 for when less than 25% can be justified. (PP2822 Midlothian Green Party)

Increasing the provision of Housing for an Ageing Population

Midlothian Matters welcomes Policy DEV 3 which recognises a need for more social and low price rental housing. States there is/will be a need for smaller houses to reflect an ageing demographic. Considers there are insufficient local facilities and amenities in the new Hopefield, Bonnyrigg and Arniston, Gorebridge developments. States this leads to awkward bus journeys and car trips to amenities. Wishes these factors to be considered in future developments. (PP247 Midlothian Matters)

Does not object to a 25% affordable housing requirement in policy DEV 3. However, considers that within the 25% there should be a stated percentage requirement for housing for older people, especially sheltered type housing. Refers to the Midlothian Housing Plan to 2017 (assumed to be Midlothian Council's 2013-2017 Local Housing Strategy) identifying that only one new Council care home and one new sheltered housing will be built in this period. (PP276 Katherine Reid)

Changes to Proposal STRAT 3 Strategic Housing Land Allocations

Proposal STRAT 3 should be amended to allow for a range of options in respect of the delivery of affordable housing including the use of commuted sums for the provision of off-site affordable housing as per PAN 2/2010 Affordable Housing and Housing Land Audits ([Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)). (PP302 Grange Estates (Newbattle) Ltd)

Changes to Policy DEV 3 regarding use of Commuted Sums

Requests that Proposed Plan policy DEV 3 is amended to ensure that, where a commuted sum is required, then it is proportionate to the costs involved in providing land sufficient to deliver 25% of the total number of homes consented, as affordable homes, in an alternative location offsite, within the same Housing Market Area. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Changes to Policy DEV 3 regarding transfer of land to Midlothian Council or a Registered Social Landlord for the delivery of affordable housing in on and off-site locations

Requests that Proposed Plan policy DEV 3 is amended to ensure that, where serviced land is transferred to the Council or a Registered Social Landlord (RSL) for the delivery of affordable homes onsite, that the land transferred should be proportionate to that which is required for the delivery of 25% of the total number of homes consented as affordable homes. The Biotechnology and Biological Sciences Research Council (BBSRC) would suggest that the proportion should be reasonably based on a viable affordable housing scheme layout based on a typical Council or RSL model for development and agreeable to all parties. Considers such an approach in line with paragraph 129 of Scottish Planning Policy ([Scottish Planning Policy](#)) and paragraphs 14 and 22 of PAN2/2010 Affordable Housing and Housing Land Audits ([Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)). Although the BBSRC appreciates that the matter of delivering affordable housing will be set out in greater detail in future supplementary guidance, it considers that policy DEV 3 should nevertheless be explicit in its approach to the delivery of affordable housing both onsite and offsite. State further detail can be added through supplementary guidance at the appropriate time. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Changes to Policy DEV 3 regarding consideration of abnormal costs and the provision of affordable housing

Requests that Proposed Plan policy DEV 3 is amended to consider the issue of abnormal development costs. Considers this should be a matter for consideration when affordable housing contributions are being calculated and it should be explicit in policy DEV 3. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Increasing the Supply of Affordable Homes and Social Housing in Midlothian

Considers the proposals for affordable housing in the Proposed Plan are inadequate. Refers to the Council's housing waiting list having over 4000 people on it and that even after completion of the Council's new build social housing programme, the Council will only have 600 homes to let a year. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook)

The Proposed Plan does not articulate any provision for social housing (other than affordable homes) to be built by the Council in the eight year period of the Plan. Paragraph 3.2.4 of the plan does not recognise there are currently 4500 people on the Council housing waiting list for social housing in Midlothian. Considers the Proposed Plan assumes those on the waiting list will never aspire to owning a private dwelling, such as those prescribed/identified in the Proposed Plan. (PP568 Sara Cormack, PP644, PP1162 Bonnyrigg and Lasswade Community Council, PP1069 Ruari Cormack, PP2731 Edward Angus, PP2843 Aileen E Angus)

Considers the need in Midlothian is for social housing and that there is no need for the large scale of proposed new housing. (PP2418 Eskbank Amenity Society)

Requests a smaller number of houses be allocated, and that they should all be affordable homes. Considers this would much better meet Midlothian's needs. (PP2737 Helen Armstrong)

Considers that the provisions for affordable housing in the proposed plan are inadequate and there is a very large housing waiting list. Considers it is clear that the onus must be on private developers to make provision for affordable housing. (PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party)

Providing a Definition of Affordable Housing

The term "affordable housing" should be defined in the plan. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook, PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party).

Securing Affordable Housing through Application of Policy DEV 3

Availability of affordable housing in the immediate locality of a site should be taken into account in the application of policy DEV 3. (PP229 Lawfield Estate, PP1063 Barratt Homes)

The Proposed Plan should articulate how the demand for affordable housing will be met. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook)

The requirements of policy DEV 3 should be met and not diluted in its application. (PP2759 Lasswade District Civic Society, PP2716 Shiela Barker, PP2717 Andrew Barker, PP2719 Joy Moore, PP2723 Rachel Davies)

Compliance of Policy DEV 3 with Scottish Planning Policy (2014)

States that while being largely supportive of Policy DEV 3, considers it could better reflect Scottish Planning Policy ([Scottish Planning Policy](#)) if reworded to read "should be generally no more than 25% of the total number of houses". (PP1533 Shawfair LLP)

Request that policy DEV 3 includes a note of the necessity for it (the policy) to remain flexible in its application in order to adequately respond to changing circumstances, needs and demands. (PP1533 Shawfair LLP)

Considers the plan does not meet requirements of Scottish Planning Policy ([Scottish Planning Policy](#)) with regard to the socially owned sector. (PP2822 Midlothian Green Party)

Support for policy DEV 3

Supports the approach taken to affordable housing in policy DEV 3, in particular the exemption of developments less than 15 units from contributing. (PP403 Rosebery Estates)

Homes for Scotland has no objection to policy DEV 3 and supports the flexibility the policy provides for lower affordable housing contributions from sites where this is justified to the Council. (PP92 Homes for Scotland)

Generally supports the Council's move to a 25% affordable housing requirement in policy DEV 3. Supports the definition of affordable housing set out in the 2012 Supplementary Planning Guidance on Affordable Housing prepared by the Council to help inform the application of the affordable housing requirements of the Midlothian Local Plan (2008). (PP229 Lawfield Estate, PP1063 Barratt Homes)

Modifications sought by those submitting representations:

None specified. (PP92 Homes for Scotland, PP403 Rosebery Estates, PP2759 Lasswade District Civic Society, PP2716 Shiela Barker, PP2717 Andrew Barker, PP2719 Joy Moore, PP2723 Rachel Davies)

Affordable Housing requirement from the Midlothian Local Plan (2003)

Delete the following text from policy DEV 3; "This policy supersedes previous Local Plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan 2003 that do not yet benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site." Add; "For sites allocated in the Midlothian Local Plan 2003 that do not yet benefit from planning permission, the requirement for the provision of 5% - 10% affordable housing units will remain." Delete accompanying text in paragraph 3.2.6. (PP307 Grange Estates (Newbattle) Ltd)

The 5/10% affordable housing requirement of the Midlothian Local Plan (2003) should be removed as it is too small a requirement for affordable housing from new housing development. (PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party)

Increasing the provision of Housing for an Ageing Population

There should be more provision in the Local Development Plan to meet the housing needs and requirements of an ageing population. (PP247 Midlothian Matters, PP276 Katherine Reid)

Changes to Proposal STRAT 3 Strategic Housing Land Allocations

Amend the second paragraph of proposal STRAT3 to read"with respect to the proportion of affordable housing to be provided in association with these allocated sites,".... (PP302 Grange Estates (Newbattle) Ltd)

Changes to Policy DEV 3 regarding use of Commuted Sums

Requests that policy DEV 3 is amended to ensure that, where a commuted sum is required, it is proportionate to the costs involved in providing land sufficient to deliver 25%

of the total number of homes consented, as affordable homes, in an alternative location offsite, within the same Housing Market Area. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Changes to Policy DEV 3 regarding transfer of land to Midlothian Council or a Registered Social Landlord for the delivery of affordable housing in on and off-site locations

Requests that policy DEV 3 Affordable and Specialist Housing is amended to ensure that, where serviced land is transferred to the Council or a Registered Social Landlord (RSL) for the delivery of affordable homes onsite, that the land transferred should be proportionate to that which is required for the delivery of 25% of the total number of homes consented as affordable homes. The Biotechnology and Biological Sciences Research Council would suggest that the proportion should be reasonably based on a viable affordable housing scheme layout based on a typical Council or RSL model for development and agreeable to all parties. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Changes to Policy DEV 3 regarding consideration of abnormal costs and the provision of affordable housing

Abnormal development costs should be a matter for consideration when affordable housing contributions are being calculated and this should be explicit in policy DEV 3. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Increasing the Supply of Affordable Homes and Social Housing in Midlothian

The Local Development Plan should be making provision for more affordable housing, including social housing, in Midlothian. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook, PP2418 Eskbank Amenity Society, PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party)

Other than affordable housing, the Local Development Plan makes no provision for social housing to be built by the Council. Paragraph 3.2.4 of the plan does not recognise there are currently 4500 people on the Council housing waiting list for social housing in Midlothian. The Local Development Plan should allocate land for social/council housing and provide details of how many and where and when they will be built. This is needed to help create a balanced community. (PP568 Sara Cormack, PP644, PP1162 Bonnyrigg and Lasswade Community Council, PP1069 Ruari Cormack, PP2731 Edward Angus, PP2843 Aileen E Angus)

A smaller number of homes should be allocated in Midlothian and all new homes should be affordable homes. This would better meet Midlothian's needs. (PP2737 Helen Armstrong)

Providing a Definition of Affordable Housing

The Local Development Plan should provide a definition of affordable housing. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook, PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party)

Securing Affordable Housing through application of Policy DEV 3

The policy framework should take into account the availability of affordable housing in the immediate locality of a site in the application of policy DEV 3. (PP229 Lawfield Estate and

PP1063 Barratt Homes)

The Local Development Plan should articulate how demand for affordable housing will be met. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook, PP357 Biotechnology and Bioscience Research Council (BBSRC))

Compliance of Policy DEV 3 with Scottish Planning Policy (2014)

Amend Policy DEV 3 to better reflect Scottish Planning Policy ([Scottish Planning Policy](#)) in stating the affordable housing requirement "should be generally no more than 25% of the total number of houses". (PP1533 Shawfair LLP)

Policy DEV 3 should include a note of the necessity for it (the policy) to remain flexible in its application in order to adequately respond to changing circumstances, needs and demands. (PP1533 Shawfair LLP)

Requests the Local Development Plan should be amended to meet the requirements of Scottish Planning Policy ([Scottish Planning Policy](#)) for what the objector describes as the socially owned sector. (PP2822 Midlothian Green Party)

Summary of responses (including reasons) by planning authority:

Context

The Proposed Plan sets out a Council requirement for 25% of homes in new housing developments above 14 units or 0.5 hectares in size to be affordable homes. As indicated in paragraph 3.2.3 of the proposed Plan, the SESplan Housing Needs and Demand Assessment identified an affordable housing need of 1,053 homes in Midlothian between 2009 and 2032. By contrast the provision for market housing is nearly 50% higher than the identified need of 2,200 up to 2024 (3,760). In this context, and given that the Council's housing waiting list stands at 4,782 at April 2016 (it was 4,337 at July 2014 at the time of preparing the Proposed Plan) the Council, considers that the 25% requirement is entirely justified. It is also consistent with [Scottish Planning Policy](#).

The Proposed Plan removes the affordable housing requirement of between 5 and 10% (current Midlothian Local Plan (2008) position) from sites allocated in the Midlothian Local Plan (2003) that do not have planning consent. The Council considers it reasonable and appropriate to require the 25% affordable provision from these sites given the scale of the identified affordable housing need and that the sites were allocated 13 years ago but, for whatever reason, have not been or are still in the process of being developed.

Affordable Housing Requirement from the Midlothian Local Plan 2003

Midlothian Council notes Homes for Scotland does not object to policy DEV3 and wishes the flexibility in the policy to be retained, particularly given the requirement for sites allocated in the Midlothian Local Plan (2003) not possessing a planning consent to have a 25% affordable housing requirement, unless otherwise justified to the Council. Policy DEV 3 and paragraph 3.2.6 of the Proposed Plan identify that the 25% affordable housing requirement will apply to those housing sites allocated in the Midlothian Local Plan (2003) and which don't have a planning consent unless justified otherwise to the Council. The policy clearly gives an applicant with such a site the opportunity to provide reasoned justification why the 25% requirement should not apply. This could include development

viability issues affecting the site. The sixth bullet of paragraph 3.2.7 also identifies that the Supplementary Guidance on *Affordable and Specialist Housing* (to accompany the Local Development Plan) will provide more detailed information on the possibilities, flexibility and circumstances in which providing lower than the required levels of affordable housing may be acceptable and how that is demonstrated to the Council. This approach is consistent with the Council's currently adopted supplementary planning guidance [CD048] and paragraph 129 of [Scottish Planning Policy](#) (2014).

The previous 5 to 10% requirement is significantly lower than 25%. Scottish Planning Policy at paragraph 129 clearly states that 25% of the output of any site is a level of affordable housing provision which should not generally be exceeded. The Council considers that the SESplan Housing Needs and Demand Assessment which identified an affordable housing need of 1,053 affordable homes in Midlothian between 2009 and 2032, and the Council Housing waiting list (4,782 people at April 2016 and 4,337 in July 2014 at the time of preparing the Proposed Plan) justify a 25% affordable housing requirement. The Council also considers it reasonable and fully justified to update the requirement, given the evidence of need and demand for affordable housing, for sites that, despite being identified in adopted local plans since 2003, do not yet have a planning consent.

Proposed Plan policy DEV3 and paragraph 3.2.6 [CD112] remove the presumption and replaces the affordable housing requirement for those sites identified in the Midlothian Local Plan (2003) (which do not have planning consent) from 5 -10% to 25%. The policy states that there will be a 25% affordable housing requirement from such sites unless a reasoned justification seeking a lower requirement has been made to satisfaction of the Council. The Council considers supplementary guidance the appropriate location for setting out the circumstances where the Council will consider allowing a lower level of affordable housing requirement. In line with Planning reforms since 2006, the Council has sought to reduce the content of the Local Development Plan and address matters relating to the detail of policy requirements through supplementary guidance. The Council considers it unreasonable and impractical to seek higher levels of affordable housing from sites identified in the Midlothian Local Plan (2003) that have a planning consent.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP92 Homes for Scotland, PP307 Grange Estates (Newbattle) Ltd, PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party)

Increasing the provision of Housing for an Ageing Population

While Building Standards will have a very important role in this matter, paragraph 3.2.5 of the Proposed Plan sets out that the Council will work with private and public sector housing providers to encourage design of new housing to take into account the requirements of an ageing population. Paragraph 3.2.5 also sets out that the Council will consider on a case by case basis how provision of housing types, which can be referred to as extra care housing, specialist need housing or housing for varying need, might be considered to contribute to meeting affordable housing requirements of policy DEV 3. Paragraph 3.2.5 is clear that provision of care homes would not constitute meeting the affordable housing requirement of a development.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP247 Midlothian Matters, PP276 Dr Katherine Reid)

Changes to Proposal STRAT 3 Strategic Housing Land Allocations

Proposal STRAT 3 relates to the identification of strategic housing allocations and not the identification of specific requirements for these sites. It refers the reader to other policies, including policy DEV 3, for detail on the requirements of new development. The Council considers it unnecessary and inappropriate to include the information requested by the objector in Proposal STRAT3. The Council considers the Supplementary Guidance on *Affordable and Specialist Housing* the appropriate location for identifying the range of tenures of affordable housing that will be supported by the Council, indicating when the use of commuted sums and/or of-site provision of affordable housing would be appropriate. Paragraph 3.2.7 of the Proposed Plan identifies that these matters will be addressed in the replacement Supplementary Guidance *Affordable and Specialist Housing*. As background information and an example of the Council's position to date, these matters are currently addressed in the Council's adopted Supplementary Guidance on Affordable Housing [CD048] for the Midlothian Local Plan (2008) [CD054].

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP302 Grange Estates (Newbattle) Ltd)

Changes to Policy DEV 3 regarding use of Commuted Sums

Changes to Policy DEV 3 regarding transfer of land to Midlothian Council or a Registered Social Landlord for the delivery of affordable housing in on and off-site locations; and

Changes to Policy DEV 3 regarding consideration of abnormal costs and the provision of affordable housing

The above three points raised by the objector (ref. PP357) will be addressed in the supplementary guidance identified in paragraph 3.2.7 of the Proposed Plan. The fifth bullet point of paragraph 3.2.7 identifies the supplementary guidance will address the scope for commuted sums; transfer of land will be addressed through the second bullet point "possible delivery mechanisms", and abnormal costs will be addressed through the sixth bullet point relating to scope for providing lower than required levels of affordable housing.

The Council does not consider it appropriate to provide further information on these matters in policy DEV 3 and that they should be provided in the supplementary guidance. The Council considers providing this information in policy DEV 3 would unnecessarily lengthen the content of the policy and the plan. As an example and background information the Council's adopted Supplementary Guidance on Affordable Housing [CD048] for the Midlothian Local Plan (2008) provides information on these matters.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these three representations. (PP357 Biotechnology and Bioscience Research Council (BBSRC))

Increasing the Supply of Affordable Homes and Social Housing in Midlothian

Policy DEV 3 identifies a 25% requirement of all new homes identified in the Proposed Plan to be affordable homes. [Scottish Planning Policy](#) paragraph 129 identifies 25% as being a level of affordable housing requirement from a site which should not generally be exceeded. The Council considers exceeding the 25% requirement would not conform with

paragraph 129 of Scottish Planning Policy. It considers that the SESplan Housing Needs and Demand Assessment and the Council Housing waiting list support the 25% affordable housing requirement.

New Supplementary Guidance *Affordable and Specialist Housing* will be prepared setting out mechanisms for the delivery of the affordable housing requirement in the Proposed Plan. This is expected to allow for the potential transfer of land to the Council which it could use for part of its social housing programme. As background information the current Affordable Housing Supplementary Guidance for the Midlothian Local Plan 2008 sets out how land could be transferred to the Council [CD048].

The current funding environment makes providing further increases in the supply of social rented accommodation difficult. The Council has agreed to launch a third phase of its social housing programme. This is expected to deliver a further 240 social rented homes over and above the approximate 1275 homes delivered in the first two phases of the programme. The location of the homes making up the third phase of Council's Social Housing Programme has not been confirmed. In accordance with PAN 2/2010 Affordable Housing and Housing Land Audits the new Supplementary Guidance will set out a flexible approach to considering a variety of affordable housing tenures to meet the affordable housing requirements of policy DEV 3. As background information the Council's adopted Supplementary Guidance on Affordable Housing addresses the requirements in the Midlothian Local Plan (2008) [CD048] and sets out the approach and degree of flexibility the Council has taken to date in considering different tenures of affordable housing for planned and windfall sites. The proposed supplementary guidance will provide further information on the flexibility the Council will give in order to help meet affordable housing requirements.

Paragraph 3.2.3 of the Proposed Plan sets out the number of people on the Council's housing waiting list as at the time of writing (July 2014). The published number will date but the ongoing Housing Waiting list is monitored by the Council. The Council considers the SESplan Housing Need and Demand Assessment and the Council's housing waiting list as at July 2014 justify a 25% affordable housing requirement in line with Scottish Planning Policy ([Scottish Planning Policy](#)). Scottish Planning Policy is clear in paragraph 129 that the 25% level should generally not be exceeded.

In allocating land to meet housing requirements and to provide a generous supply of housing land as required by Scottish Planning Policy, the Council has not allocated land specifically for affordable housing due to concerns on how deliverable such developments would be, particularly on private land. The Council has extensively used land within its ownership for the homes it has provided through its social housing programme, as well as requiring market allocations to make appropriate provision in line with Scottish Planning Policy.

The Council therefore requests that the Reporter(s) make no changes to the Midlothian Local Development Plan in respect of these representations. (PP449 Eskbank & Newbattle Community Council, PP568 Sara Cormack, PP644, PP1162 Bonnyrigg and Lasswade Community Council, PP932 Julian Holbrook, PP1069 Ruari Cormack, PP2418 Eskbank Amenity Society, PP2731 Edward Angus, PP2737 Helen Armstrong, PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party, PP2843 Aileen E Angus).

Providing a Definition of Affordable Housing

The Proposed Plan at paragraph 3.2.3 provides the definition of affordable housing set out in paragraph 126 of Scottish Planning Policy (2014) ([Scottish Planning Policy](#)). The Council considers it inappropriate and impractical to provide a financial value of what is an affordable home as affordability will vary between individuals. Additionally different affordable housing providers will have different eligibility criteria for accessing affordable housing. This would provide further issues regarding providing a definition.

The Council therefore requests that the Reporter(s) make no changes to the Midlothian Local Development Plan in respect of these representations. (PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook, PP2787 Moorfoot Community Council, PP2822 Midlothian Green Party)

Securing Affordable Housing through Application of Policy DEV 3

The Council's position is the affordable housing requirement in the Proposed Plan is justified by the Housing Needs and Demand Assessment and the Council Housing waiting list. The Council considers the need and demand evidenced in these two sources fully justifies a 25% requirement, in line with paragraph 129 of Scottish Planning Policy ([Scottish Planning Policy](#)), from all new housing developments where policy DEV 3 is applicable.

The new Supplementary Guidance *Affordable and Specialist Housing* will provide details of the mechanisms to be used to secure affordable housing. As background information and example, the Council's adopted Supplementary Planning Guidance on Affordable Housing for the Midlothian Local Plan (2008) sets out the Council's approach to securing affordable housing requirements from that plan [CD048]. Policy DEV 3 of the Proposed Plan requires an affordable housing contribution from new housing development, which in accordance with Scottish Planning Policy, does not exceed 25% of the total number of homes proposed on a site.

The Council notes the representations regarding securing the full affordable housing requirement from new developments. The requirements of all relevant policies in the Local Development Plan will be considered in the assessment of proposals.

The Council therefore requests that the Reporter(s) makes no change to the Midlothian Local Development Plan in respect of these representations. (PP229 Lawfield Estate, PP357 Biotechnology and Bioscience Research Council (BBSRC), PP449 Eskbank & Newbattle Community Council, PP932 Julian Holbrook, PP1063 Barratt Homes, PP2759 Lasswade District Civic Society, PP2716 Shiela Barker, PP2717 Andrew Barker, PP2719 Joy Moore, PP2723 Rachel Davies).

Compliance of Policy DEV 3 with Scottish Planning Policy (2014)

The Council considers the Proposed Plan and policy DEV 3 conform with and reflect the affordable housing requirements of Scottish Planning Policy ([Scottish Planning Policy](#)). The policy requirement does not exceed the 25% figure set out in Scottish Planning Policy, but provides support in principle for applicants that wish to do so. Policy DEV 3 and new Supplementary Guidance *Affordable and Specialist Housing* will provide a supportive context for a variety of affordable housing tenures to be delivered.

The Council considers the Proposed Plan provides sufficient flexibility. New Supplementary

Guidance on Affordable and Specialist Housing will be produced covering the matters raised in paragraph 3.2.7 of the Proposed Plan. As set out in paragraph 3.2.7 this will include information on delivery mechanisms to meet the requirements of the policy, including types of affordable housing that will be supported, use of commuted sums, provision of affordable homes in off-site locations, and reduction in affordable housing requirements where this is fully justified to the Council. Policy DEV 3 sets out that lower levels of affordable housing requirement may be acceptable to the Council where this has been fully justified. The Council considers the Proposed Plan meets the affordable/social housing requirements of [Scottish Planning Policy](#).

The Council therefore requests that the Reporter(s) makes no changes to the Midlothian Local Development Plan in respect of these representations. (PP1533 Shawfair LLP, PP2822 Midlothian Green Party).

Reporter's conclusions:

Support

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support from various parties are noted but do not require any further consideration. However, many of the representations of support are generalised and caveated with suggestions to change the proposed local development plan. Amongst others, these unresolved matters are dealt with below.

Affordable housing requirement from the Midlothian Local Plan (2003)

2. Policy HOUS5 (affordable and special needs housing) of the 2003 Midlothian Local Plan required specific housing proposals to provide 5-10% affordable or special needs housing; or less than 5% in circumstances where the capacity of the land was limited. This approach followed guidance contained in Scottish Office National Planning Policy Guidance 3 which accepted the principle of providing a target or quota for affordable housing. The adopted 2008 Midlothian Local Plan provided an exception for housing sites previously committed for development through the 2003 local plan and Shawfair Local Plan (also 2003). The proposed local development plan, which requires a 25% affordable housing contribution, provides an exception for previously allocated sites which have extant planning permission.

3. I note that some land deals concerning committed housing sites may have been based on the provision of a 5-10% affordable housing contribution. However, circumstances have changed in the 14 years since the adoption of the 2003 local plan including:

- The publication of Scottish Planning Policy (2014) which requires affordable housing contributions within market housing sites of generally no more than 25% of the total number of houses.
- A continued need for affordable housing in Midlothian identified in the housing need and demand assessment for Edinburgh and South East Edinburgh Strategic Development Plan (SESplan) of 1,053 houses between 2009 and 2032.
- An increasing council waiting list for housing (rising from 4,337 in July 2014 to 4,782 in April 2016).
- The publication of SESplan which affirms the benchmark set in Scottish Planning Policy that 25% of the total number of units to be provided on each site across the

region, unless otherwise justified, are affordable.

4. Application of the 25% contribution to the 3,041 new houses proposed through the proposed local development plan would provide around 760 affordable houses to 2024. In addition, the council has suggested in its response above that a third phase of its social housing programme would provide a further 240 houses (albeit that the location and programming of this third phase is yet to be agreed). These would provide almost 1,000 affordable houses. However, there may be justifiable circumstances which mean that the full 25% contribution is reduced on market sites. The trends regarding waiting lists also point to a greater need for affordable housing. Therefore, despite the anticipated contributions set out above, there would likely remain an outstanding need for affordable housing across Midlothian.

5. Based on the above conclusions, I find that removing the earlier exemption for sites previously allocated in the 2003 local plan is justified to help meet the current affordable housing need in Midlothian. In any event, I note that the provisions of proposed local development plan policy DEV 3 (affordable and specialist housing) would allow for a lower affordable housing contribution where this is fully justified which, I suggest, may include the financial viability of delivering housing on a previously allocated site predicated on past affordable housing contribution requirements. Consequently, I find that the final sentence of policy DEV 3 referring to sites allocated in the Midlothian Local Plan (2003) being required to make a 25% contribution should remain.

Increasing the provision of housing for an ageing population

6. The proposed plan includes a clear acknowledgement at paragraph 3.2.5 that “there will be significant implications for the current and future housing stock from the growing number of older people in Midlothian”. The paragraph continues by endorsing an approach to ensuring that the layout, accessibility and adaptability of housing meets the needs of older people; and that specialist housing would contribute towards the 25% affordable housing requirement. I consider that the plan provides adequate provision to encourage the development of housing for older people.

7. I note the concern regarding “awkward” trips to amenities from new housing locations. However, new housing proposals identified in the proposed plan are located in areas, where possible, which are well related to existing major transport connections and public transport routes to help minimise the need to travel by private car to facilities and amenities. This principle applies to all housing, not just that provided for older people. No change to the plan is required on this basis.

Proposal STRAT 3 (strategic housing land allocations)

8. Proposal STRAT 3 provides support to new housing proposals allocated through the proposed plan (as shown in Appendix 3A of the plan). The proposal states that “reference should be made to policy DEV 3 with respect to the proportion of affordable housing to be provided on these allocated sites...”. As referred to in paragraph 3 above, Scottish Planning Policy suggests that affordable housing contributions be made “within” market housing sites. Similarly, Scottish Government planning advice note 2/2010 on affordable housing and housing land audits confirms that “affordable housing should ideally be integrated into the proposed development”; and that “exceptionally, a site may be unsuitable for affordable housing...in such circumstances developers may offer to provide the contribution on another viable site within their ownership or in some cases provide a

commuted sum”. The onus is therefore on the provision of affordable housing on or within a market housing sites. I therefore do not support the suggestion that the reference within policy STRAT 3 be changed to read “...with respect to the proportion of affordable housing to be provided in association with these allocated sites,...”.

Increasing the supply of affordable/social housing across Midlothian

9. The waiting list for housing, and the level of affordable housing need as identified through the SESplan housing need and demand assessment, are stated in paragraph 3.2.3 of the proposed plan. However, it would be reasonable for the waiting list information to be updated in response to unresolved representations which suggest that the number of people on the list should be made explicit. A modification is therefore justified on this matter.

10. As identified in Issue 1 (vision, aims and objectives) and Issue 3 (requirement for new development) of this report, SESplan sets the spatial strategy and housing land requirement for Edinburgh and South East Scotland of which the Midlothian Local Development Plan must be consistent with and contribute to. Consequently, as there is a requirement for further market (as well as affordable) housing it would not be reasonable to adopt the suggestion made in representations to provide only small-scale affordable housing developments to meet the housing need and demand. Major developments (those above 50 houses) are necessary to ensure that sufficient market and affordable housing is delivered across Midlothian. Furthermore, the onus is primarily on the private sector (through the 25% contribution requirement of policy DEV 3) to help deliver needed affordable housing products including discount sale, shared equity, and release of land to the council and/or social registered landlords. And, as suggested in paragraph 4 above, the application of the 25% requirement on committed and new market housing sites should be sufficient to meet the identified need for affordable housing in Midlothian. Therefore, I find that the proposed plan does not need to be modified in order to increase the supply of affordable/social housing across Midlothian. However, I agree with parties who suggest that the plan should articulate how the affordable housing need is anticipated to be met. This would provide further clarity in relation to the matter and support the requirement for the 25% affordable housing contribution.

Providing a definition of “affordable housing”

11. The first sentence of paragraph 3.2.2 of the proposed plan states the definition of “affordable housing” as used in the glossary of Scottish Planning Policy (2014). I consider this definition to be sufficient. However, I find a minor modification to show that it is a direct quote would provide clarity to those reading the plan that it is copied from national policy.

Policy DEV 3 (affordable and specialist housing) – various matters

12. As noted in paragraph 3 above, Scottish Planning Policy suggests that affordable housing contributions should generally be no more than 25%. This statement, therefore, allows planning authorities to make a judgement about the level of affordable housing it may require across the authority area; or, indeed, specific parts of the authority if there are areas of concentrated or low need. In relation to the proposed plan, paragraph 3.2.3 provides evidence of need (related to waiting lists and the SESplan housing need and demand assessment) which led the council to adopt a Midlothian-wide 25% contribution requirement. Despite representations suggesting the contrary, I find this approach acceptable and in accordance with the provisions of Scottish Planning Policy.

13. Representations from the Biotechnology and Bioscience Research Council suggest the insertion of text in policy DEV 3 referring to commuted sums, abnormal costs, and the transfer of land to the council or a registered social landlord. While these matters are not directly addressed within policy DEV 3 paragraph 3.2.7 of the proposed plan provides sufficient provisions to ensure that these matters are adequately dealt with at the application stage. The paragraph confirms that supplementary guidance will be produced which would include statutory guidance on, amongst other matters:

- possible delivery mechanisms;
- the potential for meeting the required provision in off-site locations; and
- the scope for commuted sums.

14. Therefore, I find that no change to the proposed policy DEV 3 is required with regard to abnormal costs and transfer of land. However, as a potential policy exception, it would be appropriate for policy DEV 3 to refer specifically to commuted sums. This would align with the policy on affordable housing set out in the Midlothian Local Plan (2008). A minor modification to the policy is required on this basis.

15. Although some representations suggest that the 25% contribution requirement should not be diluted in any circumstances there can be some circumstances where flexibility in the proportion of affordable housing could be justified. This, as suggested in representations, could include development finance or proximity to a high concentration of existing affordable/social housing stock. However, I again find that the provisions of paragraph 3.2.7, and emerging supplementary guidance which will address “possible opportunities for providing lower than the required levels of affordable housing”, are sufficient without the need to modify policy DEV 3 to make specific reference to the need to accommodate flexibility in the contribution level. In any case, policy DEV 3 specifically states that providing lower levels of the affordable housing requirement may be acceptable where this has been fully justified.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Replacing the first sentence of paragraph 3.2.3 within section 3.2 ‘Providing for Housing Choices’ on page 13 with the following:

“Affordable housing is “housing of a reasonable quality that is affordable to people on modest incomes” (Scottish Planning Policy, 2014)”.

2. Updating the waiting list information within the third sentence of paragraph 3.2.3 in section 3.2 ‘Providing for Housing Choices’ on page 13 with the following:

“This assessed need and the Council’s housing waiting list (4,782 households in April 2016)...”

3. Adding a sentence to the end of paragraph 3.2.2 within section 3.2 ‘Providing for Housing Choices’ on page 13 as follows:

“The application of the 25% requirement to committed, windfall, and strategic housing land allocations should ensure that the need for 1,053 affordable houses identified in the HNDA is met together with improving the supply of housing for those on the waiting list across

Midlothian.”

4. Replacing the first sentence of the third paragraph of policy DEV 3 (affordable and specialist housing) on page 14 as follows:

“Providing lower levels of the affordable housing requirement, or a commuted sum, may be acceptable where this has been fully justified to the Council.”

Issue 6	Improving Transport Connectivity	
Development plan reference:	Promoting Economic Growth - Improving Connectivity Section	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
778339	PP25	Midlothian Green Party
908626	PP38	Ailsa Carlisle
782016	PP83	City of Edinburgh Council
782016	PP84	City of Edinburgh Council
755135	PP105	David Wardrop-White
909143	PP114	Tony Gray
770249	PP146	Gladman Developments
909742	PP168	Kate Holbrook
909770	PP174	Scottish Borders Council
909771	PP180	Constance Newbould
909771	PP190	Constance Newbould
909735	PP256	Midlothian Matters
909735	PP262	Midlothian Matters
778604	PP310	Grange Estates (Newbattle) Ltd
774360	PP344	Buchanan
908990	PP379	Scottish Government
908990	PP380	Scottish Government
908990	PP381	Scottish Government
908990	PP382	Scottish Government
908990	PP383	Scottish Government
908990	PP385	Scottish Government
908990	PP390	Scottish Government
909894	PP422	Alison Bowden
909866	PP441	Lel Eory
909895	PP453	Paul de Roo
909826	PP478	Duncan McAuslan
782016	PP502	City of Edinburgh Council
910215	PP505	University of Edinburgh
907142	PP537	Mirabelle Maslin
908022	PP546	Ruari Cormack
909730	PP564	Sara Cormack
776119	PP577	Helen M Mitchell
907464	PP592	John Oldham
921296	PP616	Sarah Barron
779397	PP650	Bonnyrigg & Lasswade Community Council
921821	PP678	Margaret Hodge
922014	PP699	Lasswade District Civic Society
778171	PP911	Jacqueline Marsh
921601	PP913	Ross Laird
754732	PP918	SEStran
754882	PP925	Melville Golf Centre
766577	PP936	Julian Holbrook
766577	PP937	Julian Holbrook
777783	PP1064	Damhead and District Community Council

779397	PP1160	Bonnyrigg and Lasswade Community Council
922078	PP1467	Anne Dale
922079	PP1483	Anne Holland
778551	PP1503	Tynewater Community Council
778551	PP1513	Tynewater Community Council
778551	PP1516	Tynewater Community Council
922115	PP1571	Andrew Thomson
922118	PP1581	Beth Thomson
922085	PP1588	Andrew Barker
922086	PP1606	Rachel Davies
921337	PP1635	Dawn Robertson
921342	PP1643	Derek Robertson
921686	PP1651	Stewart Y Marshall
921694	PP1659	Elsie Marshall
921630	PP1670	Joan Faithfull
921697	PP1673	Stuart Davis
921698	PP1687	John Owen
921636	PP1688	Emma Moir
921640	PP1699	M A Faithfull
921644	PP1711	S M Croall
929852	PP1712	Marie Owen
921372	PP1725	David Miller
921651	PP1729	R I Pryor
921374	PP1739	Wilma Porteous
921376	PP1746	Margaret Miller
921659	PP1753	Susan E Wright
921727	PP1759	G Palmer
921378	PP1762	Wilma Sweeney
921732	PP1774	Susan Falconer
921663	PP1777	R A Pryor
921380	PP1784	Stuart Barnes
921669	PP1793	Michael Boyd
921742	PP1802	Gudrun Reid
921675	PP1805	Dianne Kennedy
921679	PP1813	George Sweeney
921682	PP1819	David A Porteous
921685	PP1825	Colin Miller
921382	PP1831	Gavin Boyd
921386	PP1837	Kirsty Barnes
921387	PP1843	Vivienne Boyd
921390	PP1849	John F Davidson
921392	PP1855	Eric Smith
921395	PP1861	Annabel Smith
921397	PP1867	Mary M Young
921399	PP1873	James Young
921401	PP1879	John T Cogle
921402	PP1885	Janette D Barnes
921403	PP1891	Jenny Davidson
921404	PP1897	Pamela Thomson
921406	PP1903	Kevin Davidson
921408	PP1909	Hugh Gillespie
921410	PP1915	Jennifer Gillespie

778810	PP1921	John Barton
909886	PP1929	Mary Clapperton
921918	PP1935	John Scaife
922025	PP1942	Linda Scaife
921919	PP1949	George Gray
782000	PP1954	Kenneth Purves
921920	PP1959	Nan Gray
921925	PP1967	Colin Richardson
921414	PP1978	Edith May Barton
921929	PP1983	David Binnie
921417	PP1993	Alex McLean
921960	PP1998	George Mackay
921962	PP2008	Karen Langham
782003	PP2009	E Purves
921423	PP2018	Marjory McLean
776516	PP2026	George Barnes
783974	PP2034	Donald Marshall
921965	PP2036	Elizabeth Richardson
921425	PP2049	Myra G Rodger
921968	PP2050	Avril Thomson
921970	PP2061	Gayle Marshall
921826	PP2063	Lorna Reid
921430	PP2067	David S. M. Hamilton
921431	PP2077	Sally Couch
921434	PP2084	E Hutchison
921828	PP2087	Hazel Johnson
776560	PP2094	James Hutchison
754767	PP2100	Eskbank Amenity Society
921999	PP2103	Colin Johnson
921436	PP2112	Karen Miller
921658	PP2119	Patrick Mark
921437	PP2130	Robert Scott
921709	PP2133	Chris Boyle
921722	PP2139	K Palmer
921794	PP2146	Patricia Barclay
921832	PP2156	Elizabeth Anderson
921835	PP2163	Janette Evans
921830	PP2164	A F Wardrope
921888	PP2172	Ann O'Brian
921889	PP2179	Gail Reid
921893	PP2186	Zoe Campbell
921900	PP2189	Marshall Scott
921896	PP2195	Kenneth A Hyslop
922005	PP2205	Jan Krwawicz
922006	PP2213	Marjorie Krwawicz
922020	PP2224	Simon Evans
921905	PP2229	Carolyn Millar
922075	PP2233	Anne Murray
921908	PP2241	Charles A Millar
921910	PP2249	Isobel Ritchie
921914	PP2255	Lewis Jones
921915	PP2261	Karen Durrant

921917	PP2268	John Blair
909049	PP2274	Ross Craig
921259	PP2280	Caroline Sneddon
921439	PP2286	James Telfer
921444	PP2292	Lynn MacLeod
921443	PP2298	Kenneth McLean
921865	PP2308	Joy Moore
921622	PP2324	Jim Moir
921616	PP2334	Alan Mercer
921599	PP2342	Julia Peden
921976	PP2351	Moira Jones
921768	PP2356	Matthew McCreath
921753	PP2364	W R Cunningham
921740	PP2368	A H Cunningham
921971	PP2376	Zow-Htet
921974	PP2384	Rae Watson
921975	PP2390	Christina Watson
922145	PP2408	Eskbank Amenity Society
922145	PP2410	Eskbank Amenity Society
908025	PP2732	Edward Angus
909820	PP2739	Helen Armstrong
909730	PP2750	Sara Cormack
754767	PP2773	Eskbank Amenity Society
907634	PP2784	Pentland Studios Ltd
921296	PP2791	Sarah Barron
754760	PP2798	Shiela Barker
778853	PP2818	Taylor Wimpey UK Ltd and Hallam Land Management Ltd
922151	PP2826	Peter Clark
965285	PP2844	Aileen E Angus
754735	PP2863	Scottish Natural Heritage
754735	PP2864	Scottish Natural Heritage
909222	PP2889	Allan Piper
Provision of the development plan to which the issue relates:	Section 4.5, Policies TRAN 1, TRAN 2 and TRAN 3, (pages 26-29)	
Planning authority's summary of the representation(s):		
<p><u>Strategy/TRAN1</u></p> <p>Objects to wording in paragraph 4.5.8. Considers that the wording should be changed to say that the cross-boundary study is an assessment of the current SDP and not SDP2. (PP379 Scottish Government)</p> <p>Considers that while the scale of planned housing is significant, the modifications to transport infrastructure is very limited, with major routes in Midlothian and Edinburgh already being overly congested. (PP592 John Oldham)</p> <p>Considers that the MLDP has no specific policy commitments to reduce road traffic in Midlothian. While Borders Railway referenced, no figures for reducing traffic compared with net increase in traffic from development. (PP616 Sarah Barron)</p>		

Considers that the plan focuses on new roads; proposals in A701/A702 will attract more traffic to already congested areas; need to reduce demand for road transport; Council needs to re-assess the impact of car ownership & traffic growth in communities; need to include a traffic management policy; the increasing distance from new housing of public transport, shops, job opportunities & community facilities encourages car use. (PP678 Margaret Hodge, PP911 Jacqueline Marsh, PP937 Julian Holbrook, PP1635 Dawn Robertson, PP1643 Derek Robertson, PP1651 Stewart Y Marshall, PP1659 Elsie Marshall, PP1670 Joan Faithfull, PP1673 Stuart Davis, PP1687 John Owen, PP1688 Emma Moir, PP1699 M A Faithfull, PP1711 S M Croall, PP1712 Marie Owen, PP1725 David Miller, PP1729 R I Pryor, PP1739 Wilma Porteous, PP1746 Margaret Miller, PP1753 Susan E Wright, PP1759 G Palmer, PP1762 Wilma Sweeney, PP1774 Susan Falconer, PP1777 R A Pryor, PP1784 Stuart Barnes, PP1793 Michael Boyd, PP1802 Gudrun Reid, PP1805 Dianne Kennedy, PP1813 George Sweeney, PP1819 David A Porteous, PP1825 Colin Miller, PP1831 Gavin Boyd, PP1837 Kirsty Barnes, PP1843 Vivienne Boyd, PP1849 John F Davidson, PP1855 Eric Smith, PP1861 Annabel Smith, PP1867 Mary M Young, PP1873 James Young, PP1879 John T Cogle, PP1885 Janette D Barnes, PP1891 Jenny Davidson, PP1897 Pamela Thomson, PP1903 Kevin Davidson, PP1909 Hugh Gillespie, PP1915 Jennifer Gillespie, PP1921 John Barton, PP1929 Mary Clapperton, PP1935 John Scaife, PP1942 Linda Scaife, PP1949 George Gray, PP1954 Kenneth Purves, PP1959 Nan Gray, PP1967 Colin Richardson, PP1978 Edith May Barton, PP1983 David Binnie, PP1993 Alex McLean, PP1998 George Mackay, PP2008 Karen Langham, PP2009 E Purves, PP2018 Marjory McLean, PP2026 George Barnes, PP2034 Donald Marshall, PP2036 Elizabeth Richardson, PP2049 Myra G Rodger, PP2050 Avril Thomson, PP2061 Gayle Marshall, PP2063 Lorna Reid, PP2067 David S M Hamilton, PP2077 Sally Couch, PP2084 E Hutchison, PP2087 Hazel Johnson, PP2094 James Hutchison, PP2100 Eskbank Amenity Society, PP2103 Colin Johnson, PP2112 Karen Miller, PP2119 Patrick Mark, PP2130 Robert Scott, PP2133 Chris Boyle, PP2139 K Palmer, PP2146 Patricia Barclay, PP2156 Elizabeth Anderson, PP2163 Janette Evans, PP2164 A F Wardrope, PP2172 Ann O'Brian, PP2179 Gail Reid, PP2186 Zoe Campbell, PP2189 Marshall Scott, PP2195 Kenneth A Hyslop, PP2205 Jan Krwawicz, PP2213 Marjorie Krwawicz, PP2224 Simon Evans, PP2229 Carolyn Millar, PP2233 Anne Murray, PP2241 Charles A Millar, PP2249 Isobel Ritchie, PP2255 Lewis Jones, PP2261 Karen Durrant, PP2268 John Blair, PP2274 Ross Craig, PP2280 Caroline Sneddon, PP2286 James Telfer, PP2292 Lynn MacLeod, PP2298 Kenneth McLean, PP2308 Joy Moore, PP2324 Jim Moir, PP2334 Alan Mercer, PP2342 Julia Peden, PP2351 Moira Jones, PP2356 Matthew McCreath, PP2364 W R Cunningham, PP2368 A H Cunningham, PP2376 Zow-Htet, PP2384 Rae Watson, PP2390 Christina Watson, PP2408 Eskbank Amenity Society, PP2750 Sara Cormack)

Welcomes intent of TRAN1 but regrets evidence of practical policy/guidance on how objectives might be achieved. For example, where traffic generating development is approved, what scope local communities to continue to use affected roads. (PP1513 Tynewater Community Council)

Supports the approach to sustainable travel as set out in policy TRAN1 and its supporting text, particularly the role of Midlothian's green network in supporting active travel choices. (PP2863 Scottish Natural Heritage)

Transport Appraisal

Questions the evidence base of the MLDP regarding transport. Considers that the Local Transport Strategy is out of date; Queries why the Transport Options Appraisal does not assess the cumulative effect of all developments in the plan. (PP25 Midlothian Green

Party)

Considers that the LDP Transport Options Appraisal does not assess the cumulative impact of the development strategy on the road network. Raises particular concerns regarding the effect that extending Straiton will have on the A720, A701, the junction between them or the proposed relief road. (PP83 City of Edinburgh Council)

Considers that the Transport Options Appraisal does not look at the cumulative impacts of the proposed development sites in the MLDP. (PP84 City of Edinburgh Council)

Concerned that the LDP and Transport Options Appraisal (TOA) does not assess the impact of the A701 Relief Road on the A720/A701 junction. In addition, the TOA does not assess impact of West Straiton on A720, the A701, the proposed A701 relief road or A720/A701 junction. (PP502 City of Edinburgh Council)

Questions the Transport Options Appraisal and whether it is an appropriate evidence base for the MLDP. Considers that the TOA has not taken account of cross boundary traffic flows between Midlothian and Edinburgh or with neighbouring SDP areas; the TOA does not take account of all of the development proposed in the plan. (PP114 Tony Gray)

With reference to cross-boundary transport study (mentioned in paragraph 4.5.8 of the MLDP), considers that the results of this study are to guide investment in to strategic network across entire SESplan region, therefore its outcomes should be incorporated into LDP. (PP918 SEStran)

Considers that the Local Transport Strategy dated 2007-2010 was relied upon when producing the MLDP, therefore the transport appraisal in the MLDP is incomplete or out-of-date. Asserts that the MLDP articulates issues from around 8 years ago which no longer have any bearing on present or future traffic volumes. (PP546 Ruari Cormack; PP564 Sara Cormack; PP616, PP2791 Sarah Barron; PP650, PP1160 Bonnyrigg and Lasswade Community Council; PP2732 Edward Angus; PP2844 Aileen E Angus).

A701 Relief Road

Does not accept the rationale for the A701 relief road, and considers that it may be unnecessary if West Straiton does not go ahead; concern about loss of Green Belt and prime agricultural land if A701 relief road goes ahead. (PP25 Midlothian Green Party)

Objects to the proposed A701 relief road. Considers that the proposal is not a relief road but rather and link road to the A720; questions the extent of study in relation to the ground conditions and the implications for the cost of the scheme; concerned about loss of Green Belt and views to Pentland Hills; given the extent of change in the area, suggests that the proposal should be suspended for approx 10 years while implications become apparent; does not consider that the road would help as the current traffic problems relate to tailbacks from the City Bypass junctions; concerned about the impact on the community of Damhead as well as on habitats such as Straiton Bing. (PP38 Ailsa Carlisle)

Objects to the proposed A701 relief road due to the loss of prime agricultural land. Believes that this proposal is in direct contradiction to policy ENV4, which is supported. (PP168 Kate Holbrook)

Objects to proposed A701 relief road. Considers that there is no justification for the loss of

agricultural land; road will not solve traffic problems as this arises from tailbacks from the bypass; ground conditions, particularly at Hillend, will make the road expensive to build and possibly impossible; would prefer more investment in A701, A702 and A703. (PP180 Constance Newbould)

Considers that proposed A701 relief road will have a huge negative impact on the Damhead area destroy the amenity of the area, particularly in close proximity to Pentland Hills. (PP190 Constance Newbould)

Objects to the proposed A701 relief road. Considers that the proposal should be dropped until a transport appraisal can be prepared; concerned at the impact the proposal will have on Damhead, particularly the rural character and wildlife; considers that the proposal will simply take traffic to the same congested area and that most people using the A701/A702 travel to the west of Scotland and would not likely use it; questions how the road is to be funded, particularly in light of ground conditions; considers road would not provide the access needs for the Bush; considers that it is not clear what effect recent planning decisions will have on the areas and road should be delayed for at least 10 years so that affects can be assessed; concerned at loss of wildlife/habitats, particularly Straiton Bing; archaeological finds in area of the road need to be fully investigated. (PP344 Buchanan)

Objects to proposed A701 Relief Road, considers that its impact on rural community and prime agricultural land contradicts policies RD1 and ENV4. (PP478 Duncan McAuslan)

Supports the proposed investment in road infrastructure and the A701 Relief road. (PP505 University of Edinburgh)

Objects to A701 Relief Road. Considers that calling it a relief road is misleading as traffic from Roslin will continue to use existing road, which is closer; runs contrary to Government's carbon reduction plans; no alternative transport options considered; involves loss of Green Belt and prime agricultural land. (PP537 Mirabelle Maslin)

Objects to the proposed A701 Relief Road, considers that it represents attempt to destroy the Green Belt and Damhead. (PP577 Helen M Mitchell)

Considers that A701 Relief Road will increase traffic rather than reduce it. (PP616 Sarah Barron)

Objects to the proposed A701 Relief Road. Considers that the LDP Transport Options Appraisal produced by Systra shows no major or moderate benefits and shows no benefits with regard to impact on environment; regards the appraisal as underestimating the effects and not considering alternative solutions. (PP936 Julian Holbrook)

Objects to the proposed A701 Relief Road. Considers that the Council is culpable in preventing the delivery of the consented scheme as they approved the Asda store at Straiton; traffic increase is result of committed and proposed land allocations in the plan; identification of route creates an artificial boundary that will increase pressure for development on land along the A701; land is prime agricultural land and Green Belt; runs contrary to objectives of the Transport Options Appraisal (TOA) produced by Systra, in particular: to protect health of population - considers that road will likely increase road usage with knock-on effect of greater air pollution; mitigate effect of transport system on built/natural environment - Damhead area is characterised by small holding and new routes would effectively carve through these areas, resulting in significant impact on livelihoods of

rural businesses, such as farming and horse riding/stabling; loss of prime agricultural land; local knowledge indicates that would increase flooding due to surface run-off; likely to cross areas of archaeological value; to reduce number of casualties - road likely to increase traffic volumes resulting in more car use and subsequent increase in accidents (highlights Transport Appraisal Appendix); local topography indicates that roundabout joining A702 with A703 would create a blind bend behind a small rise; to stabilise traffic growth in line with national targets and secure more reliable journey times - road likely to increase traffic; objective to secure reliable journey times focused on car journeys is contrary to SPP and PAN75; lack of evidence that road will increase public transport use (cites Appendix); widen travel choices and make travel by more sustainable modes more attractive/improve integration between all modes of transport - considers that existing scheme would have been more cost effective with less environmental impact, as would the creation of dedicated/segregated cycle route in countryside around area proposed; proposal would bypass Straiton Park & Ride (Appendix cited); to enhance connections between areas in Midlothian and beyond - Midlothian already served by good transport links sufficient to provide for needs of population (existing & projected); Bush has recently had improved road network with traffic controlled junction on A703; congestion issues on junctions on the Bypass are due to their current design, which TOA does not look at for comparative purposes; no apparent attempt to consider improving junction capacities on Bypass to deal with congestion/delay times; projected changes in peak time traffic is not considered sufficient to justify proposal; reduce social exclusion by improving accessibility to jobs/education/services - considers that given road will increase traffic, that this will only benefit a particular sector of society. (PP1064 Damhead and District Community Council)

Objects to the proposed A701 Relief Road and proposed development at West Straiton site Ec3. (PP2410, PP2773 Eskbank Amenity Society)

Considers the A701 Relief Road and the development that will pay for it are completely unsustainable and unnecessary. Believes the relief road will increase congestion, pollution and carbon emissions, lead to permanent loss of agricultural land, remove wildlife habitat, deprive the local and wider community of valuable green space and take business away from local shops. (PP2739-Helen Armstrong)

Objects to the realignment of the A701 relief road. Considers that the route options identified in the proposed plan would impact on the viability and deliverability of the proposed application because - the route would reduce the overall size of the site; the amount of land lost would mean that phase 2 of the proposal could not be constructed; the route would form an unacceptable level of background noise and visual impacts for outdoor filming; and the route would run through the proposed development meaning that the proposed uses could not co-exist on the site. Suggests that an alternative route to the west of Cameron Wood (appendix 2 of the supporting statement) would support the whole proposal, create a significant buffer between the road and the development and only result in a slight loss of woodland (0.079Ha). This would be mitigated by the addition of 1.92 Ha of new planting and a woodland management programme proposed through the planning application. (PP2784 Pentland Studios Ltd)

Promotes a change to the route of the A701 Relief Road that the objector considers will bring more value to site Hs16, and thereby assist with the delivery of the relief road. Requests the site boundary of site Hs16 be revisited as per the submission made by Taylor Wimpey and Hallam Land Management. Request the Local Development Plan provides recognition that the delivery of a first phase of development on site Hs16, unaffected by the safeguarded route of the A701 Relief Road, is not prevented from coming forward in

advance of delivery of the new road. Request reference is made in the plan to this point. Promotes a change to the route of the A701 Relief Road that the objector considers will bring more value to site Hs16, and thereby assist with the delivery of the relief road. Requests the site boundary of site Hs16 be revisited as per the submission made by Taylor Wimpey and Hallam Land Management. Highlight that Taylor Wimpey and Hallam Land Management control a further 5 ha. of land on the north eastern edge of the part of Hs16 safeguarded for longer term development. Considers this area compliments site Hs16 and gives greater flexibility for master planning of the area and the route of the A701 Relief Road. Consider this extra 5 ha well located in terms of public transport and facilities in the A701 Corridor. (PP2818 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

TRAN2

Questions commitment to Dalkeith Tramline; considers Millerhill-Loanhead rail safeguard is a misnomer. (PP25 Midlothian Green Party)

Considers that with TRAN2 outlining 20 projects primarily focused on vehicle use and 1 primarily focused on bikes, the Council could be accused of lacking commitment to sustainable travel. While it is accepted that many focused on vehicles could also benefit cyclists, believes that the Council is underestimating the demand for segregated cycle routes in the next decade. Considers that existing routes will become congested and new bicycle routes need to be identified. (PP105 David Wardrop-White)

While welcoming the principle of policy TRAN2, considers that projects outlined need to be designed, costed and consulted upon and are dependent on forthcoming Supplementary Guidance. Given that these are necessary for early delivery of the plan, the Council should commit to delivery early in plan-period, with costs recouped as developments come forward, to avoid delay in delivery of the plan. (PP146 Gladman Developments)

Suggests that the interventions identified in policy TRAN2 should be highlighted on a diagram in the plan. (PP174 Scottish Borders Council)

Objects to the lack of detail relating to the A7 Urbanisation in policy TRAN2. (PP310 Grange Estates (Newbattle) Ltd)

Objects to inclusion of Newton Farm link road and Redheugh Station in policy TRAN2. Considers that, as neither of these proposals have the approval of Transport Scotland, including them in the plan is contrary to SPP. (PP380 Scottish Government)

Considers that the proposed plan is overly focused on improvements to roads rather than promoting other transport option and reducing CO2. While TRAN1 promotes sustainable travel, this is not reflected in the projects listed in policy TRAN2. (PP256 Midlothian Matters)

Raises concerns regarding current traffic problems in Lasswade and considers that it is not clear whether/how the proposals in policy TRAN2 will assist or be addressed by developers. (PP699 Lasswade District Civic Society; PP1467 Anne Dale; PP1483 Anne Holland; PP1571 Andrew Thomson; PP1581 Beth Thomson; PP1588 Andrew Barker; PP1606 Rachel Davies; PP2308 Joy Moore; PP2798 Shiela Barker; PP2889 Allan Piper)

While supportive of policy TRAN2 and recognising the need for infrastructure to support delivery of development, concerned that projects identified have not yet been designed

costed and consulted on and dependant on unpublished supplementary guidance. Considers that this puts delivery at risk as well as associated growth. (PP925 Melville Golf Centre)

Concerned that TRAN2 makes no mention of integrating Borders Railway into other public transport networks. Safeguarding cycling/walking routes to 'complement Borders Rail' seems un-ambitious. (PP1516 Tynewater Community Council)

Very concerned at the impact of the new housing on road traffic in Midlothian. Considers there is insufficient information about the transport proposals in policy TRAN2 to understand how the issues will be addressed in transportation assessments, or by Council criteria for refusing development. Considers insufficient information is available in the plan about impacts on the A7, considers the A701 Relief Road unnecessary and will only increase the level of traffic on Midlothian's roads, and disappointed proposals for further railway development in Midlothian to Penicuik have been dropped. (PP2791 Sarah Barron)

Objects to the exclusion of any reference to the safe crossing of the Edinburgh City bypass for pedestrians or cyclists from the requirements set out in TRAN2. Suggests the inclusion of an additional transport intervention under this policy. (PP2864 Scottish Natural Heritage)

TRAN3

Objects to the inclusion in policy TRAN3 of the grade separation of the Sheriffhall roundabout. Considers that the plan does not recognise the impact that the LDP strategy will have on the A720 or the wider trunk road network; approach is contrary to SPP. (PP381 Scottish Government)

Objects to the inclusion of Sheriffhall grade separation in policy TRAN3. Considers that, as this proposal does not have the approval of Transport Scotland, including it in the plan is contrary to SPP. (PP390 Scottish Government)

Cycling

Considers that the plan does not make sufficient provision for cycling and that it should explicitly say that all new developments need to be sited and designed such that the requirement for car use is minimised. Objects to TRAN1 only being applicable to major development in this regard; considers that recent developments do not make such provision and that this is a principle outlined in Scottish Planning Policy. (PP262 Midlothian Matters)

Considers that there is a need to segregated cycle routes as this would ensure safe, traffic free routes for cyclists. Though the current provision is welcome, it can be seen from other countries that segregated routes result in greater use. (PP422 Alison Bowden)

Raises concerns regarding the safe access of attractions in the northern Lothians by bike. Considers that the Pentland Hills is an ideal place for hillwalking and cycling and, as a father, feels that it is important for these to be safely accessible by bike. (PP441 Lel Eory)

Suggests that there should be a stronger emphasis on segregated cycling lanes in the MLDP and cites the Netherlands as a good example of what can be achieved. (PP453 Paul de Roo)

Considers that the transport section provides insufficient focus on cycling provision within

towns, with the focus being on travel between towns. Connecting bus services to the Royal Infirmary from the west of Midlothian is considered a priority. (PP913 Ross Laird)

Promotes further cycling between Midlothian and Edinburgh, and references extension of cycle paths from Lasswade Road/Loanhead cycle path to the Bush Estate, via Roslin. (PP2826 Peter Clark)

Other

Objects to inclusion of Redheugh Station in the settlement statements. Considers that, as this proposal does not have the approval of Transport Scotland, including it in the plan is contrary to SPP. (PP385 Scottish Government)

Concerned that plan for Penicuik Rail dropped. (PP616 Sarah Barron)

Paragraph 4.1.4 rightly acknowledges the economic significance of the re-opening of the Borders Railway but the MLDP does not contain any policy to encourage the development and safeguarding of the station sites and their immediate surroundings. (PP1503 Tynewater Community Council)

Objects to inclusion of Newton Farm link road in policy IMP2. Considers that, as this proposal does not have the approval of Transport Scotland, including it in the plan is contrary to SPP. (PP382 Scottish Government)

Objects to inclusion of Newton Farm link road in the settlement statements. Considers that, as this proposal does not have the approval of Transport Scotland, including it in the plan is contrary to SPP. (PP383 Scottish Government)

Modifications sought by those submitting representations:

Strategy/TRAN1

Plan should explicitly say that all new developments need to be sited and designed such that the requirement for car use is minimised, rather than just for major developments. (PP262 Midlothian Matters)

The wording should be changed to say that the cross-boundary study is an assessment of the current SDP and not SDP2. (PP379 Scottish Government)

Request that further action is taken to make sure transport infrastructure development anticipates housing development. (PP592 John Oldham)

Council should commit to delivery of schemes early in the plan period, recouping costs as developments come forward. (PP925 Melville Golf Centre)

Reprioritise pedestrian/cyclist needs and improve road safety. (PP1160 Bonnyrigg and Lasswade Community Council)

MLDP should seek to integrate Borders Rail with public transport network. (PP1516 Tynewater Community Council)

Considers that the solution lies in re-evaluating the relationships between new housing,

shopping and employment areas, with a focus on reducing demand for road transport. Until Transport options appraisal and Supplementary Guidance are available, there should be a suspension of MLDP process and a memorandum on allocation of additional housing sites. (PP678 Margaret Hodge, PP911 Jacqueline Marsh, PP937 Julian Holbrook, PP1635 Dawn Robertson, PP1643 Derek Robertson, PP1651 Stewart Y Marshall, PP1659-Elsie Marshall, PP1670 Joan Faithfull, PP1673 Stuart Davis, PP1687 John Owen, PP1688 Emma Moir, PP1699 M A Faithfull, PP1711 S M Croall, PP1712 Marie Owen, PP1725 David Miller, PP1729 R I Pryor, PP1739 Wilma Porteous, PP1746 Margaret Miller, PP1753 Susan E Wright, PP1759 G Palmer, PP1762 Wilma Sweeney, PP1774 Susan Falconer, PP1777 R A Pryor, PP1784 Stuart Barnes, PP1793 Michael Boyd, PP1802 Gudrun Reid, PP1805 Dianne Kennedy, PP1813 George Sweeney, PP1819 David A Porteous, PP1825 Colin Miller, PP1831 Gavin Boyd, PP1837 Kirsty Barnes, PP1843 Vivienne Boyd, PP1849 John F Davidson, PP1855 Eric Smith, PP1861 Annabel Smith, PP1867 Mary M Young, PP1873 James Young, PP1879 John T Cogle, PP1885 Janette D Barnes, PP1891 Jenny Davidson, PP1897 Pamela Thomson, PP1903 Kevin Davidson, PP1909 Hugh Gillespie, PP1915 Jennifer Gillespie, PP1921 John Barton, PP1929 Mary Clapperton, PP1935 John Scaife, PP1942 Linda Scaife, PP1949 George Gray, PP1954 Kenneth Purves, PP1959 Nan Gray, PP1967 Colin Richardson, PP1978 Edith May Barton, PP1983 David Binnie, PP1993 Alex McLean, PP1998 George Mackay, PP2008 Karen Langham, PP2009 E Purves, PP2018 Marjory McLean, PP2026 George Barnes, PP2034 Donald Marshall, PP2036 Elizabeth Richardson, PP2049 Myra G Rodger, PP2050 Avril Thomson, PP2061 Gayle Marshall, PP2063 Lorna Reid, PP2067 David S M Hamilton, PP2077 Sally Couch, PP2084 E Hutchison, PP2087 Hazel Johnson, PP2094 James Hutchison, PP2100 Eskbank Amenity Society, PP2103 Colin Johnson, PP2112 Karen Miller, PP2119 Patrick Mark, PP2130 Robert Scott, PP2133 Chris Boyle, PP2139 K Palmer, PP2146 Patricia Barclay, PP2156 Elizabeth Anderson, PP2163 Janette Evans, PP2164 A F Wardrope, PP2172 Ann O'Brian, PP2179 Gail Reid, PP2186 Zoe Campbell, PP2189 Marshall Scott, PP2195 Kenneth A Hyslop, PP2205 Jan Krwawicz, PP2213 Marjorie Krwawicz, PP2224 Simon Evans, PP2229 Carolyn Millar, PP2233 Anne Murray, PP2241 Charles A Millar, PP2249 Isobel Ritchie, PP2255 Lewis Jones, PP2261 Karen Durrant, PP2268 John Blair, PP2274 Ross Craig, PP2280 Caroline Sneddon, PP2286 James Telfer, PP2292 Lynn MacLeod, PP2298 Kenneth McLean, PP2308 Joy Moore, PP2324 Jim Moir, PP2334 Alan Mercer, PP2342 Julia Peden, PP2351 Moira Jones, PP2356 Matthew McCreath, PP2364 W R Cunningham, PP2368 A H Cunningham, PP2376 Zow-Htet, PP2384 Rae Watson, PP2390 Christina Watson, PP2408 Eskbank Amenity Society, PP2750 Sara Cormack)

Make specific policy commitments to reduce road traffic in Midlothian, include figures for reducing traffic compared with net increase in traffic from development, and include plan for Penicuik Rail. (PP616 Sarah Barron)

Transport Appraisal

Requests that further analysis is done and if appropriate additional interventions are identified to address the impact of the new development, particular with regard to the junction between the A701 and the A720. (PP83 City of Edinburgh Council)

Requests that further analysis is done and if appropriate additional interventions are identified to address the impact of the new development. (PP84 City of Edinburgh Council)

Seeks more comprehensive transport study into the effects of the MLDP. (PP114 Tony Gray)

Suggests Midlothian Council carries out further analysis on traffic impacts and, if appropriate, identifies additional mitigation measures. (PP502 City of Edinburgh Council)

An updated and comprehensive Transport Appraisal including a forecast of future traffic impact is necessary. (PP546 Ruari Cormack; PP564 Sara Cormack; PP650 Bonnyrigg & Lasswade Community Council)

Incorporate cross-boundary study findings into the MLDP. (PP918 SEStran)

An updated and comprehensive Transport Appraisal including a forecast of future traffic impact is necessary. (PP1160 Bonnyrigg and Lasswade Community Council)

An updated and comprehensive Transport Appraisal including a forecast of future traffic impact is necessary. Reprioritise pedestrian/cyclist needs and improve road safety. (PP2732 Edward Angus)

An updated and comprehensive Transport Appraisal including a forecast of future traffic impact is necessary. (PP2844 Aileen E Angus)

A701 Relief Road

Seeks removal of the A701 relief road from the plan and clarification over other transport schemes in the plan. (PP25 Midlothian Green Party)

Seeks removal of proposed A701 Relief Road from the proposed plan. (PP168 Kate Holbrook; PP190 Constance Newbould; PP478 Duncan McAuslan; PP537 Mirabelle Maslin; PP577 Helen M Mitchell; PP936 Julian Holbrook)

Seeks 10 year delay before in the A701 relief road to allow for assessment of impact of recent developments on the area. (PP38 Ailsa Carlisle)

Objects to proposed A701 relief road, would prefer more investment in A701, A702 and A703. (PP180 Constance Newbould)

Suggests junction upgrades as alternatives to A701 Relief Road and bypass to south of Penicuik to give alternative travel route. (PP344 Buchanan)

Seeks removal of the proposed A701 Relief Road from the plan, particularly references in policy TRAN2. (PP1064 Damhead and District Community Council)

Delete the proposed A701 Relief Road. (PP2410, PP2773-Eskbank Amenity Society)

Assumed deletion of A701 Relief Road proposal and all development allocate that would help fund its delivery. (PP2739 Helen Armstrong)

Seeks the development of the alternative route identified in appendix 2 of the attached statement. (PP2784 Pentland Studios Ltd)

Promotes a change to the route of the A701 Relief Road that Taylor Wimpey and Hallam Land Management consider will bring more value to site Hs16, and thereby assist with the delivery of the relief road. Request the Local Development Plan provides recognition that the delivery of a first phase of development on site Hs16, unaffected by the

safeguarded route of the A701 Relief Road, is not prevented from coming forward in advance of delivery of the new road. Request reference is made in the plan to this point. Promotes a change to the route of the A701 Relief Road that the objector considers will bring more value to site Hs16, and thereby assist with the delivery of the relief road. Requests the site boundary of site Hs16 be revisited as per the submission made by Taylor Wimpey and Hallam Land Management. Highlight that Taylor Wimpey and Hallam Land Management control a further 5 ha. of land on the north eastern edge of the part of Hs16 safeguarded for longer term development. Considers this area compliments site Hs16 and gives greater flexibility for master planning of the area and the route of the A701 Relief Road. Consider this extra 5 ha well located in terms of public transport and facilities in the A701 Corridor. (PP2818-Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

TRAN2

The Council should commit to delivery of projects in TRAN2 early in plan-period, with costs recouped as developments come forward, to avoid delay in delivery of the plan. (PP146 Gladman Developments)

Policy TRAN2 should better reflect the need to move towards sustainable transport. (PP256 Midlothian Matters)

The council should provide specification/details of the A7 Urbanisation prior to the examination. (PP310 Grange Estates (Newbattle) Ltd)

Seeks removal of Newton Farm link road and Redheugh Station from policy TRAN2 (PP380 Scottish Government)

Seeks clearer information regarding the transport proposals in policy TRAN2. Considers that the solution lies in re-evaluating the relationships between new housing, shopping and employment areas, with a focus on reducing demand for road transport. Until Transport options appraisal and Supplementary Guidance are available, there should be a suspension of MLDP process and a memorandum on allocation of additional housing sites. (PP699 Lasswade District Civic Society)

The Orbital Bus Rapid Transit proposals should be identified on proposals map (specifically Maps 1 and 6). (PP918 SEStran)

Seeks clearer information regarding the transport proposals in policy TRAN2. (PP1467 Anne Dale; PP1483 Anne Holland; PP1571 Andrew Thomson; PP1581 Beth Thomson; PP1588 Andrew Barker; PP1606 Rachel Davies; PP2308 Joy Moore)

Seeks clearer information regarding the transport proposals in policy TRAN2. (PP2798 Shiela Barker; PP2889 Allan Piper)

Suggests adding the following transport intervention to the cycling/walking requirements identified in TRAN2 - "Infrastructure improvements to complement A720 Sheriffhall junction grade separation". (PP2864 Scottish Natural Heritage)

The interventions identified in policy TRAN2 should be highlighted on a diagram in the plan. (PP174 Scottish Borders Council)

TRAN3

Seek removal of reference to grade separation of Sheriffhall roundabout from policy TRAN3. (PP381 Scottish Government)

Seeks removal of reference to Sheriffhall grade separation in policy TRAN3. (PP390 Scottish Government)

Cycling

Considers that existing routes will become congested and new bicycle routes need to be identified. (PP105 David Wardrop-White)

Would recommended clear and active wording that stresses segregated cycle routes that are integrated to allow for a strong cycling infrastructure. (PP422 Alison Bowden)

Seeks safer access to attractions in northern Lothians by bike. (PP441 Lel Eory)

Reprioritise pedestrian/cyclist needs and improve road safety. (PP546 Ruari Cormack PP564 Sara Cormack; PP650 Bonnyrigg and Lasswade Community Council)

Promotes further cycling between Midlothian and Edinburgh, and references extension of cycle paths to the Bush Estate. (PP2826 Peter Clark)

Reprioritise pedestrian/cyclist needs and improve road safety. (PP2844 Aileen E Angus)

There should be a stronger emphasis on creating "segregated" cycling lanes, especially on busy roads. (PP453 Paul de Roo)

Increase focus on cycling within towns. (PP913 Ross Laird)

Other

Seeks removal of reference to Newton Farm link road from policy IMP2. (PP382 Scottish Government)

Seeks removal of reference to Newton Farm link road from the settlement statements. (PP383 Scottish Government)

Seeks removal of reference to Redheugh Station from the settlement statements. (PP385 Scottish Government)

Summary of responses (including reasons) by planning authority:

Context

The Council acknowledges that the scale of growth required by the Strategic Development Plan for South East Scotland (SDP) will put unacceptable pressure on an already congested road network (in parts) if an alternative to car based travel is not found and implemented. The Proposed Plan seeks to promote a balanced and sustainable approach to transport and travel which delivers genuine travel choices and encourages people to choose alternatives to the car.

In the A7/A68 Borders Rail Corridor the reintroduction of the railway has reconnected rail travel for Midlothian residents and through stations located at Shawfair, Eskbank, Newtongrange and Gorebridge the line is central to developing a sustainable transport network. The proposed A7 Urbanisation scheme will reduce speed limits and create a safer environment for walking and cycling as well as introducing bus stops enhancing access to public transport services. This will have the overall effect of reducing car traffic in this corridor.

In the A701 Corridor the proposed A701 relief road and A702 link will have the dual benefit of releasing existing road space to be dedicated to active travel measures and enhanced public transport provision and the creation of a new main access to The Bush to support the continued growth of the bioscience sector.

The Proposed Plan also acknowledges the importance of, and urgent requirement for, investment in physical transport infrastructure at a strategic and local level. It supports, amongst other things, the grade separation of Sheriffhall roundabout, the extension of the bus based Park & Ride site at Shawfair, new sites at Lothianburn and north of the A68 (Newton Farm) and the development of the Orbital Bus Route along the City bypass.

The Council recognises the importance of, and ability to deliver transport infrastructure as early as possible in the plan period and therefore is investigating financial options to enable this such as additional borrowing and also a prospective City Deal bid.

The Council considers the transport policies and requirements in policies TRAN 1, 2 and 3 are consistent with the SDP and the proposed interventions are supported by a transport appraisal prepared in line with Transport Scotland's guidance. The Proposed Plan also provides advance warning of the potential for additional transport requirements arising from the ongoing Transport Scotland led cross boundary transport study.

Strategy – Policy TRAN1

In respect of the representation from Scottish Government the Council acknowledges the error in respect of referencing SDP2 instead of SDP1. The Council therefore considers that for clarity there is merit in changing this part of the plan and is content for the Reporter(s) to come to a conclusion in respect of this representation. (PP379 Scottish Government)

The Council would agree that the scale of planned growth is significant and this will have a notable impact on the transport network as well as travel choices. However, it disagrees that proposed changes to the transport infrastructure are in some way limited or that there is no policy commitment to reduce road traffic in Midlothian. Policy TRAN1 reflects some of the Council's transport objectives from its current transport strategy and clearly indicates the Council's intent to promote sustainable travel and prioritise walking, cycling and public transport initiatives over provision for car based travel. These objectives are reinforced through the Council's own Travel Plan. The reintroduction of Borders Rail is a significant factor in creating a sustainable transport network in Midlothian as referenced in policy TRAN1. The Proposed Plan has set out a development strategy that aims to attract investment and development to locations associated with or at the new stations, particularly at Shawfair.

Nearly half the interventions listed in policy TRAN2 relate to non car travel and includes the Orbital Bus proposal (a dedicated public transport route along the A720 City Bypass and

including associated park and ride sites at most of the key junctions). The Council considers that the interventions identified in the Proposed Plan are necessary and appropriate to address the capacity and congestion issues arising from the proposed development sites. It does not agree with the suggestion that the interventions are very limited. The A701 Relief road and A702 link is identified as a roads proposal in Policy TRAN2 but its delivery will release the existing stretch of the A701 (between the Straiton Junction and the junction of the A701 and A703) to be reprioritised to promote sustainable travel, one of the specified criteria in policy TRAN1. This has always been an aspiration of the Council in this road corridor but due to limited road space it has not been possible to accommodate all modes of transport together. The relief road will provide the opportunity to achieve these objectives, manage congestion, achieve improved journey times and avoid further deterioration of air quality in the corridor. The planned interventions are necessary to support continued growth, especially in the A701 corridor, will help relieve congestion and deliver new investment in active travel and public transport initiatives.

The Council therefore request that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP592 John Oldham, PP616 Sarah Barron, PP678 Margaret Hodge, PP911 Jacqueline Marsh, PP937 Julian Holbrook, PP1635 Dawn Robertson, PP1643 Derek Robertson, PP1651 Stewart Y Marshall, PP1659 Elsie Marshall, PP1670 Joan Faithfull, PP1673 Stuart Davis, PP1687 John Owen, PP1688 Emma Moir, PP1699 M A Faithfull, PP1711 S M Croall, PP1712 Marie Owen, PP1725 David Miller, PP1729 R I Pryor, PP1739 Wilma Porteous, PP1746 Margaret Miller, PP1753 Susan E Wright, PP1759 G Palmer, PP1762 Wilma Sweeney, PP1774 Susan Falconer, PP1777 R A Pryor, PP1784 Stuart Barnes, PP1793 Michael Boyd, PP1802 Gudrun Reid, PP1805 Dianne Kennedy, PP1813 George Sweeney, PP1819 David A Porteous, PP1825 Colin Miller, PP1831 Gavin Boyd, PP1837 Kirsty Barnes, PP1843 Vivienne Boyd, PP1849 John F Davidson, PP1855 Eric Smith, PP1861 Annabel Smith, PP1867 Mary M Young, PP1873 James Young, PP1879 John T Cogle, PP1885 Janette D Barnes, PP1891 Jenny Davidson, PP1897 Pamela Thomson, PP1903 Kevin Davidson, PP1909 Hugh Gillespie, PP1915 Jennifer Gillespie, PP1921 John Barton, PP1929 Mary Clapperton, PP1935 John Scaife, PP1942 Linda Scaife, PP1949 George Gray, PP1954 Kenneth Purves, PP1959 Nan Gray, PP1967 Colin Richardson, PP1978 Edith May Barton, PP1983 David Binnie, PP1993 Alex McLean, PP1998 George Mackay, PP2008 Karen Langham, PP2009 E Purves, PP2018 Marjory McLean, PP2026 George Barnes, PP2034 Donald Marshall, PP2036 Elizabeth Richardson, PP2049 Myra G Rodger, PP2050 Avril Thomson, PP2061 Gayle Marshall, PP2063 Lorna Reid, PP2067 David S M Hamilton, PP2077 Sally Couch, PP2084 E Hutchison, PP2087 Hazel Johnson, PP2094 James Hutchison, PP2100 Eskbank Amenity Society, PP2103 Colin Johnson, PP2112 Karen Miller, PP2119 Patrick Mark, PP2130 Robert Scott, PP2133 Chris Boyle, PP2139 K Palmer, PP2146 Patricia Barclay, PP2156 Elizabeth Anderson, PP2163 Janette Evans, PP2164 A F Wardrope, PP2172 Ann O'Brian, PP2179 Gail Reid, PP2186 Zoe Campbell, PP2189 Marshall Scott, PP2195 Kenneth A Hyslop, PP2205 Jan Krwawicz, PP2213 Marjorie Krwawicz, PP2224 Simon Evans, PP2229 Carolyn Millar, PP2233 Anne Murray, PP2241 Charles A Millar, PP2249 Isobel Ritchie, PP2255 Lewis Jones, PP2261 Karen Durrant, PP2268 John Blair, PP2274 Ross Craig, PP2280 Caroline Sneddon, PP2286 James Telfer, PP2292 Lynn MacLeod, PP2298 Kenneth McLean, PP2308 Joy Moore, PP2324 Jim Moir, PP2334 Alan Mercer, PP2342 Julia Peden, PP2351 Moira Jones, PP2356 Matthew McCreath, PP2364 W R Cunningham, PP2368 A H Cunningham, PP2376 Zow-Htet, PP2384 Rae Watson, PP2390 Christina Watson, PP2408 Eskbank Amenity Society, PP2750 Sara Cormack)

Policy TRAN1 is clear that major travel generating proposals require to be accompanied by a Transport Assessment and Travel Plan to demonstrate how the objectives of the policy

will be delivered. These documents include reference to details, the nature of which is more appropriately addressed at the planning application stage. At this stage there is the opportunity to inspect these and other documents and to submit comments or objections as appropriate.

The Council therefore request that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1513 Tynewater Community Council)

Transport Appraisals of local development plans are required by paragraph 274 of Scottish Planning Policy (SPP). They should be carried out in line with Transport Scotland's guidance – Development Planning and Management Transport Appraisal Guidance (DPMTAG) and should be undertaken at a scale and level of detail that is proportionate to the nature of the issues and proposals being considered.

Early transport modelling of committed and windfall developments in Midlothian (Midlothian Local Plan sites only) indicated congestion issues on many parts of the road network (CD127, Appendix 2), especially those parts close to the A720 City bypass and particularly in the A701 corridor. The MVA modelling report flagged the potential of a new A701 alignment to help relieve current junctions on the A701 and congestion (CD150, appendix 2, p11, paragraph 4.24). Modelling the proposed sites therefore, would inevitably exacerbate these problems. Following discussion and agreement with Transport Scotland it was considered proportionate for the Council to undertake a transport appraisal without further modelling of the proposed allocations. The Council considers that its approach is consistent with SPP and that it has adequately addressed the issue of cumulative impact through the transport options appraisal (CD121 – 126).

The Council acknowledges that the current configuration of the A701/A720 junction may have to be amended if the proposed relief road is supported through Examination. The current cross boundary transport study, led by Transport Scotland, is looking at the impact of planned growth on the strategic road network and its junctions. While the study has yet to report, early indications are that the Straiton junction will be identified as a "hot spot" and require physical interventions to address traffic flows through the junction and onto the A720 City bypass. The Council is also part of a prospective Edinburgh City Deal bid which amongst other things is looking at physical transport projects to unlock constraints and accelerate growth across the City Region. If successful it could provide the confidence that the relief road and Straiton junction could be delivered during the plan period. The Council is considering further detailed survey work on the proposed relief road to confirm the exact line of the route and to inform subsequent design work. Given the level of detail that reconfiguration of the trunk road junction will require the Council considers that progressing design details may best be done in conjunction with Transport Scotland and would most likely require a STAG appraisal (Strategic Transport Appraisal Guidance).

As the transport appraisal of the Proposed Plan included aspects of the strategic road network, Transport Scotland was also advised and consulted at each stage report and on the final combined report, in line with SPP. Transport Scotland is satisfied that it complies with DPMTAG guidance. The Council notes that Transport Scotland have not objected to the proposed relief road.

Paragraph 4.5.8 of the Proposed Plan refers to the above mentioned ongoing cross boundary transport study and clearly states that the outcomes may require additional interventions to be addressed at the Local Development Level across SESplan. The outcomes are yet to be published. If further requirements are identified then the Council

considers that they would be better included in the Action Programme and not the plan.

The Council's Transport Strategy is currently under review. The Council considers that while the base date information will have changed and certain actions and/or targets may have been achieved or superseded, the objectives remain valid. The transport objectives were included in the transport appraisal of the plan to help assess the five transport scenarios (CD121, paragraph 1.4.2, page 5). The issues and requirements in the Proposed Plan emanate principally from the initial transport modelling conducted at the Main Issues Report Stage (CD150).

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP25 Midlothian Green Party, PP83, PP84, PP502 City of Edinburgh Council, PP114 Tony Gray, PP918 SEStran, PP546 Ruari Cormack; PP564 Sara Cormack; PP616 Sarah Barron; PP650, Bonnyrigg and Lasswade Community Council; PP2732 Edward Angus; PP2791 Sarah Barron; PP2844 Aileen E Angus)

Support

The Council acknowledges the comments in support of Policy TRAN1. (PP2863 Scottish Natural Heritage)

A701 Relief Road

Recognition of the need to ease congestion and to provide a road transport link to best serve the development potential of the western part of Midlothian extends as far back as the 1990s. Planning consent for road improvements to the A701 (made in 1998) was granted by Scottish Ministers in February 2000. The proposal was subsequently incorporated into the Midlothian Local Plan 2003 (CD055) and carried forward in the current Local Plan (CD054). Construction of part of that scheme, Gowkley Moss roundabout, took place in 2002 but no other significant work has been undertaken since.

At the Main Issues Report stage the Council acknowledged that the remainder of the consented road scheme may not be implemented and that a new road was required to cater for scale of proposed housing and economic growth in the A701 corridor, particularly at The Bush (CD043, paragraphs 3.32 – 3.34).

Early transport modelling of committed and windfall developments in Midlothian (Midlothian Local Plan sites only) indicated congestion issues on many parts of the road network especially those parts close to the A720 City bypass and particularly in the A701 corridor. The MVA modelling report found quite serious congestion issues along the A701 and its junctions (CD127, appendix 2) and estimated that by 2024 there would be over capacity issues along the route. Modelling the proposed sites therefore, would inevitably exacerbate these problems. The report identified that the potential of a new "whole route" solution would probably be appropriate. Wardell Armstrong Consultants were appointed to identify potential options for a new route, identify constraints and estimate costs for both single and dual carriageway solutions (CD150 and CD155, 2013 addendum). The lines shown in the Proposed Plan represent the two best fit options which attempt to minimise impact on environmental designations, prime agricultural land and green belt as well as sensitive woodlands and Old Pentland Cemetery. The routes also seek to avoid, as much as possible, difficult ground conditions and property. The Council acknowledges the comments about the visual impact of the road and considers that these are matters that will be addressed at the detailed design stage. Two representations have been received

suggesting alternative alignments relating to site Hs16 and the proposed film studio site, however, the Council is satisfied that the two routes represent the best options and that these should remain as the basis for the detailed design stage.

Following discussion and agreement with Transport Scotland it was considered proportionate for the Council to undertake a transport appraisal without further modelling of the proposed allocations. The appraisal was conducted in line with Transport Scotland's Development Planning and Management Transport Appraisal Guidance. It undertook a review of previous transport work, defined the environmental and planning objectives and indicators to be included in the appraisal, defined a reference case, undertook SEStran Regional Model Analysis and identified potential mitigation options for the agreed scenarios (CD120 – 126). The final report concluded that although the route options scored better in respect of the transport objectives than the environmental objectives, the negative impacts were ones that could potentially be mitigated as part of the design and delivery process. In November 2015 the Council took the decision to abandon the original A701 safeguard in favour of the Proposed Plan solution (CD008).

The original A701 consent did not include any provision for onward access to the A702. The Council considers that this link is vital for the continued investment and development in the bioscience sector at The Bush which is already struggling to cope with the volume of traffic accessing the area from the A702. The Council consider that the two elements are essential if the development strategy for this corridor is to be realised. Together the two roads will link the A702, A703, A701 and A720. Allied to that is a new primary access to the Bush and dedicated space for active travel and enhanced public transport provision on the existing A701, something that is not achievable if the proposal is not supported.

The Council appreciates that new road building is not strictly in line with the principles set out in SPP of prioritising sustainable transport but SPP (paragraph 272) does acknowledge that development plans should take account of the capacity of the existing transport network. In the case of the A701 it is clear from the transport modelling that these objectives are not achievable without significant intervention and in its opinion the proposed road represents the most practical solution. The existing road will be reserved for active travel and public transport provision. Provision for local access to residential areas and commercial properties along the existing route will be factored in to any proposals. The new route will provide the main north/south route of travel. The Council considers that the nature of the link will not only assist with congestion issues on the A701 but will also help to spread the distribution of traffic accessing the A720. Without it the development strategy cannot be delivered and there is a requirement that the Proposed Plan is consistent with SDP1.

The Council considers that the A701 relief road and A702 link are an essential part of the corridor development strategy without which the new strategic housing and economic development requirements, future investment at The Bush and the delivery of active travel initiatives and enhanced public transport provision, will be severely compromised.

The Council therefore request that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP25 Midlothian Green Party, PP38 Ailsa Carlisle, PP168 Kate Holbrook, PP180, PP190 Constance Newbould, PP344 Buchanan, PP478 Duncan McAuslan, PP505 University of Edinburgh, PP537 Mirabelle Maslin, PP577 Helen M Mitchell, PP616 Sarah Barron, PP936 Julian Holbrook, PP1064 Damhead and District Community Council, PP2410, PP2773 Eskbank Amenity Society, PP2739 Helen Armstrong, PP2784 Pentland Studios Ltd, PP2818 Taylor Wimpey UK Ltd and Hallam

Land Management Ltd)

Support

The Council notes the support for the proposed A701 relief road and A702 link. (PP505 University of Edinburgh)

TRAN2

The Council considers that the access proposals for site Hs1 are consistent with the Strategic Development Plan (SDP) for South East Scotland and paragraph 278 of Scottish Planning Policy.

The principle of a road link from the A68/A720 City bypass was first identified in and supported through the Shawfair Local Plan in 2003 and subsequently carried forward as a safeguarded commitment in the Midlothian Local Plan in 2008 (CD054, paragraph 3.4.17, policy TRAN4). The link was 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.

Paragraph 120 of the SDP states that “*LDPs should make provision for the priority strategic interventions detailed in figure 2 (strategic infrastructure) and the accompanying Action Programme*”. Policy 9-Infrastructure reinforces this statement. The road link is identified as a specific intervention in the SDP Action Programme (CD140, action 41, page 13 and action 78, page 25). The link is also related to other strategic transport interventions including the potential of a new park and ride site north of A68/A720 junction in Midlothian (action 38) and the delivery of the Orbital Bus Route (action 33). These two interventions are also listed in figure 2 of the SDP in support of policy 9. Given the status of the link in the current development plan the Council was satisfied that the principle had been established and that the focus of negotiations with Transport Scotland would be on delivery. The Action programme lists the developer and Transport Scotland as lead partners therefore the onus in the first instance is on these parties to discuss and agree the details of how this link will be provided.

The intervention has been considered in the past and remains part of the approved development plan requirements for this area and is consistent with the SDP. The transport appraisal of the proposed plan (CD121) identified the link as a potential solution and assessed it against the Council’s transport and planning objectives. It was included in the final report as one of a number of appropriate transport interventions to be taken forward as part of the development strategy of the proposed plan. Its delivery will support and assist the implementation of Shawfair which represents a major housing land release in the South East of Edinburgh and will promote accelerated economic growth. In this respect the Council considers that it is consistent with paragraph 278 of SPP.

The ongoing cross boundary transport study is due to report shortly. It will identify key transport hot spots along the City bypass and potential solutions. In tandem a SESplan cross boundary working group is considering guidance on, and an appropriate mechanism to identify and collect developer contributions towards implementing these solutions. The Council is also aware of the proposed City Deal for Edinburgh and South East Scotland and its progress to a negotiation stage. Amongst other things the proposal will include a series of infrastructure projects aimed at removing constraints to development and accelerating economic growth. The City bypass and its junctions are being actively

considered in this context, in consultation with Transport Scotland.

The potential for a station at Redheugh was first considered by the Council in the current local plan (CD054) prior to the current SPP and prior to the publication of Transport Scotland's DPMTAG guidance and in advance of construction starting on Borders Rail. The feasibility of a station in this location was confirmed by the Council's consultants, Scott Wilson, and subsequently incorporated into the current local plan as part of the master plan considerations for the site and has been carried forward into the Proposed Plan as a committed development. The requirement is reiterated in the settlement statement for Gorebridge if this remains practical/deliverable. The Council acknowledges the current policy position but given that the site could deliver around 1,300 new homes and that all allocations in this corridor from the current plan were predicated on the reintroduction of Borders Rail, then the Council considers that this option has been previously assessed and accepted through the development plan process and retains merit as a sustainable transport option (subject to more detailed considerations of operational aspects on the existing service). Further appraisal could be undertaken independently as part of the planning application process.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP380, PP382, PP383, PP385 Scottish Government)

The Council notes the comments regarding the Dalkeith Tramline. The scheme is a transport commitment of SDP1 and is identified in the SDP Action Programme (CD140, action 84, page 26). As the Proposed Plan must be consistent with SDP1 it has been included in policy TRAN2 as a potential transport intervention. However, the route has yet to be confirmed and until then the Council considers this is an appropriate level of policy support for this project.

Paragraph 277 of SPP (SPP link) supports safeguarding disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes in development plans. The Millerhill – Loanhead rail safeguard referred to (PP25 Midlothian Green party) is a disused rail line and the Council has identified this section to be developed as part of the Midlothian Green Network incorporating national cycle route 196. The Council considers the proposal to be wholly appropriate to include in the Proposed plan.

Road safety underlies many of the road proposals in the Proposed Plan. Reducing speed limits and road management measures will assist in making roads safer for pedestrians and cyclists. The Council notes the comments made about segregated cycle routes but considers that on much of the road network there is insufficient road capacity to achieve this. However, through the development of the Midlothian Green Network it considers that more dedicated cycling and walking routes or active travel routes can be delivered. These will contribute to the development of a sustainable transport network identified in policy TRAN1.

The Council considers the level of detail regarding the transport interventions identified in TRAN2 and IMP2 is appropriate for the plan. The purpose of Supplementary Guidance (SG) is to provide further information and more detail on how the policy requirements in the plan will be achieved. Detailed design requirements and cost information are matters best suited to SG and not the plan. At the time of writing the plan it is not always possible to have everything designed and costed. Some of the interventions are the responsibility of third party agencies and therefore beyond the control of the Council. In terms of the A7

urbanisation scheme the Council does have a fully designed scheme which will be included in the forthcoming review of supplementary guidance but until that is published the Council is willing to share information on the scheme with developers. In respect of the A701 relief road and A702 link, the Council has a feasibility study with provisional route options and indicative costs. The Council is considering commissioning detailed survey work to inform the selection of final route and bring forward a detailed design. In addition, as mentioned above the Council is involved in a prospective City Deal bid which would include road infrastructure works. In any event the Council acknowledges the need to front fund some of these interventions and in respect of the A701 has also considered the option of additional borrowing and developer contributions to ensure delivery.

The local transport requirements identified in policy TRAN2 reflect the physical interventions identified through scenario 2 of the Transport Appraisal (CD121). This provides options to provide capacity relief to the road network at specific junctions and in turn provide road based congestion relief across the network to help meet demand in line with the requirements of the Proposed Plan sites. This will in turn assist with through traffic issues in some settlements.

The Council considers that there is a balance between road based and other transport schemes identified in TRAN2. The A7 urbanisation scheme will reduce vehicle speed limits, provide dedicated road space to cyclists and pedestrians and will provide bus stops. In all, the project will seek to introduce access to more travel choices and promote more sustainable travel. Equally the A701 relief road will free up existing road space which will allow active travel measures and public transport enhancements to be implemented with similar outcomes.

Borders Rail gives Midlothian residents and businesses access to rail travel for the first time in decades. The Council notes the comments made about connecting the stations to other public transport networks. In response, all the station sites are linked to and are accessible on foot, by bicycle, are close to bus stops and have car parking provision.

The Council notes the comments about highlighting the TRAN2 interventions on a map but considers that the key projects already are and those that aren't easily identified by a descriptive list.

With the exception of Sheriffhall roundabout all the bypass crossings in Midlothian are grade separated. These junctions are the responsibility of Transport Scotland and therefore not controlled by the Council. When proposals for grade separation are prepared there will be an opportunity to inspect and comment on the design at the planning application stage.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP25 Midlothian Green Party, PP105 David Wardrop-White, PP146 Gladman Developments, PP174 Scottish Borders Council, PP310 Grange Estates (Newbattle) Ltd, PP380 Scottish Government, PP256 Midlothian Matters, PP699 Lasswade District Civic Society; PP1467 Anne Dale; PP1483 Anne Holland; PP1571 Andrew Thomson; PP1581 Beth Thomson; PP1588 Andrew Barker; PP1606 Rachel Davies; PP2308 Joy Moore; PP2798 Shiela Barker; PP2889 Allan Piper, PP925 Melville Golf Centre, PP1516 Tynewater Community Council, PP2791 Sarah Barron, PP2864 Scottish natural Heritage).

TRAN3

Paragraph 275 of SPP clearly states that development plans should identify any new transport infrastructure or public transport services including trunk road infrastructure. The current Strategic Development Plan for South East Scotland supports upgrading Sheriffhall roundabout (and other junctions on the A720) under policy 9, figure 2 ([SDP](#)) and identifies the grade separation of the junction as a key intervention in the accompanying Action Programme (CD140, action 34). The proposal to grade separate Sheriffhall was first introduced in the Midlothian Local Plan 2003 and the Shawfair Local Plan 2003. It was subsequently carried forward into the current Midlothian Local Plan 2008. The local development plan is required to be consistent with the strategic plan therefore the proposal is included in the Proposed Plan and Action Programme.

In terms of the impact of the LDP strategy on the A720 and wider transport network, the Proposed Plan makes reference to this in paragraph 4.5.8 in respect of the cross boundary transport study which is designed to consider this very question. The Council considers that the lack of grade separation at Sheriffhall is actually a constraint to development and growth and is working against the delivery of the proposed development strategy. The Council is part of a prospective City Deal bid. If successful the deal will support physical infrastructure projects to unlock constraints to development and accelerate growth throughout the City Region. The bypass and its junctions are key to this objective.

The Council considers that it is appropriate and reasonable to include this intervention in the Proposed Plan and the Council considers that it is consistent with SPP and SDP1.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation (PP381, PP390 Scottish Government).

Cycling

The Council notes the comments made in respect of cycling provision. TRAN2 includes provision for cycling infrastructure improvements to complement Borders Rail and table 5.2 and figure 5.2 indicate the development of the Midlothian Green Network which will include segregated active travel routes (walking and cycling). Policy TRAN1 also promotes sustainable transport requiring demonstration of how major travel generating development will reduce the need to travel by car. In terms of the layout and design of new development policy DEV6 seeks the integration of cycle routes into the proposal. Policy IMP1 also seeks the provision of cycling access and cycling facilities in all new development. The Council considers that it has made appropriate provision for cycling in the Proposed Plan.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP422 Alison Bowden, PP441 Lel Eory, PP453 Paul de Roo, PP913 Ross Laird, PP2826 Peter Clark)

Other

In respect of the Penicuik Rail study the Council considered that there was no locus in SDP1 to progress the project and that there were significant uncertainties in respect of infrastructure and funding considerations that may make it inappropriate to include in the plan at this time.

The plan advocates support for development in the vicinity of the station sites and, through

the Borders Rail Partnership, are actively investigating possible uses or redevelopment potential for the two buildings at Newtongrange and Gorebridge stations. The Council does not consider it necessary to safeguard the station sites.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP616 Sarah Barron, PP1503 Tynewater Community Council)

Reporter's conclusions:

Support

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support from Scottish Natural Heritage in relation to proposed policy TRAN 1 (sustainable travel) are noted but do not require any further consideration.

Cross-boundary transport study

2. Action 97 of the 2015 Strategic Development Plan for Edinburgh and South East Scotland (SESplan) Action Programme requires the development of "a project to explore cumulative and cross border impacts and mechanisms for funding infrastructure enhancements". The council agrees with the Scottish Government that the reference to the cross-boundary transport study in the proposed plan at paragraph 4.5.8 incorrectly refers to the forthcoming strategic development plan (SESplan2) instead of the current SESplan. Therefore, a modification to correct this error is justified.

3. As indicated by the council, the outcomes of the cross-boundary transport study can be incorporated into the action programme which accompanies the local development plan. Any interventions requiring developer contributions could be controlled through proposed policies IMP 1 (new development) and IMP 2 (essential infrastructure required to enable new development to take place) if necessary and justified.

Strategy and policy TRAN 1 (sustainable travel)

4. A principal aim of SESplan (approved in 2013) is to "integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations" – key principles which underpin its spatial strategy. The strategic plan also states that "meeting the identified level of housing need and economic growth aspirations will have implications for the transport network"; and that "the network is already heavily constrained and some stretches and junctions will come under further pressure even without further development". To combat this, and to reduce reliance on private car use, the strategic plan directs significant travel generating development to areas that are well served by public transport and are accessible by foot and cycle (paragraphs 118 and 119).

5. Consistent with SESplan, the proposed Midlothian Local Development Plan provides a vision which supports, where possible, the delivery of "new housing close to good community facilities, shops and employment opportunities, with efficient high quality public transport connections" (paragraph 1.2.1). To implement this vision, the proposed plan sets objectives which underpin the policies and proposals of the plan including:

- Directing new development to locations which minimise the need to travel, particularly by private car.
- Securing active and sustainable transport options for existing communities and future growth areas, and promote opportunities for walking, cycling and public transport.
- Seeking the early implementation of strategic transport projects, and ensure that efficient use is made of existing and new infrastructure.

6. Figures 2.1 (Midlothian Strategy for Development, page 11) and 4.1 (Economic Clusters, page 21) of the proposed plan show that the majority of growth is directed to strategic development areas identified in SESplan. Development is promoted along and nearby primary routes including the A701, A701 relief road, and A702 around the Midlothian Gateway (Straiton), The Bush and Bilston to the south-west of Edinburgh; the A6094 around Bonnyrigg, Lasswade and Rosewell to the south of Edinburgh; the Borders Rail Corridor (with stations at Gorebridge, Newtongrange, Newbattle, and Shawfair) and the A7 also south of Edinburgh; and pockets of development at the northern end of the A68 and the City By-pass (A720) in the South-East Wedge (Shawfair). Consequently, development is not proposed, as suggested in representations, in less sustainable, isolated and poorly accessible locations.

7. As directed in paragraph 4.5.4, the proposed plan promotes a sustainable approach to transport to encourage reduced private car use and active travel. Proposed plan policy TRAN 1 (sustainable travel) requires all “major travel-generating uses” to be “well located in relation to existing or proposed public transport services, are accessible by safe and direct routes for pedestrians and cyclists and accord the Council’s Transport Strategy”. Travel plans and traffic impact assessments are also required through this policy. A wider active travel network is also supported by policy TRAN 1.

8. In addition, proposed policy DEV 6 (layout and design of development) requires all developments to integrate with pedestrian/cycle routes; create links to desired destinations; provide safe (overlooked) environments for walking and cycling; encourage integrated bus routes; and provide cycle parking. Furthermore, policies IMP 1 (new development) and IMP 2 (essential infrastructure required to enable new development to take place) also require provision (or contributions) towards a suite of measures/infrastructure to reduce reliance on private car use and encourage active travel.

9. Proposed policy TRAN 2 (transport network interventions) also lists transport proposals which would encourage use of public transport and active travel including three new or expanded park and ride facilities; six public transport interventions including expanded bus and tram infrastructure; and improvements to the walking/cycling infrastructure to complement the Borders Rail services. Other interventions include junction improvements which could ease congestion, road safety measures, and reprioritisation of the A701 for sustainable travel.

10. In consideration of the above, I find that the development strategy of the proposed Midlothian Local Development Plan is consistent with the growth strategy of SESplan and its aims (as required by section 16(6) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

11. Further road usage is anticipated by SESplan and the proposed local development plan as a consequence of growth. However, the provisions of the proposed plan are reasonable and appropriate in providing means to reduce reliance on private car use and

encourage the use of more sustainable (public and active) transport modes in all proposals (not just major travel generating developments) to limit the impact of growth. I find that no modification to the transport section of the proposed plan is required in relation to the scale of planned growth or in relation to congestion.

12. I further find that the provisions of the proposed plan inherently encourage the reduction in private car use without the need for a specific policy commitment to be inserted. I also consider that specifying targets to reduce road use and/or climate change emissions would be difficult to monitor and enforce through the local development plan. This matter could be explored by the council through its revised Transport Strategy. Indeed, I note from the 'Midlothian LDP Transport Options Appraisal' that there are objectives (with targets) to increase the use of public and active transport; reduce traffic flows and road accidents; and reduce the levels of nitrogen oxide and damaging particulate matter within Dalkeith Town Centre.

13. The policies and proposals of SESplan and the proposed local development plan (as well as their respective action programmes) support the integration of public transport services and the integration, where possible, of new development with existing services and amenities. The action programmes also prioritise the implementation of transport infrastructure. Consequently, I find that the proposed plan does not encourage private car use; and that there is no need to modify the proposed plan to ensure integration of services.

Transport appraisal

14. Scottish Planning Policy (at paragraph 274) expects planning authorities to “appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland’s DPMTAG [development planning and management transport appraisal guidance]. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the strategic transport network, the appraisal should be discussed with Transport Scotland at the earliest opportunity”.

15. The development strategy for the proposed Midlothian Local Development Plan has not been prepared in isolation but is required, through legislation, to be consistent with the provisions of SESplan. Consequently, the allocation of land for housing and employment in Midlothian, plus the associated need to find land for services and amenities to support population growth, follow from the SESplan requirements which, as described in my conclusions on Issue 3 (requirement for new development) and Issue 33 (economic sites), are detailed in relation to the location of growth within strategic development areas. Therefore, while several representations refer to the need to assess cumulative and cross-boundary transport impacts, I consider that in preparing a local development plan within a strategic development area it would not be unreasonable for cumulative or cross-boundary assessments to be undertaken at the regional level which could inform local outcomes. In support of this view, I note that on-going work has progressed in relation to a cross-boundary transport study commissioned by the strategic development plan authority.

16. The DPMTAG contains a flow diagram to illustrate the “Integration of Transport

Appraisal within the preparation of LDPs in SDP areas". This diagram states that when undertaking a transport appraisal cumulative impact is only necessary "if required". There is no indication that Transport Scotland required a cumulative transport appraisal from Midlothian in preparation of its local development plan at any stage. In addition, there is no unresolved representation to the examination from the national body suggesting that cumulative or cross-boundary appraisal should have been carried out by the council to inform the production of the local development plan.

17. MVA Consultancy (now SYSTRA limited) carried out a Midlothian base line report in December 2010. This contained transport modelling work which assessed the capacity of the current road network to gain an understanding of the likely impact of committed development requirements set out in the existing Midlothian Local Plan 2008 and SESplan.

18. This was followed by further modelling work conducted by SYSTRA in 2013 using the SEStran Regional Model to produce a 2024 forecast scenario to form a basis to assess the new allocations to be contained in the proposed local development plan. I note that this scenario used "data from all the other SESplan local authorities" in its assessment and, as I understand, applied a situation where estimated growth throughout the SESplan area was calculated to 2024 but with only committed and windfall development for Midlothian included (not the new SESplan development requirements). This meant that the impacts arising from new allocations could be assessed separately. The main findings indicated that (without new allocations) the road network and associated junctions would be congested at key locations, particularly around the A720 city by-pass.

19. Further assessment was published on 15 October 2014 by SYSTRA using the SEStran Regional Model but running a scenario focussing predominately on the land in the Midlothian area, with key consideration given to both the committed developments and the additional development allocations required by SESplan. The analysis informed where possible mitigation measures would likely be required on the main corridors and in proximity to major developments including land around the A7, A701, A702, and A720. I note that all housing and employment sites (including proposed site Ec3 - West Straiton) were included in this analysis.

20. The 'Midlothian LDP Transport Option Appraisal' was published on 23 October 2014 by SYSTRA. Its purpose is to "objectively and consistently measure the potential for transport options to mitigate the impacts of the Midlothian Local Development Plan". It assessed five scenarios for mitigation: new access for site Hs1 (Newton Farm); local junction capacity relief; public transport and services improvements (including the A7 urbanisation scheme); A701 relief road and link road; and A720 Edinburgh city by-pass relief) against 10 objectives with key performance indicators. Based on the outcome of this analysis Midlothian Council chose to pursue mitigation for all but the A720 city by-pass relief (as that measure is largely dependent on Transport Scotland to deliver).

21. Although there was no requirement to conduct cumulative or cross-boundary assessment, I find that the council has carried out extensive transport analysis which has included assumptions about growth across the SESplan area and the impact of growth in Midlothian. The council has taken a proportionate approach to transport appraisal and assessed, and sought to implement through the proposed plan, mitigation measures which would help to reduce congestion. Consequently, I do not agree that further transport analysis is required to inform the production of the local development plan.

22. The council acknowledges that the Midlothian Local Transport Strategy 2007-2014

which helped to inform the production of the proposed local development plan is now out-of-date. However, I agree with the council that its policy objectives remain valid at this time; primarily the objective of promoting modal shift to active and sustainable forms of transportation which is likely to be continued in its forthcoming revision. Consequently, I find that an updated local transport strategy is not required to inform the development strategy of the proposed local development plan.

A701 relief road

Support

23. I note that the University of Edinburgh supports investment in road infrastructure and the proposed A701 relief road.

The development plan position

24. Planning permission for road improvements to the A701 were approved in 2000 and incorporated into the Midlothian Local Plan 2003 and the currently adopted Midlothian Local Plan 2008. Indeed, the adopted local plan shows the safeguarded route of a road scheme from a roundabout in the south along land to the west of the Pentland Park residential caravan park and north across the site now promoted as site Ec3 in the proposed plan (West Straiton). Therefore, the principle of a road in this vicinity is well established.

25. In addition, SESplan figure 2 (strategic infrastructure) identifies “improvements to the A701” as required for existing and future developments.

Transport appraisal

26. The main issues report (2013), which preceded the proposed local development plan, identified that the route shown in the 2008 local plan would likely no longer be feasible due to economic considerations, difficult engineering solutions, and ground conditions. However, in order to promote the prospects of continued growth at The Bush, and support new SESplan requirements in the A701 corridor strategic development area, a new road was identified as being required to accommodate growth. The report illustrates two potential routes for the A701 relief road to “allow the relative merits of each to be considered and to compare these alternatives against a ‘do-nothing’ option”. The 2014 Transport Option Appraisal suggests that the outcome of the main issues report consultation was political and wider public support for the relief road with significant local opposition.

27. In addition, transport analysis conducted (as described in the section above) identified impacts along A720 junctions and particularly that of the A701 with the A720. To address impacts one of the mitigation scenarios assessed in the Transport Options Appraisal included the A701 relief road and link road as “this corridor is forecast to become increasingly congested as committed developments and the Midlothian Local Development Plan land-use allocations are built out”. The assessment considered that there would be moderate benefits in relation to the transport network; encouraging investment into the area; enhancing connections in Midlothian; and reducing social exclusion by improving accessibility. A minor benefit was predicted in relation to improved integration between all modes of transport. No or negligible benefits or negative impacts were predicted in relation to widening travel choices; protection of human health; accidents and crime; and traffic

growth. Moderate costs or negative impacts were predicted in terms of impact on the natural and built environment (particularly in relation to severance of green space and loss of green belt).

28. In relation to environmental impact, the appraisal for the A701 relief road considered that there would be minor or moderate costs/impacts in relation to noise and vibration; carbon dioxide emissions; particulate matter and nitrogen oxide; water quality, drainage and flooding; biodiversity and habitats; landscape; visual amenity; agriculture and soils; and cultural heritage. Impact on geology and safety was predicted to be negligible. Mitigation is suggested for some of the predicted impacts while others are to be balanced against the overall situation in relation to wider benefits to the transport network.

29. Moderate benefits were also predicted in terms of transport economic efficiency (including time savings; operating costs; reliability improvements) and economic activity and location impacts (in terms of improvement to network performance for private and public vehicles across west Midlothian). Minor benefits in relation to community accessibility and public transport reliability were also predicted.

30. The Transport Option Appraisal concluded that in terms of feasibility the A701 relief road would require significant investment where a range of economic, social and environmental effects would need to be carefully weighed. Ultimately, the council has decided to pursue the A701 relief road and A702 link as a mitigation measure to support the growth required in the A701 corridor strategic development area as directed by SESplan. Following the above conclusions, I find that there is sufficient justification for the A701 relief road to be supported in the proposed plan.

Consideration of alternatives

31. The council has investigated a “do nothing” approach through its transport assessments. In effect, growth along the A701 corridor of both housing and employment would result in greater congestion along the corridor and wider transport network, particularly around key junctions including those with the A720. This may result in limiting the progress of growth and investment in west Midlothian to the detriment of fulfilling the SESplan requirements.

32. Alternative routes for the A701 relief road and A702 link road have been investigated by the council with both potential routes shown on the proposed local development plan’s proposals maps. Future detailed investigation is to be undertaken to understand the design, costs and feasibility of routes. In addition, any major road building project would require environmental impact assessment which would require assessment of “alternatives” at the outset.

33. Based on the above, I find that alternatives to the A701 relief road have been, and will be, investigated.

Potential impacts

34. In relation to the potential impact of the A701 relief road I support the view presented in the Transport Option Appraisal that the project requires a careful balancing of the social, environmental and economic impacts. There are predicted impacts (as highlighted in paragraph 27 to 29 above). However, I consider that there is sufficient provision within the development plan to adequately address impacts at the design and planning application

stage (which would include environmental assessment). Therefore, concerns regarding ground conditions; archaeology; human health (air pollution); visual amenity and views to the Pentland Hills; impact on wildlife and habitats; impact on the landscape and rural character would all be addressed with mitigation required where necessary.

35. There would be a loss of green belt and prime agricultural land associated with development of the road project. However, I consider that this loss is justified by the benefits of development and the requirement to provide the relief road in order to aid the delivery of housing and employment land along the A701 corridor (as well as provide opportunities to improve accessibility and improve the existing A701).

36. I appreciate that the route of the relief road is in proximity to local residents and would be within the wider community of Damhead. I also note that the Damhead and District Neighbourhood Plan 2015-2030 states that “there is almost universal community consensus that these proposals would be hugely detrimental to the local area”. Careful design and mitigation are therefore paramount to ensuring the protection of amenity and quality of life for existing residents. Again, I consider that the provisions of the development plan would allow these matters to be addressed.

37. I further note that provision of the relief road would create a new green belt boundary and provide a green space (countryside) to the west between the relief road and the A701 which may be more attractive to development. Indeed, planning permission has been sought on the majority of this land for a film studio. This land may be more attractive to development but I find that re-designation from green belt to countryside/prime agricultural land is appropriate based on the fact that a new robust green belt boundary would be formed by the A701 relief road.

38. Development of the relief road may draw travellers away from shops (using a more direct route). However, there is limited evidence to suggest that development of the relief road would have a detrimental impact on local shopping provision. I also note that the potential routes of the relief road would direct vehicles away from the existing park and ride facilities at Straiton. However, there is provision within site Ec3 (West Straiton) to re-site the park and ride facilities which may allow easier access from the relief road and encourage public transport use.

Route alignment – Pentland Studios Limited

39. Scottish Ministers’ issued a notice of intention on 3 April 2017 as they were minded to grant planning permission in principle for “a mixed use development comprising film and TV studio including backlot complex; mixed employment uses retail/office/commercial; hotel; gas and heat power plant/energy centre; film studio and student accommodation; studio tour building; earth station antenna and associated infrastructure” (planning application reference 15/00364/PPP; appeal reference PPA-290-2032).

40. Ministers attached a condition to the consent which “would prevent the proposed development from commencing until an appropriate location for the A701 relief road has been approved in writing by the planning authority and safeguarded. This would ensure that the mixed use film studio proposal would not prejudice the aspirations for a relief road in the local development plan”. The condition (number 13) requires that no development commence until a reserved area map has been submitted and approved by the planning authority which thereafter no development shall be permitted on.

41. The promoter of the film studio (Pentland Studios Limited) suggests in an unresolved representation to the proposed plan that the A701 relief road should be moved as it would impact on the viability of the mixed use film studio proposals. An alternative route to the west of Cameron Wood was suggested. This suggestion was proposed prior to the issue of the notice of intention by Scottish Ministers' requiring a reserved area to be identified and protected from development. Since then, PSL Land Limited (formerly Pentland Studios Limited) has indicated in writing that it supports the continued representation of the relief road in the proposed plan and would not endorse a buffered corridor being shown instead.

42. Although the council suggest that the two potential routes for the A701 relief road (as shown on the proposals maps) are the "best fit" in relation to feasibility studies undertaken, the final route is yet to be confirmed (as expressed in paragraph 8.3.4 of the proposed plan). Therefore, there may be justification for movement of the relief road route as more detailed studies are undertaken. However, I find that the requirements of condition 13 would be suitable to protect delivery of the relief road; and that no revision to the routes shown in the proposed plan are required.

Route alignment – Site Hs16 (Bilston)

43. Taylor Wimpey and Hallam Land Management suggest an amendment to the A701 relief road boundary to enable further housing around site Hs16 and, consequently, additional contributions towards the delivery of the relief road. This matter is addressed in Issue 28 (A701 corridor strategic development area) at paragraphs 36 and 37 where expansion of site Hs16 is not endorsed. No change to the relief road boundary is required on this basis.

Financing

44. In terms of financing the A701 relief road project, I am satisfied that the council has investigated various methods of delivery including front-funding from borrowing and/or investment through the Edinburgh City Deal for infrastructure. Consequently, the council has acknowledged through further written submissions that delivery of the relief road may not be reliant on developer funding. However, developer contributions towards the relief road would be required from certain related developments to aid delivery of the project (and pay back borrowings if required). As explained in Issue 7 (site Ec3 and A701 relief road) to ensure that the impact of development on the existing transport network is minimised it may be necessary for some development to be restricted until such time as the relief road is completed.

Policy TRAN 2 (transport network interventions)

Dalkeith Tramline

45. Tramline 3 is illustrated on figure 2 (strategic infrastructure) within SESplan as a line from Edinburgh City Centre to Newcraighall and Dalkeith. The route is similarly shown on figure 3 in SESplan which depicts the strategy for the regional core. The route is promoted to help "achieve the appropriate level of accessibility by sustainable travel modes". The proposed local development plan safeguards the route through policy TRAN 2 (transport network interventions). I find that as SESplan actively promotes the tramline it is reasonable for the route to continue to be safeguarded in the proposed plan.

Millerhill-Loanhead rail safeguard

46. Scottish Planning Policy (2014) states that “disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans”. The council highlights that it plans for the disused railway line between Millerhill and Loanhead to form part of the Midlothian green network and national cycle route 196. On this basis, I find that there is reasonable justification to maintain its safeguard in the proposed plan.

A7 urbanisation detail

47. The matter relating to the level of detail with regard to the A7 urbanisation scheme is addressed at paragraphs 15 to 17 in Issue 26 (site specific delivery) of this report.

Segregated and new cycling provision

48. The matter relating to segregated and new cycling provision is dealt with under the heading “cycling” below.

Design, costing and consultation of transport projects

49. Proposed policy TRAN 2 (transport network interventions) requires the “early implementation of the transport interventions arising in connection with the development strategy”. Facilitation of the delivery of the transport interventions is also supported by the council’s proposed action programme to accompany the proposed plan.

50. Policy TRAN 2 also supports the production of supplementary guidance (which would be consulted on) to direct developer contributions in relation to transport interventions. I note that some of the interventions are the responsibility of third parties (not the council). However, the supplementary guidance, together with other appraisal information, could provide a suitable basis to disclose known design and costing details of transport interventions.

51. I note that the council has a fully costed design for the A7 urbanisation scheme and has feasibility studies in relation to the A701 relief road and A702 link. The council has acknowledged in further written submissions that the City Deal for Edinburgh and the surrounding area could allow for the funding, or partial funding, of key transport interventions. The council also notes the need to front-fund some interventions and investigate borrowing to facilitate delivery where necessary.

52. On the basis of the above, I find that there are reasonable provisions in the proposed plan to encourage the delivery of transport interventions to support the development strategy without any need for modifications to the plan.

Spatial depiction of transport interventions

53. The majority of the transport network interventions listed in proposed local development plan policy TRAN 2 are derived from SESplan’s strategic infrastructure provisions shown spatially in figure 2 of that plan. The transport interventions described in the proposed local development plan are also shown on the proposals maps and settlement maps. On this basis, I consider that there is sufficient reference to transport network interventions without the need to show these on the strategy map of the proposed

plan as suggested by Scottish Borders Council.

Newton Farm link road

54. Scottish Planning Policy states at paragraph 278 that “while new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB [Design Manual for Roads and Bridges] and where there would be no adverse impact on road safety or operational performance”.

55. As noted by the council, the Newton Farm link road (associated with proposed housing site Hs1 – Newton Farm in the local development plan) was first identified in the Shawfair Local Plan (2003) and carried forward as a safeguard commitment in the currently adopted Midlothian Local Plan (2008). Paragraph 3.4.17 of the Midlothian Local Plan states that “policy TRAN4 (safeguarding for transportation schemes) 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”.

56. In addition, SESplan requires local development plans to “make provision for the priority strategic interventions detailed in Figure 2 (Strategic Infrastructure) and in the accompanying Action Programme”. SESplan policy 9 (infrastructure) also requires local development plans to “safeguard land to accommodate the necessary infrastructure required to deliver the Strategic Development Plan as set out on Figure 2 and in the accompanying Action Programme”. As identified by the council, two of the strategic infrastructure requirements set out in figure 2 are related to a potential junction from the A68: the orbital bus route and the A68 Park and Ride (which paragraph 45 of SESplan suggests could be located to the north of the A68/A720 junction). These interventions are also promoted in the SESplan action programme (actions 24 and 29).

57. The proposed local development plan allocates land for some 480 houses on site Hs1 with safeguarding for further housing to the south-west. The development considerations suggest that a link should be provided between the A68/A720 junction and the B6415/Old Craighall Road. I find that there is support for a junction at the A68/A720 arising from the orbital bus route and park and ride interventions. I also find that allocation of this site would make a substantial contribution to the SESplan housing requirement and expansion of Shawfair. Matters concerning final road design, road safety and operational performance could be addressed at the design/application stage. Consequently, I agree with the council that there would likely be economic advantages to promoting the site and access from the A68 in accordance with the provisions of Scottish Planning Policy paragraph 278. Therefore, I find that the promoted junction intervention should continue to be referred to in the proposed plan.

Redheugh Station

58. I note that the currently adopted Midlothian Local Plan (2008) states at paragraph 3.4.10 that “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”. In addition, in

reference to development at Redheugh paragraph 76 of SESplan states that “the new community is located on the Borders Railway, with potential in the longer term for a new station”. Furthermore, the SESplan action programme (2015) identifies the delivery of Redheugh rail station (action 60) as having policy support. However, it also notes that “agreement has not been reached with Transport Scotland”.

59. Based on the fact that the Redheugh community is expanding, and that there is policy support for the rail station, I agree with the council that reference to it within policy TRAN 2 (and the settlement statements) is reasonable and appropriate. However, as Transport Scotland remains cautious about committing to its realisation, and due to the proximity of Newtongrange Station (with potential impacts such as timetabling), I find that references to the station should be amended to refer to its “potential” delivery.

Sustainable transport options and reducing carbon dioxide emissions

60. The proposed plan is not overly focused on improvements to roads. My findings in paragraphs 3 to 12 above suggest that the proposed local development plan encourages active and sustainable transport. Ensuring access to active and sustainable transport networks would likely encourage less reliance on private motor vehicles and help to move towards a low carbon economy (as promoted by Scottish Planning Policy). No changes to proposed plan are required on this basis.

Interpretation of policy TRAN 2

61. Parties consider that proposed policy TRAN 2 should provide clearer information with respect to the transport interventions proposed. As stated in Scottish Government Circular 6/2013 on development planning – Scottish Ministers want development plans to be succinct. I consider that it would be overtly detailed to include the exact details of each transport intervention within the proposed plan. As indicated by the council, the interventions arise from a transport appraisal and from strategic infrastructure requirements referred to in SESplan. Further detail with respect to their design and costing should be forthcoming through supplementary guidance (see paragraph 49 to 53 above) and within other publications including the local transport strategy. On this basis, I find that the policy is reasonably clear without need for modification.

62. A transport appraisal has been undertaken to support the proposed local development plan; and supplementary guidance can only be approved following publication of the development plan for which it relates (and, therefore, cannot be adopted prior to the adoption of the local development plan). Consequently, I find no justification to suggest suspension of the proposed Midlothian Local Development Plan on the basis of a lack of transport appraisal or published supplementary guidance.

Orbital bus route A720

63. I agree with the council that illustration of proposals and interventions on the proposals maps is useful where they have a specific land use impact. However, some interventions, like the orbital bus route around the A720, are not easily illustrated. SESplan identifies the orbital bus route in figure 3 (regional core) which shows a continuous line from the A1 to Edinburgh Airport. In the context of proposed Midlothian Local Development Plan only a few of the maps include the A720 city by-pass as it lies primarily outside the authority area. I consider that SESplan illustrates the route successfully as a whole. Therefore, it is not necessary for the proposed plan to show only parts of this wider

strategic transport intervention. No change to the proposed plan is required to show the orbital bus route.

Integration with the Borders Railway

64. As stated by the council, the stations serving the Borders Railway all have cycle parking and are integrated, where possible, with existing bus, cycle and pedestrian networks. Car parking at stations also allows for park and ride reducing the need to travel by private motor vehicle. In addition, the proposed plan would require any development nearby to a rail station to integrate with the local networks and thereby encourage use of the railway. I find that no changes are required to the proposed plan in relation to further transport integration with the Borders Railway.

Traffic impacts in Lasswade and along the A7

65. I note that the transport interventions include reference to an urbanisation scheme along the A7 which should support the move towards active and suitable forms of transport and help to reduce congestion along this route. The suite of transport interventions listed in proposed policy TRAN 2 do not include specific projects for Lasswade but would likely improve the overall road network to aid the relief of congestion in settlements across Midlothian. No change to the plan is required on this matter.

Safe crossing of the A720

66. Scottish Natural Heritage suggest that a further intervention should be included in policy TRAN 2 to allow safe crossing for pedestrians and cyclists over the A720 city by-pass but with particular emphasis on the Sheriffhall roundabout. From my site inspections I noted that there are opportunities for pedestrians and cyclists to cross the A720 at various overpasses but also on dedicated routes including the Loanhead railway path. However, as indicated by the council any incorporation of a dedicated pedestrian/cycle crossing at Sheriffhall roundabout could be addressed in its grade separation redesign. No change to the proposed plan is required to allow this to occur.

Policy TRAN 3 (strategic transport network)

Sheriffhall Roundabout

67. The previously adopted Midlothian Local Plan 2003 identified (under the section entitled “road safeguarding”) that the A720 “Sheriffhall roundabout grade separation is included in the Structure Plan list of schemes to be safeguarded”; and proposal TRAN4 (Trunk Roads) of that local plan supported the early implementation of this project. Similarly, the currently adopted Midlothian Local Plan (2008) contains support for the early implementation of the project.

68. In addition, the strategic infrastructure figure within the currently approved SESplan states that “figure 2 identifies key strategic improvements to transport and other infrastructure which are required for existing and future development”. The key strategic improvements include the “Sheriffhall junction upgrade” within the regional core, and “upgrading of Sheriffhall roundabout and other junctions on A720” in the Midlothian/Borders area. Paragraph 74 of SESplan states that key infrastructure projects in the Midlothian/Borders include the “grade separation of Sheriffhall Roundabout and improvement to other junctions on the A720 City Bypass”. In addition, paragraph 120 of SESplan (in reference to

transportation policies) states that local development plans “should make provision for the priority strategic interventions detailed in Figure 2 (Strategic Infrastructure) and in the accompanying Action Programme”. And, action 25 of the SESplan Action Programme (September 2015) requires delivery of “grade separation of Sheriffhall Roundabout and the upgrading of other junctions on the A720 city bypass including bus priority measures”.

69. As written, policy TRAN 3 of the proposed local development plan reads as a statement of support for the early implementation of the grade separation of the Sheriffhall Junction. Policy TRAN 2 provides additional support for this project and identifies that developer contributions may be sought to help with early implementation. Paragraph 4.5.9 of the proposed plan also states that the council will maintain a dialogue with Transport Scotland in relation to any intervention.

70. Transport Scotland suggests that insufficient work has been undertaken to understand the impact of development in Midlothian on the Sheriffhall roundabout; and suggests that greater certainty regarding funding and delivery of the grade separation project is required to support policy TRAN 3.

71. However, I find that policy TRAN 3 is not a “policy” as such but simply a statement of support for the early implementation of a project which has historic and current development plan support. SESplan is definitive at paragraph 120 where it directs local development plans to prioritise strategic infrastructure. Therefore, I find it appropriate and reasonable for the proposed Midlothian Local Development Plan to continue to endorse the early implementation of this project. No change to policy TRAN 3 is required.

Cycling

72. I conclude in paragraph 14 of Issue 1 (vision, aims and objectives) that active travel and encouraging cycling is an integral part of the proposed plan. Proposed policies TRAN 1 (sustainable travel); TRAN 2 (transport network interventions); DEV 6 (layout and design of new development); ENV 2 (Midlothian green network); and IMP 1 (new development) would all support the provision of cycling routes within developments and integration with the wider cycle network.

73. In addition, proposals would not solely be considered in relation to the provisions of the local development plan but would also be determined with reference to the Midlothian Local Transport Strategy; Midlothian Core Path Plan; and statutory supplementary guidance on the Midlothian green network. All of these documents would promote cycling across Midlothian.

74. In consideration of the above, I find that the proposed plan provides reasonable policy provision to encourage and integrate cycling as part of the development process. Provision of integrated cycle facilities would likely help to reduce reliance on the private motor vehicle. The provision of extended cycle routes and increased safety/segregation of routes is a matter which could be explored through the planning application process and through the preparation of development briefs and masterplans including that for The Bush (as mentioned in representations). The proposed plan would not impede the provision of expanded routes which could be identified and supported through the other documents mentioned in paragraph 73 above. No change to the proposed plan is required on this matter.

Other matters*Penicuik Railway*

75. As indicated by the council there is no provision for a railway line to Penicuik in SESplan and, in any case, there are significant uncertainties in relation to infrastructure provision and financing of the line. Consequently, I find that a potential route for the line should not be safeguarded in the proposed plan.

Borders Railway

76. The railway stations along the Borders Railway are now operational. Consequently, I agree with the council that the sites and land surrounding the stations do not need to be safeguarded in the proposed plan. I note that the council is investigating redevelopment opportunities on land beside stations. There is sufficient provision in the proposed plan to ensure appropriate development is supported on land adjacent to stations.

Edinburgh Royal Infirmary access

77. Mr Laird considers that more priority should be given to the provision of bus connections from west Midlothian to the Edinburgh Royal Infirmary. While the proposed local development plan encourages bus provision in new development it has little influence over the promotion of new routes or the increased frequency of services. This is a matter for transport providers in collaboration with the council as transport authority. No change to the plan is required to priorities bus provision to the Edinburgh Royal Infirmary.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Replacing the second sentence of paragraph 4.5.8 on page 28 with:

"This is considering the longer term impacts on the strategic transport network of potential future growth as part of the SESplan spatial strategy."

2. Replacing the transport intervention "Redheugh Station" within policy TRAN 2 (transport network interventions) on page 28 with "Potential rail station at Redheugh".

3. Replacing the first transport requirement in Table 8.18 'Gorebridge Implementation Requirements' on page 117 with:

"Borders Rail, including Gorebridge station and related car park and/or potential new Redheugh station and related car park".

Issue 7	Site Ec3 and A701 Relief Road	
Development plan reference:	Strategy for Sustainable Growth – Strategic Employment Locations. Promoting Economic Growth – Transport Network/Town Centres and retailing. Protecting Our Heritage – Protecting the Green Belt.	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
907760 907760 778339 782016 907634 909742 909735 909865 909865 909579 909579 909579 909893 909893 909826 909826 909826 909826 782016 907142 909865 909865 778171 921601 907142 921439 921439 922121 817544 908626 922114 966437 966437 817544 754735	PP13 PP15 PP27 PP82 PP113 PP167 PP255 PP272 PP283 PP401 PP404 PP410 PP433 PP435 PP440 PP450 PP476 PP467 PP501 PP536 PP551 PP552 PP893 PP922 PP1054 PP1202 PP1203 PP1393 PP1630 PP2705 PP2708 PP2851 PP2852 PP2854 PP2879	Almondvale (Livingston) Ltd Almondvale (Livingston) Ltd Midlothian Green Party City of Edinburgh Council Pentland Studios Ltd Kate Holbrook Midlothian Matters Midlothian Environmental Action Midlothian Environmental Action Straiton Park Ltd Straiton Park Ltd Straiton Park Ltd Damhead and District Community Council Damhead and District Community Council Duncan McAuslan Duncan McAuslan Duncan McAuslan Duncan McAuslan City of Edinburgh Council Mirabelle Maslin Midlothian Environmental Action Midlothian Environmental Action Jacqueline Marsh Ross Laird Mirabelle Maslin James Telfer James Telfer C Daniels M Begbie Ailsa Carlisle Andrew Pritchard Mrs Telfer J Telfer M Begbie Scottish Natural Heritage
Provision of the development plan to which the issue relates:	Section 2.3 Employment Land, Policy STRAT5. Section 4.5, Policy TRAN2. Section 4.6, Policy TCR2. Section 5.1, Policy ENV1	

Planning authority's summary of the representation(s):Representations seeking removal of site Ec3

Objects to site Ec3. Considers the proposal for a "Midlothian Gateway" are poorly defined, given its location it is unlikely to attract tourists, does not believe that another retail park will make the area any more attractive and is more likely to result in what is in effect a motorway service station. (PP27 Midlothian Green Party)

Objects to the proposed A701 relief road and the West Straiton allocation (Ec3). Considers that these proposals run counter to section 3E of the Planning Acts, Scottish Planning Policy, Strategic Development Plan policies 1B and 8; a number of Proposed Midlothian Local Development Plan policies; the Scottish Soil Framework and Scotland's Land Use Strategy. In addition to this, the proposals are opposed on grounds of: destruction of local community at Damhead; loss of Green Belt; loss of good quality agricultural land; loss of biodiversity/habitats; impact on landscape character/visual amenity; effect on water quality, drainage and flood defence; increase in traffic with resulting increase in carbon emissions/pollution; coalescence with Edinburgh; not mentioned in National Planning Framework; contrary to EU, UK and Scottish air quality strategies; Does not take account of Damhead Community Council Neighbourhood Plan; lack of comprehensive transport study and no low-carbon alternative. (PP272, PP283, PP551 Midlothian Environmental Action)

Objects to the development pressures in Damhead. It is not a focal point on the map but considers it is suffering heavy development which is to the detriment of the Damhead community. (PP467 Duncan McAuslan)

Considers that Straiton should not be developed any further, and that to do so would be contrary to aims of promoting town centres, and contrary to SDP. Considers that development at Straiton has been piecemeal with no integrated overview, and that this will not be remedied by building on other side of A701. (PP536 Mirabelle Maslin)

Opposes the proposed allocation of Ec3 West Straiton. Considers there is no need for this allocation, and that it would increase traffic/pollution in the area, and use precious Green Belt land. Alternative use for being suggested, as leisure/wildlife area. (PP893 Jacqueline Marsh)

Objects to development proposals (West Straiton Ec3) on the following grounds: pedestrian access across the A701 to West Straiton is poor, even with the A701 Relief Roads proposals; and ground conditions at West Straiton are unsuitable for development. (PP922 Ross Laird)

Objects to the proposed West Straiton site (Ec3). Considers that Straiton Retail Park should not be extended any further as it has contributed to the deterioration of town centres such as Penicuik, Loanhead and Dalkeith; adverse effect on the Green Belt; development of Straiton has been piecemeal with no integrated overview and further expansion will not change this; considers that existing roads have not been properly maintained and that weeds and Giant Hogweed have been allowed to overgrow. (PP1054 Mirabelle Maslin)

Objects to the proposed West Straiton site (Ec3). Considers that encouraging development in this area would result in loss of Green Belt and prime agricultural land; site is likely to be affected by historic coal mining resulting in ground instability, potential gas leakage and

water contamination; would result in land uses and scale of development contrary to Green Belt (cites SPP); impact of electricity pylons not considered; effect on client's land must be considered or would be considered maladministration; effect on health/wellbeing of nearby residents, animals and the environment; lack of accessibility. Considers there is a lack of available evidence that there are not alternative sites to Ec3 that would not involve significant erosion of the Green Belt. (PP1202 James Telfer; PP1630 M Begbie; PP2851 J Telfer)

Objects to the proposed economic site at West Straiton (Ec3). Considers that these will contribute to coalescence, resulting in loss of identity; concern expressed regarding strain these will put on infrastructure; considers that existing economic developments have cheapened the area, adding light pollution, noise and traffic, undermining the idea of the 'Midlothian Gateway', particularly as these may obstruct views of the Pentlands; raises concerns about loss of wildlife, particularly in light of climate change and loss of habitats. (PP1393 C Daniels)

Objects to site Ec3 West Straiton on the following grounds: Impact on Amenity. Considers development of these sites will significantly reduce the aesthetic and environmental value of the area in an unsustainable way; Loss of Settlement Character and Identity. Considers the approach taken in Midlothian settlements is contrary to the Proposed Plan's strategy; Settlement Coalescence. Objection to the merging of settlements into an Edinburgh conurbation to the detriment of residents and the whole area; Local Infrastructure and Services. Considers huge strain will be put on local services; Economy: Considers rapid unsustainable development will be much to the detriment of the area's economic potential; Transport. Considers huge strain will be put on transport; Considers development can only occur with complete disregard for the designations affecting sites in Midlothian; and Outraged that the nature of greenspaces in Midlothian and Edinburgh will be damaged by development and that a precedent will be set for further development. (PP2708 Andrew Pritchard)

Seeks modifications to Ec3 (either to boundary or nature of development)

Objects to the principle of developing proposed site West Straiton (Ec3) for retail. Considers that the site is greenfield and Green Belt; that retail is not the same as an 'employment' allocation; dependence on the A701 relief road; ground stability and contamination issues need to be satisfied. (PP13 Almondvale (Livingston) Ltd)

Objects to the inclusion of Ec3 as part of Straiton Commercial Centre, which is a long established commercial centre within the retail hierarchy. (PP15 Almondvale (Livingston) Ltd)

CEC has significant concerns about expansion of Straiton retail park. States that not clear what the final size of the expansion will be or what the balance of uses will be, but considers it likely that the retail park will double in size. Considers that it is not clear to what extent Midlothian will be able to limit the amount of new retail development on site once principle established, and that there is a risk that land allocated for alternative uses in the masterplan may be subsequently used for retail development. CEC does not agree that the western expansion of Straiton is the best solution for meeting future needs of Midlothian shoppers or wider area. Considers that there is no requirement for such a strategic expansion the approved SDP, nor is there sufficient justification set out in the retail study given its peripheral location relative to future growth in spending/population in Midlothian, its high dependence on trade drawn from outwith Midlothian and the fact that

local authority boundaries do not influence where people shop. Considers that retail study makes clear that the expanded park will mainly be catering for additional retail comparison shopping demand in the A7/A68 corridor and acknowledges the limited east-west public transport links between the Straiton and A7/A68 corridor. Focus of retail strategy appears to be on stemming leakage of comparison goods spending from Midlothian - however, there is no requirement in SDP to minimise leakage from local authority areas. Measures to reduce leakage could lead to longer and less sustainable shopping patterns and could disadvantage those sections of community without access to a car. Considers that the study uses optimistic assumptions to quantify future spending, which creates significant risk that new development will rely on diversion of trade, adversely affecting vitality and viability of existing centres. Considers that 4.7% per capita growth of comparison goods is not justified and refers to more recent Experian forecasts (Experian Retail Planner Briefing Note 11, October 2013 predicts annual average growth of 2.9% between 2012-25. (PP82 City of Edinburgh Council)

Objects to the omission of the land around Damhead/Pentland Road as indicated on the attached supporting statement and which is the subject of a planning application (15/00364/PPP) for the development of a film studio and associated uses. Welcomes the fact that the majority of the land is now designated as countryside and not Greenbelt and that the Council has allocated site Ec3 but suggests only the latter change is reflective of the land uses proposed as part of this submission and the planning application. Does not agree with the requirement that the realigned road must be built before development of Ec3 and considers this approach would prohibit development and risks creating planning blight as there is no secured funding to deliver. Equally if it is to be built by developers then it will require enabling development to ensure delivery therefore it would not be viable to construct the road in advance of any development coming forward within the plan's lifetime. (PP113 Pentland Studios Ltd)

States that within the Damhead area, Straiton Bing is not only of local significance for biodiversity, as it contains one of the largest areas of semi-natural woodland in this part of Midlothian but it is also of regional importance. Considers the allocation of site Ec3 is contrary to Policy ENV14. Considers Straiton Bing is important for the nationally important species that it supports (e.g. badgers, bats, buzzards) and that it is a locally important greenspace of value to the local community for recreation. States a survey of the biodiversity value of this area was done in 1996 and found the area to be of high biodiversity value. States the native woodland that has developed since the site was abandoned is now of significant regional importance, and should be protected. (PP167 Kate Holbrook)

Objects to the exclusion of land at West Straiton for employment uses referring to proposal STRAT5 and appendix 3B. A full supporting statement detailing this representation has been submitted by Straiton park Ltd as part of representations to the A701 Corridor Strategic Development Area (PP401 Straiton Park Ltd)

Supports the identification of a cinema as a potential use within site Ec3 at West Straiton but objects that no specific site has been identified. (PP404 Straiton Park Ltd)

Objects to the non-identification of proposed West Straiton site (Ec3) for housing development in addition to other uses (seeks approximately 16 Ha of site for housing, or 450 units). Considers that residential at this site would: enable the Council to meet the aspiration of developing the A701 improvement, retail and economic alone would not generate the necessary funds required to construct the road; would allow development of

'community gateway' providing a full range of uses; allocated site does not cover all of Straiton Park Ltd's land holding and should be amended to reflect this; considers that housing development should be allowed by the LDP immediately rather than as a long term opportunity in order to finance road; site is effective in relation to PAN 2/2010. With regard to other uses on site: 3 Ha employment proposed - considers that there is a only a 6 year supply across SDP period which can be met by bringing forward sites currently constrained or identifying new locations; refers to recent losses to economic supply in Midlothian to non-economic uses and no immediately available sites in vicinity; 3 Ha retail proposed - would cement Straiton as strategic development location in SDP context by increasing range/choice of facilities in vicinity; 4 Ha tourism; 3 Ha open space; 4 Ha other uses - scale of development lends itself to range of renewable energy opportunities. Considers that on the basis of annual completions to date and the figures in HLA 2014, there is a 1,286 unit shortfall; does not consider that the LDP sites should be considered as these will not come forward prior to plan adoption. Considers that HLA 2014 optimistic on phasing at a number of sites, reducing supply by further 159. (PP410 Straiton Park Ltd)

Expresses concern about Straiton retail proposals. Key issues are:

- uncertainty to what extent the 60ha area known as 'Midlothian Gateway' will be disaggregated into retail, hotel, office and commercial use
- it may prove difficult to restrict the amount of the site that is used for retail use and that development could have significant impact on Edinburgh City Centre and town centres.
- the retail study does not set out clear and robust case for expansion
- Straiton has a peripheral location relative to future growth of population and spending and has a high dependence on trade from outwith Midlothian
- the study uses optimistic assumptions to quantify future spending, and
- the study makes too much emphasis on local government boundaries.
- Excessive provision could impact adversely on vitality and viability of existing centres in Midlothian and Edinburgh.
- the site is not sustainable as Midlothian has limited east-west public transport services, leading to additional car travel.

Suggests that Midlothian identifies more appropriate proposals closer to the centres of new demand. Refers, in committee report, to potential mitigation costs (in respect of transport) arising from proposals at Straiton. Appendix 1 [also basis of PP82] considers these themes further: CEC has significant concerns about expansion of Straiton retail park.

- It is not clear what the final size of the expansion will be or what the balance of uses will be, but considers it likely that the retail park will double in size.
- Considers that it is not clear to what extent Midlothian will be able to limit the amount of new retail development on site once principle established, and that there is a risk that land allocated for alternative uses in the masterplan may be subsequently used for retail development.
- CEC does not agree that the western expansion of Straiton is the best solution for meeting future needs of Midlothian shoppers or wider area.
- Considers that there is no requirement for such a strategic expansion the approved SDP, nor is there sufficient justification set out in the retail study given its peripheral location relative to future growth in spending/population in Midlothian, its high dependence on trade drawn from outwith Midlothian and the fact that local authority boundaries do not influence where people shop.
- Considers that retail study makes clear that the expanded park will mainly be

catering for additional retail comparison shopping demand in the A7/A68 corridor and acknowledges the limited east-west public transport links between the Straiton and A7/A68 corridor.

- Focus of retail strategy appears to be on stemming leakage of comparison goods spending from Midlothian - however, there is no requirement in SDP to minimise leakage from local authority areas. Measures to reduce leakage could lead to longer and less sustainable shopping patterns and could disadvantage those sections of community without access to a car.
- Considers that the study uses optimistic assumptions to quantify future spending, which creates significant risk that new development will rely on diversion of trade, adversely affecting vitality and viability of existing centres.
- Considers that 4.7% per capita growth of comparison goods is not justified and refers to more recent Experian forecasts (Experian Retail Planner Briefing Note 11, October 2013 predicts annual average growth of 2.9% between 2012-25. (PP501 City of Edinburgh Council)

Seeks inclusion of requirement for an area framework for Ec3: West Straiton in the Settlement Statement section of the plan. Considers that a co-ordinated development framework in light of West Straiton and A701 realignment proposals is needed in order to safeguard resources in this corridor. (PP2879 Scottish Natural Heritage)

Seeks removal of proposed A701 relief road

Considers the proposed A701 Relief Road contradicts Proposed Plan policies ENV4 Prime Agricultural Land, ENV5 Peat and Carbon rich Soils and DEV1 Community Identity and Coalescence as well as the Damhead Community Plan. (PP255 Midlothian Matters)

Objects to proposed A701 improvement. Considers that the proposal is contrary to SPP requirement to contribute towards sustainable development, which is not mentioned in the MLDP, suggesting it has not been taken into account; contrary to SPP section on placemaking, with particular reference to 'Easy to Move Around and Beyond', given that A701 proposal will prioritise all road vehicles over people and ignore sustainable/active travel options; proposal goes against Damhead & District Community Plan and is therefore contrary to paragraph 12 of SPP, which requires integration between LDP and community plans; considers proposal to run contrary to 4 planning outcomes in SPP; proposal is considered contrary to the Aims of SDP and Policy 8. (PP272, PP283, PP551, PP552 Midlothian Environmental Action)

Objects to the proposed A701 Relief Road. Considers that the Council is culpable in preventing the delivery of the consented scheme as they approved the Asda store at Straiton, traffic increase is result of committed and proposed land allocations in the plan, identification of route creates artificial boundary that will increase pressure for development on land along the A701, land is prime agricultural land and Green Belt. Considers that proposal runs contrary to objectives of the Transport Options Appraisal (TOA) produced by Systra, in particular: *to protect health of population* - considers that road will likely increase road usage with knock-on effect of greater air pollution; *mitigate effect of transport system on built/natural environment* - Damhead area is characterised by small holding and new routes would carve through these areas, resulting in impact on livelihoods of rural businesses, loss of prime agricultural land, increased flooding due to surface run-off and impact on areas of archaeological value; *to reduce number of casualties* - road likely to increase traffic volumes resulting in more car use and subsequent increase in accidents (highlights Transport Appraisal Appendix), local topography indicates that roundabout

joining A702 with A703 would create a blind end behind a small rise; *to stabilise traffic growth in line with national targets and secure more reliable journey times* - road likely to increase traffic; objective to secure reliable journey times focused on car journeys is contrary to SPP and PAN75, lack of evidence that road will increase public transport use (cites Appendix); *widen travel choices and make travel by more sustainable modes more attractive/improve integration between all modes of transport* - considers that existing scheme would have been more cost effective with less environmental impact, as would the creation of dedicated/segregated cycle route in countryside around area proposed; proposal would bypass Straiton Park & Ride (Appendix cited); *to enhance connections between areas in Midlothian and beyond* - Midlothian already served by good transport links sufficient to provide for needs of population (existing & projected), Bush has recently had improved road network with signal controlled junction on A703, congestion issues on junctions on the Bypass are due to their current design which TOA does not look at for comparative purposes. No apparent attempt to consider improving junction capacities on Bypass to deal with congestion/delay times, projected changes in peak time traffic is not considered sufficient to justify proposal. *Reduce social exclusion by improving accessibility to jobs/ education/ services* - considers that given road will increase traffic, that this will only benefit a particular sector of society. (PP433, PP435 Damhead and District Community Council)

Objects to proposed A701 realignment. While seeing the need for development, does not see the need to develop prime agricultural land and green belt for this proposal. Believes that the A701 realignment would cut the community of Damhead in two resulting in loss of sense of place and that it is not in the interests of the people living there. (PP440 Duncan McAuslan)

Objects to proposed A701 realignment. Considers that this proposal runs contrary to the Aims and Objectives of the plan, in particular objectives favouring development of brownfield over greenfield, avoiding the loss of community (due to the impact on Damhead) and protecting and enhancing the rural environment. Believes that the Council is being dishonest in putting forward this proposal while stating these aims. (PP450 Duncan McAuslan)

Objects to proposed A701 Relief Road. Considers that the land is Green Belt and prime agricultural land; suggests that this shows inconsistency in Council's approach of ignoring own policies. (PP476 Duncan McAuslan)

Objects to the proposed A701 improvement. Considers that it is not in the National Planning Framework; it is located in the Green Belt and will consume 5% of grade 2 agricultural land in Damhead; contrary to EU Clean Air Policy, UK & Scotland's Low Emission Strategy and Climate Change Declaration; no other transport options were considered such as public transport priority on existing road; questions whether funding from development at West Straiton is necessary given that traffic demand will be generated by this development; road opens up large area of Green Belt for development; no confidence that road will prevent further development beyond. (PP2705 Ailsa Carlisle)

Objects to removal of land at Old Pentland from Green Belt

Wishes land at Old Pentland retained as Green Belt. Considers that removal would encourage development, and lead to loss of prime agricultural land in productive use. Considers removal not justified, and that Council has unjustifiably relied upon route of realigned A701 to support removal. States that client's status as landholder is relevant and

that client has no intention of surrendering rights to land. Objects to allocation of Ec3 on basis of loss of prime agricultural land, ground conditions, drainage impact on neighbouring land, ecology impact on site and neighbouring land, electricity lines, visual impact and harm to character and openness of the area. Considers that failure to consider impact of Ec3 on clients interests at this stage may amount to maladministration. Also considers that it conflicts with the community neighbourhood plan. Considers that site is poorly linked to sustainable transport and there are problems with roads in respect of congestion and safety. Considers that the loss of green belt is unjustified, that it is contrary to aims of SPP21[sic], that employment opportunities created ought not to outweigh national policy context; that it has not been demonstrated that there are no alternative sites avoiding the green belt; that the allocation is not sustainable development, and that it does not meet aims and objectives of the plan. States that removal of green belt and allocation of Ec3 is linked to route of A701 re-alignment, and that it would be inappropriate to allocate while uncertainty over route remains. (PP1203 James Telfer, PP2852 J Telfer, PP2854 M Begbie)

Modifications sought by those submitting representations:

Objects to allocation of site Ec3

Seeks removal of proposed West Straiton site (Ec3). Objects to the principle of developing proposed site West Straiton (Ec3) for retail. (PP13, PP15 Almondvale (Livingston) Ltd)

"If the Council is to support tourist development in this area, it is clear that it should focus on provision of appropriate accommodation for outdoor pursuits on the Pentland Hills rather than the creation of what would in effect be a motorway service station.". (PP27 Midlothian Green Party)

Seeks removal of proposed A701 relief road and West Straiton allocation (Ec3) from the proposed plan. (PP272, PP283, PP551 Midlothian Environmental Action)

Ec3 should be deleted from plan and no further expansion to take place at Straiton. (PP536 Mirabelle Maslin)

Develop existing brownfield sites - also inferred that allocation of Ec3 should be deleted, and consideration given to alternative use as wildlife/leisure area. (PP893 Jacqueline Marsh)

Seeks removal of proposed site at West Straiton (Ec3) from the plan. (PP1393 C Daniels)

Seeks removal of Ec3 and retention as green belt. (PP1202, PP103 James Telfer, PP2851, PP2852 J Telfer, PP1630, PP2854 M Begbie, PP1054 Mirabelle Maslin; PP2708 Andrew Pritchard)

Seeks modifications to Ec3 (either to boundary or nature of development)

Requests site Ec3 is modified to exclude Straiton Bing. Considers Straiton Bing should be afforded protection as a site of regional and local nature conservation importance, as well as of potential recreational value to the local community. Further states it is also a key node in the Central Scotland Green Network. (PP167 Kate Holbrook)

Seeks change of boundary to proposed site West Straiton (Ec3) to include own

landholdings and provision in the plan made for more residential development (16 Ha or 450 units) to be brought forward earlier than currently suggested, and for A701 to be delivered in phases, not necessarily in advance of Ec3 development. (PP410 Straiton Park Ltd)

CEC requests that more appropriate additional retail development closer to the additional demand is provided, capable of being served by sustainable transport modes. Should the site be retained, CEC requests that the LDP more clearly identifies the distribution and extent of the various uses on the site including a cap on the amount of retail floorspace, similar to the site briefs in the Edinburgh 2nd proposed LDP. (PP501 City of Edinburgh Council)

CEC requests that more appropriate additional retail development closer to the additional demand is provided, capable of being served by sustainable transport modes. Should the site be retained, CEC requests that the LDP more clearly identifies the distribution and extent of the various uses on the site including a cap on the amount of retail floorspace, similar to the site briefs in the Edinburgh 2nd proposed LDP. (PP82 City of Edinburgh Council)

Seeks the inclusion of the land referred to in the submission as a site for a film studio and associated uses and for the guidance in the eighth sentence of paragraph 8.3.4 to be amended to state that consented development proposals should contribute to the proposed realignment of the A701. (PP113 Pentland Studios Ltd)

The plan should identify a site for the proposed cinema and suggests it should be located at the site identified in the supporting statement. (PP404 Straiton Park Ltd)

Enhanced connections and further facilities are required at Loanhead/Straiton for expansion to properly proceed in this area. (PP922 Ross Laird)

Seeks inclusion of requirement for an area framework for Ec3: West Straiton in the Settlement Statement section of the plan. (PP2879 Scottish Natural Heritage)

Objects to proposed A701 relief road

Seeks removal of proposed A701 relief road and West Straiton allocation (Ec3) from the proposed plan. (PP272, PP283, PP551 Midlothian Environmental Action)

Seeks removal of A701 improvement from the plan. (PP552 Midlothian Environmental Action)

Seeks removal of the proposed A701 Relief Road from the plan, particularly references in policy TRAN2. (PP433, PP435 Damhead and District Community Council)

Seeks removal of A701 realignment and implementation of Damhead Community Council's plan. (PP440 Duncan McAuslan)

Seeks removal of proposed A701 realignment. (PP450 Duncan McAuslan)

Seeks removal of A701 Relief Road from the plan as well a more transparency and honesty in Council's dealings. (PP476 Duncan McAuslan)

Improve A701 without relying on developer contributions and invest in Penicuik Railway to connect with Borders Rail. Prioritise Public transport and cycling on existing A701. (PP2705 Ailsa Carlisle)

Appears to oppose A701 relief road (PP255 Midlothian Matters)

Objects to removal of land at Old Pentland from Green Belt

Objects to removal of land at Old Pentland from Green Belt (PP1203 James Telfer, PP2852 J Telfer, PP2854 M Begbie)

Summary of responses (including reasons) by planning authority:

Context

The representations received in respect of the proposed A701 relief road have been considered in this schedule 4 as site specific representations to the new road along with representations to site Ec3. Further details on the policy position surrounding the road and other transport matters are addressed in Issue 6 – Improving transport Connectivity.

The transport modelling undertaken at the Main Issues Report stage found quite serious congestion issues along the A701 and its junctions (CD127, appendix 2) and estimated that by 2024 there would be over capacity issues at junctions and that a “whole route” solution is probably appropriate. Following a Transport Appraisal of the Proposed Plan the route was identified as one of a package of necessary and appropriate interventions to enable implementation of the development strategy. The justification for a realignment of the A701 has been around since the original realignment proposals were approved in 2000. At the Main Issues Report stage the Council acknowledged that the remainder of the consented road scheme may not be implemented and that a new road was required to cater for scale of proposed housing and economic growth in the A701 corridor, particularly at The Bush (CD043, paragraphs 3.32 – 3.34). In addition the original relief road plans did not include onward access to the A702. The Council considers that this link is vital for the continued investment and development in the bioscience sector at The Bush which is already struggling to cope with the volume of traffic accessing the area from the A702. The Council consider that the two elements are essential if the development strategy for this corridor is to be realised. Together the two roads will link the A702, A703, A701 and A720. Allied to that is a new primary access to the Bush and dedicated space for active travel and enhanced public transport provision on the existing A701, something that is not achievable if the proposal is not supported. The Council recently took the decision to abandon the consented plans in favour of the Proposed Plan solution (CD008).

The road is the key to unlocking development in the corridor – as such all new allocations in the A701 corridor are required to contribute to it.

The LDP proposes to allocate a 60ha site at West Straiton for a mixed-use development to form a Midlothian Gateway(subject to the proposed relief road being approved). This site has significant legacy environmental problems from past limestone mining and waste tipping. It presents a unattractive entrance to Midlothian. To avoid the problems associated with haphazard and piecemeal development, which detract from the amenity and function of the established Straiton retail area to the east, the Council requires this area to be masterplanned, establishing the development layout, access arrangements, landscaping and mix of uses.

This site will help to meet the strategic objectives of the plan, by creating a quality and sustainable business location, and will provide new jobs and help to reduce out-commuting. Currently more than 50% of Midlothian workers work outside Midlothian (CD038), and the provision of additional job opportunities closer to where people live is an objective of the Council.

The Council recognises the problems likely to be faced in developing this area, and has deliberately allowed for a wide range of uses, including retail, commercial leisure office and business use, and possibly housing. By retaining flexibility in respect of uses (all of which are compatible with a high amenity site), the Council hopes to facilitate a development solution which brings this difficult site into productive use. The A701 relief road will define the site to the west and the current A701 will be prioritised for cycling, walking and public transport and made less of an obstacle between the two parts of Straiton.

Representations seeking removal of site Ec3

The Council does not agree that it is acting in a manner contrary to section 3E of the Town and Country Planning (Scotland) Act, 1997. The Principal Policy on sustainability contained in [Scottish Planning Policy](#) (SPP) 2014 is guidance under section 3E of the Act. The central purpose of the Scottish Government, expressed in the policy, is to increase sustainable economic growth (paragraph 24). The allocation's sustainability or otherwise is a matter that the Reporters will have to come to a judgement on based on cumulative assessment of the factors discussed below. However, the Council considers that a site with a high component of brownfield land, sitting astride a main public transport corridor through Midlothian (with an active bus based park and ride already on the site) demonstrates a high degree of sustainability.

In respect of conformity with the Edinburgh and South East Scotland Strategic Development Plan 2013 ([SESplan](#)) policies 1B and 8:

- the allocation does not impinge on any of the designations listed in the first two criteria of policy 1B.
- In respect of the third criterion, the Council considers that bringing this area into productive use will help to overcome legacy environmental problems and improve the overall amenity of this gateway location. The master plan process will establish, amongst other things, the development layout, design principles and mix of uses to ensure that development in this location enhances the quality of the built environment.
- The Council considers that there is nothing in the allocation that is contrary to the last two criteria, or the other policies of the plan, and the masterplan process will help to achieve these objectives.
- In respect of Policy 8 the Council considers that the site is well served by existing public transport, and there is potential to enhance this further through improved priority for buses on the existing A701. The commercial response of bus operators to growth across the corridor may enhance services (which may be augmented further by developer contributions).

In respect of conformity with the policies of the Proposed Midlothian Local Development Plan:

- the purpose of these policies is to assess planning applications:
- the allocation is a strategy matter, and

- the Council has carried out a separate development sites assessment process looking at relevant environmental factors.

The two potential route options identified in the Proposed Plan have been assessed as part of a feasibility study (CD150, appendix 3 and CD155 addendum report 2013). The options represent the best fit solution to minimise impact on designated and sensitive areas including settlements and properties. The Council acknowledges that parts of the most westerly route does come close to some properties on the edge of Damhead but considers that the alignment (along with any design/mitigation measures) will limit the impact of the road to an acceptable level. Local access arrangements will be factored into the design solution to ensure that Damhead residents are not disadvantaged. The allocation excludes the Straiton Park residential homes site and cottages. The development considerations in the MLDP Settlement Statement make express provision for preserving the amenity of these sites. The Council does not accept that the proposal (Ec3) will destroy the Damhead community as suggested.

The Council accepts that there will be a loss of prime agricultural land. While it is preferable not to use such land, this is permitted under [Scottish Planning Policy](#) where development is required as part of the settlement strategy (paragraph 80). The Council is concerned that a release restricted solely to the brownfield elements of Ec3 would not be deliverable and would fail to deliver the wider benefits of the proposal. A project of the scale of Ec3 and the A701 re-alignment will require to be screened for Environmental Impact Assessment, and if required the EIA process is likely to consider the impact on soils further, including mitigation. One approach may be to remove and store valuable topsoils for productive use or as the basis for environmental enhancements elsewhere.

Straiton Bing has seen some natural colonisation by wildlife, however the bing has no formal designation therefore the Council has not assessed it comprehensively to catalogue species present on site. It has not been designated a regionally and/or locally important conservation site, but Policy ENV14 allows for further sites to be designated during the lifetime of the plan and Policy ENV15 would apply if a species identified under European or UK Law was identified. The Damhead Neighbourhood Plan's (CD013) support for retaining the bing and potentially taking it into community ownership is noted. Midlothian Council owns the bing, and in determining its future will have regard for safety, community views, costs of removal, the nature of the material and potential future uses, and alternative uses for the site. The Council has not resolved the future status of the bing, and this is a matter to be addressed further by the masterplan and the EIA process for any further planning application (which will consider biodiversity amongst other matters).

The Council considers that the construction of the A701 relief road and the provision of significant landscaping as identified in the settlement statement (including a 30m wide mounded landscape framework along the site's western boundary and a 10m wide area of hedgerow/tree planting where the site adjoins the existing A701) will form a defensible long term Green Belt boundary, and reflect the intent of SPP and SDP Policy 12. In addition the west side of the current A701 is already partly built up therefore the Council considers that Ec3 can be implemented without damaging the landscape setting, identity and character of Edinburgh or neighbouring settlements.

SEPA has not objected to the site on water environment or water quality grounds. The masterplan and any subsequent EIA process would have to consider the drainage options for the site, which would involve sustainable drainage systems so that run-off in the developed state is no higher than in undeveloped condition. The drainage plan would also

consider the level of treatment required for the waters to be acceptable in the receiving watercourses. No evidence has been presented of any factors in respect of flooding and water environment that could render the site unsuitable for development.

The Council has carried out a Transport Options Appraisal (TOA) (CD121) which identifies a package of interventions. The TOA concludes that these proposed interventions strongly support the development strategy. The A701 relief road forms part of the package to accommodate growth in the corridor. Traffic related air quality problems are usually the result of static traffic in built up areas, and this area is not an Air Quality Management Area: the Council considers that its package will offset congestion and associated air quality problems. Matters relating to the A701 are considered in greater detail in the A701 sub-topic below.

The SDP establishes a network of centres in Table 1. SDP Policy 3 requires LDPs to support and promote the network of centres. Other town centres and commercial centres are to be identified within LDPs. A sequential approach to the selection of locations is required. The MLDP Proposed Plan contains a network of centres (table 4.1) defining the roles of Midlothian's only commercial centre (Straiton retail hub, which encompasses Ec3). The definition places Straiton's role within a network of centres where priority is given to the regional centre and town centres. Policy TCR2 establishes a sequential approach which prioritises town centres. The Policy also contains provisions to protect the viability and vitality of other centres and to require sustainable transport provision in connection with new retail provision at Straiton. Retail policy matters are considered further in Issue 8 Schedule 4. Developments since the RDP 2012 study 'The Future of Retailing in Midlothian' (which forms the core of the technical note) are considered below under the heading *Consideration of developments in retail trends since Retail and Town Centre Technical Note*. The Council considers that its retail policies are in conformity with the SDP, and this will provide the adequate framework to assess any application in site Ec3 containing a retail element. The site is also subject to a masterplanning exercise, which will (amongst other things) consider the mix of uses on the site.

As Issue 8 Town Centres & Retail Schedule 4 outlines, there has been strong retail sales growth since the end of the recession and high population growth is expected in the plan period. The Retail and Town Centres Technical Note contains further detail on expected trends (CD087). The Council considers in this context that there is a role for retail expansion at Straiton retail hub. Policy TCR 2 requires priority to be given to other established retail locations. Straiton is more likely to compete with other out-of-town locations rather than local town centres, and to attract retail formats that cannot be readily accommodated in town centres.

The Council agrees that development at the existing Straiton retail park has been piecemeal and has lacked an integrated overview. The retail park has developed through multiple applications, the original retail use being granted on appeal by the Secretary of State for Scotland in the 1980s. The lack of masterplanning gives the retail park a somewhat incoherent appearance, and contributes to functional problems such as poor pedestrian connections across the site. The Council's approach to Ec3 is to allocate the area as one site and require that it be masterplanned as a coherent entity. This will avoid a repeat of the challenges that have emerged with the Straiton retail park.

The Vacant and Derelict Land Survey (CD095) does not indicate much brownfield land that would be suitable for economic development and/or meet the sustainable development assessment criteria. However the Council has consented a number of redevelopment or

extension applications on established industrial estates including Bilston Glen at Loanhead.

The Council has sought to identify a selection of economic sites that it considers can best attract investment and adapt to changing market requirements. It has deallocated some long standing sites with little or no likely prospect of development over the plan period and amalgamated these into larger areas, well placed to good transport connections and public transport at Shawfair Park, Salter's Park and land at Ashgrove. Similarly site Ec3 is proposed as a mixed use development and will be promoted as a "Midlothian Gateway" site/location. However, it is wholly dependent on the delivery of the A701 relief road. The Council considers that it will support and assist future development at Straiton Retail Park as the population from new house building grows and demands for additional retail provision arises. Changes to Government policy in respect of non-conforming uses in the green belt resulted in land at The Bush being removed from the green belt. The area forms part of the Edinburgh Science Triangle and is allocated for Bioscience uses (principally earth and animal biosciences). It is a key sector in the Government's Economic strategy reflecting the recent designation of Enterprise Area status at the Biocampus. The SDP requirements include additional land to be allocated at The Bush to support the future development of the sector.

The Proposed Plan must be consistent with the SDP and while the Council acknowledges that the economic allocations are on green field or green belt locations it considers that the plan provides a balanced approach. Given the scale of development the MLDP is required to accommodate, the limited availability of appropriate brownfield sites and the proximity of the main settlements in Midlothian to the City bypass, it is considered that allocating green field, agricultural land and/or green belt land for new development is unavoidable. However, allied with existing industrial estates, the Council considers that site Ec3 is of a scale and nature that will attract investment and it is in an accessible and sustainable location.

With regard to site Ec3 not being likely to attract tourists, it is clear from Table 8.25 in the Loanhead Straiton Settlement Statement (page 129) that hotels are only one of many uses that the plan permits. Permitting a hotel at Ec3 is considered as being in line with the principles of policy VIS2 to allow hotels at key gateway locations near the A720, though it will be a matter for the developer to consider what configuration of uses will be achievable and marketable.

While the existing A701 road is not pedestrian friendly, it is considered that this is due to its current role as a main through-route to Edinburgh. The A701 Relief Road seeks to alleviate pressure on the existing A701 so that it might be better used for local traffic and access. The masterplanning of site Ec3 will provide an opportunity to make the existing A701 more pedestrian friendly, particularly through criterion D of TRC2, which requires the development to improve environmental quality and accessibility by public transport, walking and cycling.

The Loanhead/Straiton Settlement Statement in the plan is quite clear that ground stability and contamination issues need to be resolved (Table 8.25, page 129), which states:

'The site has ground stability and contaminated land issues which will need to be addressed and may result in parts of the site not being suitable for development. Those areas unsuitable for built development can contribute through open space and landscaping.'

The Council therefore considers that these matters have been addressed through in the drafting of the plan and further details will have to be investigated by developers seeking develop site Ec3.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP27 Midlothian Green Party, PP272, PP283, PP551 Midlothian Environmental Action, PP467 Duncan McAuslan, PP536 Mirabelle Maslin, PP893 Jacqueline Marsh, PP922 Ross Laird, PP1202 James Telfer, PP1393 C Daniels, PP2851 J Telfer, PP1630 M Begbie).

Representations seeking modifications to Ec3 (either to boundary or nature of development)

The A701 relief road (if approved) will form the western boundary of the Ec3 site. The scale of development in the A701 corridor requires construction of this road to avoid unacceptable congestion in the locality. As there are few existing natural features forming a boundary to the east the Council wishes to consider the road and site Ec3 in unison so that the best fit in the landscape is achieved. The Wardell Armstrong feasibility study (CD150 appendix 3 and CD155 addendum report) identified two possible options for the relief road. These represent the best fit in terms of minimising impact on designated sites and sensitive locations such as Pentland Cemetery. The Council also does not wish the optimum road line to be jeopardised by an inappropriate allocation across it (planning application [15/00364/PPP](#) - Pentland Film Studio). For these reasons the Council considers it very important that development at Ec3 only come forward once the road is delivered and the boundary formed.

The Council is committed to implementing the A701 relief road, and the Council does not agree that the allocation at Ec3 should await selection of the final design solution. This would effectively require the allocation to be postponed until the next LDP review, and deprive the road of a funding source. The extent of site Ec3 is identified on the proposals map on the basis of the more easterly, less expansive roadline, but the Council will define the final boundary on the basis of the exact road alignment following detailed survey work (paragraph 8.3.4

Site Ec3 is a high profile, well connected site with good potential for economic development. The uses on the site could include retail, commercial leisure, hotel, offices, and possibly housing. The masterplan will establish the mix of uses on the site. The retail policies in the Proposed MLDP prioritise and protect town centres, including Edinburgh City Centre. Any significant retail element proposed at Ec3 will have to be supported by a Retail Impact Assessment. The Council would expect to look at the latest market intelligence and developer interests and scope out potential impacts of the retail elements in any proposal in preparing the masterplan (which will be in advance of an RIA accompanying a future planning application). Given the significant ground condition problems, and the need for further market research and assessment as part of the masterplanning process, the Council does not consider it appropriate to sub-allocate the site for different uses at this stage.

The representor's (PP410) proposed site boundary lies outside the indicative A701 relief roadlines (CD150 and CD155 addendum report 2013 indicates the disparity). The roadlines shown in the LDP have been selected to provide a 50mph capable route which avoids residential buildings and other features of value. There has also been a strong focus on the deliverability of the new road and the design avoids areas of poor ground

conditions and areas that would require significant amounts of engineering to achieve acceptable gradients. The Council does not support altering the roadlines further simply to accommodate a larger development site.

The Council considers that retail use is just one of several land uses that can make a significant contribution to local job generation and opportunity. As the Council considers that there is potential to expand the retail offer at Straiton the Council does not accept the suggestion that Ec3 should be solely designated as general economic (class 4 and 5) uses.

In respect of the representation expressing concern at the potential scale of retail development on this site:

- any prospective application containing retail floorspace will be subject to the LDP's Town Centres and Retailing policies.

The MLDP Proposed Plan contains a network of centres (table 4.1) defining the role of Midlothian's only commercial centre (Straiton retail hub, which encompasses Ec3). The SDP requires LDPs to identify town centres and commercial centres, clearly defining their roles (Policy 3, criterion a). The LDP does this. The SDP requires LDPs to support and protect the network of centres shown in Table 1 of the SDP (Policy 3, criterion b). The LDP does this through criterion B and C of policy TCR2. The SDP requires a sequential approach in respect of the selection of locations for retail and commercial leisure (Policy 3, criterion c). Any exceptions identified through LDPs should be fully justified. Policy TCR2 criterion A establishes the priority of Edinburgh City Centre in sequential terms. The sequential test does not prioritise the other strategic town centres (Kirkcaldy, Glenrothes, Dunfermline and Livingston) as these have such a limited trading relationship with Midlothian, as revealed by the rigorous analysis in CD087.

Policy TCR2 reinforces the sequential approach which prioritises town centres, and provide a basis for preventing development that would affect the vitality and viability of town centres. The Council considers that its retail policies are in conformity with the SDP, and will provide the necessary framework to assess any application in site Ec3 containing a retail element.

The potential for Midlothian to support increased floorspace is set out in CD087, and recent trends are addressed further below.

Midlothian Council considers that it is appropriate to meet the needs of its expanding communities through provision of an expanded range of retail facilities. It is also important to encourage the provision of more local jobs. It is one of the LDP's economic objectives to 'Support Midlothian's growing economy by creating quality and sustainable business locations' and to 'Identify new economic and commercial opportunities to provide local jobs and help reduce out-commuting'. This will also help to meet the aspirations of Midlothian's communities for better facilities. It is known for example (through the Council's community planning function) that there is a desire on the part of young people for a cinema in Midlothian

In considering future demand for retailing the following factors are relevant:

- the population in the catchment area,
- the amount of spending per head,
- the existing retail stock and
- the amount of revenue it needs to trade successfully, and allowance for trade leaking to other areas and the internet.

On the basis of increased population and per capita comparison spending growth there appears to be scope to accommodate additional retail capacity in Midlothian (CD087 Retailing and Town Centres Technical Note).

In respect of the representation made about over reliance on reducing leakage to justify allocation of site Ec3, the Retailing and Town Centres Technical Note (CD087) indicates a potential for between 25,000 and 34,000 square metres of additional floorspace (depending on whether mainstream comparison or bulky goods operators.) This is based on a low spending growth scenario and with an unchanged leakage rate of 61.7%. An unchanged leakage rate would result in sharply increased spending in Edinburgh from Midlothian residents as overall spending increases (driven by increased population and per capita spending). It is plausible however that an increased range and choice of stores to meet Midlothian demands, will also have the effect of reducing the leakage rate.

It is generally understood by practitioners of retail impact assessments that 'like competes with like' (paragraph 6.107, Town Centre and Retailing Methodologies – Final Report, Scottish Government, 2007, CD108). On this basis, Edinburgh City Centre, with its large range of high order retailers and other cultural attractions appears less susceptible than commercial centres which provide a similar retail offer to Straiton. Fort Kinnaird, a large commercial centre within the City of Edinburgh administrative area is the main comparison shopping destination of Midlothian residents, (taking a larger share than Straiton (2nd) or Edinburgh City Centre (3rd) (see table 36 of the RTC TN (CD087)).

Fort Kinnaird has no direct public transport link to any Midlothian settlement, despite recent expansion. Borders Rail does now stop at Newcraighall but the links to the retail areas are not pedestrian friendly. This leads to a reliance on car travel to the centre for Midlothian residents, which is not considered to be a sustainable or inclusive situation, and the journeys place additional traffic on the local strategic road network, particularly the A720 Edinburgh City Bypass. By comparison the Council considers that there is the potential to significantly enhance public transport and active travel links from Straiton to settlements across Midlothian (and potentially beyond) through the masterplanning process and the design of new development. This would provide Midlothian residents with a more accessible large commercial centre.

While it is accepted that east-west routes within Midlothian are not ideal for large volumes of traffic, the wider accessibility of site Ec3 is considered to be very good. Bus services to locations throughout Edinburgh are available on a frequent basis. Given the scale of the proposed development, it is considered that there are possibilities for future enhancement of services between east and west Midlothian. Furthermore, policy TRAN2 continues to support the Orbital Bus Route from previous plans which would connect to the site.

The internal road layout of site Ec3 will be very important so that buses can pass through the site with minimal interference from car traffic. This will be a key requirement of the masterplanning process. To help address accessibility issues at the existing retail park the Council has already arranged for the high frequency number 37 route (operated by Lothian Buses between Edinburgh City Centre and Penicuik) to be diverted through the existing retail park, with new bus stops and publicity material provided. Growth at Ec3 and across the county will help to sustain further enhancements in bus services on a commercial basis. Development at Ec3 featuring a large element of residential development and little retailing/commercial development would require a different service pattern from a predominately commercial development which would be unlikely to adequately address the issue of improving accessibility to a larger commercial centre for Midlothian residents.

The Council is aware that Straiton Park also draws trade from outwith Midlothian. The site is host to two operators that are the only ones of their kind in South East Scotland (Ikea and Costco). Both of these are classic examples of the type of retail operator that are hard to accommodate in a traditional town centre; on the basis of 'like competes with like' they will have limited impact on the regional or other town centres.

The Council is not seeking to accommodate all of its retail growth at Straiton. Dalkeith Town Centre is the other main focus for accommodating significant retail growth. The Council also considers that there is a case for additional primarily convenience based shopping in the southern A7 corridor, which may be in the form of a town centre for Redheugh new community (h50 and Hs7).

Consideration of developments in retail trends since Retail and Town Centre Technical Note

The Retailing and Town Centres Technical Note is useful background information and has helped to inform the MIR and the Proposed Plan, although as time goes on the data underpinning it becomes dated. Impact assessments for any proposed new retail development will have to use the latest available intelligence. The paragraphs below consider the latest information about retail trends.

Expenditure per head of population

Recent retail trends at UK level have indicated strong growth since the end of the last recession and the extended period of minimal growth which followed it. The Office of National Statistics publication 'Retail Sales in Great Britain' provides a long term time-series of retail sales. The most recent edition (May 2016, CD085) finds the volume of retail sales (quantity bought excluding inflation/deflation) increased by 6.0% between May 2015 and April 2016. Figure 5 (of CD085) and the accompanying commentary in the bulletin indicates consistent growth in the volume of retail sales after Spring 2013. The volume measure takes out the effect of changes in prices, taking into account the Consumer Price Index. Average growth was 1.0% in 2013, 4.0% in 2014, 4.6% in 2015 and 4.2% so far in 2016.

It is evident from Table 2 (sector summary) that the comparison shopping sectors are performing better than convenience, with department stores (a sector which is most associated with the city centre) performing best after internet shopping. The last recession was unusual in that comparison goods were relatively unaffected but spending on staples (i.e. convenience goods) fell – this process has continued beyond the recession due to the rise of the discounters. It is however comparison spending that is relevant to consideration of impacts on Edinburgh City Centre.

The RDP study 'Retailing in Midlothian 2012' used Pitney Bowes Business Insight data from November 2011 (based on Oxford Economics forecasts of 4.7% per annum per capita comparison spending growth to 2021). In view of the uncertainties of the recession and internet market penetration at the time, an alternative scenario based on unprecedentedly low 3.0% growth per annum was modelled. On this basis comparison spending rises from £262 million in 2012 to £400 million in 2021 (rather than £465 million with the 4.7% growth rate) when coupled with anticipated population growth. The Pitney Bowes retail expenditure guide for 2015/16 (CD065) contains Oxford Economics forecasts of per capita comparison spending growth of 3.7% from 2014 to 2026. The best available evidence from actual data and latest forecasts is that the ultra-low comparison growth rate scenario will

not be realised. In respect of Experian forecasts, quoted by CEC it should be noted that the latest Experian forecasts have been revised up to 3.3% comparison growth per annum (Experian briefing note 12.1 CD152, quoted in Dundee retail study)

Allowing for special forms of trading (including internet)

The ultimate share taken by internet shopping is uncertain. Online shopping is more developed in the UK than in continental Europe or North America, so there is not a more advanced economy trajectory to follow. The situation is further confused as some retailers service internet shoppers from conventional stores and credit the spending to that store, while others use warehouses or 'dark stores'. More retailers may pursue the 'multi-channel retailing model' where the store becomes essentially a showroom, and the final purchase may just as likely take place online as in a store. CD106 contains more information on the multi-channel retailing concept. This may lead to reductions in apparent spending in particular locations, but continuing footfall, viability and vitality as consumers continue to frequent retail outlets as more of a leisure activity.

The Pitney Bowes retail expenditure guide for 2015/16 (table 3.4) contains a projection of non-store comparison retail sales rising to 22.8% over the life of the plan, and trending towards 25%. In 2012, special forms of trading accounted for 8% of expenditure, in Midlothian. Should it increase to a 25% market share, the remaining expenditure in conventional stores will still be higher than now, even under the most pessimistic of scenarios.

Population

The population of Midlothian and the wider south east Scotland region is growing. National Records for Scotland (NRS) trend based population projections estimate that the population of the SESplan area will increase by 11% between 2012 and 2027 (1,247,680 to 1,385,210) and 18% between 2012 and 2037 (1,247,680 to 1,467,170) (CD074). The City Centre will benefit from this, as it contains an agglomeration of higher order and specialist retailers at the top of the retail hierarchy.

The 2012 based sub-national projections (CD002) indicate growth in Midlothian of 11% between 2012 and 2027 (84,240 to 93,309) and 18% between 2012 and 2037 (84,240 to 99,090). The subsequent NRS mid-year estimate for mid 2015, (published in 2016) indicates that the population of Midlothian reached 87,390, a 4% increase in 3 years, suggesting that the projected increase is being exceeded. It is important to remember that the NRS projections are trend based, and they draw heavily on reported changes in GP registration in the intercensal period to project forward population. The NRS projections contain background notes 'Uses and limitations of population projections' which considers these matters in greater detail (CD062).

Land-use planning decisions can lead to significant variances from trend. In the case of Midlothian, the development plans adopted in 2003 (Midlothian Local Plan and Shawfair Local Plan) allocated large amounts of land for housing, further augmented by the Midlothian Local Plan 2008. Long standing drainage constraints prevented this from being exploited immediately, and it was not until 2007/08 that the housebuilding rate began to show a marked increase. Each GRO/NRS biennial population projection since 2006 has increased the growth rate for Midlothian as the effect of this increased housebuilding feeds into the figures.

When collating evidence for the Main Issues Report the Council prepared alternative population projections based on the agreed housing programming in the housing land audit, and also incorporating factors such as the decline in average household sizes and best evidence on future institutional populations.

The Council has now updated these projections using the latest house completion data and programming from the last agreed housing land audit (2014) (CD147). The Council projects that the population has increased from 83,187 at the time of the Census (2011) to 88,055 now (2016) and will increase to 99,920 by 2024. The population projection used in the RTC TN estimated that the population would reach 96,441 by 2021. The previous population projection prepared in 2012 did not go beyond 2021 as the Council did not feel confident projecting housing completions too far into the future.

CD012 provides an interesting comparison between 2008, 2010, and 2012 GRO/NRS population projections, actual population from the 2011 census and subsequent mid year estimates and 2012 and revised 2016 Midlothian Council land use planning based projections. It is evident that the increase in population projected in the RTC TN is being borne out, and that further increases can be expected in the life of the plan. The revised projection may be on the cautious side due to a number of factors discussed in the population projection commentary note (CD073).

Performance of existing town centres

Edinburgh City Centre plays an important role in meeting the needs of Midlothian consumers. Table 36 of the RDPC study 'Retailing in Midlothian 2012' (contained within the Retailing and Town Centres Technical Note, CD087) indicates the destination of expenditure by Midlothian residents on comparison shopping – Edinburgh City Centre took £39.48million pounds of the £261.67 million total comparison spend. This is the 3rd largest destination for Midlothian comparison expenditure. The most popular destination is Fort Kinnaird Retail Park.

Midlothian Council notes that Edinburgh City Centre appears to be performing strongly in terms of retail investment and other indicators. The St James Centre redevelopment is now committed (incorporating 79,000 square metres of retail floorspace) and the south St Andrew Square development (15,000 square metres) is nearing completion. Other long standing gap sites such as the Morrison Street goods yard (Haymarket) and New Street bus garage (Caltongate) are under construction and contain significant retail and commercial leisure elements.

Edinburgh City Centre benefits from a Business Improvement District partnership, to take forward projects. Published reports on footfall suggest that the city has recovered strongly from recession and tram work induced declines (for example Essential Edinburgh report on Christmas marketing campaign, 5.2.16, CD028). From the retail survey, incorporated in the Retail Technical Note (CD087), it is known that the other Strategic Town Centres identified in the SDP play little role in supplying Midlothian consumers, which reflects their distance from Midlothian and the difficulty in travelling there.

The larger Midlothian town centres (Bonnyrigg, Dalkeith, and Penicuik) have been the subject of town centre health checks, (CD109) and appear to be providing a good quality environment for shopping and other activities. In Bonnyrigg there is slight undertrading, although the expansion of the town should act to rectify this. -Dalkeith is the main town centre in Midlothian, the other town centres performing more localised roles. The historic

buildings in the town have recently been much improved following a Council led Townscape Heritage Initiative. The 2012 RTC TN indicated overtrading in convenience shopping and slight undertrading in comparison shopping – the stock overall is overtrading. Since then a new Morrison's store has been built in the town centre, acting as something of an anchor store, the population has increased, parking has been re-prioritised from commuters to shoppers and the above mentioned THI initiative has been implemented. The proposed Dalkeith town centre regeneration will address postwar buildings in Jarnac and Eskdail Court. The Council has also submitted a CARS/THI bid for Penicuik. Further initiatives may come forward under the auspices of the BID scheme. In Penicuik, the 2012 RTC TN indicated undertrading in convenience shopping and slight overtrading in comparison shopping – the stock overall is overtrading.

Summary of Ec3 retail matters

The Council considers that it has justified the possibility of allowing retailing (amongst a mix of other uses) on site Ec3, and this is in accordance with the SDP. Any application will be subject to policy TCR2. The Council has carried out detailed analysis of retail spending and considered likely trends resulting from the implementation of the development strategy (CD087). The Council considers that this analysis remains valid on the basis of the latest information.

In respect of the developer submission seeking an express allocation for 450 units (and defined areas for other uses), with implicit boundary changes and uncoupling from the need to complete the A701 relief road, the Council considers that it is premature to assign numbers of units to this site, principally because it feels it has allocated more than sufficient housing land over the plan period and that additional numbers would more likely be for consideration as part of an LDP2 process, but also because it risks predetermining the outcome of the masterplan process and the receptiveness of the market to invest. The representor's land holding and suggested site boundary only covers the northern part of the allocation and goes beyond it to the north west. The Council wishes its site to be planned as one entity, and does not support the part allocation of it for selected uses in advance of the masterplanning process.

The development considerations text in the MLDP settlement statement recognises the potential for some housing on this site. However, the Council considers that it has allocated enough housing land in MLDP to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are handled in the Schedule 4 for Issue 3: Requirement for New Development - Housing Strategy.

The Council accepts that housing may be one of the uses to generate the necessary development value to remediate long term environmental problems at the site. A controlled element of housing may also add vibrancy to the area and avoid creating the sterile environments that can develop in areas that are solely for retail, commercial or business use. However, the Council is also mindful of the plan's economic objectives. The site has an excellent location by the A720 City of Edinburgh bypass and the Council considers it would be a waste of the site's economic potential if it were to be developed predominantly for housing. The masterplan process will provide an opportunity to look at constraints and opportunities across the site, and consider the contribution different uses can make to remediating site conditions.

As mentioned above, site Ec3 is allocated for a range of mixed uses. However, should housing be a component of the site, the plan is clear in policy IMP2 and table 8.27 of the settlement statements that developer contributions towards meeting additional demand in education are required.

The promoters of a national film studio have objected to the omission of their proposal from the plan. The proposal was the subject of an application, submitted days before publication of the Proposed Plan. No prior submission was received as part of the public engagement programme at the Main Issues Report stage. The application was appealed on non-determination grounds and is currently before Scottish Ministers to determine. No indication has been forthcoming as to when the outcome will be published. The Council considers that there are significant outstanding issues with the proposal, not least of which is that it blocks the alignment of the proposed relief road. Notwithstanding the impact on the proposed relief road the Council does not consider there is sufficient justification to allocate a development of this nature and such scale in this location.

The development of a cinema would be an acceptable use in principle on the site but the Council considers that such a proposal would be subject to market interest and not necessarily something the Council would specifically identify in the plan.

The Council considers that there is currently insufficient information regarding the environmental value of Straiton bing, and that it would be more appropriate to consider this further through the masterplanning process. A planning application for a large site such as Ec3 is also be subject to EIA, which will allow further scrutiny of relevant matters.

Summary of matters relevant to representations seeking modifications to Ec3

In respect of specifically allocating land for housing at this site, the Council considers that it has already allocated a generous supply of housing land within the plan area. There may be merit in an element of housing to improve the vitality of the development, and to assist in making it commercially viable, but this is a decision which will more appropriately be taken during the masterplanning process. MLDP contains adequate reference to the range of uses that will be considered for the site.

The masterplan will look at the whole of site Ec3, and should not be restricted to particular parcels of land ownership. The development of the site will be considered in conjunction with the optimum road line for the A701 relief road.

In respect of retailing at this site, a key role of the planning system, expressed in [Scottish Planning Policy](#) is to encourage sustainable economic growth. Where the market can sustain additional retail facilities, it seems appropriate to facilitate this, firstly looking at town centre locations and then at other locations which are or can be made accessible by means other than the private car. The Council considers that its plan sets out the role of Straiton as a large commercial centre with the potential for improved accessibility, which will function alongside the prioritisation and protection of town centres, in accordance with the SDP.

Applications will require to be supported by RIAs drawing on the best available evidence at the time. The Council considers that it would not be advisable to prejudge an RIA and the future masterplanning exercise for the site by setting quantities of retail floorspace in the plan at this stage. The assumptions of the earlier RTC TN in terms of rising spending and population appear to be justified by the evidence of the last 4 years.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP13, PP15 Almondvale (Livingston) Ltd, PP82, PP501 City of Edinburgh Council, PP113 Pentland Studios Ltd, PP167 Kate Holbrook, PP401, PP404, PP410-Straiton Park Ltd, PP2879 Scottish Natural Heritage).

Objects to proposed A701 relief road

With regard to representations stating that proposal is contrary to SPP requirements of sustainability, placemaking and neighbourhood planning: the Council considers the road to be a necessary piece of infrastructure to accommodate increased development in the corridor. These demands stem from a Strategic Development Plan which has itself been subject to environmental assessment. The proposal facilitates priority for buses, cyclists and pedestrians on the current A701. Through the detailed design process the Council expects to retain core paths plan connections. The opposition to the proposal in the Damhead Neighbourhood Plan is noted (CD013). While the SPP states that effective integration between Local Development Plans and Neighbourhood Plans is crucial, it does not require LDPs to conform with neighbourhood plans: such a requirement would be a major change to the planning system and Scottish Ministers would have to change the relationship of LDPs to SDPs and national policy. The approved Strategic Development Plan for South East Scotland 2013 ([SESplan](#)) sets an overall housing land requirement and requires additional land to be allocated for housing and economic development. In meeting these needs the Council considers that this transport proposal is necessary and that this takes precedence over the policy set out in the Neighbourhood Plan.

The need for additional capacity and an improved alignment goes back to the 1990s and permission was granted for a route in 2000 (safeguarded in the subsequent Local Plan). The Council has now abandoned the protected alignment of the A701 as shown in the Midlothian Local Plan 2008, (Cabinet Report of 3rd November 2015 refers, CD008). The protected route was potentially blighting the expansion prospects of adjacent businesses, and given other identified problems with its deliverability (economic factors, ground conditions and difficult engineering solutions) it was decided to expedite its abandonment rather than wait for adoption of the Proposed Local Development Plan to replace it.

A Transport Options Appraisal (TOA) relating to the development strategy of the Plan identified a package of transport network interventions. The appraisal was prepared in conjunction with Transport Scotland in accordance with their Development Planning and Management Transport Appraisal Guidance (DPMTAG), and is provided as CD120. The Transport Options Appraisal found that *'The A701 relief road will create additional capacity along this corridor, helping meet demand requirements of development outlined in the LDP. Primarily improvements are anticipated for private vehicles, however road-based public transport will also benefit in terms of reliability in journey times and routing options'* (Scenario 4, Objective 1, page 25).

Two variations for a new road line have been prepared and will be safeguarded through the LDP until the final design solution (which may mix elements of both) is built. The alignment has been designed to provide a 50mph capable route while avoiding residential and other buildings, Cameron Wood and Old Pentland Cemetery. There has also been a strong focus on the deliverability of the new road and the design avoids areas of poor ground conditions or that would require significant amounts of engineering to achieve acceptable gradients. Further detailed design work is required to define the exact line of the new road.

The Council is part of a prospective City Deal bid. If successful the deal will, amongst other things, support physical infrastructure projects to unlock constraints to development and accelerate growth.

The proposed A701 relief road also includes an onward link from the junction with the A703 to the A702. This is principally designed to provide a new access to The Bush to support future bioscience research and development facilities there. The link, in combination with the relief road, will also improve traffic flows, journey time and wider links to the local and strategic road network. The Council is aware of general capacity issues with the road network and considers that the proposed A701 relief road and A702 link will assist in reducing and managing this congestion.

In respect of representations indicating that the road is not supported by the Transport Options Appraisal (TOA): the TOA (CD121) appraised the A701 Relief Road intervention against ten transport planning objectives, as well as environment, safety, economy, accessibility/social inclusion, integration and feasibility/affordability and public acceptability factors. It found the intervention had a moderate negative impact on one transport planning objective (in respect of impact on built and natural environment). Moderate negative impacts were also found in respect of a number of environmental attributes, specifically water quality, drainage and flood defence, biodiversity and habitats, landscape, visual amenity, agriculture and soils.

Where the early stage of scheme specification could not rule out potential issues, negative impacts were recorded (paragraph 4.3.4 of the TOA refers CD121). These negative impacts could potentially be mitigated as part of the design and construction process. For example the moderate negative impact recorded under water quality, drainage and flood defence may be addressed by sustainable drainage features so that the run-off is attenuated and treated to a level which is acceptable in terms of flood risk and water quality in the receiving waters. The road will be subject to project specific Environmental Impact Assessment. The TOA concludes that the package of measures (including the A701 relief road) will support the delivery of the MLDP and its objectives.

The Council accepts that committed and proposed allocations will increase traffic – the A701 realignment is a response to this. The area between the relief road and the current A701 not allocated for development remains protected by LDP policies – this is handled in more detail under the sub topic '*Objects to removal of land at Old Pentland from Green Belt*'. The Green Belt and other protective policies apply to the area to the west of the relief road.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP255 Midlothian Matters, PP272, PP283, PP551, PP552 Midlothian Environmental Action, PP433, PP435 Damhead and District Community Council, PP440, PP450, PP476 Duncan McAuslan, PP2705 Ailsa Carlisle).

Objects to removal of land at Old Pentland from Green Belt

The Midlothian Local Development Plan Proposed Plan (MLDP) 2014 removes the Green Belt designation from the Old Pentland area, bounded by site Ec3 to the north, site Hs16 to the south, the existing settlement boundaries to the east and the proposed A701 realignment to the west. The adjoining new site allocations and the adjacent non-conforming use at The Bush will also have the Green Belt designation removed. The

question of Green Belt boundaries is considered in the Green Belt Technical Note (CD030) and also the Green Belt Schedule 4 – Issue 12. The Development in the Countryside policy (RD1) and Prime Agricultural Land policy (ENV4) will continue to apply to this area.

A planning application was submitted in this area for development including a film studio, hotel, power plant and other employment land (15/00364/PPP). An appeal has been lodged with Scottish Ministers on grounds of non-determination (reference PPA-290-2032). As part of the appeal process the Council has prepared a Report of Handling (CD078). Had the application proceeded to be determined by Midlothian Council the application would have been recommended for refusal.

[Scottish Planning Policy](#) (2014) paragraph 51 considers the spatial form of green belts. They should give consideration to clearly identifiable visual boundary markers based on landscape features including, amongst others, main roads. The Edinburgh and South East Scotland Strategic Development Plan 2013 ([SESplan](#)) requires local plans to define Green Belt boundaries to meet specified purposes.

The Council considers that the area at Old Damhead will no longer serve the purposes of green belt if the A701 re-alignment proposal is adopted, and that the new boundary is more consistent with SPP 2014. The Council considers that its Local Development Plan is an integrated package and that it is reasonable to make decisions about one aspect (Green Belt) in the context of another (A701 re-alignment).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP1203 James Telfer, PP2852 J Telfer, PP2854 M Begbie).

Reporter's conclusions:

Preamble

1. My conclusions on site Ec3 (West Straiton) refer to unresolved matters concerning this site and the related A701 relief road as mentioned in Issue 6 (improving transport connectivity) and Issue 8 (town centres and retailing) of this report. I also address the suggested inclusion of land for film and TV studios, and associated uses, at Pentland Road.
2. I have addressed the unresolved matters raised in representations in my conclusions but, for efficiency, have used different headings to those used in the council's summary and response above.

Spatial context

3. West Straiton (site Ec3) is a 60 hectare site allocated in the proposed Midlothian Local Development Plan for mixed-use including retail; hotel; office; commercial leisure and potentially housing. The site is also identified on the proposed plan's proposals map 6 (Loanhead, Straiton & Bilston) as a "location of new retail and commercial leisure facilities" as controlled through proposed policy TCR 2 (location of new retail and commercial leisure facilities). Site Ec3 would form part of the Straiton Commercial Hub (commercial centre) in relation to the network of retail centres and sequential approach in terms of the location of retail and commercial leisure development.

4. The boundaries of the site include the A701 and housing to the east (with Straiton Retail Park across the A701 further east); farmland to the north (with the A720 Edinburgh City by-pass beyond); and further farmland to the west and south. The indicative routes of the A701 relief road are located on the north-western and western boundary of the site and beyond. Primarily scrubland, the site also includes a few houses along Pentland Road to the south; a waste-transfer station and tarmac operations (also to the south); Kentucky Fried Chicken and Burger King outlets to the east along the A701 boundary; and the Straiton Park and Ride facility in the north-east (accessed from the A701). The site includes areas described on signage as “dangerous” either due to past uses or steep slopes.

5. The development considerations for site Ec3, as set out in the proposed plan, require a masterplan to guide development of the site. This would enable control over the design and layout of development. It would also provide an opportunity to direct the amount and type of retail floorspace; commercial leisure development; accommodation and housing that may be accepted on the site.

Range of uses promoted

6. As identified in paragraph 3, site Ec3 is promoted in the proposed plan for a range of uses but without specific reference to the amount of land/floorspace that would be acceptable.

7. Straiton Park Limited seeks the identification of a specific site for a cinema and commercial leisure uses on site Ec3 and the allocation of:

- Residential (16 hectares providing 450 houses).
- Retail/Commercial (3 hectares).
- Employment (3 hectares).
- Tourism (4 hectares for a 100 bed hotel).
- Open space (3 hectares providing a multi-use sports facility).
- Other uses (4 hectares including park and ride, roads and landscaping).

8. The development considerations refer to “housing” as a potential use in the longer term on the site but provide no indication of an acceptable number of housing units. I agree with Straiton Park Limited that there is no need to suggest that housing may be provided “in the longer term” as the requirement to masterplan the site could successfully integrate residential elements which were designed to provide high-quality spaces and minimise any conflict with other uses or nearby roads. However, as indicated in Issue 3 (requirement for new development), there is no need for additional housing land to be allocated at this time to meet the SESplan housing requirement. Any housing coming forward on site Ec3 would be additional over and above the current requirement. Consequently, I find that no specific reference to housing numbers or area should be provided in the proposed plan. This is a matter which could be pursued through the preparation of the masterplan; subsequent planning application stage(s); and in the review of the local development plan (if necessary) in the future.

9. In addition, I find that the specific location of the cinema and commercial leisure uses could be adequately shown in the forthcoming masterplan for the site without any need for it to be illustrated in the proposed plan.

10. Similarly, although I acknowledge concerns from parties (principally the City of Edinburgh Council) regarding a lack of specification in terms of total floorspace or area

considered acceptable for particular uses, I find that it would be reasonable for the forthcoming masterplan to prescribe these totals which could be informed by any required retail impact assessment or other technical assessments which may be needed. The proposed plan provides a useful indication of what may be acceptable on the mixed-use site and the masterplan and subsequent planning application process would be able to control the final layout and control the uses on the site.

11. Proposed local development plan policy VIS 2 (tourist accommodation) would support development of hotels at key gateway locations. I agree with the council that site Ec3 is well placed in relation to the transport network and visitor attractions and would likely attract tourists. Similarly, the site is strategically placed to attract investment as an employment location to support local jobs in the area.

12. For these reasons, I find that the references to site Ec3 within the proposed plan (with the exception of housing in the longer term) are reasonable and appropriate as stated.

Further expansion of site Ec3

13. Straiton Park Limited also suggest expansion of site Ec3 to land within their control to the west of the current site boundary. I note that this land is located between the two potential A701 relief road routes shown on the proposals map. Unless the more westerly route was selected for the relief road then expansion further west would not be possible. As the final detail and route of the relief road has still to be determined I find that it would not be appropriate to expand site Ec3 as suggested at present. Again, this matter could be pursued through the preparation of the masterplan or at the application stage if justified.

Shopping and justification for commercial centre expansion

14. Scottish Planning Policy (2014) suggests that plans adopt a town centre first approach and should identify a network of centres and explain how they complement one another. It also suggests that emerging or new centres within land releases should be shown within the network (paragraph 61). At paragraph 63, Scottish Planning Policy directs that “plans should identify commercial centres and those centres which have a more specific focus on retailing and/or leisure uses”.

15. The strategic development plan for Edinburgh and South East Scotland (SESplan) provides primary support for Edinburgh City Centre as the focus of employment, services and civic activity. Strategic town centres in Livingston, Kirkcaldy, Dunfermline and Glenrothes are next in the network hierarchy in terms of importance. Other town centres and then commercial centres follow. While SESplan supports the hierarchy when prioritising the location of retail and commercial leisure development it allows exception where justified by rigorous analysis.

16. I have provided conclusions on the retail network in Midlothian in Issue 8 (retailing and town centres) where I find that the proposed plan incorporates a town centre first approach. However, concentrating on Straiton Commercial Hub, I find that the provisions of proposed policy TCR 2 (location of new retail and commercial leisure facilities) would ensure that any retail or commercial leisure uses promoted at site Ec3 would have to assess alternative sites in Edinburgh City Centre and Dalkeith Town Centre (depending on the assumed catchment of the activity proposed); meet criteria in relation to deficiency in provision; and assess the impact on viability and vitality of other centres. Therefore, I find that there would be adequate policy provision to ensure that new development proposals at Straiton

(including at site Ec3) were sufficiently assessed in relation to the retail hierarchy.

17. Midlothian Council commissioned RDPC Limited to undertake research into retailing patterns in the council area as an input to preparation of the proposed plan. This resulted in the publication of the Midlothian Council Retail Study 2012. The study was supported by the subsequent main issues report and its accompanying technical note on retailing and town centres in 2013. These documents, and the council's response above, suggest the following:

- The population of Midlothian is set to grow significantly with new investment and housing development.
- Currently 50% of Midlothian workers work outside of Midlothian.
- Based on a low spending growth scenario, an estimated surplus of comparison expenditure by 2021 in Midlothian of between £71 million and £118 million equating to between 26,000 and 39,000 square metres (gross) of additional 'mainstream' floorspace or between 34,000 and 52,000 square metres (gross) if developed in 'bulky goods'.
- Growth in the sector, even at an average rate of growth lower than during any similar period since the 1970s, will provide scope for a very substantial increase in comparison floorspace.
- The estimated comparison surplus is equivalent to a shopping centre the size of the Gyle Centre or an area larger than the Pentland Retail Park.
- There is a high level of expenditure 'leakage' from the Midlothian economy to other commercial centres around Edinburgh (Newcraighall, Fort Kinnaird, Ocean Terminal and so on) equivalent to 62% for comparison goods. Even if all additional floorspace was built in Midlothian the leakage would only reduce to 52%.
- Investment preferences and retailers' locational preferences are of great importance and Straiton holds a strong influence. Straiton is the only location in Midlothian with the obvious success and critical mass of comparison floorspace which lends itself to attracting further investment.
- Edinburgh City Centre is performing well as the regional centre with recent redevelopment/expansion of St James Centre and St Andrews Square.
- Dalkeith, Bonnyrigg and Penicuik Town Centres have been subject to health checks and appear to be providing good quality environments for shopping and other activities.

18. It is reasonable for the council to plan to meet the needs of its growing population and aim to provide retailing, commercial leisure and other uses in relatively accessible locations, particularly in relation to provision of local jobs and services. By doing so there is an opportunity to reduce the need to travel, and/or reduce the distance travelled, by private vehicle and encourage more active and sustainable transport use. In relation to this matter, I note that several of the current commercial centres in Edinburgh (Fort Kinnaird for example as the most popular destination for Midlothian residents) are not directly accessible by public transport for many Midlothian residents meaning a reliance on private vehicle travel. I agree with the council that the expansion of the commercial centre at Straiton (which has good accessibility by public transport and is actively being promoted for improvement by the council) could help to relieve reliance on the car.

19. I accept that Straiton may draw some residents from outwith Midlothian, particularly as there are flagship stores which are not available in other locations (IKEA and Costco). I note that SESplan does not require authorities to "stem" any retail expenditure leakage. And, I further note that there are some sites still to be occupied at the original Straiton site.

20. However, I consider that the council has provided robust justification in relation to the expansion of Straiton commercial centre to include site Ec3. There is sufficient demand for retail expansion and there is potential for investment at Straiton. I further consider it likely that expansion of the commercial centre would not be of adverse detriment to other centres but, in any case, there is sufficient policy provision within the proposed plan to ensure that impacts on other centres are adequately investigated and assessed. I find that the site should not be removed from the network of retail centres and should remain as part of the Straiton Commercial Hub.

Potential impacts

21. The council highlights that the “physical appearance of built development to the west of the A701, coupled with a legacy of difficult ground conditions and deposited material, makes for an uninspiring entrance to Midlothian along this corridor”. I agree that parts of the site are neglected and would benefit from investment. As indicated by the council, the approval of Straiton in the 1980s did not include a masterplan resulting in what is described as a “piecemeal” development. However, development of site Ec3 would be guided by a masterplan with high design standards. This could enable the creation of a high-quality place as a distinctive “gateway” to or from Midlothian.

22. The A720 city by-pass is raised on an embankment above site Ec3. Therefore, from many viewpoints the expansion of development onto site Ec3 would not appear visually connected to Edinburgh. In addition, the requirement for landscaping, and the location of the A701 relief road to the north of the site, would further reduce any physical coalescence with the city.

23. The site is located adjacent to existing houses at Straiton and includes houses along Old Pentland Road. The development considerations require the masterplan to make provision for the protection of amenity. Proposed local development plan policy DEV 2 (protection of amenity within the built-up area) would ensure that the amenity of all local households was protected from development. The masterplan would also control the design, together with the provisions of proposed plan policy DEV 6 (layout and design of new development), which would ensure integration of development with the surrounding land-uses. Based on these provisions, although I recognise the strength of feeling, I do not agree with representations made that the local community would be “destroyed”.

24. The development considerations require an investigation of ground conditions and contaminated land. Any risk of gas leakage could also be investigated at the planning application stage through the requirements set out in proposed plan policy ENV 16 (vacant, derelict and contaminated land). Parts of the site may be unsuitable for built development due to legacy uses. However, these areas could form landscaping and open space enhancing the visual amenity and biodiversity value of the area.

25. The council highlight that the Scottish Environment Protection Agency has raised no concerns with regard to flooding, drainage or contamination of water for site Ec3. In any event, I find that the provisions of proposed plan policies ENV 9 (flooding), ENV 10 (water environment), DEV 5 (sustainability in new development); and IMP 3 (water and drainage) would ensure that these matters were thoroughly addressed ahead of development of the site.

26. The council acknowledge that Straiton Bing has been colonised by wildlife. The site has no formal designation. However, I agree with the council that it could be designed, if

justified, as an important nature conservation site during the lifetime of the plan. In which case proposed policy ENV 14 (regionally and locally important nature conservation site) would apply to protect the value of the site. In addition, trees on the site would be protected through proposed policy ENV 11 (woodland, trees and hedges). Similarly, any protected species found to be on the site would be protected through the provisions of proposed policy ENV 15 (species and habitat protection and enhancement). Further investigation of wildlife and habitat would likely be required at the planning application stage. Conditions on any future planning permission could ensure the control of any giant hogweed on the site (as identified in representations).

27. Despite concerns raised in representations, I do not consider that development of site Ec3 would necessarily result in an increase in car use and increase in carbon dioxide emissions. As identified in the section above, one aim of the expansion of Straiton commercial centre is to reduce the need to travel to locations outside of Midlothian by private car and encourage more active and sustainable travel. This approach may result in more vehicles travelling less distance but would overall help to reduce reliance on private car journeys. The potential impact on air quality could be investigated, if required, through proposed policy ENV 17 (air quality).

28. In terms of landscape impact and views to the Pentland Hills, the masterplan for the site is required to provide substantial landscaping to reinforce the green network in the area. The masterplan would also guide building the layout, building design and heights across the site to help minimise any impact on the landscape and surrounding area. Proposed policy ENV 7 (landscape character) would also be applied to ensure that local landscape character/identity was respected.

29. As stated by the council, Scottish Planning Policy suggests that the loss of prime agricultural land can be justified as a component of the settlement strategy (paragraph 80). The allocation of site Ec3 is justified in relation to retail demand; promoting economic opportunities; reducing the need to travel by unsustainable means; providing a distinctive "gateway" to Midlothian improving the appearance of the area. It forms a component of the settlement strategy. Investigation at the planning application stage (which may include environmental impact assessment) could identify any important soils which could be stored and used elsewhere if necessary.

30. I note from the council's response that there is a lack of brownfield opportunities to site new retail and employment uses in Midlothian. The loss of the green belt is justified as the route of the A701 relief road would provide a new robust green belt boundary which would fulfil a function in controlling further settlement growth.

31. The location of any electricity pylons (and other utilities) across the site would be considered as part of the master-planning and final design of the site. The presence of pylons would not unduly restrict development of the site.

32. Pedestrian access is currently restricted across the A701. However, improvements to the A701, in tandem with the delivery of the A701 relief road and master-planning exercise for site Ec3, would provide opportunities to develop a better pedestrian environment.

33. I note that there is farming activity along Pentland Road. Any potential impact on animal welfare could be suitably addressed at the application stage (or in any consultation on the masterplan for the site).

34. Concerns regarding human health would be considered through any environmental impact assessment required for the development of the site.

Damhead and District Neighbourhood Plan

35. The Damhead and District Neighbourhood Plan 2015-2030 identifies many actions and aspirations for the community. Site Ec3 is shown as being outwith the Damhead and District boundary on page 15 but the site abuts the boundary. In this context, the neighbourhood plan includes references to maintaining the rural character and a “green gateway” to Midlothian. Woodland, hedges and green spaces are important features of the area. Path networks should be maintained and new connections are encouraged to promote accessibility. Road safety is also of major concern to the community. I consider that the neighbourhood plan should be considered as part of the master-planning and design process for site Ec3 to ensure that the actions/aspirations are promoted where possible. A modification to the development considerations is therefore necessary.

Section 3E

36. Section 3E of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning authorities should exercise their development plan functions with the objective of contributing to sustainable development. Scottish Planning Policy (2014) confirms that its principal policies provide guidance in relation to this requirement. The principal policies include:

- A presumption in favour of development that contributes to sustainable development.
- Taking every opportunity to create high quality places by taking a design-led approach.
- Directing the right development to the right place.
- Supporting development that is designed to a high-quality demonstrating the six qualities of successful place (distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and easy to move around and beyond).

37. The benefits and impacts of proposals should be weighed in decision-making; and the weight given to particular matters can differ depending on context and interpretation. In the context of site Ec3 there are a number of environmental, social and economic considerations which must be balanced. The council has determined, and I agree, that the benefits of development (together with suitable mitigation through the masterplan and subsequent planning permission/environmental impact assessment processes) would likely outweigh any negative impacts. The controls over development of the site would ensure that development was directed to the right place and that the final design and layout was to a high-quality providing a distinct “gateway” location. I do not consider that the council has failed to apply the provisions of section 3E in carrying out its development plan function in relation to site Ec3.

Specific SESplan provisions

38. I agree with the council that allocation of site Ec3 would not be at odds with the provisions of SESplan policy 1B (the spatial strategy: development principles). The policy applies to local development plans as a whole and not to specific policies, allocations or designations. However, I agree with the council that if the criteria in policy 1B were applied at a site-specific level then site Ec3 would:

- Likely have no significant adverse impacts on the integrity of international, national

and local designations and classifications.

- Likely have no significant adverse impacts on the integrity or international and natural built or cultural heritage sites.
- Have regard to improving the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live through the master-planning process and provisions of the development plan.
- Include mitigation, adaption, high-quality design, energy efficiency and use of sustainable materials (secured through the masterplan and provisions of the development plan).

39. SESplan policy 8 (transportation) requires local development plans to apply eight criteria in relation to supporting and promoting the development of a sustainable transport network. Again, I agree with the council that site Ec3 would be well served by public transport and would, through the masterplan, integrate with existing networks. The delivery of the A701 relief road, and improvements to the A701 corridor, would also help to ease congestion on the transport network. I consider that the allocation of site Ec3 is not at odds with the requirements of policy 8.

Wider area framework

40. Scottish Natural Heritage request that site Ec3 is considered in relation to other allocations in the A701 corridor including housing sites Hs16 (Seafield Road, Bilston), Hs17 (Pentland Plants, by Bilston) and the Hs16 future housing safeguard. The sites are not all contiguous but are located along the same transport corridor. There will be inter-relationships between the sites and I agree with Scottish Natural Heritage that master-planning of the sites should not be carried out in isolation. However, I find that the proposed plan proposals maps; settlement statements; and policy provision provide a reasonable development strategy to allow development to be considered as a whole and for resources to be sufficiently protected, where necessary. The role of the council in preparing masterplans through policy IMP 1 (new developments) would also ensure oversight of development in the A701 corridor. No modification to the proposed plan is needed to require a wider area framework.

Pentland Studios

41. Pentland Studios Limited suggests that land around Damhead/Pentland Road, subject to a planning application, should be included in the proposed plan. Since this unresolved representation was made to the proposed Midlothian Local Development Plan the application for planning permission in principle has been subject to an appeal process and determination by Scottish Ministers' (Scottish Government Planning and Environmental Appeals Division reference PPA-290-2032).

42. Scottish Ministers' issued a notice of intention on 3 April 2017 indicating that planning permission in principle for a film and TV studio (and other uses) at land to the north and south of Damhead/Pentland Road was "minded to grant" subject to the conclusion of a planning obligation (a financial contribution to the A701 relief road and other specified road improvements) and imposition of conditions.

43. I sought further written submissions from interested parties in relation to how to spatially express the intention of Scottish Ministers' in the proposed local development plan. Responses from parties differed in terms of whether to refer to the application or not.

44. The council agreed that the proposal should be referenced in the proposed plan but argued that as the application had come through the development management process it should be considered to be “windfall” and not be explicitly shown on the proposals maps in the proposed plan. However, the extent of the application site could be shown on an inset map within the economic development section of the proposed plan with reference to integration with site Ec3 in the settlement statement section.

45. PSL Land Limited (formerly Pentland Studios Limited) agreed with the council that an inset map could be inserted. However, it argued that the application site should be shown on the proposals maps (and settlement statement map for the area) as distinct from site Ec3 (of which the northern part overlaps) and included within the settlement boundary. It further argued that any requirement for a masterplan linked to site Ec3 would not be necessary.

46. Straiton Park Limited advised that site Ec3 be redrawn and extended to cover the film and TV application site on the proposals maps and settlement statement map for the area.

47. Damhead and District Community Council submitted that it would be highly unlikely for the planning obligation to be signed prior to the examination of the proposed plan concluding. Consequently, there would be no guarantee that a final decision notice permitted development on the application site would be issued prior to the adoption of the local development plan. As a result, the plan should only reference the Scottish Ministers’ “minded to grant” position. In addition, including the site as a proposal and/or within the settlement boundary would release designated land with no guarantee of delivery.

48. Midlothian Environmental Action supports the view of the community council and believe that no changes to the current designations in the area should be permitted.

49. Taylor Wimpey and Hallam Land Management made reference to its interest in site Hs16 (Seafield Road, Bilston) and interaction with the A701 relief road dealt with in Issue 6 (improving transport connectivity).

50. All parties agree that some reference to the current decision of Scottish Ministers’ should be made in the proposed plan. The differences relate to spatial presentation and integration with site Ec3. I have carefully considered this matter and conclude the following:

- The intention of Scottish Ministers’ should be referenced in proposed plan (to identify the most up-to-date planning position in relation to the site).
- The southern part of the application site is not identified on the proposed plan’s proposals maps or settlement statement map for Loanhead, Straiton & Bilston as being within the settlement boundary. Instead, the land is mainly identified as countryside and prime agricultural land with some green belt and the routes of the A701 relief road on the north-western boundary. The application for film and TV studios (and other uses) is unique and the intention to grant planning permission in principle has been made based on the application submissions and arguments presented for that specific set of uses and circumstances. If the settlement boundary was amended to include the southern part of the application site then this could, potentially, allow a range of uses to be considered acceptable on the land that would otherwise be dismissed. Consequently, until such time as the proposals for the studios and associated uses/infrastructure are fully developed, I find that the

southern part of the application site should remain outwith the settlement boundary.

- I find that it would be reasonable and appropriate to show the extent of the application site on the proposals map and settlement statement mapping. However, I agree with the community council that until such time as the planning obligation is signed there is a degree of uncertainty regarding whether planning permission in principle will be issued. Furthermore, there are conditions of permission which would require to be fulfilled before development could commence on the site (including with respect to the alignment of the A701 relief road). I also note from representations made on behalf of the tenant farmer who manages the southern part of the application site that there are tenancy matters which may influence delivery of the proposal. Consequently, I find that the application site should be identified on the proposals map for Loanhead, Straiton & Bilston (map 6) and the settlement statement map for Loanhead/Straiton but as a transparent layer where the existing designations/allocations would continue to apply until such time as the application site was fully developed. This approach is consistent with other sites in the proposed plan including sites e34 and Ec5 (Oatsie, Roslin) which are allocated for employment but remain green belt until such time as they are fully developed.
- As there would be reference to the application site on the proposals map and settlement statement map I find that there would be no need to include an inset map of the site within the economic section of the proposed plan.
- With the application site being shown on the proposals map I consider that it would be appropriate for it to be labelled and referred to within the settlement statement for Loanhead/Straiton as a mixed-use site (Mx1). The development considerations for the site should simply refer to factual matters as set out in the Scottish Ministers' notice of intention and refer to the relationship of the settlement boundary and land-uses until such time as the site was fully developed.
- In relation to the text of the proposed plan, I consider that there should be explicit reference to the Scottish Minister's notice of intention within the settlement statement for Loanhead/Straiton through the insertion of a new paragraph. I agree with PSL Land Limited that there should be no requirement for an integrated masterplan for the film and TV studio proposals and site Ec3 as they are in separate control and are promoted independently. However, I find that as they do overlap and neighbour reference should be made to integration of access, layout and landscaping between site Ec3 and the film and TV studio site.

A701 relief road

51. The suggestions to delete the A701 relief road is addressed in Issue 6 (improved transport connectivity).

52. Pentland Studios Limited seeks to remove references in the proposed plan that suggest that the A701 relief road "must be constructed before development of site Ec3 can proceed" as this may cause planning blight and reduce the likelihood of financing towards the relief road.

53. I refer to financing of the A701 relief road at paragraph 44 in Issue 6 of this report where I identify that the council has investigated means of front-funding delivery of the relief road without necessarily requiring funding upfront from development.

54. I note that the final alignment of the relief road is to be determined and has a close relationship with the boundary of site Ec3. Consequently, the council considers that the final route should be determined to allow a “best fit” with the landscape. However, I also note that the notice of intention for the film and TV studio (which includes site Ec3 but also shares a boundary with the potential routes of the A701 relief road) contains a condition preventing development commencing before a “reserved area map” showing the reserved A701 relief road is approved; and, thereafter, that no development would be permitted on the land identified on the reserved area map. Significantly, the condition does not require the construction of the relief road in advance of development of the film and TV studios (and other uses).

55. I appreciate that the council is seeking landscape integration between the A701 relief road and site Ec3 to provide an attractive and defensible boundary. However, the council has provided a robust support for the retention of site Ec3 (as demonstrated throughout this Issue). I do not agree that landscaping interfacing is a reasonable reason to place a significant restriction on allowing development to proceed on site Ec3. Such a restriction could limit investment and promotion of the site and would prevent the “Midlothian Gateway” commencing in advance of the relief road. I further consider that, although a landscaping scheme would be identified through the masterplan for site Ec3, implementation of landscaping could form part of the A701 relief road proposals separately.

56. I find that on considering the above conclusions the reference to requiring the relief road prior to construction on site Ec3 should be removed from the proposed plan. Should the council consider that restriction on development on this site is justified then the option of a suspensive condition at the planning application stage(s) for development on site Ec3 would be available.

Removal of Old Pentland from the green belt

57. The removal of the green belt designation from Old Pentland is addressed in paragraph 37 of Issue 6 (improved transport connectivity).

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Replacing the sixth sentence in paragraph 8.3.4 on page 126 with:

“Uses could include retail, hotel, office, commercial leisure, and housing”.

2. Replacing the third sentence in the development considerations for site Ec3 (West Straiton) in Table 8.25 ‘Loanhead/Straiton Employment Allocations’ on page 129 with:

“Acceptable uses could include retail, hotel, office, commercial leisure, and housing”.

3. Inserting a new final sentence in the first paragraph in the development considerations for site Ec3 (West Straiton) in Table 8.25 ‘Loanhead/Straiton Employment Allocations’ on page 129 as follows:

“The masterplan should take into account the Damhead and District Neighbourhood Plan 2015-2030 including respect for the character of the wider area; providing opportunities to link to existing cycle/pedestrian routes; and protecting/enhancing

woodland, hedgerows and green spaces.”

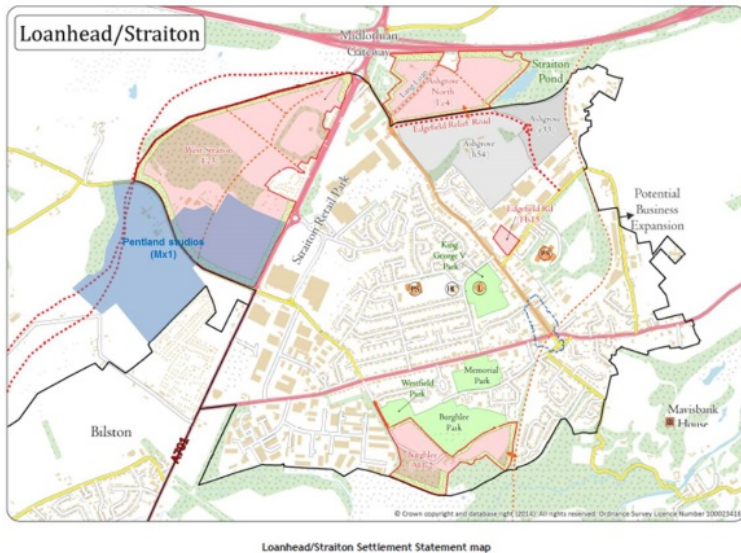
4. Replacing the eighth sentence in paragraph 8.3.4 on page 126 with:

“The development of the ‘Gateway’ is related to the realigned route for the A701, between the A720 Straiton Junction and the A703. The extent of Ec3 will be defined...”.

5. Deleting the following sentence in the development considerations for site Ec3 (West Straiton) in Table 8.25 ‘Loanhead/Straiton Employment Allocations’ on page 129:

“This road must be constructed before development of site Ec3 can proceed (refer to paragraph 8.3.4 – 8.3.6 above).”.

6. Amending the Loanhead/Straiton Settlement Statement map on page 132 to include a transparent blue wash over the area of land promoted for development by Pentland Studios Limited (representee 907634; representation PP2784) as shown in the diagram below.



7. Amending proposals map 6 for Loanhead, Straiton & Bilston to include a transparent blue wash over the area of land promoted for development by Pentland Studios Limited (representee 907634; representation PP2784) and label the site “Mx1” as shown in the diagram below. And, amending the proposals maps key accordingly.



8. Inserting a new Table on page 130 entitled ‘Table 8.27 Loanhead/Straiton Mixed Use Site’ as follows:

Site Ref	Site Name	Indicative Capacity	Expected Contribution up to 2024
Mx1	Pentland Studios	36 ha	N/A

Development Considerations

In April 2017 Scottish Ministers’ issued a notice of intention indicating that they were “minded to grant” planning permission in principle for “a mixed use development comprising film and TV studio including backlot complex; mixed employment uses retail/office/commercial; hotel; gas and heat power plant/energy centre; film school and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking, SUDS features and landscaping on land to the north & south of Pentland/Damhead Road, Straiton”.

The 36 hectare site comprises two parts on either side of Pentland Road. The southern site (approximately 23 hectares) is promoted for a film and television studio including a studio tour site, backlot areas, a hotel, an energy centre, a film school campus with student accommodation, a data centre, and an earth station antenna. The northern site includes land (approximately 13 hectares) wholly within allocation Ec3 (West Straiton) where it is proposed to locate employment land and backlots.

Planning permission in principle is subject to a planning obligation to finance road improvements and a series of conditions which include restrictions on development over a reserved area of the A701 relief road and the development of any retail or commercial leisure development. Until such time as the planning obligation is completed/registered, and conditions are fulfilled, there remains uncertainty over development of the site. The intention of Scottish Ministers is unique to the development proposed and therefore the principle of allowing any other development of the site would not necessarily be supported. Consequently, the designations of Green Belt/Countryside/Prime Agricultural Land on the southern site will remain until that part of the site is fully developed.

Development of the site will require investigation of ground stability and contamination; archaeological investigation; tree and hedgerow protection; and a robust landscaping scheme to integrate with landscaping required for site Ec3.

9. Making consequential changes by amending the table numbers to account for the insertion of Table 8.27.

10. Inserting a new paragraph 8.3.5 on page 127 as follows:

“8.3.5 Proposals for a film and TV studio and associated uses to the north and south of Pentland Road are “minded to grant” by Scottish Ministers’. The land incorporating mixed-use development promoted is shown on the proposals map and settlement statement map as site Mx1. The site includes part of Ec3 and, consequently, proposals across the site should relate to site Ec3 particularly in relation to access, layout and landscaping. Until such time as the southern site is fully developed it shall remain outwith the settlement boundary and remain as green belt/countryside/prime agricultural land.”

11. Making consequential changes by amending the paragraph numbering to account for the insertion of paragraph 8.3.5.

Issue 8	Town Centres & Retail	
Development plan reference:	Promoting Economic Growth – Town Centres and Retailing.	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>907760 778339 909735 909735 909734 778604 908990 909846 909894 909895 779467 754718 780552 907142 907142 779397 921821 766577 907142 922155 778056 778056 778551 922094 922108 779441 922145 921372 921374 921376 921378 921380 921382 921386 921387 921390 921392 921395 921397 921399 921401 921402 921403</p>	<p>PP14 PP26 PP257 PP259 PP280 PP311 PP378 PP430 PP448 PP456 PP472 PP489 PP530 PP540 PP541 PP651 PP677 PP933 PP1058 PP1114 PP1425 PP1426 PP1520 PP1522 PP1555 PP1623 PP2406 PP2427 PP2429 PP2431 PP2433 PP2435 PP2437 PP2439 PP2441 PP2443 PP2445 PP2447 PP2449 PP2451 PP2453 PP2455 PP2457</p>	<p>Almondvale (Livingston) Ltd Midlothian Green Party Midlothian Matters Midlothian Matters Katherine Reid Grange Estates (Newbattle) Ltd Scottish Government Eskbank & Newbattle Community Council Alison Bowden Paul de Roo John Sharp Newtongrange Community Council Walter Stone Mirabelle Maslin Mirabelle Maslin Bonnyrigg & Lasswade Community Council Margaret Hodge Julian Holbrook Mirabelle Maslin Rowan Nemitz SEPA SEPA Tynewater Community Council Geoffrey Alderson Patricia Dimarco Jon Grounsell Eskbank Amenity Society David Miller Wilma Porteous Margaret Miller Wilma Sweeney Stuart Barnes Gavin Boyd Kirsty Barnes Vivienne Boyd John F Davidson Eric Smith Annabel Smith Mary M Young James Young John T Cogle Janette D Barnes Jenny Davidson</p>

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921404	PP2459	Pamela Thomson
921406	PP2461	Kevin Davidson
921408	PP2463	Hugh Gillespie
921410	PP2465	Jennifer Gillespie
776516	PP2467	George Barnes
776560	PP2469	James Hutchison
778810	PP2471	John Barton
909049	PP2473	Ross Craig
921259	PP2475	Caroline Sneddon
921414	PP2477	Edith May Barton
921417	PP2479	Alex McLean
921423	PP2481	Marjory McLean
921425	PP2483	Myra G Rodger
921430	PP2485	David S M Hamilton
921431	PP2487	Sally Couch
921434	PP2489	E Hutchison
921436	PP2491	Karen Miller
921437	PP2493	Robert Scott
921439	PP2495	James Telfer
921443	PP2497	Kenneth McLean
921444	PP2499	Lynn MacLeod
921337	PP2501	Dawn Robertson
921342	PP2503	Derek Robertson
921686	PP2505	Stewart Y Marshall
921694	PP2507	Elsie Marshall
921697	PP2509	Stuart Davis
921698	PP2511	John Owen
921732	PP2513	Susan Falconer
921742	PP2515	Gudrun Reid
929852	PP2517	Marie Owen
921727	PP2519	G Palmer
921630	PP2521	Joan Faithfull
921636	PP2523	Emma Moir
921640	PP2525	M A Faithfull
921644	PP2527	S M Croall
921651	PP2529	R I Pryor
921659	PP2531	Susan E. Wright
921663	PP2533	R A Pryor
921669	PP2535	Michael Boyd
921675	PP2537	Dianne Kennedy
921679	PP2539	George Sweeney
921682	PP2541	David A. Porteous
921685	PP2543	Colin Miller
921599	PP2545	Julia Peden
921616	PP2547	Alan Mercer
921622	PP2549	Jim Moir
921971	PP2551	Zow-Htet
921740	PP2553	A H Cunningham
921753	PP2555	W R Cunningham
921768	PP2557	Matthew McCreath
921974	PP2559	Rae Watson
921975	PP2561	Christina Watson

921976	PP2563	Moira Jones
921919	PP2565	George Gray
921920	PP2567	Nan Gray
921929	PP2569	David Binnie
921960	PP2571	George Mackay
921970	PP2573	Gayle Marshall
909886	PP2575	Ms Mary Clapperton
921918	PP2577	John Scaife
921925	PP2579	Colin Richardson
921962	PP2581	Karen Langham
921965	PP2583	Elizabeth Richardson
921968	PP2585	Avril Thomson
922025	PP2587	Linda Scaife
782000	PP2589	Kenneth Purves
782003	PP2591	E Purves
783974	PP2593	Donald Marshall
921900	PP2595	Marshall Scott
921905	PP2597	Carolyn Millar
921908	PP2599	Charles A Millar
921826	PP2601	Lorna Reid
921828	PP2603	Hazel Johnson
921830	PP2605	A F Wardrope
921910	PP2607	Isobel Ritchie
921914	PP2609	Lewis Jones
921915	PP2611	Karlyn Durrant
921917	PP2613	John Blair
921999	PP2615	Colin Johnson
921658	PP2617	Patrick Mark
921794	PP2619	Patricia Barclay
921896	PP2621	Kenneth A Hyslop
922005	PP2623	Jan Krwawicz
922006	PP2625	Marjorie Krwawicz
921709	PP2627	Chris Boyle
921722	PP2629	K Palmer
921832	PP2631	Elizabeth Anderson
921835	PP2633	Janette Evans
921888	PP2635	Ann O'Brian
921889	PP2637	Gail Reid
921893	PP2639	Zoe Campbell
922020	PP2641	Simon Evans
922075	PP2643	Anne Murray
909730	PP2749	Sara Cormack
754767	PP2768	Eskbank Amenity Society
778604	PP2780	Grange Estates (Newbattle) Ltd
778171	PP2813	Jacqueline Marsh

Provision of the development plan to which the issue relates:	Section 4.6, Paragraphs 4.6.1 – 4.6.6, table 4.1 and policies TCR1 and TCR2.
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Planning authority's summary of the representation(s):Representations seeking deletion of site Ec3

Objects to incorporation of Ec3 into Straiton Commercial Hub, and to any further development at existing Straiton Commercial Centre. Notes large scale consented developments in existing area still to be developed, and considers that these should be built out before any further growth is permitted. Given lack of demand, considers that there is no case for additional floorspace. Considers that the Ec3 site should not be accorded the same status as the established Straiton Commercial Centre in policy TCR2, and that there is no requirement in the Strategic Development Plan to identify more land for such development. States that site is Green Belt and countryside and that there is no argument presented within the Local Development Plan to remove it from these designations. (PP14 Almondvale (Livingston) Ltd)

Considers that High Streets are suffering at expense of out of town centres, believes that plan proposals with regard to Straiton will exacerbate this trend leading to wealth being sucked out of the County. Considers Straiton proposals are driven by developers' desire to attract customers from outside Midlothian, and this is contrary to the sustainability aims of the Midlothian Local Development Plan since it encourages car travel and takes demand out of town centre facilities in Edinburgh that are highly accessible by sustainable modes of transport. Midlothian Local Development Plan proposal's to further expand Straiton Retail Park is at odds with the plan's aspirations for sustainability. Encouraging expansion at Straiton will suck demand away from existing Midlothian town centre shops, encourage car use and lead to consumer spending by Midlothian residents being transferred out of the county and the country in the shape of the profits of multinational chains and high rents paid to property development companies based outside Midlothian and in many cases outside UK tax jurisdiction. Considers that there is a high level of vacancy at Straiton Park. Considers that arguments with regard to A701 are circular (i.e. development promoted to pay for road, but the A701 road is being promoted to support further development at Straiton. Considers that Straiton proposal does not meet the principles set out in the penultimate sentence of paragraph 99 of the Strategic Development Plan Namely "Unless an exception is identified through a Local Development Plan and justified by rigorous analysis, priority should be given to town centre then edge of centre locations, then established commercial centres and finally out of centre locations.". (PP26 Midlothian Green Party)

Considers that expansion of Straiton as a retail hub would run counter to efforts to promote job creation and local identity - jobs created would be difficult to access and be low waged. (PP257 Midlothian Matters)

Concerned that High Streets suffering from pressure from out of town malls and parks, and therefore proposals to expand Straiton are a cause for concern. Considers that its expansion is likely to encourage car use and exacerbate decline of existing town centre shops, neither of which is desirable outcome. (PP430 Eskbank & Newbattle Community Council)

8.3.11 Opposes cinema/commercial leisure development Straiton as having detrimental effect on town centres. Considers that Straiton Retail Area should not be extended as this would be contrary to the Strategic Development Plan and would damage town centres and that other uses, such as housing, should not be permitted as the site is cut off from facilities, has low amenity from traffic noise, and has value as an open area/importance to

views to Pentlands. The Ec3 site if deleted for development could include a nature reserve. (PP540, PP541 Mirabelle Maslin)

Seeks commitment to introduction of a town centre first policy in TCR1

Notes that while policy TCR1 generally fits with a town centre first approach, states that Scottish Planning Policy requires this to be reflected in policy not just supporting text. (PP378 Scottish Government)

Representation seeking change to hierarchy of priorities in Policy TCR2

Considers the TCR policies positive but contradicted by expectation that retail opportunities will be concentrated in Straiton. Considers that the policy should be differentiated to encourage small shops/bars within local communities, without the suggestion that opportunities should be located in Straiton first. (PP259 Midlothian Matters)

Considers that town centres are heart of communities, and that town centre locations in TCR should be priority, with TCR2 locations only considered where TCR1 development not possible. (PP456 Paul de Roo)

Considers that local centres should not be last in shopping hierarchy and should be given greater priority to reduce social inequality. (PP1058 Mirabelle Maslin)

Representations seeking stronger policy to direct new development to existing town centres

Concerned that expansion of Straiton will increase car journeys and damage Midlothian's existing town centres which are already struggling. (PP933 Julian Holbrook; PP1114 Rowan Nemitz)

Concerned that technical note prepared at MIR stage is only concerned with retailing and does not give information or direction to town centres other than as retail destinations. Concerned that there is a policy vacuum and considers it significant that no reasonable alternative for this policy provided at MIR stage. Concerned that growth of out of town centres is causing decline of town centres. Concerned that development of hotels on periphery of towns is detrimental to town centres and development of wider tourist economy is an opportunity missed. Concerned about visual impact and quality of existing Straiton retail area - considers that it has overwhelmed the existing Straiton village and notes that it has led to demolition of stone buildings - considers that it needs physical enhancement but that development on other side of road will not provide this. Notes lack of spatial concept for the new Gateway site. Concerned that road traffic/environmental impacts of retail park should be considered further. (PP1623 Jon Grounsell)

Considers that existing town centres are being downgraded by Midlothian Council's continuing promotion of out of town shopping. Considers that the Straiton Retail Park, in terms of the Scottish Planning Policy sequential test, does not even meet the lowest category (out of centre locations that are or can be made accessible by a variety of transport modes). Considers that allocation of site West Straiton Ec3 is contrary to Scottish Planning Policy, and SESplan Strategic Development Plan. Expresses concern that West Straiton Ec3 proposal will be an intrusion into Green Belt, considers that there is no need for additional retail development, and that expanded retail offer would be of more benefit to residents in east of Midlothian which would also help reduce car journeys. Makes reference

to representation of City Edinburgh Council in respect of conformity of Ec3 allocation and expansion of Straiton Retail Park with Scottish Planning Policy and Strategic Development Plan. States that others (including Scottish Natural Heritage and SEPA) have objected to the Ec3 Straiton allocation in respect of it being insufficient to deliver sustainable growth, having significant adverse visual impacts within context of countryside, Green Belt and proximity to the Pentland Hills Regional Park; and the potential for area to be considered in more detail in respect of habitat/recreation value and potential. Considers that robust policies should be put in place to direct new development to existing town centres. (PP2406, PP2768 Eskbank Amenity Society)

Considers that existing town centres are being degraded by Midlothian Council's continuing promotion of out of town shopping and wishes robust policies to be put in place to direct new development to existing town centres. (PP2427 David Miller, PP2429 Wilma Porteous, PP2431 Margaret Miller, PP2433 Wilma Sweeney, PP2435 Stuart Barnes, PP2437 Gavin Boyd, PP2439 Kirsty Barnes, PP2441 Vivienne Boyd, PP2443 John F Davidson, PP2445 Eric Smith, PP2447 Annabel Smith, PP2449 Mary M Young, PP2451 James Young, PP2453 John T Cogle, PP2455 Janette D Barnes, PP2457 Jenny Davidson, PP2459 Pamela Thomson, PP2461 Kevin Davidson, PP2463 Hugh Gillespie, PP2465 Jennifer Gillespie, PP2467 George Barnes, PP2469 James Hutchison, PP2471 John Barton, PP2473 Ross Craig, PP2475 Caroline Sneddon, PP2477 Edith May Barton, PP2479 Alex McLean, PP2481 Marjory McLean, PP2483 Myra G Rodger, PP2485 David S M Hamilton, PP2487 Sally Couch, PP2489 E Hutchison, PP2491 Karen Miller, PP2493 Robert Scott, PP2495 James Telfer, PP2497 Kenneth McLean, PP2499 Lynn MacLeod, PP2501 Dawn Robertson, PP2503 Derek Robertson, PP2505 Stewart Y Marshall, PP2507 Elsie Marshall, PP2509 Stuart Davis, PP2511 John Owen, PP2513 Susan Falconer, PP2515 Gudrun Reid, PP2517 Marie Owen, PP2519 G Palmer, PP2521 Joan Faithfull, PP2523 Emma Moir, PP2525 M A Faithfull, PP2527 S M Croall, PP2529 R I Pryor, PP2531 Susan E Wright, PP2533 R A Pryor, PP2535 Michael Boyd, PP2537 Dianne Kennedy, PP2539 George Sweeney, PP2541 David A Porteous, PP2543 Colin Miller, PP2545 Julia Peden, PP2547 Alan Mercer, PP2549 Jim Moir, PP2551 Zow-Htet, PP2553 A H Cunningham, PP2555 W R Cunningham, PP2557 Matthew McCreath, P2559 Rae Watson, PP2561 Christina Watson, PP2563 Moira Jones, PP2565 George Gray, PP2567 Nan Gray, PP2569 David Binnie, PP2571 George Mackay, PP2573 Gayle Marshall, PP2575 Mary Clapperton, PP2577 John Scaife, PP2579 Colin Richardson, PP2581 Karen Langham, PP2583 Elizabeth Richardson, PP2585 Avril Thomson, PP2587 Linda Scaife, PP2589 Kenneth Purves, PP2591 E Purves, PP2593 Donald Marshall, PP2595 Marshall Scott, PP2597 Carolyn Millar, PP2599 Charles A Millar, PP2601 Lorna Reid, PP2603 Hazel Johnson, PP2605 A F Wardrope, PP2607 Isobel Ritchie, PP2609 Lewis Jones, PP2611 Karlyn Durrant, PP2613 John Blair, PP2615 Colin Johnson, PP2617 Patrick Mark, PP2619 Patricia Barclay, PP2621 Kenneth A Hyslop, PP2623 Jan Krwawicz, PP2625 Marjorie Krwawicz, PP2627 Chris Boyle, PP2629 K Palmer, PP2631 Elizabeth Anderson, PP2633 Janette Evans, PP2635 Ann O'Brian, PP2637 Gail Reid, PP2639 Zoe Campbell, PP2641 Simon Evans, PP2643 Anne Murray, PP2749 Sara Cormack, PP2813 Jacqueline Marsh, PP677 Margaret Hodge, PP933 Julian Holbrook, PP1114 Rowan Nemitz)

Representation seeking change in respect of new retailing opportunity in southern A7 corridor

Wishes a wider area indicated as suitable for retailing in the Midlothian Local Development Plan based on map submitted, that this should be confirmed as not absolute or fixed and considers that Council should remove reference to a possible Redheugh town centre. Suggests that there is a case for new superstore on part of committed site P (site

h35), and considers that this should be supported as part of a revised brief. (PP311 Grange Estates (Newbattle) Ltd)

Other matters

Seeks stronger emphasis on high quality retail in town centres, limiting takeaway food outlets and requirement for developers to provide new retail facilities at the outset of new development rather than the end (or not at all).

Considers the section on town centres is weak, and notes weaknesses in town centre attractions, amenities, and design - particularly in Bonnyrigg. Considers that there should be a stronger emphasis on higher quality retailing in town centres, limiting takeaway food stores. (PP280 Katherine Reid)

Supports change in policy wording to enable Council to support and prioritise developments that create real community shopping areas within new developments

Considers that too many of the new developments lack community identity, are disjointed, and require travel by private car. (PP448 Alison Bowden)

Planning permission should not be given to development that will take business from local towns and villages

Considers that rise of Straiton has led to decline of towns/villages, and that original purpose of Straiton to host businesses not suited to town centres has been lost. (PP472 John Sharp)

Within new housing areas, support small convenience stores in preference to larger stores

While supporting need to limit size of new superstore, consider that small convenience stores are a more appropriate way forward, as these would be more convenient to householders, limit the need to travel, and be less of a threat to existing town centres. (PP489 Newtongrange Community Council)

To support new development, new estates will need appropriately sized units such as corner shops, not medium sized units that remain undeveloped due to poor integration. (PP651 Bonnyrigg & Lasswade Community Council)

Seeking to ensure that new retail development in Borders Rail/A7/A68 corridor has least impact on Newtongrange

Considers that Redheugh will need retail provision but concerned that it would be too close to Newtongrange centre. Concerned at practice of allowing out of town developments often in traffic congested areas. (PP530 Walter Stone)

Considers that policy TCR2 should be much more supportive of existing small scale retail facilities

States that the number and variety of retail business has declined significantly in the Tynewater area, and notes that Pathhead is only identified as a 'local centre'. (PP1520 Tynewater Community Council)

Seeks suspension of Midlothian Local Development Plan

Concerned that retail parks will encroach yet further into the countryside. Refers to lack of availability of supplementary guidance and Transport Options Appraisal reports. (PP1522 Geoffrey Alderson)

Representor considers town centres would benefit from high quality independent retailers rather than chain stores found in out of town centres

Considers that Dalkeith and town centres would benefit from good quality individual shops rather than predominance of chain stores found in out of town shopping centres. (PP1555 Patricia Dimarco)

Indications of support

Supports commitment to town centres through TCR1, as a means to reduce need to travel and CO2 emissions. (PP1425 SEPA)

Supports policies TCR2, on grounds that support for town centres and sequential approach will help limit car journeys and consequent pollution and greenhouse gas emissions. (PP1426 SEPA)

Supports the requirement identified in the Proposed Plan for a new food store to serve Newtongrange/Gorebridge/Redheugh area. This requirement is identified on page 31 of the Proposed Plan, Table 4.1 Network of Centres. (PP2780 Grange Estates (Newbattle) Ltd)

Modifications sought by those submitting representations:Representations seeking deletion of site Ec3

Seeks removal of Ec3 allocation from Straiton Commercial Hub and from network of centres. (PP14 Almondvale (Livingston) Ltd)

Seeks removal of Straiton expansion, and mandating local shop provision in new housing developments, and providing economic/planning incentives for independent/local and community-controlled retail businesses to locate and remain in the existing town high streets, reduce the demand for travel for accessing retail facilities, and promotion of community vegetable production and distribution. (PP26-Midlothian Green Party)

Objects to any expansion of Straiton. (PP257 Midlothian Matters)

Wishes reference made to Scottish Government publication: Community and Enterprise in Scotland's Town Centres as guidance which will inform town centre policy. Also inference from text, though not an expressly sought modification, that expansion of Straiton should not be supported in the Midlothian Local Development Plan. (PP430 Eskbank & Newbattle Community Council)

No extension of Straiton retail area, deletion of Ec3, and consideration of other uses such as nature reserve to enhance sites role as gateway to Midlothian. Remove support for commercial leisure/cinema at Straiton and support cinemas in existing town centres. (PP540, PP541 Mirabelle Maslin)

Seeks commitment to introduction of a town centre first policy in TCR1

Seeks a commitment to a town centre first policy should be included in policy TCR1, and that this could indicate that a flexible approach will be applied to ensure that facilities are located where they are easily accessible to the communities that they are intended to serve. (PP378 Scottish Government)

Representation seeking change to hierarchy of priorities in Policy TCR2

Considers policy TCR2 policy priority should be town centre, local centre, out of town centres. (PP259 Midlothian Matters)

Wishes text relating to role of centres altered so that references to Ec3 and expansion of Straiton are removed. Wishes policy TR2 altered to increase status of local centres in hierarchy of priorities, and to remove floorspace limit on local centres, and wishes reference to new local centres removed. Considers that reference in criterion A to Dalkeith Town Centre should be expanded to cover all town centres, and wishes references to Straiton Commercial Hub (Ec3) removed. (PP1058 Mirabelle Maslin)

Representations seeking stronger policy to direct new development to existing town centres

Seeks robust policies to direct new development to existing town centres. PP933 Julian Holbrook, PP1623 Jon Grounsell, PP2406 Eskbank Amenity Society, PP2427 David Miller, PP2429 Wilma Porteous, PP2431 Margaret Miller, PP2433 Wilma Sweeney, PP2435 Stuart Barnes, PP2437 Gavin Boyd, PP2439 Kirsty Barnes, PP2441 Vivienne Boyd, PP2443 John F Davidson, PP2445 Eric Smith, PP2447 Annabel Smith, PP2449 Mary M Young, PP2451 James Young, PP2453 John T Cogle, PP2455 Janette D Barnes, PP2457 Jenny Davidson, PP2459 Pamela Thomson, PP2461 Kevin Davidson, PP2463 Hugh Gillespie, PP2465 Jennifer Gillespie, PP2467 George Barnes, PP2469 James Hutchison, PP2471 John Barton, PP2473 Ross Craig, PP2475 Caroline Sneddon, PP2477 Edith May Barton, PP2479 Alex McLean, PP2481 Marjory McLean, PP2483 Myra G Rodger, PP2485 David S M Hamilton, PP2487 Sally Couch, PP2489 E Hutchison, PP2491 Karen Miller, PP2493 Robert Scott, PP2495 James Telfer, PP2497 Kenneth McLean, PP2499 Lynn MacLeod, PP2501 Dawn Robertson, PP2503 Derek Robertson, PP2505 Stewart Y Marshall, PP2507 Elsie Marshall, PP2509 Stuart Davis, PP2511 John Owen, PP2513 Susan Falconer, PP2515 Gudrun Reid, PP2517 Marie Owen, PP2519 G Palmer, PP2521 Joan Faithfull, PP2523 Emma Moir, PP2525 M A Faithfull, PP2527 S M Croall, PP2529 R I Pryor, PP2531 Susan E Wright, PP2533 R A Pryor, PP2535 Michael Boyd, PP2537 Dianne Kennedy, PP2539 George Sweeney, PP2541 David A Porteous, PP2543 Colin Miller, PP2545 Julia Peden, PP2547 Alan Mercer, PP2549 Jim Moir, PP2551 Zow-Htet, PP2553 A H Cunningham, PP2555 W R Cunningham, PP2557 Matthew McCreath, PP2559 Rae Watson, PP2561 Christina Watson, PP2563 Moira Jones, PP2565 George Gray, PP2567 Nan Gray, PP2569 David Binnie, PP2571 George Mackay, PP2573 Gayle Marshall, PP2575 Mary Clapperton, PP2577 John Scaife, PP2579 Colin Richardson, PP2581 Karen Langham, PP2583 Elizabeth Richardson, PP2585 Avril Thomson, PP2587 Linda Scaife, PP2589 Kenneth Purves, PP2591 E Purves, PP2593 Donald Marshall, PP2595 Marshall Scott, PP2597 Carolyn Millar, PP2599 Charles A Millar, PP2601 Lorna Reid, PP2603 Hazel Johnson, PP2605 A F Wardrope, PP2607 Isobel Ritchie, PP2609 Lewis Jones, PP2611 Karlyn Durrant, PP2613 John Blair, PP2615 Colin Johnson, PP2617 Patrick Mark, PP2619 Patricia Barclay, PP2621 Kenneth A Hyslop, PP2623 Jan Krwawicz, PP2625 Marjorie Krwawicz, PP2627 Chris Boyle, PP2629 K Palmer, PP2631 Elizabeth Anderson,

PP2633 Janette Evans, PP2635 Ann O'Brian, PP2637 Gail Reid, PP2639 Zoe Campbell, PP2641 Simon Evans, PP2643 Anne Murray, PP2749 Sara Cormack, PP2768 Eskbank Amenity Society, PP2813 Jacqueline Marsh, PP1114 Rowan Nemitz, PP677 Margaret Hodge)

Representation seeking change in respect of new retailing opportunity in southern A7 corridor

Wishes a wider area indicated as suitable for retailing in the Midlothian Local Development Plan based on a map contained in the submission that is not absolute or fixed. Requests the Council remove reference to a possible Redheugh town centre. States that there is a case for new superstore on part of committed site P (site h35), and considers that this should be supported as part of a revised brief for the site. (PP311 Grange Estates (Newbattle) Ltd)

Other matters

Seeks stronger emphasis on high quality retail in town centres, limiting takeaway food outlets and requirement for developers to provide new retail facilities at the outset of new development rather than the end (or not at all)

Seeks stronger emphasis on higher quality retailing in town centres, limiting takeaway food stores, and requirement for developers to provide new retail facilities at the outset of new development rather than the end (or not at all). (PP280 Katherine Reid)

Supports change in policy wording to enable Council to support and prioritise developments that create real community shopping areas within new developments

Supports change in policy wording to enable Council to support and prioritise developments that create real community shopping areas rather than large off site shopping developments that fragment community identity. (PP448 Alison Bowden)

Planning permission should not be given to development that will take business from local towns and villages

Planning permission should not be given to development that will take business from local towns and villages. (PP472 John Sharp)

Within new housing areas, support small convenience stores in preference to larger stores

Within new housing areas, support small convenience stores in preference to larger stores. (PP489 Newtongrange Community Council)

Considers that policy TCR2 should be much more supportive of existing small scale retail facilities

Considers that policy TCR2 should be much more supportive of existing small scale retail facilities which are typically less than 150 sqm in scale. (PP1520 Tynewater Community Council)

Seeks suspension of Midlothian Local Development Plan

Seeks suspension of Midlothian Local Development Plan. (PP1522 Geoffrey Alderson)

Indications of support

SEPA support policies TCR 1 and TCR 2. (PP1425, PP1426 SEPA)

No Modification Specified

No modification specified. (PP530 Walter Stone, PP651 Bonnrigg & Lasswade Community Council, PP1555 Patricia Dimarco, PP2780 Grange Estates (Newbattle) Ltd)

Summary of responses (including reasons) by planning authority:

Context

The increase in Midlothian's population that will result from implementation of the Proposed Plan's development strategy (likely to be +20% between 2011 and 2024 with more to follow as further sites are built out) presents a significant growth opportunity from which Midlothian's town and commercial centres can benefit.

The Midlothian Local Development Plan Proposed Plan seeks to address this growth in a planned way, by setting out a network of centres, and identifying opportunities for growth. The plan supports appropriate development in town centres that increases vitality and footfall. The plan recognises Straiton's potential attractiveness to retail investors and allows for the expansion of this area as part of mixed use allocation (Ec3). The plan also makes provision for expanded local centres, including at locations of new housing growth, and new convenience focussed provision in the Borders Rail corridor.

Representations seeking deletion of site Ec3

In respect of the representation seeking an alternative nature reserve use at this site (PP 541): Straiton Bing has seen some natural colonisation by wildlife. It has not been designated a regionally and locally important conservation site. The Council has not resolved the future status of the bing, and this is a matter to be addressed further by the masterplan and the EIA process for any further planning application (which will consider biodiversity amongst other matters).

The Ec3 allocation is currently Green Belt and will be de-designated if the Proposed Plan is adopted in its current form. The construction of the A701 relief road will require to be accompanied by the provision of significant landscaping as mandated in the settlement statement (including a 30m wide mounded landscape framework along the sites western boundary), which may form part of the green network, The Council considers that this will form a better long term Green Belt boundary and reflect the intent of [Scottish Planning Policy](#) and Strategic Development Plan policy 12 (CD111). A 10m wide area of hedgerow/ tree planting is required where the site adjoins the existing A701. The west side of the current A701 is already partly built up, or in some cases degraded by previous activities: the Council considers that Ec3 can be implemented without damaging the landscape setting, identity and character of neighbouring settlements, the Pentland Hills or Edinburgh.

The Council considers that it is inappropriate to prejudge the masterplan process by

allocating specified land for particular uses within the site. The site has an excellent situation by the City of Edinburgh bypass and the Council considers it would be a waste of the site's potential if it were to be developed predominantly for housing. The masterplan process will provide an opportunity to look at constraints and opportunities across the site, and consider the contribution different uses can make to remediating site conditions.

In respect of the representation expressing concern at the potential scale of retail development on this site: any prospective application containing retail floorspace will be subject to the Midlothian Local Development Plan's Town Centres and Retailing policies. The plan requires Retail Impact Assessments for developments of more than 2500 square metres gross floor area outwith town centres, and these may also be sought for smaller proposals (MLDP paragraph 4.6.5 refers). Policy TCR2 contains a sequential test for development at Straiton. Other criteria of the policy protect the vitality and viability of centres within the catchment of proposed development, require development to address a quantitative or qualitative deficiency within the catchment, and require development to be accompanied by measures to improve the environmental quality of the commercial hub and its accessibility by public transport/active travel.

In respect of the representation PP14 which states that site Ec3 should not be accorded the same status as the established Straiton Commercial Centre in policy TCR2, and that there is no remit for doing this in the Strategic Development Plan ([Strategic Development Plan for South East Scotland](#)) establishes a network of centres (Table 1) and describes their roles. Table 1 identifies the role of Edinburgh City Centre as regional centre for the whole city region, and four strategic town centres which are of a different scale, performing a range of functions at a sub-regional level.

The Strategic Development Plan states that it is the role of Local Development Plans to identify other town centres and commercial centres (Policy 3, criterion a). The LDP does this. The SDP requires LDPs to support and protect the network of centres shown in Table 1 of the SDP (Policy 3, criterion b). The LDP does this through criterion B and C of policy TCR2. The SDP requires a sequential approach in respect of the selection of locations for retail and commercial leisure (Policy 3, criterion c). Any exceptions identified through LDPs should be fully justified. Policy TCR2 criterion A establishes the priority of Edinburgh City Centre in sequential terms. The sequential test does not prioritise the other strategic town centres (Kirkcaldy, Glenrothes, Dunfermline and Livingston) as these have such a limited trading relationship with Midlothian, as revealed by the rigorous analysis in CD087.

The Council considers that it is reasonable to allow for the potential of retailing on the Ec3 site, in view of the expanded population and demand that is a consequence of the development strategy. The Council has carried out rigorous analysis on retail patterns and likely future retail trends (set out in the Town Centres and Retail Technical Note, CD087), and this Schedule 4 considers the latest available evidence of change in population and per capita spending. It will be the role of the town centre and retailing policies, in particular TCR 2 to ensure that no harm is done to other centres. Policy TCR 2 reinforces the sequential approach which prioritises town centres. The Council considers that its retail policies are in conformity with the Strategic Development Plan, and will provide the necessary framework to assess any application in site Ec3 containing a retail element.

Midlothian Council considers that it is appropriate to meet the needs of its expanding communities through provision of an expanded range of retail facilities. It is also important to encourage the provision of more local jobs. Among the Midlothian Local Development Plan's Strategic Objectives are to 'Support Midlothian's growing economy by creating

quality and sustainable business locations' and to 'Identify new economic and commercial opportunities to provide local jobs and help reduce out-commuting'. This will also help to meet the aspirations of Midlothian's communities for better facilities, it is known for example (through the Council's community planning function) that there is a desire on the part of young people for better cinema facilities in Midlothian.

Site Ec3 is a high profile, well connected site with good potential for economic development. The overarching retail policies will provide protection for town centres, including Edinburgh City Centre. Any significant retail element in the development will require to be accompanied by a Retail Impact Assessment (as set out in paragraph 4.6.5 of the Proposed Plan). The uses on the site could include retail, commercial leisure, hotel, office and business uses, and possibly housing. The masterplan will establish the mix of uses on the site; in preparing the masterplan the Council would expect to look at the latest market intelligence and developer interests and scope out potential impacts of the retail elements in any proposal in advance of a Retail Impact Assessment (RIA) accompanying a future planning application. Given the significant ground condition problems the Council does not consider it appropriate to sub-allocate the site for different uses at this stage. The Council wishes to plan it as one entity, to avoid the problems of piecemeal development seen at the existing Straiton area. This will also provide the best opportunity to incorporate provision for active travel and public transport.

In considering future demand for retailing, the following factors are relevant: the population in the catchment area, the amount of spending per head, the existing retail stock and the amount of revenue it needs to trade successfully, and allowance for trade leaking to other areas and the internet. On the basis of increased population and per capita comparison spending growth there appears to be scope to accommodate additional retail capacity in Midlothian. This is identified in the Retailing and Town Centres Technical Note (CD087).

The Retailing and Town Centres Technical Note (RTC TN) is useful background information and helped to inform the Main Issues Report (CD043) and the Proposed Plan. Although as time goes on it becomes less relevant and RIAs will have to use the latest available intelligence (the paragraphs below consider the latest information about retail trends). The RTC TN indicates a potential for between 25,000 and 34,000 square metres of additional floorspace (gross floor area) (depending on whether mainstream comparison or bulky goods operators) based on a low spending growth scenario and with an unchanged leakage rate of 61.7%. In coming to this figure the RTC TN took into account committed unbuilt retail stock. An unchanged leakage rate would result in sharply increased spending in Edinburgh from Midlothian residents as overall spending increases (driven by increased population and per capita spending).

It is plausible however that an increased range and choice of stores to meet Midlothian demands, will also have the effect of reducing the leakage rate. It is generally understood by practitioners of retail impact assessments that 'like competes with like' (paragraph 6.107, Town Centre and Retailing Methodologies – Final Report, Scottish Government, 2007, CD108). On this basis, Edinburgh City Centre, with its large range of high order retailers and other cultural attractions appears less susceptible than other commercial centres which provide a similar retail offer to Straiton. Another commercial centre, Fort Kinnaird, in the City of Edinburgh area is the main comparison shopping destination of Midlothian residents (taking a larger share of Midlothian custom than Straiton (2nd) or Edinburgh City Centre (3rd) – table 36 of the RTC TN (CD087) refers.

Midlothian's most popular comparison shopping destination (Fort Kinnaird) has no direct

bus link to any Midlothian settlement, despite recent expansion. City of Edinburgh Council is the relevant planning authority, and the administrative boundaries may be something of an obstacle to providing greater connectivity. It can now be reached by Borders Rail which stops at Newcraighall station, although from here most of the site is beyond the acceptable 400m threshold and the general environment for walking between the station and the retail park is not very pedestrian friendly. Midlothian considers that it is in a good position to enhance public transport and active travel links from Straiton through the masterplan and subsequent handling of a future planning application. The internal road layout will be very important so that buses can pass through the site with minimal interference from congestion. The Council has already arranged through developer contributions for the high frequency number 37 route to be diverted through the existing retail park, with bus stops and publicity material provided. This was achieved from contributions made in respect of the earlier relatively smaller scale extensions at the site. Growth at Ec3 and across the county will help to sustain further enhancements on a commercial basis, perhaps underpinned by developer contributions over the start up phase. The Midlothian Local Development Plan also supports the A720 Orbital Bus Route; while the final route (policy TRAN 2 refers) for this is not fixed it is likely to pass through Straiton, providing an interchange point with the A701 corridor services, and making this location a significant public transport node. The Council would have to take a judgement on the appropriate level of public transport provision. Development at Ec3 featuring a large element of residential development and little retailing or other employment generating uses might require a different service pattern from a wholly commercial development.

In terms of impacts, the Town Centre and Retailing Methodologies Report (CD108) also noted the prevailing view among retail impact practitioners that the strength of competition will increase with shorter travel distances. This has been likened to gravitational attraction. A retail facility in Midlothian therefore appears less likely to impact on the City Centre than expansion at commercial centres within the city. This 'gravity' effect helps explain the limited role of Livingston or the other Strategic Town Centres in meeting Midlothian shopping demands.

The role of the Strategic Town Centres in meeting Midlothian's shopping demands can be gauged from table 36 of the Retailing and Town Centres Technical Note (CD087 refers). Livingston accounts for £6.93 million of the £261.67 million total comparison spending (2.6% of Midlothian's total). The share of spending in the Fife centres is too low to be recorded separately. By public transport it is difficult to reach the other Strategic Town Centres in South East Scotland, and, conversely to travel between the West Lothian and Fife centred catchments of these centres and Straiton. Travelling between Midlothian and Fife/ West Lothian requires long car journeys past other competing centres, and this is reflected in the low trading connections between these locations revealed in CD087. The relationship between Midlothian and Edinburgh City Centre is different and this is reflected in policy TCR 2.

The Council is aware that Straiton Park also draws trade from outwith Midlothian. The site is host to two operators that are the only ones of their kind in South East Scotland (Ikea and Costco). Both of these are classic examples of the type of retail operator that are hard to accommodate in a town centre; on the basis of 'like competes with like' and the diffuse nature of their catchment, they will have limited impact on the city centre or town centres.

The Council is not seeking to accommodate all of its retail growth at Straiton. It supports development in all of its centres as well as at Straiton. The proposed Plan sets out a policy that provides strong support for town centres in accordance with [Scottish Planning Policy](#).

Consideration of developments in retail trends since RTC Expenditure per head of population

Recent retail trends at UK level have indicated strong growth following the end of the recession and the extended period of minimal growth which followed it. The Office of National Statistics Publication 'Retail Sales in Great Britain' provides a long term time-series of retail sales. The most recent edition (May 2016, CD085) finds the volume (quantity bought, excluding inflation/deflation) of retail sales increased by 6.0% between May 2015 and April 2016. Figure 5 (of CD085) and the accompanying commentary in the bulletin indicate consistent growth in the volume of retail sales after Spring 2013 (the volume measure takes out the effect of changes in prices, by reference to the Consumer Price Index). Average growth was 1.0% in 2013, 4.0% in 2014, 4.6% in 2015 and 4.2% so far in 2016. It is evident that (table 2, sector summary) the comparison shopping sectors are performing better than convenience, with department stores (a sector which is most associated with the city centre performing best after internet shopping). The last recession was unusual in that comparison goods were relatively little affected but spending on staples (i.e. convenience goods) fell – this process has continued beyond the recession due to the rise of the discounters. It is however comparison spending that is relevant to consideration of impacts on Edinburgh City Centre, or Strategic Town Centres.

The RDPC study (contained within RTC TN, CD087) 'Retailing in Midlothian 2012' used Pitney Bowes Business Insight data from November 2011 (based on Oxford Economics forecasts of 4.7% per annum per capita comparison spending growth to 2021). In view of the uncertainties of the recession and internet market penetration at the time, an alternative scenario based on unprecedentedly low 3.0% growth per annum was modelled. On this basis comparison spending rises from £262 million in 2012 to £400 million in 2021 (rather than £465 million with the 4.7% growth rate) when coupled with anticipated population growth. The Pitney Bowes retail expenditure guide for 2015/16 (CD065) contains Oxford Economics forecasts of per capita comparison spending growth of 3.7% from 2014 to 2026. The best latest available evidence therefore, from actual data and latest forecasts, is that the ultra-low comparison growth rate scenario modelled in the RTC TN will be exceeded, and that there will be more retail demand. In respect of Experian forecasts, quoted by CEC it should be noted that the latest Experian forecasts have been revised up to 3.3% comparison growth per annum (Experian briefing note 12.1 CD152, quoted in Dundee retail study).

Allowing for special forms of trading, including internet

The ultimate share taken by internet shopping is uncertain. Online shopping is more developed in the UK than in continental Europe or North America, so there is not a 'more advanced economy' trajectory to follow. The situation is further confused as some retailers service internet shoppers from conventional stores and credit the spending to that store, while others use warehouses or 'dark stores'. More retailers may pursue the 'multi-channel retailing model' where the store becomes essentially a showroom, and the final purchase may just as likely take place online as in a store. CD106 contains more information on the multi-channel retailing concept. This may lead to reductions in apparent spending in particular locations, but continuing footfall, viability and vitality as consumers continue to frequent retail outlets as more of a leisure activity.

The Pitney Bowes retail expenditure guide for 2015/16 (table 3.4) (CD065) contains a projection of non-store comparison retail sales in the UK rising to 22.8% over the life of the plan (2024), and trending towards 25% in the longer term. In 2012, special forms of trading

accounted for 8% of comparison expenditure in Midlothian. Should it increase to a 25% market share, the remaining comparison expenditure in conventional stores will still be higher than now, even under the pessimistic low growth scenario.

Population

The population of Midlothian and the wider south east Scotland region is growing. National Records for Scotland (NRS) trend based population projections estimate that the population of the SESplan area will increase by 11% between 2012 and 2027 (1,247,680 to 1,385,210) and 18% between 2012 and 2037 (1,247,680 to 1,467,170) (CD074). The City Centre will benefit from this, as it contains an agglomeration of higher order and specialist retailers at the top of the retail hierarchy.

The 2012 based National Records for Scotland sub-national projections (CD002) indicate growth in Midlothian of 11% between 2012 and 2027 (84,240 to 93,309) and 18% between 2012 and 2037 (84,240 to 99,090). The subsequent NRS mid-year estimate for mid 2015, (published in 2016) indicates that the population of Midlothian reached 87,390, a 4% increase in 3 years, suggesting that the projected increase is being exceeded. It is important to remember that the NRS projections are trend based, and they draw heavily on reported changes in GP registration in the intercensal period to project forward population. The NRS projections contain background notes 'Uses and limitations of population projections' which considers these matters in greater detail (CD062). NRS anticipate publishing updated 2014 based projections in October 2016.

Land-use planning decisions can lead to significant variances from trend. In the case of Midlothian, the development plans adopted in 2003 allocated large amounts of land for housing. Long standing drainage constraints prevented this from being exploited immediately, and it was not until 2007/08 that the housebuilding rate began to show a marked increase in Midlothian. Each GRO/NRS biennial population projection since 2006 has increased the growth rate for Midlothian as the effect of increased housebuilding feeds into the figures.

When collating evidence for the Main Issues Report, the Council prepared alternative population projections based on the agreed housing programming in the housing land audit, and also incorporating factors such as the decline in average household sizes and best evidence on future institutional populations.

The Council has now updated these projections using the latest house completion data and programming from the last agreed housing land audit (2014) (CD147). The Council projects that the population has increased from 83,187 at the time of the Census (2011) to 88,055 now (2016) and will increase to 99,920 by 2024. The population projection used in the RTC TN estimated that the population would reach 96,441 by 2021 (the previous population projection prepared in 2012 did not go beyond 2021 as the Council did not feel confident projecting housing completions too far into the future).

CD012 provides an interesting comparison between 2008, 2010 and 2012 GRO/NRS population projections, actual population from the 2011 census and subsequent mid-year estimates and 2012, and revised 2016 Midlothian Council land use planning based projections. It is evident that the increase in population projected in the RTC TN is being borne out, and that further increases can be expected in the life of the plan. The revised projection may be on the cautious side due to a number of factors discussed in the population projection commentary note (CD073).

Performance of existing town centres

Edinburgh City Centre plays an important role in meeting the needs of Midlothian consumers. Table 36 of the RDPC study 'Retailing in Midlothian 2012' (contained within the Retailing and Town Centres Technical Note, CD087) indicates the destination of expenditure by Midlothian residents for comparison shopping – Edinburgh City Centre took £39.48million pounds of the £261.67 million total comparison spend. This is the 3rd largest destination for Midlothian comparison expenditure. The most popular destination is a commercial centre in the City of Edinburgh Council area (Fort Kinnaird).

Midlothian Council notes that Edinburgh City Centre appears to be performing strongly in terms of retail investment and other indicators. The St James Centre redevelopment is now committed (incorporating 79,000 square metres of retail floorspace) and the south St Andrew Square development (15,000 square metres) is nearing completion. Other long standing gap sites such as the Morrison Street goods yard (Haymarket) and New Street bus garage (Caltongate) are under construction and contain significant retail and commercial leisure elements.

Edinburgh City Centre benefits from a Business Improvement District partnership, to take forward projects. Published reports on footfall suggest that the city has recovered strongly from recession and tram work induced declines (for example Essential Edinburgh report on Christmas marketing campaign, 5.2.16, CD028).

From the retail survey, incorporated in the Retail Technical Note (CD087), it is known that the other Strategic Town Centres identified in the Strategic Development Plan (Table 1) play little role in supplying Midlothian consumers, which reflects their distance from Midlothian and the difficulty in travelling there. Livingston takes less than 3% of Midlothian's comparison spending. The market shares of the other Strategic Town Centres identified in the Strategic Development Plan are too small to be identified separately.

Dalkeith is the main administrative town centre in Midlothian, the other town centres performing more localised roles. The historic buildings in the town have recently been much improved following a Council led Conservation Area Renewal Scheme (CARS) and Townscape Heritage Initiatives (THI). The town appears to be performing well in the latest Town Centre Health checks (CD109). For Dalkeith the 2012 RTC TN indicated overtrading in convenience shopping and slight undertrading in comparison shopping. Since then a new Morrison's store has been built in the town centre acting as an anchor store, the population has increased, parking has been re-prioritised from commuters to shoppers and the above mentioned CARS and THI initiatives have been implemented. Further Dalkeith town centre regeneration proposals are seeking to address the post-war buildings in the central triangle focussed on Jarnac Court.

In respect of retailing at site Ec3, a key role of the planning system, expressed in [Scottish Planning Policy](#) is to encourage sustainable economic growth. Where the market can sustain additional retail facilities, the Council considers it appropriate to facilitate this growth and investment, firstly looking at town centre locations and then at other locations which are or can be made accessible by means other than the private car. The Council considers that its plan sets out the role of Straiton as a commercial centre, and the policies of the plan prioritise and protect town centres, in accordance with the Strategic Development Plan and Scottish Planning Policy.

The Council considers that it has justified the possibility of allowing retailing (amongst a mix

of other uses) on site Ec3, and this is in accordance with the SDP. Any application will be subject to policy TCR2. The Council has carried out detailed analysis of retail spending and considered likely trends resulting from the implementation of the development strategy (CD087). The Council considers that this analysis remains valid on the basis of the latest information.

The Council acknowledges that there will always be uncertainty on the impact of retail and commercial development, and applications will require to be supported by RIAs drawing on the best available evidence at the time. The Council considers that it would not be advisable to prejudge an RIA and the future masterplanning exercise for the site by setting quantities of retail floorspace in the plan at this stage. The assumptions of the earlier RTC TN (CD087) in terms of rising spending and population appear to be justified by the evidence of the last 4 years.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP14 Almondvale (Livingston) Ltd, PP26 Midlothian Green Party, Midlothian Matters, PP430 Eskbank & Newbattle Community Council, PP540, PP541 Mirabelle Maslin)

In respect of mandating local shopping opportunities in new housing developments, the Council may require such provision as part of the development briefs/masterplans it is committed to prepare under policy IMP 1 of the Proposed Plan. This approach has been adopted at the committed Hopefield and Wester Cowden sites, where the masterplan requires formation of neighbourhood hubs. The Council can come to a judgement on conditions or legal agreements which link implementation of such hubs with the phasing of housing developments.

In respect of the matter raised on incentives for independent/local and community-controlled retail businesses: the Town Centre policy (TCR 1) is supportive of new enterprises or activities being located in town centres which bring activity and footfall into the area. The Council considers however that land-use planning policy would have no legal basis on which to treat an application for one retail activity in a different manner from another on the basis of the ownership structure or business model of the applicant

The Council does not consider it necessary to have a specific policy on community vegetable production and distribution. The policies are supportive of new retail facilities in town centres, including open air markets, and alternative distribution arrangements (which were not retail within the meaning established by the planning system) would still be looked upon favourably if they were encouraging activity and footfall into town centres. The rural development policy (RD 1) contains the relevant provisions in respect of a shop related to agriculture or horticulture.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP26 Midlothian Green Party)

In respect of the representation seeking inclusion of reference to the Scottish Government publication "Community and Enterprise in Scotland's Town Centres as guidance which will inform town centre policy:

This document has helped to inform the 2014 Scottish Planning Policy and therefore in turn the policies in the Midlothian Local Development Plan Proposed Plan 2014. The recommendations in the report will also be used to inform preparation of supplementary

guidance on food and drink and other non-retail uses in town centres.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP430 Eskbank & Newbattle Community Council)

Seeks commitment to introduction of a town centre first policy in TCR1

Midlothian Council considers that a 'town centre first policy' is implicit in the Proposed Plan. Policy TCR 1 supports uses in town centres which will attract significant numbers of people. The policy on conversion from retail use in town centres has been liberalised from the approach in adopted Midlothian Local Plan (2008) policy SHOP 3 (CD054). Policy TCR 2 incorporates a sequential approach in terms of retail and commercial leisure facilities. In respect of extending this approach to encompass other development which attracts significant numbers of people, including offices, community and cultural facilities, the Council's understanding of [Scottish Planning Policy](#) is that there is an expectation that planning authorities and others will be realistic in applying the sequential approach (Scottish Planning Policy paragraph 69). The Council considers that many of these non retail facilities will have particular needs to be in a location other than a town centre, and that it is not helpful in the Midlothian context to have an overly rigid sequential approach. Many such facilities will need to be close to their users, and in some cases a non-town centre location will be better in this respect.

The Council has also allocated land for business use, reflecting requirements of the current Strategic Development Plan (CD111) and past structure plans, and also to meet the strategic objectives of the Proposed Plan with respect to the economy (paragraph 1.3.2). These sites may be the focus of office or business development, or perhaps ancillary uses such as crèches or other facilities to serve the daytime population. The Council considers that it would be overly onerous to require developers, of otherwise compliant proposals on these expressly allocated sites, to demonstrate through a site search process, that no town centre site was available in any of Midlothian's eight town centres.

Midlothian Council considers that the approach in the plan of allowing support for other non- retail uses which bring vibrancy to town centres, together with a traditional sequential approach in respect of retailing and commercial leisure uses, is the most appropriate in its circumstances. In all instances the Council will require to determine each proposal on its own merits.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP378 Scottish Government)

Representation seeking change to hierarchy of priorities in Policy TCR2

In respect of matters regarding local centres: the Council envisages that these will perform a local role, providing neighbourhood scale facilities and reducing the need to travel, but does not wish them to undermine its town centres. This role is reflected in the support for facilities up to a scale of 1000 square metres (gross floor area). The Council has identified a range of existing local shopping facilities within the network of centres but also allows for new facilities to come forward where new housing developments are not adequately served by existing centres. The Council considers this last matter to be helpful in the context of the scale of housing growth, and might assist in places such as Rosewell and the further extension of Bonnyrigg to the south west. The Local centre part of Policy TCR 2 is worded positively, and there is no need for proposals that are compatible with this part of the policy

to have to consider town centre or commercial centres first in a sequential way.

The Council considers that the extension of the Straiton Commercial Hub to cover site Ec3, with the mix of uses to be defined by the masterplan exercise, is justified by the expected population growth in Midlothian, the increased investment and employment opportunities arising from the development, and desire to help reduce travelling to retail locations outwith Midlothian by its residents. This Schedule 4 and the Schedule 4 for Issue 7 (A701 Relief Road and West Straiton) considers the expansion in the Midlothian population which will result from the development strategy, and the increase in retail sales. The Retailing and Town Centres Technical Note (CD087) provides background information on projected retail trends, and the Issue 7 Schedule 4 considers recent developments. Development proposals on this site will be subject to the overarching sequential approach in policy TCR 2.

In respect of the suggested change (PP1058) to policy TCR 2, to the effect that the Straiton Commercial centre could only be considered if it is not possible to accommodate the proposal in any of Midlothian's town centres, the Council through its assessment of shopping patterns (set out in The Retailing and Town Centres Technical Note CD087) has identified that Dalkeith plays a significantly greater role in providing retailing provision than the other town centres. Dalkeith town centre also covers the largest land area and has the greatest potential for redevelopment, through the extensive central triangle area. The Council has taken a judgement on the likely retail footprints and scale of development that might be attracted to Straiton, and the market credibility of alternative locations to attract major operators. The Council considers that it is reasonable to treat Dalkeith as the town centre alternative to Straiton within Midlothian, rather than require prospective retail operators to demonstrate that there are no alternative sites within the other seven Midlothian town centres.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations (PP259 Midlothian Matters, PP456 Paul de Roo, PP1058 Mirabelle Maslin).

Representations seeking stronger policy to direct new development to existing town centres

In respect of the representations seeking to focus investment on town centres, the Council considers that it has a good track record of funding activities to restore the physical heritage of town centres, including Conservation Area Renewal Scheme and Townscape Heritage Initiative projects in Dalkeith and Gorebridge and recent applications being made at Penicuik. The Council has also carried out projects to improve the function of town centres, including introduction of short rotation car parking (so that it is more focussed on the needs of shoppers and visitors rather than long-stay commuters) and CCTV. Not all of these interventions require land use planning policy decisions, but the Proposed Midlothian Local Development Plan expressly supports the Dalkeith central triangle redevelopment, and introduces forthcoming Supplementary Guidance on Shop Front Design. Policy TCR 1 also provides a supportive framework to encourage investment and development in town centres.

In respect of the representations seeking robust policies to direct new development to existing town centres: the Council considers that its town centres and retailing policies provide a supportive framework, by encouraging development in town centres (through Policy TCR 1), and by setting Dalkeith town centre above Straiton commercial hub in policy

TCR 2.

The Council is mindful of the need to plan for the increase in population that will arise from the development strategy. The Retailing and Town Centres Technical Note (CD087) provides background information on projected retail trends. This Schedule 4 considers the latest information with respect to such matters as population growth, retail sales and the role of internet shopping (set out above in connection with representations seeking deletion of site Ec3). Strong retail sales growth has occurred since the recession, and high population growth can be expected in the plan period. The Council considers it reasonable to allow for the expansion of Straiton commercial hub in these circumstances.

In respect of the representation (PP1623) seeking policy to do more to promote a wider range of uses (especially tourist related) in town centres: the Council considers that policy TCR 1 allows for a greater variety of uses in town centres, with a focus on activities which promote activity and vibrancy, rather than a narrow policy based solely on retailing. The policy would support formation of further tourist uses.

In respect of the part of the representation (PP1623) seeking physical enhancement and alleviation of traffic issues in connection with Straiton: these matters are covered more fully in the Schedule 4 for Issue 7 (A701 Relief Road and West Straiton), but the delivery of the relief road alongside site Ec3 (as well as other transport enhancements), should act to accommodate the expected increased transport demands. The Council is seeking to achieve environmental improvements to this part of Straiton through a masterplanned approach to allow the full range of factors to be considered in the development of site Ec3.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP677 Margaret Hodge, PP933 Julian Holbrook, PP1114 Rowan Nemitz, PP1623 Jon Grounsell, PP2406 Eskbank Amenity Society, PP2427 David Miller, PP2429 Wilma Porteous, PP2431 Margaret Miller, PP2433 Wilma Sweeney, PP2435 Stuart Barnes, PP2437 Gavin Boyd, PP2439 Kirsty Barnes, PP2441 Vivienne Boyd, PP2443 John F Davidson, PP2445 Eric Smith, PP2447 Annabel Smith, PP2449 Mary M Young, PP2451 James Young, PP2453 John T Cogle, PP2455 Janette D Barnes, PP2457 Jenny Davidson, PP2459 Pamela Thomson, PP2461 Kevin Davidson, PP2463 Hugh Gillespie, PP2465 Jennifer Gillespie, PP2467 George Barnes, PP2469 James Hutchison, PP2471 John Barton, PP2473 Ross Craig, PP2475 Caroline Sneddon, PP2477 Edith May Barton, PP2479 Alex McLean, PP2481 Marjory McLean, PP2483 Myra G Rodger, PP2485 David S M Hamilton, PP2487 Sally Couch, PP2489 E Hutchison, PP2491 Karen Miller, PP2493 Robert Scott, PP2495 James Telfer, PP2497 Kenneth McLean, PP2499 Lynn MacLeod, PP2501 Dawn Robertson, PP2503 Derek Robertson, PP2505 Stewart Y Marshall, PP2507 Elsie Marshall, PP2509 Stuart Davis, PP2511 John Owen, PP2513 Susan Falconer, PP2515 Gudrun Reid, PP2517 Marie Owen, PP2519 G Palmer, PP2521 Joan Faithfull, PP2523 Emma Moir, PP2525 M A Faithfull, PP2527 S M Croall, PP2529 R I Pryor, PP2531 Susan E Wright, PP2533 R A Pryor, PP2535 Michael Boyd, PP2537 Dianne Kennedy, PP2539 George Sweeney, PP2541 David A Porteous, PP2543 Colin Miller, PP2545 Julia Peden, PP2547 Alan Mercer, PP2549 Jim Moir, PP2551 Zow-Htet, PP2553 A H Cunningham, PP2555 W R Cunningham, PP2557 Matthew McCreath, PP2559 Rae Watson, PP2561 Christina Watson, PP2563 Moira Jones, PP2565 George Gray, PP2567 Nan Gray, PP2569 David Binnie, PP2571 George Mackay, PP2573 Gayle Marshall, PP2575 Mary Clapperton, PP2577 John Scaife, PP2579 Colin Richardson, PP2581 Karen Langham, PP2583 Elizabeth Richardson, PP2585 Avril Thomson, PP2587 Linda Scaife, PP2589 Kenneth Purves, PP2591 E Purves, PP2593 Donald Marshall, PP2595 Marshall Scott, PP2597 Carolyn Millar, PP2599 Charles A Millar, PP2601 Lorna

Reid, PP2603 Hazel Johnson, PP2605 A F Wardrope, PP2607 Isobel Ritchie, PP2609 Lewis Jones, PP2611 Karlyn Durrant, PP2613 John Blair, PP2615 Colin Johnson, PP2617 Patrick Mark, PP2619 Patricia Barclay, PP2621 Kenneth A Hyslop, PP2623 Jan Krwawicz, PP2625 Marjorie Krwawicz, PP2627 Chris Boyle, PP2629 K Palmer, PP2631 Elizabeth Anderson, PP2633 Janette Evans, PP2635 Ann O'Brian, PP2637 Gail Reid, PP2639 Zoe Campbell, PP2641 Simon Evans, PP2643 Anne Murray, PP2749 Sara Cormack, PP2768 Eskbank Amenity Society, PP2813 Jacqueline Marsh)

Representation seeking change in respect of new retailing opportunity in southern A7 corridor

Midlothian Council supports the early implementation of all committed development sites. If a significant retail opportunity or superstore was supported on the site proposed in the objection beyond the area identified in the Proposed Plan for a retail facility, the Council would have to consider the implications for the 5 year housing land supply, and this might require replacement sites within the A7/A68/Borders rail corridor to be found. The planning brief for the South Mayfield/East Newtongrange sites (CD132) indicates a need for new shops to serve that site, but these are best placed centrally in the new development area (paragraph 4.2 of CD132 refers). The Council considers the representor's proposal would not relate well to the Redheugh new community, while being a sub-optimal location for new neighbourhood scale shopping to service Mayfield/East Newtongrange.

The existing Redheugh allocation is for 700 units (h50), while the new allocation (Hs7) could accommodate 400 units, with further land in future phases. This will be a significant new community, and the Council considers that it is reasonable to allow for the possibility that the Redheugh new community should have a town-centre, possibly on part of the established part of the site, allocated for economic purposes.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP311 Grange Estates (Newbattle) Ltd)

Other matters

Seeks stronger emphasis on high quality retail in town centres, limiting takeaway food outlets and requirement for developers to provide new retail facilities at the outset of new development rather than the end (or not at all)

While it is desirable to have high quality retailing facilities in Midlothian's town centres, the Council's powers as a planning authority are essentially negative ones, by refusing applications which do not constitute high quality retailing. The type of proposals that come forward are outwith the control of the landuse planning system. There are problems of definition and it would be difficult to turn this objective into an operative policy. With regard to limiting takeaway facilities, the Council considers the Proposed Plan policy framework allows for sufficient control of this matter where necessary (e.g. through policies TCR 1 and DEV 2). On the question of limiting uses, which are not retail, Policy TCR 1 encourages the formation of uses which will attract people to town centres (not just retail). This reflects the town centre first principle, which is now embodied in [Scottish Planning Policy](#). In particular, paragraph 60, states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The Council considers that it has built sufficient safeguards into the policy to prevent development which affects amenity or vitality of a town centre (for example by an over-proliferation of hot food takeaways). These matters will be developed further in the Supplementary Guidance that

the Council is committed to prepare.

In respect of stronger requirements for developers to provide new development at the outset of development: Policy TCR2 allows for such facilities where new housing developments are not adequately served by existing centres. The development briefs that the Council will prepare for each site (Policy IMP 1 refers) will also address issues such as the provision and location of facilities, and the Council can require the development of such facilities where considered appropriate.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP280 Katherine Reid)

Supports change in policy wording to enable Council to support and prioritise developments that create real community shopping areas within new developments

Policy TCR2 allows for new neighbourhood shopping facilities where new housing developments are not adequately served by existing centres. The development briefs that the Council will prepare for each site (Policy IMP 1 refers) will also address issues such as the provision and location of facilities. The scale of these facilities will be such so that they do not undermine existing centres, or have a negative effect on neighbouring uses.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP448 Alison Bowden)

Planning permission should not be given to development that will take business from local towns and villages

The Council considers that its Town Centre and Retailing policies give protection to existing centres, while allowing for new opportunities that may arise with the increase in Midlothian's population.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP472 John Sharp)

Within new housing areas, support small convenience stores in preference to larger stores

Policy TCR 2 (Location of New Retail and Commercial Leisure Facilities) sets the scale of new shopping facilities as being up to 1000 square metres gross floor area, and also sets a test that they must not undermine the vitality and viability of existing town centres. The 1000 square metre limit represents tighter control than the adopted plan (Midlothian Local Plan 2008, CD054), which allowed for larger neighbourhood stores in some cases, paragraph 3.5.7 refers.

The Council considers that new stores in association with new housing areas are controlled quite tightly by this policy, and that the policy will ensure that large new developments that are not well served by existing retail locations are adequately provided for, while protecting existing centres.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP489 Newtongrange Community Council, PP651 Bonnyrigg & Lasswade Community Council)

Seeking to ensure that new retail development in Borders Rail/A7/A68 corridor has least impact on Newtongrange

The Council considers that there is a case for additional, primarily convenience, shopping provision in this area (Newtongrange/Redheugh/Gorebridge), based on the findings of the RDPC report 'The Future of Retailing in Midlothian 2013' (referred to in the Town Centres and Retailing Technical Note, CD087). The Council further considers that the safeguards it has placed in Policy TCR 2 should protect Newtongrange and other established centres.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP530 Walter Stone)

Considers that policy TCR2 should be much more supportive of existing small scale retail facilities

The Proposed Plan identifies new local centres within the network of centres, including Pathhead and Roslin which previously had no status. The Proposed Plan also contains provisions for Business in the Countryside under policy RD 1 (Development in the Countryside). Policy VIS 1 (Tourist Attractions) may also be relevant. The continued operation of existing small scale retail facilities is not prejudiced by the plan. It is difficult to craft a plan with a policy stance for every potential application that might arise, and the Council is content that its wider rural development and tourism policies provide an adequate basis for assessing small scale rural applications.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1520 Tynewater Community Council)

Seeks suspension of Midlothian Local Development Plan

The suspension of the Proposed Plan appears to be sought on the basis that all of the Supplementary Guidance as well as Transport Option Appraisal reports should have been made available in advance of the publication of the Midlothian Local Development Plan. Supplementary Guidance is introduced and defined by the relevant text in the Midlothian Local Development Plan. Paragraph 140 of Circular 6/2013 (<http://www.gov.scot/Publications/2013/12/9924/0>) states that Supplementary Guidance may be prepared and adopted alongside the LDP or subsequently. The Council considers that it is appropriate to produce its Supplementary Guidance on the basis of the adopted plan. The Transport Appraisal of the Proposed Plan was publicly available at the same time as the Proposed Plan. Midlothian Council does not consider that there is basis to suspend the Midlothian Local Development Plan process.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1522 Geoffrey Alderson)

Representor considers town centres would benefit from high quality independent retailers rather than chain stores found in out of town centres

The expansion of Midlothian's population (a consequence of the development strategy) is a commercial opportunity for high quality independent retailers. On the basis of expected increases in population and future spending growth, the Council considers that it is reasonable to allow for retail expansion at Straiton.

The Council is not waiting passively for the market to react however, and is carrying out town centre health checks to inform the development of strategies for their improvement. The Council is also carrying out physical works under the auspices of the Townscape Heritage initiative and Conservation Area Renewal Scheme. A revised scheme for the regeneration of the Dalkeith central triangle in the town centre is being prepared. The Council considers the town centre policy (TCR 1) is very supportive of the formation of new retail facilities in town centres and gives significant priority to them, including Dalkeith as the regional town centre and the county's main administrative centre.

The Council considers it has set in place supportive conditions which will help support the kind of retail development sought by the representor.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1555 Patricia Dimarco)

Indications of support

The Council acknowledges the support for policy TCR1. (PP1425 SEPA)

The Council acknowledges the support for policy TCR2. (PP1426 SEPA)

The Council acknowledges the support for new retail provision in TCR2. (Grange Estates (Newbattle) Ltd)

Reporter's conclusions:

Support

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support from various parties are noted but do not require any further consideration.

Site Ec3 (West Straiton)

2. There are substantial unresolved representations concerning the allocation of site Ec3 (West Straiton) summarised in this Issue and Issue 7 (site Ec3 and A701 relief road) of this report. Having reviewed the matters raised I have opted, for ease of reference, to present all of my findings in relation to the allocation of site Ec3 in Issue 7.

Policy TCR 1 (town centres)

3. Paragraph 60 of Scottish Planning Policy (2014) suggests that the planning system should "apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities". It also states at paragraph 69 that "it is important that community, education and healthcare facilities are located where they are easily accessible to communities that they are intended to serve".

4. Policy TCR 1 (town centres) in the proposed plan supports proposals for "retail, commercial leisure development or other uses which will attract significant numbers of people" in town centres. Despite the concerns of the Scottish Government, I find that this approach is consistent with the provisions of Scottish Planning Policy as it sets a

supportive policy in which a range of uses associated with high levels of demand would be directed to, usually easily accessible, town centre locations. Other policy provisions within the proposed plan (and supportive text) would also allow the provision of community, education and healthcare facilities in non-town centre locations to ensure ease of access. I find that no change to the policy is required on this basis.

Policy TCR 2 (location of new retail and commercial leisure facilities)

Local centres

5. Scottish Planning Policy states that development plans should adopt a sequential town centre approach when planning for uses which generate a significant footfall (paragraph 68). It continues by stating that “this requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres)
- edge of town centres
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes”.

6. At paragraph 61, Scottish Planning Policy also states that plans should identify a network of centres where “the network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy”.

7. Paragraph 4.6.2 of the proposed Midlothian Local Development Plan provides a sequential town centre approach as a series of bullet points but omits reference to “local centres”. The network of centres in Midlothian is identified within Table 4.1 (network of centres) of the proposed plan with town centres provided at the top of the table and local centres at the bottom.

8. I agree with representations that the approach as set out in the proposed plan appears to give less emphasis to local centre locations than promoted in Scottish Planning Policy. Therefore, I find that paragraph 4.6.2 should be modified to refer to local centres. However, I am satisfied that the network of centres described in table 4.1 is reasonable and appropriate in following the provisions of paragraph 61 of Scottish Planning Policy. No modification to the table is required.

9. Proposed policy TCR 2 (location of new retail and commercial leisure facilities) promotes new shopping facilities within local centres. The policy does not require, as suggested in representations, that shopping is directed to Straiton ahead of considering local centres. The policy also supports the provision of facilities to support new housing developments where there would be no negative impact on amenity, traffic and parking. I find this approach reasonable to support neighbourhoods and reduce the need to travel.

10. Policy TCR 2 places a restriction on the amount of floorspace that would be supported in local centres (and elsewhere in the built-up area) at 1,000 square metres gross on the provision that any development would not impact on the vitality and viability of town centres. I support the council’s view that local centres (and local facilities elsewhere) would provide for local needs and that a threshold is therefore reasonable in order to control the size of proposals promoted in local centres and elsewhere where justified. Consequently, I do not agree with Mrs Maslin that the threshold should be removed.

Straiton Commercial Hub

11. Policy TCR 2 supports proposals for retail and commercial leisure development on land at Straiton Commercial Hub (and site Ec3) subject to meeting four criteria. Criterion A. requires that there are no alternative sites in or on the edge of Edinburgh City Centre (where the anticipated catchment for a proposal is region-wide); or that there are no alternative sites in, or on the edge of, Dalkeith Town Centre (where the anticipated catchment for a proposal was wholly or predominantly within Midlothian).

12. SESplan policy 3 (town centres and retail) requires local development plans to “promote a sequential approach to the selection of locations for retail and commercial leisure proposals. Any exemptions identified through Local Development Plans should be fully justified”. This follows the approach contained in Scottish Planning Policy (as indicated in paragraph 5 above).

13. I find that proposed policy TCR 2 adheres to the sequential approach as required by SESplan and promoted by Scottish Planning Policy. The exception to this approach is for proposals at Straiton (including site Ec3) where proposals with catchments wholly or predominantly within Midlothian are only required to assess alternative sites in, or on the edge of, Dalkeith Town Centre. There are seven other town centres in Midlothian: Bonnyrigg; Gorebridge; Loanhead; Mayfield; Newtongrange; Penicuik; and Shawfair.

14. I note from the Midlothian Council Retail Study 2012 that although Dalkeith Town Centre has a similar convenience retail floorspace to Bonnyrigg and Penicuik (over 2,000 square metres) it has substantially more comparison floorspace than other town centres (some 8,000 square metres to around 3,000 square metres elsewhere). I further note that the retail study highlights that Straiton “is the only location in Midlothian with the obvious success and critical mass of comparison floorspace which lends itself to attracting further investment...therefore a major issue for the council to consider will be the extent to which there are other locations which could be presented as offering good opportunities for new retail investment”. In addition, I note that, unlike other centres, Dalkeith Town Centre has significant opportunities for redevelopment; and that it is the main administrative centre for Midlothian fulfilling a county-wide role rather than a more localised role like other town centres across Midlothian.

15. From the above conclusions, I find that it is reasonable for the council to adopt an exception to the sequential approach in relation to proposals directed to Straiton Commercial Hub. I also find it reasonable that only Dalkeith Town Centre should be investigated for alternative sites where a catchment for a proposal is wholly or predominantly within Midlothian. Consequently, there should be no requirement through policy TCR 2 for all town centres to be considered when applications are proposed at Straiton Commercial Hub (including site Ec3).

Strengthening of Town Centre policy

16. Proposed policy TCR 1 (town centres) supports a range of suitable uses in town centres across Midlothian including retail, commercial leisure development, and other uses which would attract significant numbers of people. Changes of use to financial, professional or other services; food and drink establishments; pubs; hot food take-aways; hotels; non-residential institutions; premises for assembly and leisure; and other ‘one of a kind’ uses which would contribute to vitality of a centre are supported. Open air markets are also supported in town centres by policy TCR 1.

17. I further note that the proposed plan (at paragraph 4.6.3) supports residential uses in upper floors of premises in Dalkeith Town Centre and any redevelopment proposals for the postwar buildings in the Dalkeith central triangle. Proposed policy TCR 2 also promotes the use of Dalkeith Town Centre ahead of proposals at Straiton Commercial Hub. The Dalkeith Town Centre is also promoted in paragraph 8.2.3.

18. The settlement statements make extensive references to other town centres including Penicuik (paragraph 8.3.38); Loanhead (paragraph 8.3.2); Gorebridge (paragraph 8.2.49); Newtongrange (paragraph 8.2.38); Mayfield (paragraph 8.2.30); and Bonnyrigg (paragraph 8.2.16).

19. In addition, policy TCR 2 requires a sequential approach in relation to the location of new retail and commercial leisure uses. This means that town centres are placed above commercial centres and out-of-centre locations in the hierarchy.

20. Although not promoted through the proposed local development plan, I also note that the council is proactively investing in town centres across Midlothian with financial schemes to improve the appearance of property. The introduction of short rotation parking and CCTV has also been applied to help attract people to town centres. The improved appearance of town centres is also to be promoted through forthcoming supplementary guidance on shopfront design.

21. Based on the above findings, I consider that there is no policy preference for out-of-town shopping to the detriment of existing town centres. I find that the approach of the proposed plan and town centre policies follow the approach set out in SESplan and Scottish Planning Policy of supporting a town centre first approach. The exception to this approach is where proposals are directed to Straiton Commercial Hub where alternatives in only Dalkeith Town Centre are required to be investigated where the catchment for the use would wholly/predominately cover Midlothian. I have accepted this exception in paragraph 15 above.

22. I note the concerns of parties summarised under this section with regard to the expansion of Straiton (site Ec3). As mentioned above, these concerns are addressed in Issue 7 (site Ec3 and A701 relief road) of this report.

Redheugh Town Centre and retail opportunity

23. Grange Estates (Newtongrange) Limited argues that the area to be identified for a new supermarket in the Redheugh/Gorebridge/Newtongrange/Mayfield area should include land at committed housing site h35 (Lingerwood). It also suggests removal of references to the formation of a town centre at Redheugh.

24. Proposed policy TCR 2 supports retail development “in the corridor from Gorebridge/Redheugh to Newtongrange as indicated in the settlement statement maps. This should primarily be of a primarily convenience nature, and may be in the form of a new town centre for Redheugh”. The settlement statement map for Newtongrange shows an oval shape labelled “location for future convenience retail” covering land to the east of the Borders Railway Line on either side of the A7 from Newtongrange Centre in the north to a roundabout serving Arniston Park to the south. The location identified includes established employment land (sites e22; e21; and e20) and part of committed housing site h36 (North Gorebridge).

25. However, as noted by Grange Estates (Newbattle) Limited, figure 4.4 (retail centres) in the proposed plan shows an area entirely to the west of the A7 incorporating housing sites h50 and Hs7 (Redheugh) and entitled “potential site for new supermarket”. Furthermore, I note that table 4.1 (network of centres) in the proposed plan refers to a potential out-of-centre location for primarily convenience shopping in the “main corridor from Gorebridge/Redheugh to Newtongrange” where the details in the table suggest that “the exact location has not been determined but could be in the form of a new Redburgh town centre”.

26. Committed and newly allocated housing sites along the A7 in Gorebridge/Redheugh, Newtongrange, Arniston and Gowkshill would provide some 2,500 houses. In addition, there are several committed employment sites also along the A7 in this area. I find that the combination of substantial population growth together with employment opportunities in the area mean that the council's support for convenience shopping and a potential new town centre in this location is reasonable. Therefore, reference to the potential formation of a town centre should remain in proposed policy TCR 2.

27. In relation to the potential area where convenience shopping and the formation of a town centre should be identified, I note that the current development brief for committed development sites in Mayfield (including h35) indicates the need for shops to serve that site but directs these centrally rather than to site h35. The Lingerwood site is not directly accessed from the A7 but located to the east off Stobhill Road. I consider that a location along the A7 as indicated on the Newtongrange settlement statement would likely be well suited in relation to transport accessibility and in proximity to new housing allocations in and around Redheugh. I find that the identified location for convenience shopping and the potential formation of a new town centre at Redheugh (as shown on the Newtongrange Settlement Statement Plan) is reasonable without the need to widen it to include site h35. However, to ensure consistency I find that a modification is required to figure 4.4 to ensure it aligns with that the area shown on the Newtongrange settlement statement plan.

Other matters

High quality retailing

28. Although the council suggests that it has a reactive role, I consider that the town centre and retailing policies of the proposed plan encourage a range of suitable uses in town, local, commercial and out-of-centre locations. There is no policy impediment to the provision of high quality retailing provision in Midlothian.

29. Proposed policy TCR 1 (town centres) requires the amenity of neighbouring uses to be preserved. It also requires that changes of use (including those to hot food take-aways) should be acceptable “in terms of the amenity, environment, traffic and parking arrangements”. In addition, paragraph 4.6.4 of the proposed plan indicates that forthcoming supplementary guidance on food and drink will be produced to help control any impacts arising from food and drink uses and hot food take-aways. Consequently, I find that there are sufficient controls to ensure the protection of town centres (and other locations) from a proliferation of hot food take-aways which may be of detriment to the amenity of an area.

30. Proposed policy TCR 2 (location of new retail and commercial leisure facilities) supports the provision of local facilities in new developments. Furthermore, proposed policy IMP 1 (new development) requires development briefs or masterplans to be

prepared for all allocated housing sites. These documents could suitably control the location and phasing of any local shopping integrated into new developments. No change to the proposed plan is required on this matter.

Community shopping areas

31. As stated above, the provisions of the proposed plan would enable the provision of local centres to support new developments and help create community identity. The provision of local shopping would also help to reduce the need to travel outwith communities by private car. No change to the plan is required to address these matters.

Local towns and villages

32. There is a balance between meeting the needs of demand within an authority area but also in protecting local shops and services. Although there are larger retail centres (including Straiton) I consider that the town centre and retailing policies of the proposed plan provide protection, through the sequential approach (with the recommended reference to local centres), for existing centres and promote opportunities for neighbourhood facilities.

33. Nevertheless, I agree with Tynewater Community Council that small scale retail facilities are an important to local towns and villages (which may be located outwith centres). I also agree with the council that the provisions of the proposed plan would not prevent the provision of local facilities where required. However, there is no provision within the plan to protect existing local facilities from redevelopment. Consequently, I find that it would be reasonable and appropriate for the proposed plan to require any loss of local facilities to be justified. A modification to policy TCR 2 is therefore required.

Small convenience shopping

34. I agree with Newtongrange Community Council that smaller convenience provision may be beneficial in relation to proximity to households; limiting the need to travel; and presenting less of a treat to existing town centres. However, there is also a role for larger shopping provision to support new development including around Redheugh and Newtongrange (as referred to in paragraphs 23 to 26 above). Larger formats of shopping provision would, through the provisions of the retailing policies, have to show no detriment to the vitality and viability of existing centres. I find that the provisions of the proposed plan (as modified) would be sufficient to provide support to local shopping but also not unduly limit the potential for larger provision where justified.

Newtongrange Town Centre

35. As indicated in paragraphs 23 to 26 above, there is justification for new convenience shopping provision in the Redheugh area which may be located nearby to Newtongrange Town Centre. However, proposed policy TCR 2 requires that the provision of facilities in this location do not undermine the vitality and viability of town centres within the expected catchment of the proposed development. Therefore, I find that there is sufficient provision within the proposed plan to ensure that Newtongrange Town Centre is suitably protected.

Suspension of Midlothian Local Development Plan

36. I agree with the council that there is no basis on which to suspend progress on the proposed Midlothian Local Development Plan. Adequate information has been provided or

sought to support the production of the plan and inform the examination process.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Replacing the first bullet point in paragraph 4.6.2 on page 30 with:

“town centres (including local centres)”.

2. Amending figure 4.4 (retail centres) to ensure that the area identified for “potential site of new supermarket” aligns with that shown on the Newtongrange settlement statement map on page 112 of the plan.

3. Inserting a new initial sentence under the heading ‘Local centres’ in policy TCR 2 (location of new retail and commercial leisure facilities) on page 33 as follows:

“Local centres and neighbourhoods

Proposals to change the use or redevelop existing shopping facilities within local centres and neighbourhoods will only be supported where their loss can be justified.”

Issue 9	Tourism																																											
Development plan reference:	Section 4.7 Tourism	Reporter: Jo-Anne Garrick																																										
Body or person(s) submitting a representation raising the issue (including reference number):																																												
<table border="0"> <tr><td>907759</td><td>PP71</td><td>Buccleuch Property Group</td></tr> <tr><td>909417</td><td>PP213</td><td>HolderPlanning</td></tr> <tr><td>909735</td><td>PP260</td><td>Midlothian Matters</td></tr> <tr><td>909735</td><td>PP261</td><td>Midlothian Matters</td></tr> <tr><td>909873</td><td>PP386</td><td>Omar Almubarak</td></tr> <tr><td>909873</td><td>PP393</td><td>Omar Almubarak</td></tr> <tr><td>909873</td><td>PP394</td><td>Omar Almubarak</td></tr> <tr><td>909873</td><td>PP395</td><td>Omar Almubarak</td></tr> <tr><td>907464</td><td>PP593</td><td>Esk Valley Trust</td></tr> <tr><td>921601</td><td>PP915</td><td>Ross Laird</td></tr> <tr><td>754882</td><td>PP926</td><td>Melville Golf Centre</td></tr> <tr><td>778551</td><td>PP1523</td><td>Tynewater Community Council</td></tr> <tr><td>779441</td><td>PP1624</td><td>Jon Grounsell</td></tr> <tr><td>778339</td><td>PP2655</td><td>Midlothian Green Party</td></tr> </table>			907759	PP71	Buccleuch Property Group	909417	PP213	HolderPlanning	909735	PP260	Midlothian Matters	909735	PP261	Midlothian Matters	909873	PP386	Omar Almubarak	909873	PP393	Omar Almubarak	909873	PP394	Omar Almubarak	909873	PP395	Omar Almubarak	907464	PP593	Esk Valley Trust	921601	PP915	Ross Laird	754882	PP926	Melville Golf Centre	778551	PP1523	Tynewater Community Council	779441	PP1624	Jon Grounsell	778339	PP2655	Midlothian Green Party
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Provision of the development plan to which the issue relates:	Policies VIS1 Tourist Attractions, VIS2 Tourist Accommodation and VIS3 Midlothian Snowsports Centre																																											
Planning authority's summary of the representation(s):																																												
<p><u>Objects to lack of support for self-catering accommodation in the Green Belt</u></p> <p>Objects to policy VIS2 due to restriction on self-catering accommodation within the Green Belt and suggest that policy ENV1 should have an additional criterion which allows for it. Considers that this policy position runs contrary to the SPP (paragraph 52) and SDP (Policy 12 Green Belts) and that as long as holiday home development does not harm the landscape setting of Edinburgh and its neighbouring towns, there is no reason in principle to preclude such development. (PP213 Holder Planning)</p> <p><u>Raises concern that scale of development could undermine rural character of Midlothian and its tourist appeal</u></p> <p>Consider that while tourist development has its place, the reason people come to Midlothian is due to the rural character and close proximity to Edinburgh. This will be lost if large scale development goes ahead to the point that Midlothian becomes a suburb. (PP260 Midlothian Matters)</p> <p><u>Objects to allowing hotels in the Green Belt</u></p> <p>Objects to policy VIS2, in particular the section titled 'Hotels in business areas and at key gateway locations.' Considers that any building in the Green Belt would undermine its objectives and therefore the policy should change. (PP261 Midlothian Matters)</p>																																												

Primacy of economic benefits of tourism

Supportive of the plan's aims to promote Tourist Developments. However, consider that the SPP (quoted) suggests that economic benefits of tourist developments can on a case-by-case basis outweigh other considerations. Suggest policy VIS 1 and VIS 2 should reflect this. (PP393, PP394 Omar Almubarak)

Supportive of aims with regard to developing the Midlothian Snowsports Centre, but suggest that policy VIS3 should be modified to reflect the economic benefits of development. (PP395 Omar Almubarak)

Promoting Tourism in Midlothian

Understand the emphasis on developing attractions and tourism infrastructure, as well as benefit to local economies, and would trust that continued development and promotion of heritage of area from residents will continue to receive support. These might be combined more effectively to create an enhanced attraction of the area for residents and visitors alike. Considers that the Council should do more to promote tourism in Midlothian. (PP593 Esk Valley Trust)

Considers that the tourism section should be elaborated to give strategic view of where tourism hubs should be created. Opportunities exist for greater growth but considers that it needs to be linked to retail and transport plans (particularly cycling and walking). Considers that much of Midlothian's history/heritage overlooked, with a lack of signposting and leafleting, e.g. large estates, Roslin Battlefield and literary history. (PP915 Ross Laird)

Considers that tourism plays an important part of the economy in Midlothian as indicated in the Midlothian Tourism Action Plan 2013 -2015. Supplementary guidance for transport provision should be adopted prior to adoption to link with railway stations. No ongoing consultation with tourism businesses taking place. (PP926 Melville Golf Centre)

Concerned that the potential to rejuvenate town centres through tourism has not been considered and that the provisions that promote hotel developments may work against this. A hotel at the Snowsports Centre could be located in one of the neighbouring town centres. No tourism study undertaken to test this. Midlothian's town centres should be attractive destinations in their own right. Considers Midlothian's very attractive landscape should have much greater prominence in promoting tourism in Midlothian. (PP1624 Jon Grounsell)

Other matters

With reference to touring caravan and camping site in VIS2, consider that drawing tight settlement boundaries can result in unexpected consequences with 'small' limited duration touring caravan sites in countryside subject to provisions of Caravan Sites Act 1968. (PP1523 Tynewater Community Council)

Considers that the plan's proposals for a 'Midlothian Gateway' centred on West Straiton is poorly defined. Unlikely to attract tourists, considers unattractive at present and that the creation of another retail park unlikely to change this. (PP2655 Midlothian Green Party)

Support

Supportive of the plan reference to Country Parks providing opportunities for

accommodating the growing demand for wildlife/eco-tourism. Consider Dalkeith House and Country Park have the potential for high quality tourism/leisure development that would have positive synergy with recent works to Dalkeith town centre. Would welcome discussions with council and Historic Scotland regarding a Masterplan for the park. (PP71 Buccleuch Property Group)

Supportive of identification of Midlothian Snowsports Centre as a key tourism site. Given that it serves all of Midlothian and beyond, intention to facilitate its potential to grow as tourist development appropriate. (PP386 Omar Almubarak)

Modifications sought by those submitting representations:

Objects to lack of support for self-catering accommodation in the Green Belt

Policy ENV1 – Insert a provision to enable self-catering tourist accommodation to be developed at item F as follows:

“Development will not be permitted in the Green Belt except for proposals that: ... F – For tourist accommodation proposal providing they do not harm the landscape setting of Edinburgh and neighbouring settlements.”

Policy VIS 2 – Delete the first bullet point under ‘Self-catering tourist accommodation’ so that the section reads as follows,

“Proposals for self-catering tourist accommodation, including touring caravan/ camping sites, will be permitted where:

- *the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and*
- *the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.”*

(PP213 Holder Planning)

Raises concern that scale of development could undermine rural character of Midlothian and its tourist appeal

No changes to the plan suggested. (PP260 Midlothian Matters)

Objects to allowing hotels in the Green Belt

Suggests adding *“The proposal will not lead to building in the Green Belt.”* to policy VIS2. (PP261 Midlothian Matters)

Primacy of economic benefits of tourism

Suggests that policy VIS1 should say:

“The establishment of new, or expansion of existing, tourism-related development will be supported where it can be demonstrated that it improves the quality of visitor facilities or extends the tourism offering within Midlothian, subject to the Council being satisfied that :

A. there are no significant negative environmental or amenity impacts that can not be

mitigated; or

B. the economic benefit outweighs any potential negative impact. and that the proposal accords with all other policies in the plan.

Any development proposals that would directly or cumulatively prejudice the effective operation of a tourist attraction (either existing or consented) will not be permitted." (PP393 Omar Almubarak)

Suggests that under 'Hotels in business areas and at key gateway locations' section of policy VIS2, the following criterion be added:

" the economic benefit of the proposal outweighs other considerations." (PP394 Omar Almubarak)

Suggests that the second sentence of policy VIS3 be modified as follows:

"Proposals with significant adverse environmental impacts will not be supported unless the Council is satisfied that satisfactory mitigation measures are available to overcome relevant concerns or the economic benefit of the development outweighs the environmental impact ." (PP395 Omar Almubarak)

Promoting Tourism in Midlothian

No changes to the plan specified. (PP593 Esk Valley Trust)

Plan should identify location of tourism hubs. (PP915 Ross Laird)

Remove sections 4.7.6 and 4.7.7 as this is an advert for a Council run facility. Plan should support all tourism businesses in Midlothian, not favour one. VIS3 therefore redundant. (PP926 Melville Golf Centre)

Seeks policy position that would support developing Midlothian's town centres as attractions. (PP1624 Jon Grounsell)

Other matters

Suggest that this touring caravan sites can be effectively controlled by Supplementary Guidance, possibly prepared in collaboration with the Caravan Club. (PP1523 Tynewater Community Council)

If tourism is to be promoted in this area, it should focus on appropriate accommodation for outdoor pursuits on the Pentland Hills. (PP2655 Midlothian Green Party)

Supportive of promotion of eco-tourism at Country Parks

No changes proposed to the plan. (PP71 Buccleuch Property Group)

Supportive of identification of Midlothian Snowsport Centre for tourism

No changes to the plan suggested (PP386 Omar Almubarak)

Summary of responses (including reasons) by planning authority:Context

Presently Midlothian's tourism largely caters for day visitors with little accommodation for longer stays, which often restricts tourism to seasonal visits in the spring/summer. This is in spite of the fact that Midlothian has attractions such as Rosslyn Chapel and the Midlothian Snowsport Centre. The proposed plan seeks to supplement the *Midlothian Tourism Action Plan* to provide for an expansion of tourism by enhancing facilities available to tourists in order to appeal to visitors all year round.

Objects to lack of support for self-catering accommodation in the Green Belt

The Council considers that the reference in paragraph 52 of the [SPP](#) to the Green Belt allowing recreational uses that are compatible with an agricultural or natural setting can not be reasonably extended to include self-catering accommodation. Furthermore policy 12 of the [SDP](#) states that it is for the LDP to establish what uses will be acceptable in the Green Belt. Given that the Green Belt in Midlothian is in close proximity to Edinburgh and consequently is under great pressure for housing, it is considered that it would be very difficult to resist changes of use from self-catering accommodation to housing therefore allowing for such a use in the Green Belt would likely undermine its purpose. Given that the SPP and SDP leave the detail of what is permissible to the LDP, it is considered that the local pressures on the Green Belt do not support a permissive approach to self-catering accommodation. The council therefore requests that the Reporter(s) make no modification to the plan with respect to this representation. (PP213 Holder Planning)

Raises concern that scale of development could undermine rural character of Midlothian and its tourist appeal

While it is accepted that the scale of development set out by the proposed plan is significant, the Council believes that there will remain a substantial quantity of open countryside in Midlothian. This is particularly true of areas such as the Pentland Hills Regional Park and Vogrie Country Park which are most likely to attract tourists and day-trippers and which have very little development within their proximity and policy protection to maintain their status as well as Greenbelt, countryside, agricultural land and Special Landscape designations. The fact that the main settlement pattern in Midlothian (with the exception of Auchendinny and Penicuik) is consolidated along the northern half of the county between the A701 and A7/A68 and close to the City Bypass and the boundary with Edinburgh, may give rise to a perception that the scale of planned growth is eroding the greenspace and countryside in Midlothian but this is not the case. It is therefore thought unlikely that the scale of development would impinge on the attractiveness of Midlothian's countryside to visitors and the Council therefore requests that the Reporter(s) make no modifications to the plan with respect to this representation. (PP260 Midlothian Matters)

Objects to allowing hotels in the Green Belt

The tourist sector is one of the key sectors in the Council's economic recovery plan – "Ambitious Midlothian". Proximity to Edinburgh and improved accessibility of Midlothian as a result of Borders Rail are key elements in developing the existing tourist assets and through policies such as policy VIS 2 the Council is seeking to provide a policy framework that would allow consideration of potential development opportunities and capture the benefits that investment in tourist accommodation in Midlothian would bring. The policy

does not imply a presumption in favour of hotel development in the greenbelt but does acknowledge potential at key gateway locations with ease of access to the major junctions on the A720 City Bypass. The potential is caveated by a requirement to demonstrate that the proposal will not undermine the objectives of the greenbelt by detracting from the landscape setting of Edinburgh and its neighbouring towns or lead to coalescence. The council therefore requests that the Reporter(s) make no modification to the plan with respect to this representation. (PP261 Midlothian Matters)

Primacy of economic benefits of tourism

The support for the aims of the plan with regard to tourism is noted. However, it is felt that the representor has given undue weight to economic considerations in the modifications proposed.

While paragraphs 95-105 of the [SPP](#) (as cited by the representor) do refer to promoting tourism, there is no suggestion that this should overrule other considerations. Indeed this approach is considered to run counter to many other aspects of the SPP, in particular the Policy Principles section (paragraphs 28-29) which says only that 'due weight' should be given to economic considerations. The only section of the SPP that the Council considers approaches the representors view that economic matters can outweigh other considerations is in the Valuing the Natural Environment section with reference to biodiversity designations (paragraphs 208 and 212), which states this is only acceptable where there are 'imperative reasons of overriding public interest' – this sets a higher test than the modifications proposed. This approach is reflected in policies ENV12-15.

With regard to the modifications proposed, inserting a criterion stating 'the economic benefit outweighs any potential negative impact' into policies without specifying how the economic benefits are to be judged or on what basis any potential negative impacts will be disregarded has the affect of negating the rest of the policy. The Council therefore requests that the Reporter(s) make no modification to the plan with respect to these representations (PP393, PP394, PP395 Omar Almubarak)

Promoting Tourism in Midlothian

The suggestions for improving Midlothian's tourism are welcome, but the Council would point out that there are limitations to what can be achieved through the development plan and that some of the actions outlined are being undertaken via other Council programmes and initiatives. The Council considers that the proposed plan provides an appropriate policy framework to encourage investment in tourism and sufficient scope for considering tourism related development proposals.

With regard to promoting the heritage of Midlothian as an attraction, it should be noted that a great deal of work has been undertaken in Dalkeith and Gorebridge under the auspices of the Townscape Heritage Initiative (THI, supported by the Heritage Lottery Fund) and the Conservation Area Regeneration Scheme (CARs, supported by Historic Environment Scotland). This has resulted in significant investment in the historic fabric of the town centres at Dalkeith and Gorebridge, as outlined in more detail in paragraphs 5.2.4-5.2.10 in the plan, with a planned CARs scheme for Penicuik being prepared at the time of writing. While this is not an exclusively tourism driven scheme it has made the town centres more attractive and resulted in some tourism benefits. For example, the Corn Exchange in Dalkeith was a longstanding derelict A-listed building which has been restored for use as a headquarters office building for Melville Housing Association and a new permanent

Dalkeith museum, offering much improved exhibition space for permanent, temporary and interactive displays as well as multi purpose spaces for activity days and seminars and talks. Since opening in 25/05/2016, visitor numbers have been encouraging and exceeded expectations.

The re-introduction of Borders Rail is also expected to introduce new opportunities to attract visitors to Midlothian. The Borders Rail Blueprint and Prospectus is an investment strategy and interactive web site designed to support business development and focus on opportunities for economic growth in the vicinity of the new railway stations along the Borders Rail.

Tourism is a diverse economic sector with a number of variables affecting investment decisions and locational choices, not all of which have land use implications. The suggestion that the Council identify tourism hubs in the plan is understandable in principle but in practice is likely to be difficult to achieve other than in a limited number of locations where there are existing facilities and a range of attractions, for example Hillend. It is not clear how “tourist hubs” are being defined by the representor and the Council does not have any evidence to support the identification of specific uses and/or specific locations in the plan. Given the high demand for housing in Midlothian, the Council considers that policy support for tourism development is more appropriate than allocating geographic areas or sites and may remove the risk of challenge from house builders if no immediate interest or take up for tourist uses arises.

With regard to Melville Golf Centre seeking the deletion of paragraphs 4.7.6-4.7.7 due to this being perceived as an advert for the Midlothian Snowsport Centre, the Council considers that it is reasonable to highlight this facility within the LDP, because it has more than local significance as a sports and leisure venue (as demonstrated by the recent sportscotland investment) and because of the local sports development role it has in relation to local schools. Furthermore, the text relates to the possibility of development at the Centre and outlines the considerations that would have to be taken into account, such as the Special Landscape Area. The Council considers that this is an appropriate policy to include in the plan and not an “advert” as claimed.

The Council therefore requests that the Reporter(s) make no change to the plan in light of these representations. (PP593 Esk Valley Trust; PP915 Ross Laird; PP926 Melville Golf Centre; PP1624 Jon Grounsell)

Other matters

With regard to caravan sites, policy VIS2 is applicable within the countryside therefore the matter of settlement boundaries is not considered relevant. It is considered that policy RD1 (particularly criterion A) provides sufficient policy context for caravan sites in the countryside and that supplementary guidance on this matter is not necessary.

With regard to site Ec3 not being likely to attract tourists, it is clear from Table 8.25 in the Loanhead Straiton Settlement Statement (page 129) that hotels are only one of a mix of uses that the plan permits. Permitting a hotel at Ec3 is considered as being in line with the principles of policy VIS2 to allow hotels at key gateway locations near the A720, though the final configuration of uses will be determined by a masterplan for the site. Development of Ec3 is however, dependent on the construction of the A701 relief road between the A720 Straiton Junction and the A703 road and linking to the A702 (CD112, table 8.25, Ec3 West Straiton).

The Council therefore requests that the Reporter(s) make no change to the plan in light of these representations. (PP1523 Tynewater Community Council; PP2655 Midlothian Green Party)

Supportive of promotion of eco-tourism at Country Parks

The support for the plan's approach is noted. The Council considers that no modifications to the plan are required in light of this representation. (PP71 Buccleuch Property Group)

Supportive of identification of Midlothian Snowsport Centre for tourism

The support for the plan's approach is noted. The Council considers that no modifications to the plan are required in light of this representation. (PP386 Omar AlmuBarak)

Reporter's conclusions:

Lack of support for self-catering accommodation in the green belt

1. Paragraph 52 of Scottish Planning Policy (2014) states that local development plans should describe the types and scales of development which would be appropriate within green belts. This approach is repeated within policy 12 (green belts) of the SESplan Strategic Development Plan (approved 2013).
2. Policy ENV 1 (green belt) of the proposed Midlothian Local Development Plan provides support for development proposals which are related to other uses and appropriate to the rural character of the area. Proposed local development plan policy VIS 2 (tourist accommodation) does not specifically preclude self-catering tourist accommodation in the green belt, however it requires it to: be linked to some related existing development; in keeping with the rural setting; appropriately located; and support the viability of a business. This approach is in accordance with both Scottish Planning Policy and SESplan. Therefore, no modifications are required.

Impact of the scale of development on tourism

3. The vision and strategic objectives of the proposed plan express the importance of the environment and character of the area. In addition, the proposed plan contains a number of environmental policies which seek to safeguard and manage the natural environment including protection of: the green belt; the green network; strategic green space; and the landscape.
4. I find that the proposed plan, particularly the VIS suite of policies, is supportive of tourism in the region. Based on the plan's provisions I do not consider that the scale of development proposed for Midlothian would likely impact significantly on tourism. Therefore, no modifications are required on this matter.

Impact of new hotels in the Green Belt

5. As explained in paragraph 1 above, Scottish Planning Policy and SESplan require local development plans to set out the types of development that would be appropriate within the green belt.
6. Proposed policy VIS 2 (tourist accommodation) seeks to focus new hotel development

within the urban envelope. However, in recognition that suitable sites may not be available, the proposed policy states that development proposals may be supported where there are no suitable alternative sites and where the proposal will not undermine the objectives of the green belt.

7. I find the provisions of the proposed plan sufficient to assess the appropriateness of hotel development in the green belt. Therefore, no modifications are required.

Primacy of the economic benefits of tourism

8. Paragraph 93 of Scottish Planning Policy sets out the policy principles to support business and employment development. It highlights that the planning system should promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environment. It also requires that due weight is given to the net economic benefit of proposed development.

9. Paragraph 100 of Scottish Planning Policy states that development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies.

10. Whilst proposed policy VIS 1 (tourist attractions) provides a positive framework for tourism development, it does not highlight that due weight is required to be given to the net economic benefit of proposed development. An amendment to this policy is therefore required.

11. A representation requests amendments to proposed policies VIS 2 and VIS 3 (Midlothian Snowsports Centre) to ensure consideration of the economic benefits of hotels in business areas and at key gateway locations and proposals at the Midlothian Snowsports Centre. In accordance with Scottish Planning Policy, economic benefits should be considered in relation to all proposals. My recommended amendments to policy VIS 1 will address this matter. Consequently, no change to policies VIS 2 or VIS 3 are therefore required.

12. A representation also requests amendments to proposed policy VIS 1 to specify that consideration needs to be given to the mitigation of environmental and amenity impacts. Whilst policy VIS 1 does not specifically refer to the consideration of mitigation it does refer to the need to consider the other policies within the proposed plan; this would include the relevant environmental and amenity policies. Based on the provisions of the proposed plan, I find that no amendments required in relation to this matter.

Promotion of tourism

13. The Midlothian Snowsports Centre is an important tourist, sport and leisure facility of more than local significance. As a result of this, and because any future development of the facility has the potential to have wider impacts, I conclude it is necessary to retain proposed policy VIS 3. Policy VIS 1 is supportive of tourist development throughout Midlothian. Therefore, I find that, despite concerns raised in representations, the Snowsports Centre is not being given unreasonable priority in the proposed plan.

14. The town centre and retailing section of the proposed plan recognise the importance that leisure uses, including hotel developments, have within town centres. This is reflected within proposed policies TCR 1 (town centres), TCR 2 (new retail and commercial leisure

facilities) and VIS 2. I also note that the provisions of policy TCR 1 may also apply to hotel (commercial leisure development) uses where a town centre first approach is encouraged.

15. Whilst the proposed plan does allow for hotel development at key gateway locations, including accommodation development at Midlothian Snowsports Centre, this is not proposed to be supported at the detriment of supporting hotel developments within town centres. Based on the provisions of the proposed plan, I find that no amendments required in relation to this matter.

16. A representation has suggested that the proposed plan should provide a more strategic view and identify locations for tourism hubs and that these should be linked to retail and transport plans. In addition, that the proposed plan should promote the history and heritage of the area.

17. The policies within the proposed plan provide a positive framework to support future tourism development. I find that sufficient provision is made within the proposed plan to provide a supportive framework for tourism. Therefore, I find no need to modify the plan to include reference to tourism hubs.

Impact of tight settlement boundaries on tourism

18. Proposed policy VIS 2 allows for the development of touring caravan sites where it meets identified criteria. In addition, proposed policy RD 1 (development in the countryside) provides flexible criteria which would support the development of small limited duration touring caravan sites. Therefore, I find that the provisions of the proposed plan would not result in settlement boundaries being too tightly drawn to the detriment of tourism. No amendments are therefore required.

Midlothian Gateway

19. The purpose of policy VIS 2 and allocation Ec 3 is to provide a framework which will support the development of hotels at key gateway locations where there are no suitable sites within the urban area and where the objectives of the green belt would not be undermined. I find therefore that no change is necessary with regard to the development of hotels at key gateway locations.

20. With regard to the suggestion that there is a need to allow for appropriate accommodation for outdoor pursuits on the Pentland Hills, policy VIS 2 provides a framework which will support the development of tourist accommodation where certain criteria are met. I therefore find no amendments are necessary.

Dalkeith House and Country Park

21. A representation states that Dalkeith House and Country Park should form part of the proposed plan as there is the potential to undertake high quality leisure/tourism development on the site. Paragraph 4.7.4 of the proposed plan highlights that the significant planned investment in the development of Dalkeith Country Park will continue to be supported by the council.

22. Policies VIS 1 and VIS 2 provide a framework to support the development of new tourist attractions and accommodation which any subsequent proposal for development at Dalkeith House and Country Park would be assessed against. I therefore find that no

change is necessary with regard to Dalkeith House and Country Park.

Supportive comments

23. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Adding the following text to policy VIS 1 (tourist attractions) on page 34 in between the first and second paragraphs of the policy:

“When assessing proposals for tourism-related development due weight will be given to the net economic benefit of the proposed development.”

Issue 10	Mineral Extraction	
Development plan reference:	Policies MIN1, MIN2 and MIN3 and supporting text in section 4.8 Resource Extraction	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
906008 778726 778722 778580 776123 780480 909770 909801 909820 909735 909890 909846 779467 760434 760434 921296 922014 755063 755063 755063 779309 922272 778056 778056 778551 778551 922085 922086 921865 778339 754760 754735 906008 909222	PP18 PP100 PP101 PP129 PP169 PP171 PP172 PP193 PP201 PP263 PP406 PP434 PP475 PP492 PP493 PP617 PP700 PP1013 PP1014 PP1015 PP1108 PP1126 PP1427 PP1428 PP1525 PP1526 PP1589 PP1607 PP2309 PP2676 PP2799 PP2866 PP2885 PP2890	Moorfoot Community Council Cousland Local History Project Sheena Irving Communities against Airfield Open Cast (CAAOC) Kurt Larson Scottish Water Scottish Borders Council H Tibbetts Helen Armstrong Midlothian Matters Rosebery Estates Eskbank & Newbattle Community Council John Sharp Douglas McKenzie Douglas McKenzie Sarah Barron Lasswade District Civic Society Coal Authority Coal Authority Coal Authority Hargreaves Surface Mining Ltd Victoria Cocks SEPA SEPA Tynewater Community Council Tynewater Community Council Andrew Barker Rachel Davies Joy Moore Midlothian Green Party (also duplicate submission PP28) Shiela Barker Scottish Natural Heritage Moorfoot Community Council Allan Piper
Provision of the development plan to which the issue relates:	Promoting Economic Growth, 4.8, Resource Extraction. Provides policy for the identification of areas of search for coal and mineral aggregates, policy for determining minerals applications and policy for onshore oil and gas.	
Planning authority's summary of the representation(s):		
<p><u>Context</u></p> <p>The Main Issues Report [CD043] consulted on options for additional areas for sand and gravel extraction, in the context of evidence that there was an emerging shortage of sand</p>		

and gravel supply in the South East Scotland region. The areas of search for coal were reviewed and the MIR suggested a preferred strategy based on an expanded Ancrielaw/Cauldhall Moor area of search, with a reasonable alternative at Airfield Farm in addition. The preferred strategy proposed deletion of Mountskip/Stobs, Newbigging/Shewington and Halkerston North areas of search for coal. Views were sought on the content of policy for onshore oil and gas.

The proposed plan confirms the MIR preferred strategy elements of an expanded Ancrielaw/Cauldhall Moor area of search and deleting Mountskip/Stobs and Newbigging/Shewington, but proposes to retain Halkerston North. The reasonable alternative option at Airfield has not been pursued. It also includes an area of search for aggregates around Upper Dalhousie, and confirms the existing area at Outerston. A policy for onshore oil and gas is established, although much of the detail for handling these applications, as well as more established types of minerals extraction operations will be provided by new Supplementary Guidance on Resource Extraction.

Policy MIN1 Areas of Search for Surface Mineral Extraction

Opposes continuing identification of area of search for coal at Halkerston North

Opposes reinstatement of Halkerston North area of search for opencast coal extraction. Notes that Halkerston North area of search for coal which was proposed for removal in the Main Issues Report due to lack of activity/interest is now to be retained, on basis of representations from estates interests. Refers to criteria used to assess areas of search in the Minerals Technical Note and considers that these should be used to assess existing areas of search. In relation to the Halkerston Area of Search, representor notes that it is within the South Esk Valley and Carrington Farmland proposed Special Landscape Area and Temple Conservation Area. Transport would have to be by road (established in connection with Cauldhall Moor application that Borders Rail cannot take it) and that closure of Cockenzie and Longannet power stations mean it would have to be taken to England. Considers this would not conform with Scottish Planning Policy and Strategic Development Plan policy. Considers that proximity to settlements/residential properties and other sensitive receptors makes it unsuitable - considers that the application of Scottish Planning Policy recommendations would reduce the viable operation area of an already small area of search to a size that is highly unlikely to be economically viable for any operator. Notes cultural heritage issues with Arniston Gardens and Designed Landscape immediately opposite the site. Considers that market conditions for opencast coal have worsened since the publication of the Main Issues Report's Minerals Technical Note, with Cauldhall Moor not implemented despite Council being minded to consent in 2013, with actual and predicted demand being lower than figures quoted in section 2 of that Minerals Technical Note. Notes that Hargreaves has not expressed interest in this location. (PP18 Moorfoot Community Council)

Considers that Halkerston North Area of Search for coal should be removed, as the economics are uncertain and it is not compatible with reducing carbon dioxide emissions. (PP201 Dr Helen Armstrong)

Objects to non-inclusion of Airfield as an area of search for opencast coal extraction for following reasons. Developer (likely to be Hargreaves Surface Mining) has carried out environmental assessment and initial finding is that it will have limited environmental impact in all aspects of environmental impact; developer will accept legal requirements to provide for restoration. Considers that Hargreaves has excellent track record of complying with

planning conditions. Community Impact: understands that footprint of the site has been reduced as a result of consultation, and states that both developer and landowner would be willing to accommodate amendments/mitigation measures such as temporary bridleways, noise attenuation, and protection of watercourses. Considers that it is wrong of the Council to omit the site after these compromises have been agreed upon. Social/economic impact; expects that up to 50 well paid jobs will be created over 4 years + restoration period, bringing approximately £8m in direct wages and an estimated £0.5m in community benefits. The royalties to the landowner will be re-invested in the estate and the Council shall benefit from business rates. Community benefit; refers to survey by Tynewater Community Council and finding that there is a lack of opportunities and money for community projects. Project could contribute to these matters. Notes SPP statements on importance of minerals, including for energy purposes and the benefits arising from indigenous production and ensuring an adequate and steady supply. Considers that the other areas of search in the LDP do not provide alternatives as quality of coal at both sites has not been proven (whereas at Airfield extensive records are available which demonstrate that coal will suit the market that still exists i.e. industrial applications as opposed to power generation), and Halkerston North has not had a realistic proposal presented or a developer interested in it. Considers that decision has been taken for political rather than sound planning reasons (PP1126-Victoria Cocks)

Raises concerns over SG on Resource Extraction - much of detailed policy is moved from plan to SG. Items covered by this SG are of major interest to the public and controversial, submits that plan should not be approved until SG published/consulted on or detailed policy moved back to plan. Considers that policy on assessing planning applications should be underpinned by Council's commitments under the Climate Change (Scotland) Act 2009, and this will require resource extraction proposals to be subject to sustainability appraisal, detailing emissions and how these relate to the Council's emissions reduction targets. Notes that Halkerston North area of search for coal which was proposed for removal in the MIR due to lack of activity/interest is now to be retained, on basis of representations from estates interests. Refers to criteria used to assess areas of search in the Minerals Technical Note and considers that these should be used to assess existing AofS. In relation to this Area of Search, representor notes that it is within the South Esk Valley and Carrington Farmland SLA, and Temple CA. Transport would have to be by road (established in connection with Cauldhall Moor application that Borders rail cannot take it) and that closure of Cockenzie and Longannet power stations mean it would have to be taken to England. Considers this would not conform with SPP and SDP policy. Considers that proximity to settlements/residential properties and other sensitive receptors makes it unsuitable - considers that the application of SPP recommendations would reduce the viable operation area of an already small area of search to a size that is highly unlikely to be economically viable for any operator. Notes cultural heritage issues with the Arniston Historic Gardens/Designed Landscape immediately opposite the site. Considers that market conditions for opencast coal have worsened since the publication of the Minerals Technical Note, with Cauldhall Moor not implemented despite Council being minded to consent in 2013, actual and predicted demand being lower than figures quoted in section 2 of the Technical Note. Notes that Hargreaves have not expressed interest in this location. (PP2676-Midlothian Green Party, also incorporates duplicate submission PP28)

Opposes Airfield Farm not being identified as an area of search for opencast coal extraction

Considers that not identifying area of search for opencast coal extraction at Airfield means area is missing on jobs, and economic/community benefits. Gives following reasons in

support of Airfield opencast site:

- developer (likely to be Hargreaves Surface Mining) has carried out environmental assessment and initial finding is that it will have limited environmental impact in all aspects of environmental impact. Developer will accept legal requirements to provide for restoration. Considers that Hargreaves has excellent track record of complying with planning conditions.
- Community Impact. Understands that footprint of the site has been reduced as a result of consultation, and states that both developer and landowner would be willing to accommodate amendments/mitigation measures such as temporary bridleways, noise attenuation, and protection of watercourses. Considers that it is wrong of the Council to omit the site after these compromises have been agreed upon.
- Social/ economic impact. Expects that 30+ well paid jobs will be created over 10 year operation + restoration period, bringing approximately £100mln in economic benefits. These far outweigh any economic benefits, including from tourism (which at present is minimal). Royalties to the estate will also be reinvested locally.
- Community benefit. Refers to survey by Tynewater Community Council and finding that there is a lack of opportunities and money for community projects. Project could contribute to these objectives.
- Considers that opencast coal developments such as Airfield are in line with Scottish Government policy.
- Considers that the other areas of search in the LDP do not provide alternatives as quality of coal at both sites has not been proven (whereas at Airfield extensive records are available which demonstrate that coal will suit the market that still exists i.e. industrial applications as opposed to power generation).
- Considers that decision has been taken from political rather than planning perspective. (PP169-Kurt Larson)

Background. Sets out background on Hargreaves Services, and confirms commitment to Cauldhall surface mine, which is the subject of planning application 13/00105/DPP. Hargreaves also has continuing interest in coal reserves at Airfield Farm and Dalhousie. Evidence submitted with regard to need for coal; reference made to support from energy minister and in national policy, and to the role played by coal in providing electricity supply. Considers that indigenous coal still has a key role to play in future energy supplies. Recognises recent concern in respect of site restoration, and confirms commitment to satisfactory restoration guarantee mechanisms prior to new sites commencing operation, and to take on board the recommendations of the Restoration Bond Working Group.

Cauldhall Moor. Representor welcomes the inclusion of the conjoined area of search at Cauldhall Moor and Ancrielaw, considers that recent drilling has established that there are reserves of c10 million tonnes of power station coal and economically recoverable deposits of fireclay. Notes its location, remote from major settlements, with potential to provide economic benefits. Refers to Midlothian Council's resolution to grant planning permission in 2013, subject to planning/legal agreements, and refers to matters raised in detailed planning application/EIA. EIA concludes that development is environmentally acceptable and can proceed without unacceptable adverse impacts on the environment, local communities or the closest residential receptors, nor would there be unacceptable adverse cumulative impacts. Notes historic extraction on site, and its current use as rough grazing - little value for agriculture. States that as part of the Cauldhall Moor development, the former Newbigging/Shewington operation (acquired along with other Scottish Coal assets and liabilities) which is in the final stage of restoration, will be restored. Representor makes reference to Wardell Armstrong landscape assessment of the Ancrielaw/Cauldhall Moor area, and the positive findings thereof. States that over operational period the

development would generate around £475 million for the economy, and 230 direct jobs, plus others in the supply chain, and refers to socio-economic assessment findings that it will have no detrimental impact on surrounding businesses, and could benefit communities through a Benefit Fund and increased local job opportunities. In respect of previous planning application, points to lack of objections from statutory consultees, and Rosewell CC.

Airfield. Strongly objects to Airfield not being included as an area of search for coal. States that previous presumption against surface coal mining in previous SPP is removed, and this confirms Scottish Government's recognition of the continued need for coal production. Planning history. Representor refers to the ELSP which required local plans to define broad areas, and statement in MLP 2008 that early consideration could be given to a reduced area at Airfield reflecting landscape concerns, if the A68 bypass was completed and another area of search was found to be unviable. A planning application was subsequently lodged; the area applied for was larger than the Council considered acceptable in landscape terms, and the application was subsequently refused. The land has been extensively drilled and the reserve fully proven. Reducing the area of search from extent suggested in MLP paragraph 3.9.14 would make it difficult to design a workable site, especially if desirable assets in the area (existing road through site and major tree plantations) are to be retained (considers that northern boundary should incorporate pasture land which is undermined). Refers to Scottish Coal work before liquidation, which developed a revised area of interest only slightly larger than area which Council has previously intimated was acceptable, and would give a viable design. States that area is smaller than that which was refused planning permission in 2010, and similar to area promoted in 2008 MLP. Considers that work would lead to removal of dereliction and give ground stabilisation in the locality. Assessment provided of the proposed Airfield area of search against policies and guidance of adopted and emerging development plans: Considers that what Hargreaves are now proposing accords with the scheme that the Council has indicated was acceptable at the time of the 2008 MLP. Notes that Council previously concluded that longer term impacts on landscape of the development would not be significant. States intention to restore topography to its present form, and retain adjoining trees. Notes support from SNH to proposed site restoration scheme and lack of objections to earlier larger scheme; representor acknowledges that previous planning application raised concerns in terms of the higher elements of the proposal, but Area of Search now under consideration confines itself to lower areas. Considers that the reduced area, previously intimated to be acceptable by Council, would necessitate removal of woodland and a minor road to create an economically viable operation. Refers to positive appraisal of Area of Search previously being promoted, and conclusion that landscape problems could be overcome provided that existing mature trees and woodland cover are retained. Concludes in respect of landscape that with careful design, exclusion of higher ground and retention of mature woodland, the reserve can be recovered without unacceptable short term and with no long term impacts on the landscape. In respect of distance to communities, notes that the distance to Cousland from the project now being promoted is approximately 1km. Does not consider that the properties around Oxenfoord Mains and Cottages can be considered a settlement, and do considers that a viable scheme can be designed which respects the 500m buffer to settlements. Regardless of whether these cottages can be considered a community, mitigation measures can be put in place to address any impacts; considers it significant that no objections were received from any of these properties. Representor states that industry standard and best practice mitigation measures can satisfactorily address impact on amenity of dwellings in proximity to the area. Representor refers to ES for previous planning application, and its conclusion that the site could generally be operated within PAN50 noise limits: considers that reduced

area now being promoted would move operations further from the one property where guideline noise levels would be exceeded (or alternatively safeguards/ conditions could be employed). In respect of air quality, considers that an Environmental Management System for the site could be employed to provide procedures for responding to dust levels. Notes comments that baseline information may not have been accurate due to reliance on Turnhouse, but considers that there are generally higher wind speeds at Airfield, which while generating more dust would also aid dispersal. Considers that potential for dust measures is low due to small number of receptors, distance to potential receptors and proposed mitigation measures. Considers that blast would not lead to exceeded vibration levels at any location except properties at Airfield Farm and Cottages, which would be unoccupied during any working. States that assessment at time of application concluded that the vibrations from the site would not increase the risk of underground workings collapse, but that this issue could be further investigated as part of the EIA for a reduced proposal. In respect of archaeology, notes that Historic Scotland, although noting an adverse impact on the scheduled monument at Oxenfoord Mains, did not object as operating time of the works was short and there was a restoration programme. Considers, with reference to Transport Scotland statements and Minerals Technical Note that there would be no problems with respect to transport. Considers that there would be no adverse ecological impacts, refers to lack of objections to earlier planning application from SNH or RSPB. Refers to earlier assessment of cumulative impacts for planning application, which concluded there were none - representor considers that this will have to be revisited, but is not aware of any developments which would alter earlier conclusions. In respect of socio-economic impact, refers to earlier study into larger previous scheme which found over life of scheme project would generate £1.9m in the study area, and £28.7m in the wider Scottish economy. Considers that project would generate £500k for a Community Trust fund. Considers that opencasting would allow the former shallow mineworkings to be remediated (which at present inhibit the farm from being fully utilised). Representor considers that this area of identified and quantified coal should be protected from sterilisation from any forthcoming proposals. Concludes by stating that there is no single environmental factor which would prevent the successful design of a reduced surface mining scheme at Airfield, considers that primary reasons for refusal have been overcome by the reduced proposal, and that the proven reserve is of a quality suitable for power generation. States that no cumulative issue with Cauldhall, good access to road network, without passing through communities, and that ultimately EIA for a planning application will fully explore the acceptability of the reduced mining proposal at this location.

Dalhousie. Hargreaves refer to first phase borehole investigation which proves viable resource for power station use continuing south to Carrington and north towards Dalhousie. Seeks identification of area of interest for safeguarding the reserve given the sterilisation pressures of expansion (particularly Redheugh). Reference made to cognisance taken of previous landscape observations of Council in respect of previous Area of Search promoted at Aitkendean, with northern boundary redrawn, appropriate distance applied in the south to Carrington village, and utilising existing tree belts as natural boundaries and respecting the impact of working at Dalhousie Castle. Representor considers that site restoration offers opportunity to reinstate features lost from the designed landscape. In terms of the historic environment notes commentary on the designation that no outlying features play a prominent part in the designed landscape, and that south of the woodland belt defining the boundary of the Area of Interest, the land is in productive agricultural use. Existing planning policy designations at the proposed area are noted - representor considers that coal has been worked in AGLVs and areas of prime agricultural land, and successfully restored, in the past. No ecological importance noted. Recognises that it is unlikely to be acceptable to have traffic from Cauldhall and Dalhousie using the Bonnyrigg

bypass at the same time, but considers that SPP supports authorities taking a long term view. Considers that protection for the Dalhousie resource should be put in place so that this economically viable deposit can be worked in the future - timing is critical between completion of the Redheugh development and extraction of the resource. Representor notes Council's statement in the Minerals Technical Note on potential community benefits from some road options into the area, but considers that the full reserve should be safeguarded to carry the cost of such enhancements. Representor notes cumulative impacts from sites at Cauldhall, Dalhousie sand and gravel on A6094 if all worked simultaneously, but considers that the proven reserve should be safeguarded, and states that strong consideration should be given to phasing the removal of the reserve prior to completion of Redheugh, which has the potential to sterilise part of the reserve, contrary to SPP or other adopted/ emerging local plan policies. Concludes that at this high level stage no issues have emerged which would preclude the inclusion of Dalhousie as an area of search in a future LDP. (PP1108 Hargreaves Surface Mining Ltd)

[\(PP1126-Victoria Cocks, page 2-3\)](#) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

Promotes additional 'area of interest' for opencast coal extraction at Dalhousie

[\(PP1108-Hargreaves Surface Mining Ltd, page 4-6\)](#) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

Promotes identification of part of Ancrielaw (known sand and gravel reserves within the proposed Cauldhall Moor area of search) to be designated as an area of search for aggregates

Note representor seeks this modification, although supporting statement does not make express reference to sand and gravel matters at Cauldhall Moor [\(PP1108-Hargreaves Surface Mining Ltd, page 4-6\)](#) The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.

Promotes designation of an area of search for aggregates within Airfield at known sand and gravel resources

Note representor seeks this modification, although supporting statement does not make express reference to sand and gravel matters at Airfield [\(PP1108-Hargreaves Surface Mining Ltd, page 4-6\)](#) The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.

Support for Policy MIN1

Provides background on role of Coal Authority, a review of surface coal resources in Midlothian (noting that these cover 40-45% of the plan area), and an overview of the coal

mining legacy issues, with their implications for safety and developability. MIN1. Considers that the setting out of areas of search for surface coal extraction, and protection of surface mineral resources from sterilisation in the LDP accords with SPP, and this is supported by the Coal Authority (PP1013-Coal Authority)

Supports policy MIN1, and commends submission of Communities Against Airfield Open Cast (CAAOC), although regrets non availability of Minerals supplementary guidance (PP1525-TyneWater Community Council)

Supports area of search at Cauldhall Moor

Supports the identified Cauldhall Moor area of search for Open Cast Coal. (PP406 Rosebery Estates)

[\(PP1108-Hargreaves Surface Mining Ltd, page 4-6\)](#) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

Supports Airfield Farm not being identified as an area of search for opencast coal extraction

Supports MLDP not including Airfield as an area of search for opencast coal extraction. Discusses work of Cousland 2000 local history project, and considers that this decision is important for the future of the Cousland Smiddy Heritage Hub and continued expansion of village tourism offering. (PP100 Fay Cornes)

Supports Airfield Farm not being included as an area of search for opencast coal extraction. Refers to community opposition to the Airfield proposal, and considers that removal of this prospect has allowed them to continue their business from this location and encouraged others, so allowing the community to grow and thrive. (PP101-Sheena Irving)

Supports exclusion of Airfield as an area of search for opencast coal extraction. Considers that this is an affirmation of local democracy. Raises concerns with regard to future of the Scottish coal industry, in particular market for locally produced coal and concerns about remediation. Also raises concerns about noise and dust pollution, separation distances, visual impact, ground stability, effects on tourism and local business, transport and historic/cultural issues. Reference is made to the previous detailed planning application, and considers that its refusal (which representor considers was due to its violating a range of environmental policies and failing to offer social/economic benefits) means that this is a settled issue, and the site is not acceptable. In terms of SPP, representor considers that there are no economic or social benefits, to offset the adverse effects on local communities. Reference is made to recent expansion of rural economic activity around Airfield as well as social and voluntary activities - contends that these would be threatened by Airfield opencast. Reference made to Cauldhall Moor - considers that scale and length of extraction removes case for additional coal extraction at this location. Notes failure to bring a S75 to fruition at Cauldhall Moor, suggests that this raises questions over viability. Refers to reduced need for coal, with accelerated closure of Longannet, and considers that MLDP references to future coal requirements are no longer justified (by reference to NPF3). While welcoming references in MIN2 to robustness and suitability of restoration proposals, wishes to see greater detail on how these will be implemented - raises concerns about ability to restore opencast sites and refers to McKinnon Report on site restoration in

Ayrshire. Appendices lodged to repeat points previously raised at MIR stage, and Council's reasons for refusal (PP129-Communities Against Airfield Open Cast/CAAOC).

Supports Airfield Farm not being included as an area of search for opencast coal extraction. Considers that as this area was considered as an area of search at the time of the MIR, this is an example of the local democratic system working. Summarises previous Communities Against Airfield Open Cast (CAAOC) response to MIR and considers that there are matters relating to the wider state of the coal industry in Scotland including market for locally produced coal and concerns over remediation of open cast sites. Notes that closure of Longannet has been brought forward, and states that with closure of Cockerzie there is now no realistic prospect of local demand for coal that would justify extraction. Considers that references in MLDP supporting text to NPF3 and new demand sources have been overtaken by events. Notes that Cauldhall Moor has been granted permission [MC note: Council minded to grant, permission not granted until S75 signed] in November 2013, and understands that has not commenced due to failure (amongst others) to complete binding restoration guarantees. Considers that likely 12.5 year time frame of site extraction will go beyond the life of the plan. Suggests that this raises questions over viability of any further coal extraction in Midlothian. Representor states that SPP assumptions about future coal demand are highly questionable. Considers that proposal does not accord with SPP as there are no environmental, social or economic benefits. Reference made to economic and community life of village, often small scale and of a visitor or rural orientated nature; considers that this would be prejudiced by opencast coal extraction. The previous CAAOC response is appended to the representor's submission. Considers that there are local objections based on noise, dust pollution, separation distances, visual impact, ground stability, effects on tourism and local business, transport, and historical/cultural issues. Notes that Airfield Farm subject of detailed application (09/00349/FUL) which was rejected for failing to offer social or economic benefits and environmental impact - CAAOC consider that this is a settled issue and the area is not acceptable for coal extraction now or in the future. The refusal notice for the previous planning application is appended. (PP492 Douglas McKenzie).

Policy MIN2 Mineral Extraction Policy

Changes sought to Policy MIN2 Mineral Extraction Policy

[\(PP129-Communities Against Airfield Open Cast/CAAOC, page 8-9\)](#). *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

Welcomes references to restoration and aftercare in policy, but would welcome greater clarity on how this is to be implemented. Considers that many matters are important to ensure proper regulation, including monitoring and compliance, financial guarantees and arrangements, skills and training. Refers to problems highlighted by McKinnon report into opencast coal restoration. Considers that a precautionary principle should be adopted before considering further opencast extraction. (PP493 Douglas McKenzie)

Supports general approach, and strongly supports criterion relating to restoration - but considers that it would be better worded if the word 'phased' was introduced, so that it is clearer that restoration should be progressive part of an overall restoration programme. (PP1014 Coal Authority)

Considers that policy should be amended so that references to water environment make reference to groundwater. (PP1427 SEPA)

In connection with MIN2, wishes the requirement to undertake project specific Habitats Regulations Appraisal (HRA) to be set out clearly without relying on general policy; wishes this reference to be made in the Resource Extraction Supplementary Guidance (SG). (PP2866 Scottish Natural Heritage)

Although expresses support for MIN2, also commends Communities Against Airfield Open Cast (CAAOC) submission that raises concerns in respect of MIN2, so may be more appropriately interpreted as an objection, the Council is content for the DPEA to come to a judgement on this. Supports Policy MIN 2, and commends submission of Communities Against Airfield Open Cast (CAAOC), although regrets non-availability of Minerals supplementary guidance [this last point considered below under representations relating to reliance on Supplementary Guidance (SG) for matters formerly handled in the plan and expressing concern at the possible content of the SG]. (PP1526-TyneWater Community Council)

[\(PP2676-Midlothian Green Party, page 3, also duplicate submission PP28\)](#) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

Support for Policy MIN2

Supports Policy MIN 2, and commends submission of Communities Against Airfield Open Cast (CAAOC), although regrets non-availability of Minerals supplementary guidance [this last point is considered below under representations relating to reliance on Supplementary Guidance (SG) for matters formerly handled in the plan and expressing concern at the possible content of the SG]. (PP1526-TyneWater Community Council)

Policy MIN3 Onshore Oil and Gas

Representations either seeking change to policy MIN3 to prevent any onshore oil and gas extraction, or requesting revisions to policy MIN3

Considers that policy MIN3 is contrary to objectives of the plan and should be amended - oil/gas extraction should not be permitted due to legacy of damage caused by mining. (PP193 H Tibbetts)

Considers that onshore oil and gas extraction is unproven technology and may adversely affect landscapes and safety with regard ground conditions (cites recent Penicuik tremors). Welcomes Scottish Government moratorium on the matter, and expects Midlothian Council to robustly defend communities. Considers that the plan process should be delayed pending the publication of the Supplementary Guidance on Resource Extraction. Considers that text referring to applicants informing local communities is inadequate should be strengthened (with new text provided). (PP263 Midlothian Matters)

Considers that this policy is contrary to the plans strategic objectives. States that proposals for oil and gas extraction should not be permitted until full extent of implications is assessed by Council. Raises particular concerns about subsidence in Midlothian - an

ex-mining area. (PP617 Sarah Barron)

Considers that policy MIN3 is contrary to strategic objectives of the plan, and should be amended to read: 'proposals for oil and gas extraction will not be permitted'. Considers that any fracking is too hazardous in this ex-mining area, in view of subsidence risk. (PP700 Lasswade District Civic Society)

Considers that MIN3 sets out a suitable strategic policy framework. Considers that Council should consider whether use of terms oil and gas is sufficiently clear and whether terminology unconventional and conventional hydrocarbons may be more suitable. Coal Authority considers that restoration (of unconventional gas sites) is a strategic matter that should be addressed in policy MIN3. CA considers that it is vital to ensure that restoration can be secured in order to limit any future liability and harm. Revised policy text is submitted. States that Council should note transfer of licensing responsibilities from DECC to OGA, effective 1/04/15. (PP1015 Coal Authority)

Wishes to support views expressed by Lasswade and District Civic Society. In respect of Policy MIN 3: considers that Policy MIN3 is contrary to strategic objectives of the plan, and should be amended to read: 'proposals for oil and gas extraction will not be permitted'. Considers that any fracking is too hazardous in this ex-mining area, in view of subsidence risk. (PP1589 Andrew Barker, PP1607 Rachel Davies, PP2309 Joy Moore, PP2799 Shiela Barker, PP2890 Allan Piper)

Supports Policy MIN3

Supports policy MIN3. (PP1428 SEPA)

Other Matters (either affecting multiple policies or not policy specific)

Representations that consider future opencast coal mining is not justified, or that text references to continuing coal extraction have been overtaken by events

Wishes change of policy to bring about cessation of opencast coal mining, encouraging instead more renewable energy projects. (PP475 John Sharp)

[\(PP492-Douglas McKenzie, page 9\)](#). *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

[\(PP129-Communities Against Airfield Open Cast/CAAOC, page 8-9\)](#). *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

Response in respect of representations seeking either delay in adoption of plan until Supplementary Guidance is prepared or matters proposed to be handled by SG to be put back in plan (affects MIN2 and MIN3)

[\(PP263-Midlothian Matters, page 10-11\)](#). *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics,*

but the above hyperlink links to the relevant summary.

Considers that it is not possible to determine the changes the Council is proposing to policy in advance of publication of the SG (PP434-Eskbank & Newbattle Community Council)

[\(PP1525-Tyne Water Community Council, page 8\)](#) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

[\(P1526-Tyne Water Community Council, page 10\)](#) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

[\(PP2676-Midlothian Green Party, page 3\)](#) incorporates duplicate PP28) *The Council has broken the issue of Resource Extraction into sub-topics. A summary of the representor's case appears in full at the first sub topic to which it is relevant. For brevity, this is not repeated at subsequent sub-topics, but the above hyperlink links to the relevant summary.*

While expressing some support for MIN3, considers that it is not possible to evaluate properly, until Supplementary Guidance (SG) is published. Considers that text of SG should be published alongside any amended plan or incorporated into the plan. (PP2885 Moorfoot Community Council)

Urges consideration of drinking water matters in resource extraction activities

Scottish Water wish to be consulted on any minerals/resource extraction allocations or applications which could impact on their assets particularly Drinking Water Protected Areas (DWPA). Scottish Water consider that, in respect of onshore oil and gas, it is vital that robust control measures and conditions are put in place to protect the water environment and water resources. They wish to engage with government and industry in this area and encourage developers to engage with them at the earliest stages of any development. (PP171 Scottish Water)

Refers to latest Scottish Aggregates Survey and findings on supply of aggregates supply.

Notes that the Scottish Aggregates Survey 2012 (published 2015) indicates that the SESplan supply for sand and gravel in the SESplan area exceeds the 10 year supply requirement. (PP172 Scottish Borders Council)

Modifications sought by those submitting representations:

Grouped by policy and sub-issue

Policy MIN1 Areas of Search for Surface Mineral Extraction

Opposes continuing identification of area of search for coal at Halkerston North

Seeks deletion of Halkerston North area of search for opencast coal extraction. (PP18 Moorfoot Community Council, PP28 Midlothian Green Party, PP201 Helen Armstrong, PP2676 Midlothian Green Party (and duplicate PP28))

Opposes Airfield Farm not being identified as an area of search for opencast coal extraction

Seeks inclusion of area of search for opencast coal extraction at Airfield. (PP169 Kurt Larson, PP1108 Hargreaves Surface Mining Ltd, PP1126 Victoria Cocks)

Seeks additional 'area of interest' for opencast coal extraction at Dalhousie.

Seeks identification of area of interest (to be protected from sterilisation) at Dalhousie. (PP1108 Hargreaves Surface Mining Ltd)

Seeks identification of part of Ancrielaw (known sand and gravel reserves within the proposed Cauldhall Moor area of search) to be designated as an area of search for aggregates

Seeks part of Ancrielaw (known sand and gravel reserves within the proposed Cauldhall Moor area of search) to be designated as an area of search for aggregates. (PP1108 Hargreaves Surface Mining Ltd)

Seeks designation of an area of search for aggregates within Airfield at known sand and gravel resources

Seeks designation of an area of search for aggregates within Airfield at known sand and gravel resources. (PP1108 Hargreaves Surface Mining Ltd)

Support for Policy MIN1

Supports policy MIN1. (PP1013-Coal Authority)

Supports policy MIN1 (with qualifications surrounding Supplementary Guidance). PP1525 Tynewater Community Council)

Supports area of search at Cauldhall Moor

Supports the identified Cauldhall Moor area of search for Open Cast Coal. (PP406 Rosebery Estates, PP1108 Hargreaves Surface Mining Ltd)

Supports Airfield Farm not being identified as an area of search for opencast coal extraction

Supports Airfield Farm not being included as an area of search for opencast coal extraction. (PP100 Fay Cornes, PP101 Sheena Irving, PP129 Communities Against Airfield Open Cast/CAAOC, PP492 Douglas McKenzie)

Policy MIN2 Mineral Extraction Policy

Seeks change to Policy MIN2 Mineral Extraction Policy (in respect of restoration, groundwater, sustainability analysis and habitats regulations)

Wishes to see greater detail on how MIN2 objectives re robustness and suitability of restoration proposals will be implemented. (PP129 Communities Against Airfield Open Cast/ CAAOC, PP493 Douglas McKenzie)

Considers that it would be beneficial if the word 'phased' was introduced, in respect of site restoration, so that it is clearer that restoration should be progressive part of an overall restoration programme. (PP1014 Coal Authority)

Reference to water environment in policy MIN2 (4th bullet point) should be amended to read 'including groundwater'. (PP1427 SEPA)

Seeks change to policy on assessing planning applications, to include sustainability appraisal, detailing emissions and how these relate to the Council's emissions reduction targets. (PP2676 Midlothian Green Party and duplicate PP28))

Wishes the requirement to undertake project specific Habitats Regulations Appraisal (HRA) to be set out clearly without relying on general policy and wishes this reference to be made in the Resource Extraction Supplementary Guidance (SG). (PP2866 Scottish Natural Heritage)

Support for Policy MIN2

Supports Policy MIN 2 (but with qualifications regarding Supplementary Guidance). (PP1526 Tynewater Community Council)

Policy MIN3 Onshore Oil and Gas

Seeks change to policy MIN3 (either to prevent any onshore oil and gas extraction, or to revisions policy MIN3)

Considers that policy MIN3 should be amended, so that oil/gas extraction is not permitted. (PP193 H Tibbetts, PP617 Sarah Barron, PP700 Lasswade District Civic Society, PP1589 Andrew Barker, PP1607 Rachel Davies, PP2799 Shiela Barker, PP2890 Allan Piper)

Inference from part of representation is that onshore oil and gas should not be permitted in Midlothian, also considers that text referring to applicants informing local communities is inadequate and should be strengthened. (PP263 Midlothian Matters)

Endorses view of Lasswade District Civic Society, seeks change to MIN 3 to prohibit all onshore oil and gas - Amend Policy MIN 3 to read 'proposals for oil and gas extraction will not be permitted'. (PP2309 Joy Moore)

Considers that Council should consider whether terminology is sufficiently clear; considers that restoration (of unconventional gas sites) is a strategic matter that should be addressed in policy MIN3. Also states that Council should note transfer of licensing responsibilities from DECC to OGA, effective 1/04/15. (PP1015 Coal Authority)

Supports Policy MIN3

Supports policy MIN3. (PP1428-SEPA)

Other Matters (either affecting multiple policies or not policy specific)

Representations that consider future opencast coal mining is not justified, or that text references to continuing coal extraction have been overtaken by events

Considers that MLDP references to future coal requirements are no longer justified (by reference to NPF3). (PP129 Communities Against Airfield Open Cast/ CAAOC)

Wishes change of policy to cause cessation of opencast coal mining, while favouring renewable energy projects. (PP475 John Sharp)

Supporting text for Resource Extraction section - change not expressly sought, but inference is that references in MLDP supporting text to NPF3 and new demands for coal should be changed. (PP492 Douglas McKenzie)

Representations seeking either delay in adoption of plan until Supplementary Guidance is prepared or matters proposed to be handled by SG to be put back in plan (affects MIN2 and MIN3)

Seeks delay in adoption of LDP until SG on resource extraction published/consulted on (or detailed policy matters moved back to plan). (PP2676 Midlothian Green Party)

Regrets non availability of SG. (PP1525, PP1526 Tynewater Community Council)

Seeks delay in approval of plan until SG on Resource Extraction is published. (PP434 Eskbank & Newbattle Community Council)

Although not expressly indicated as sought modification, representor also considers that the plan process should be delayed pending the publication of the Supplementary Guidance on Resource Extraction. (PP263 Midlothian Matters)

In respect of MIN3, considers that text of SG should be published alongside any amended plan or incorporated into the plan. (PP2885 Moorfoot Community Council)

Urges consideration of drinking water matters in resource extraction activities

Wishes to be kept informed of new applications, and to engage with government/industry at earliest stages of development. No modifications expressly sought, but inference of representation could be that reference should be made to drinking water protection areas in policy MIN2. (PP171 Scottish Water)

Refers to latest Scottish Aggregates Survey and findings on supply of aggregates

No modification expressly sought, but inference is that latest information from the Scottish Aggregates Survey should be referred to in supporting text. (PP172 Scottish Borders Council)

Summary of responses (including reasons) by planning authority:

Policy MIN1 Areas of Search for Surface Mineral Extraction

Response in respect of representations opposing continuing identification of area of search for coal at Halkerston North

This area of search was identified in the Midlothian Local Plan 2008 (MLP 2008) [CD054]. The areas of search were identified by reference to developer submissions or mineral resource maps, within broad areas identified in the Edinburgh and Lothians Structure Plan

2015, [CD025] having regard to environmental factors. In 2004 Scottish Coal (at that time Scotland's largest opencast coal operator) sought identification of Halkerston North as an area of search through their Representation on Local Plan Issues December 2004, [CD091]. This area, modified to take into account environmental considerations, formed the basis of the eventual area of search in the adopted plan. It is incorrect, therefore, to suggest that no developer of any standing has supported it.

There was no interest in this area since adoption of MLP 2008 and the MIR Preferred Strategy suggested deleting this area. Representations were received from developer interests in the MIR consultation [CD084] to the effect that the area remained a viable resource. This area therefore differs from Mountskip/Stobs, where the potential operator has expressly stated that there is no prospect of extraction, or Newbigging/Shewington where the resource is known to be worked out. The period since the MLP 2008 was adopted has been a particularly testing one for the Scottish coal industry, resulting in the liquidation of the main operators. It is understandable in this context that there has been no further developer interest. It seems reasonable to the Council for the area to be retained in the MLDP, while the longer term future of coal as an energy resource is clarified.

The Council accepts that there are many environmental constraints around this area of search and these have yet to be tested through the development management and EIA process. The area of search was identified through the recent local plan assessment process which resulted in the current MLP 2008, and the Council concluded that it was appropriate not to subject it to the same assessment carried out for new candidate areas of search. This approach is similar to that for committed development sites, which have not been re-assessed, but rolled forward into the MLDP Proposed Plan. At the 2007 Public Local Inquiry into the Finalised Midlothian Local Plan, the only objections relating to this site were from interests seeking to place additional land within the scope of areas of search. While the MLDP policies will provide a basis for protecting environmental interests, it is worthwhile considering this location's attributes in broad terms, to consider its potential utility as an area of search.

The Council assessed the landscape impact of this area when preparing the adopted plan: the area submitted by Scottish Coal was considered to be unacceptable, but a diminished area with reference to important landscape features was identified, this forming the basis of the area of search taken forward into the adopted plan (CD054 summarises the Council's assessment of landscape factors in the preparation of the adopted plan). The Council was aware of the AGLV and Conservation Area designation when considering these landscape matters. A small part of the area of search (6%) is within 500m from the expanded boundary of Gorebridge, but it is likely that working faces/engineering operations would be set further back, which would also secure the retention of the surrounding tree cover. In respect of proximity to residential properties and other sensitive receptors, a negative result in respect of this attribute would have been recorded had this site been subject to a similar assessment to that carried out for the Minerals and Waste Technical Note, as the nearest of the cluster of houses around Bells Mains are 300m from the eastern edge of the area of search. However this attribute was also found to be negative at the other new locations assessed as potential new areas of search. In the case of Cauldhall Moor, the conclusion of the development management process was that an acceptable solution in terms of residential amenity could be found. An alternative conclusion was reached at Airfield Farm (where it is difficult to reconcile the landscape protection aims of avoiding higher slopes, with protecting the sensitive receptors at the foot of the slope). In respect of providing a haul route which avoids communities, a haul route using the A7, B704, and B6392, before

rejoining the A7 is likely to have least intrusion, but would probably require upgrading to the B704 (although such upgrading might be considered a wider benefit of the scheme). The Council accepts that there would be cumulative pressure on the B6392 and A7 if this area was worked concurrently with Cauldhall Moor, although given the current and likely state of demand such concurrent working seems an unlikely prospect.

Given the uncertainty over the prospects of a new generation of coal fired plant with Carbon Capture and Storage (CCS), and the market for coal in general, the Council considers there is merit in taking a long term view on the matter and are content to let this area of search remain in the LDP. This long term approach is supported by Scottish Planning Policy (SPP) 2014 [[Scottish Planning Policy](#)] paragraph 239. The position can be reviewed again for LDP2.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP18 Moorfoot Community Council, PP28 Midlothian Green Party, PP201 Helen Armstrong, PP2676 Midlothian Green Party, PP1126 Victoria Cocks)

Response in respect of representations opposing Airfield Farm not being identified as an area of search for opencast coal extraction

Unlike construction aggregates, there is no supply target for planning authorities to aim for in terms of available tonnage of opencast coal; it is in any case difficult for a planning authority to estimate the useable tonnage that might be forthcoming from an area of search. Midlothian Council has had to come to a judgement as to what it is reasonable to provide from its area, balancing the need for coal against environmental and other factors.

The MIR Minerals and Waste Technical Note refers to Department of Energy and Climate Change (DECC) estimates (the Digest UK Energy Statistics, 2012) that project consumption of coal by the electricity supply industry to fall by 75% between 2012-2024 [paragraph 2.18, CD056]. Policy measures designed to achieve compliance with emissions and climate change commitments have accelerated this process, with electricity generation from coal now projected to fall by 94% between 2012 to 2024 (133 to 8 million TWh). [DECC Energy and Emissions Projections, Annex G, [CD015]. Unabated coal burning for power stations (without CCS) is to end by 2025. The decline in use of coal for electricity generation is reflected across the whole economy, and is projected to fall from 41 million tonnes of oil equivalent (mtoe) in 2012, to 9mtoe by 2024 (DECC Energy and Emissions Projections, Annex E) [CD014]. There is little industrial consumption of coal in Scotland (the remaining steel industry finishes raw product from England; the cement kilns at Dunbar had substituted 40% of coal needs with waste derived fuels by 2013, with coal burn down to c50,000t p/a) (Tarmac EMAS report 2013), [CD105].

There is now no operational coal fired power station in Scotland. NPF3 ([National Planning Framework](#)) supports a new generation of power stations linked to carbon capture, which may be coal fired. The Council has reviewed its areas of search and the Proposed Plan expands Ancrielaw into a much larger Cauldhall Moor area of search, retains the existing area of search at Halkerston North and deletes the areas of search at Newbigging/Shewington (worked out) and Stobs/Mountskip (which is encroached upon by the south eastern expansion of Gorebridge and where the potential operator has expressly stated there is no economically recoverable resource).

Regardless of the changes in national energy policy, SPP is clear that the planning system

should recognise the national benefit of indigenous coal, and the Strategic Development Plan for Edinburgh and South East Scotland ([SDP](#)) Policy 4 requires LDPs identify areas of search for mineral aggregates and coal. The Cauldhall Moor opencast coal application, which is contained within the proposed plan's Cauldhall Moor area of search could provide 10 million tonnes of power station coal. If taken out over a decade this would be a significant increase on historic Midlothian extraction levels (see paragraph 2.12, MLDP Minerals Technical Note, CD056). It is important to remember too that Midlothian is a small local authority area, adjacent to an expanding city, with no effective rail freight capability on the reopened Borders rail line, and that there are other coal producing areas, including opencast sites commenced but not finished.

The Council notes the potential for community trust monies, but considers that it is significant that the Community Council for this area (Tynewater Community Council) has commended the representation opposing opencast extraction at this location, lodged by Cousland Against Airfield Opencast. Evidence submitted in connection with the planning application points to a thriving and diversified rural economy in the area. Midlothian is characterized by relatively low levels of unemployment, with a rate one-third less than the national average (1.7% of the population aged 16-64, compared to 2.3% across Scotland, CD141). Midlothian is also relatively less deprived: of the 976 data zones in the most deprived 15% (this is the Scottish Government's preferred definition of a deprived area), only 3 are in Midlothian (CD142), far less than might be expected on a pro-rata population share. These figures reflect the county's location in close proximity to Edinburgh, and the many economic opportunities that this presents. In this respect Midlothian differs significantly from many of the other coal mining areas, such as upper East Ayrshire or the Douglas Basin, which are relatively isolated and have few alternative opportunities. The Local Development Plan has taken account of the area's Economic Development Framework and the economic recovery plan, Ambitious Midlothian. Opencast coal extraction is not one of the key sectors that the Council expects the area will base its future prosperity on.

Turning to the site specific matters at Airfield: The adopted plan (Midlothian Local Plan 2008, [CD054] paragraph 3.9.14) refers to the longer term potential for opencast working in this area, subject to a smaller boundary being adopted (compared to areas suggested by Scottish Coal) to reduce landscape impact, and only with the enhanced road access provided by the A68 Dalkeith northern bypass in place. Earlier consideration could be given to this area if one of the existing areas of search was found not to be economically recoverable.

In approving the Pre-Inquiry Modification that changed the approach in the 2006 Finalised Plan to that which was incorporated in the 2008 MLP, to incorporate earlier consideration of Airfield, Midlothian Council based its determination on an area which it considered acceptable in landscape terms (4th April 2006 Committee Report, paragraph 10.11 and Appendix 10 map refers, CD083).

This area was the subject of a planning application in 2009 (reference 09/00349/FUL), which was subsequently refused (report to 12th October 2010 planning committee, CD080). The Council, in its assessment of the planning application, concluded that it would have an adverse visual impact on the area, and a detrimental effect on the integrity and landscape character of that part of the AGLV. While the area now suggested as an area of search is smaller than the previous planning application, it is larger and more intrusive than the area previously considered acceptable by the Council in landscape terms at the time of the adoption of the local plan. The Council re-assessed the landscape matters for the planning

application and considered that it was important that the 136m contour was not breached (the representor's Area of Search does not), but also noted the need for screening bunds adjacent to Fordel Parks walled garden and plantation cover to the north, as well as wide standoffs around surrounding trees to maintain a landscape framework.

The Council accept that the A68 Dalkeith northern bypass provides a means to access the site, with limited impact on local communities and no cumulative impact on the local road network. Since the earlier application was determined, Airfield farmhouse and steading have been listed (CD143), potentially constraining the area that could now be worked.

The Council's assessment of the previous planning application concluded that there would be adverse environmental impacts at sensitive receptors around the edge of the site (particularly in the residential properties around the southern edge of the site) in terms of dust, noise and vibration from blasting.

Some of the representations suggest that the coal reserve at Airfield is more marketable than alternative locations. In terms of the main area of search for coal extraction supported by the Council, at Cauldhall Moor, the planning application committee report, (paragraph 3.1) [CD144] states that there a variety of seams at that site, with the plan of extraction being so organised as to always present a power station ready blend at each phase. The sulphur content of the coals present at Cauldhall varies widely, from 0.6% to 2.4% [Cauldhall Moor planning application EIA extract, Table 11-6, CD009], but contains measures which were considered by the applicant to have the necessary combination of low sulphur and high calorific value. In common with Cauldhall Moor, Airfield was worked previously for coal – which may affect the volumes of marketable resource remaining.

The primary user of Cauldhall Moor's output at the time of the planning application was indicated as Longannet Power Station [CD144, paragraph 8.29], in the expectation that this plant would be upgraded to meet the requirements of the Industrial Emissions Directive. Any new plant would have the latest emissions control technology incorporated from the outset. The Council is content that its selected areas of search contain marketable coals. Cauldhall Moor could be the subject of a reconfigured planning application to focus on the best coal measures where they lie closest to the surface or lower quality coals could be utilized through blending/sweetening.

The recent decision to refuse consent for an opencast coal extraction site at Airfield, means that it is more of a known quantity and the area of search approach, where detail is deferred to planning application stage seems less appropriate here. The MLDP MIR Minerals Technical Note [CD056] commented on the difficulty of resolving the conflict between the aims of avoiding adverse impacts at sensitive receptors along the south of the area and avoiding the more exposed landscape to the north, as it approaches the ridgeline and the potentially small acceptable area that might result.

The Council has concluded that it is unlikely that an acceptable area for extraction will be found here. In the context of the expanded area of search at Cauldhall Moor, the retained area of search at Halkerston North, and the projected continuing fall in demand for coal and lack of nearby users, the Council is not minded to incorporate Airfield as an area of search in the development plan.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP169 Kurt Larson, PP1108 Hargreaves Surface Mining Ltd, PP1126 Victoria Cocks)

Response in respect of representation seeking additional 'area of interest' for opencast coal extraction at Dalhousie

The first three paragraphs of the Council's response in respect of Airfield (above) are also of relevance in respect of energy policy and determining the need for coal. Midlothian differs from many other coal producing regions of Scotland in terms of its exceptionally high level of population and household growth, a function of its location in a fast growing city region. This requires Midlothian Council to take difficult decisions to balance competing needs for land.

At Dalhousie, the representor seeks identification of an area of interest – which would be an area for exploitation in the longer term, to be protected from activities which might sterilise the resource. While Midlothian Council seeks to protect mineral resources from sterilisation (Policy MIN1, section on safeguarding mineral resources refers, CD112), its other obligations in respect of accommodating growth for the city region can result in conflicts which need to be resolved. Policy MIN1 makes protection from sterilisation conditional on not conflicting with the development strategy for the area. The Council has had to come to a judgment between the need to accommodate housing growth set against national energy needs. This affects locations other than Dalhousie; for example, the expansion of Gorebridge to the south east has in part contributed to the decision to remove the established Mountskip/Stobs Area of Search from the Proposed Plan.

The environmental attributes and factors affecting the site are set out in greater detail in the MIR Minerals and Waste Technical Note [CD056]. The determining issues for Midlothian Council in not identifying Dalhousie as an area of interest are the proximity of the expanded Redheugh new settlement and the cumulative environmental concerns if worked concurrently with Cauldhall Moor and the Upper Dalhousie sand extraction area.

Taking these matters in turn: the expanded Redheugh allocation (Hs7) is programmed to contribute 200 units by 2024, with a further 200 thereafter. It is an essential part of the housing land supply and helps underpin delivery of the committed Redheugh new community (h50). The new community (sites h50 and Hs7) will be in close proximity to the north eastern part of the Dalhousie area of interest. It is clear that the prospective operator has no desire to seek early extraction at this site – they are seeking a longer term protective designation for the resource rather than a conventional area of search. The present market conditions would not seem to support extraction in the near term, and the longer term prospects for the industry depend on a new generation of coal fired power stations with CCS. There seems little prospect of extraction being concluded before commencement of Redheugh. The Council considers it unacceptable to place any delay or impediment to the implementation of Redheugh.

The area is difficult to access by road; the junction of Carrington Road with Cockpen Road is a concern to Midlothian Council at its existing intensity of use. Paragraphs 3.36-3.38 of the MLDP MIR Minerals Technical Note (CD056) consider access options in the immediate environs of Dalhousie – these are not straightforward and in the Council's view are not conducive to quick exploitation of the site. Once clear of the site, the haul route would use the same B6392 and A7 to access the trunk road network. This haulage route will be the same used by vehicles serving the Cauldhall Moor opencast coal areas of search (where the Council is minded to grant planning permission for an operation to extract 1 million tonnes a year over 10 years) and the Upper Dalhousie sand extraction area (operational with expansion supported by the MLDP. Based on 30t payload and 5.5 day per week daytime operation around 10 lorry movements per direction per hour might be necessary to

serve Cauldhall Moor. The Council is concerned at the cumulative impact of multiple minerals operations in this corridor. Were Dalhousie to be held in abeyance pending completion of coaling at Cauldhall Moor, this would resolve the cumulative transport concerns, but would most likely be to the long term detriment of delivering the new community at Redheugh.

The Council accepts that the north east portion of the Dalhousie resource may be sterilised and considers that this is necessary to meet its obligations. The rest of the resource will be protected from sterilisation by other development by the relevant provisions of policy MIN1, so there is no need to make a specific area of interest protective designation.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1108-Hargreaves Surface Mining Ltd)

Response in respect of representation seeking part of Ancrielaw (known sand and gravel reserves within the proposed Cauldhall Moor area of search) to be designated as an area of search for aggregates

It is possible that sand and gravel may be extracted as a secondary aggregate (policy MIN2 refers); provided that the restoration of the site is not adversely affected and cumulative flows of material extracted remain acceptable in terms of transport.

Sand and gravel tends to be found closer to the surface, overburden thicknesses ranging from almost nil to 10m, but rarely over 15m (BGS Minerals Planning Factsheet, Construction Aggregates), [CD005] so the tendency is for excavation not to require blasting to remove rock overburden, and for lower volumes of spoil to be generated. Sand and gravel reserves are a consequence of glacial or fluvial deposition, often comprising the features which define an area's landscape character. It is concern over the potential deleterious effect on the landscape that has given rise to the particular reference to restoration in the relevant part of policy MIN2.

Midlothian Council would not favour a 'stand alone' sand and gravel extraction application (with the coal measures left in place) in this area, due to the potential for two sets of disturbance and an elongated extraction period (in any case this would seem an inefficient way of working, and less attractive to a potential operator). If energy and planning policy develops to the extent that coal has to be 'left in the ground' the Council may revisit these areas as sand and gravel areas of search – but it appears premature to do so in the light of current Scottish Planning Policy.

The Proposed Plan process has taken steps to address a possible emerging shortage of aggregate resources in south east Scotland, and a new area of search at Upper Dalhousie has been provided. The latest evidence from the Scottish Aggregates Survey (SAS) indicates that supplies are adequate, with the SESplan area having consented reserves for sand and gravel equivalent to 34 years production at 2012 levels (SAS 2012 survey, published 2015) [CD090]. While it is difficult to know the status of the reserves precisely, and demand may have picked up from 2012 levels as the economy recovers from recession, the SAS dataset indicates reserves in excess of 3 times the level required by Scottish Planning Policy, with the SESplan area having the highest reserves in Scotland. The major established sand and gravel extraction site (Outerston) has been extracting material at a consistently lower rate than was expected when it was consented, which suggests an adequacy of supply.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1108 Hargreaves Surface Mining Ltd)

Response in respect of representation seeking designation of an area of search for aggregates within Airfield at known sand and gravel resources

Midlothian Council does not support the identification of an area of search for coal at this location, so, in contrast to Cauldhall Moor, if the Reporter is minded to recommend no change to the minerals section, there will be no potential for secondary aggregates being extracted alongside coal.

The Council considers that it has taken reasonable measures through the proposed plan to address a possible shortage of sand and gravel. Latest evidence from the SAS, and the slow rate of extraction at existing sites indicates that there is an adequate supply of construction aggregates.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1108 Hargreaves Surface Mining Ltd)

Policy MIN2 Mineral Extraction Policy

Response in respect of representations seeking revisions to policy MIN2 in respect of restoration

Policy MIN2 sets out the broad factors to be considered in assessing applications for mineral working, and sets out the scope for the accompanying Supplementary Guidance (SG). The Council considers that SG is the appropriate mechanism to consider and identify best practice for site restoration. As the Proposed Plan has been prepared, a national working group has been considering changes to regulation in respect of restoration. This group was formed following the failure of the main operators in 2012/13 and the consequent problems of un-remediated sites. The final recommendations are contained in 'Surface Coal Mine Restoration – Towards Better Regulation' (October 2015) [CD104], and there are likely to be changes to national planning advice (for example to PAN64), as the recommendations flow into practice.

To be given material weight in determining applications, SG must be subject to an equivalent public engagement process as the plan, and be submitted to Scottish Ministers to ensure that there is a proper connection between the LDP and the SG, and that appropriate engagement has taken place. As a policy document with environmental implications it will also be subject to screening for Strategic Environmental Assessment purposes. Placing the emphasis on the SG for the detail policy allows Midlothian Council to take advantage of best practice guidance on restoration matters, allows a more iterative and consultative process than is possible with the present arrangements for considering development plans, and allows the Council to outline (in more detail than would be appropriate in the development plan) how the policy will be implemented.

The suggested change re introducing the word 'phased' in respect of restoration is noted, and it is likely that at most sites this approach will be adopted. Midlothian Council will develop its Supplementary Guidance in accordance with the report 'Surface Coal Mine Restoration – Towards Better Regulation' (October 2015) [CD104]. The best practice

approach involves the drawing up of Mine Progress Plans, with funding secured to a value sufficient to cover outstanding liabilities at every stage of the project. To reduce the outstanding liability it will be in the operators' interest to adopt a phased approach. Midlothian Council cannot however exclude the possibility that there may be small applications where this approach is not appropriate (for example if the development consists of a single void extracted in one phase). So that the LDP is a more concise, framework document the Council wishes to place more of the detail of policy in SG. Accordingly, the Council does not consider the suggested change to be necessary or desirable.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP129 Communities Against Airfield Open Cast/CAAOC, PP493 Douglas McKenzie, PP1014 Coal Authority, PP1526 Tynewater Community Council)

Response in respect of representation seeking revisions to policy MIN2 to make reference to groundwater

Policy MIN2 makes provision for the water environment, and groundwaters are encompassed by this heading – the Council considers that there is no need for further specific reference.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1427 SEPA)

Response in respect of representations seeking revisions to policy MIN2 to make reference to sustainability analysis, including emissions

The Scottish Government's Policy on electricity generation (Electricity Generation Policy Statement 2013, or EGPS) [CD092] states that renewable energy should operate alongside upgraded and more efficient thermal stations, with a strong role for Carbon Capture Storage (CCS). Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3), which post-date the EGPS, continue to set out a role for domestically reduced coal. Measures taken at European Union (EU) and national level in respect of air quality (Industrial Emissions Directive) and climate change have had the effect of reducing use of coal significantly and this process is projected to continue.

The effect on emissions of the coal extracted will in part depend on the status of the receiving power station or plant (for example whether or not it has CCS installed), so the requested change may be beyond the powers of the planning authority. The land use planning system operates alongside other regulatory, tax and subsidy regimes, which will be used to meet climate change commitments. If a new generation of thermal power stations is required there may be sustainability benefits if they are served by locally sourced coals with shorter haul distances: As an example of the potential savings in tonne-kilometres, in the latter years of Longannet's operation its principal coal source was Russia, requiring overland haul distances of 4500km from Russia's principal coal region (Kuznetsk basin) to Riga, and 2000km seaborne transit to make landfall in eastern Scotland.

The same principle would apply when considering the use of onshore oil or gas – restricting the production of Scottish oil and gas is not necessarily an effective way to reduce consumption of these products in Scotland's homes or its petrochemical industry. Scottish production will be small in global terms: the Independent Expert Scientific Panel Report on

Unconventional Oil and Gas Extraction [CD079] presents figures suggesting a central estimate for the total quantity of shale gas in place in the Midland Valley of Scotland of 80.3 trillion cubic feet (tcf), not all of which will be recoverable, compared to technically recoverable reserves of 3261tcf in the four countries with the largest reserves alone. The size of the Scottish resource appears too small to influence the price and hence attractiveness of using the commodities and import from more distant production regions requires more energy to transport the goods. More effective means are available to governments to reduce carbon dioxide emissions than controls on resource extraction, for example carbon tax or subsidy of substitute energy sources. The MLDP energy policies are attempting to encourage renewable sources and the efficient use of waste heat for space heating.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP28, PP2676 Midlothian Green Party)

Response to representation seeking revisions to Policy MIN2 in respect of habitats regulations

Supplementary Guidance on Resource Extraction, required to give effect to policies MIN2 and MIN3 (which must be subject to thorough consultation in order to have material weight, and be subject to screening for SEA appraisal) will contain further detail for planning applications. There will be a further opportunity for parties (including key agencies) to participate in the preparation of the Supplementary Guidance (SG). The Council does not consider that it is necessary to make express reference to the relationship between SG and Habitats regulations in the body of the LDP or the need for project specific Habitats Assessment for designated sites of international importance (particularly when this is a requirement of regulations arising from EU Directives and statute that must be observed in any case). This would also go against the guiding principle that the new style development plans be shorter more focused documents. The approach urged by SNH would add to the content and length of the plan, would be contrary to the advice to Government advice to simplify development plans, and the matter is more appropriate for SG.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP2866 Scottish Natural Heritage)

Policy MIN3 Onshore Oil and Gas

Response in respect of representations seeking change to policy MIN3 to prevent any onshore oil and gas extraction

The Scottish Government has imposed a moratorium on onshore oil and gas extraction) covering hydraulic fracturing and coal bed methane extraction, pending the collation of further expert scientific evidence. It is not clear at this stage whether the moratorium will be extended for the whole of the life of the MLDP. The report of the Independent Expert Scientific Panel Report on Unconventional Oil and Gas Extraction [CD079] is the most comprehensive work in Scotland produced to date. This sets out recommendations for the regulation of this activity, and Scottish Ministers have extended the moratorium to carry out further study on aspects of the process highlighted in the report.

If Scottish Ministers conclude that the moratorium should be lifted, it will be problematic if a

framework for assessing these applications is not present in the development plan. The conclusions of the Independent Expert Scientific Panel Report did not point towards an outright ban on the activity. Policy MIN3 also highlights the major role of Supplementary Guidance on Resource Extraction: this guidance will be able to take advantage of the latest evidence, will be subject to full consultation and screening for SEA, will be subject to approval by Scottish Ministers and will have the same status as the development plan in determining applications.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP193 H Tibbetts, PP263 Midlothian Matters, PP617 Sarah Barron, PP700 Lasswade District Civic Society, PP1589 Andrew Barker, PP1607 Rachel Davies, PP2309 Joy Moore, PP2799 Shiela Barker, PP2890 Allan Piper)

Response in respect of representations seeking revisions to policy MIN3

The Council considers that the policy title (onshore oil and gas extraction) is clear, and is preferable to the suggested use of unconventional or conventional hydrocarbon extraction, which it considers is less clear, especially among a non specialist audience. The Council does not consider it necessary to note the transfer of licensing responsibilities (in terms of issuing Petroleum Extraction Development Licenses from the Department of Energy and Climate Change (DECC) to the Oil and Gas Authority (OGA) in policy or text – the references were correct at the time the plan was written, but the OGA is in any case an executive agency of DECC (see para 1.1 OGA corporate plan) [CD063].

In respect of representations to provide further detail or guidance in Policy MIN3, the regulatory framework and technical guidance for onshore oil and gas extraction is still developing at the national level. The approach taken in the MLDP Proposed Plan is to develop the necessary level of detail to assess planning applications through SG. This has a practical timing advantage in that it will allow the further studies commissioned by the Scottish Government to be taken into account in developing the land use planning aspect of the industries regulation. There are benefits in using SG in respect of allowing further consultation, and more detail while retaining brevity in the LDP. The Council considers that the balance it has struck between LDP and SG for this topic is preferable to trying to craft further detail in policy MIN3 at this stage, based on incomplete and developing understanding of this industry.

In respect of the proposed modification to representation inform local communities, SPP [[National Planning Documents](#)] (paragraph 241) requires local development plans to encourage operators to be clear about the extent of the proposed operations at the exploration phase, and to engage with stakeholders at each stage of operations. The text in paragraph 4.8.8 of the proposed MLDP (CD112) is intended to encourage prospective developers in the manner required by SPP. There are statutory requirements for developers to carry out pre-application consultation for certain kinds of development, and for the planning authority to carry out neighbour notification. The Council must decline to accept an invalid planning application (lack of acceptable pre-application consultation would be a valid reason for so doing), and can decline to determine or ultimately refuse an application if there is insufficient information. There are existing notification procedures for the working and winning of underground materials, and the Scottish Government may in this moratorium period decide that the implications of the onshore oil and gas industry are such that these require to be amended. However the Council would be going beyond its powers to institute new neighbour notification and consultation procedures in its

development plan.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP263 Midlothian Matters, PP1015 Coal Authority)

Other Matters (either affecting multiple policies or not policy specific)

Response in respect of representations that consider future opencast coal mining is not justified

NPF3 ([National Planning Framework](#)) refers to the Scottish Government's Electricity Generation Policy Statement, which indicates a requirement for new fossil fuel generating capacity (NPF3, paragraph 3.10). New and replacement facilities at four sites, including Longannet, and Cockenzie in the SESplan area and Grangemouth (near the SESplan area) are identified as national developments. While NPF3 expects Cockenzie to be gas fired, the other sites may be coal fired, and all would be equipped with CCS: the plants would not be acceptable with reference to climate change policies without this equipment. SPP 2014 [[Scottish Planning Policy](#)] sets out a continuing need to identify areas of search for coal extraction and this is reflected in the SDP for Edinburgh and South East Scotland (CD111).

The Council considers that the proposed change would not conform to NPF3, SPP, or the SDP. The Council accepts that coal fired CCS has yet to be demonstrated in Scotland, and Scottish Government policy may change to reflect this: however it would be premature for Midlothian Council to move unilaterally in advance of national and regional policy. If the identified national developments are constructed without local coal supplies, unnecessarily long haul distances and lost economic opportunities are likely to result.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP129 Communities Against Airfield Open Cast/CAAOC, PP475 John Sharp, PP492 Douglas McKenzie)

Response in respect of representations seeking either delay in adoption of plan until Supplementary Guidance is prepared or matters proposed to be handled by SG to be put back in plan (affects MIN2 and MIN3)

Supplementary Guidance must conform to the development plan which establishes the need for it. The Council considers that SG cannot be prepared until the content of the LDP is known. Scottish Government circular 6/2013: Development Planning ([Circular 6/2013](#)) expects the new style development plans to be shorter more focussed documents; accordingly there is greater reliance on SG. SG must be subject to a comprehensive consultation process and approval by Scottish Ministers, if it is to be accorded material weight. As a policy with environmental implications, SG will be subject to screening for SEA and Habitats Regulations Appraisal.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP2676 Midlothian Green Party, PP1525, PP1526 Tynewater Community Council, PP434 Eskbank & Newbattle Community Council, PP263 Midlothian Matters, PP2885 Moorfoot Community Council)

Response in respect of representation urging consideration of drinking water matters in resource extraction activities

Policy MIN2 establishes the water environment as one of the factors to be considered in determining planning applications. The Council considers that it is reasonable to treat drinking water protection areas as one aspect of the water environment. In addition, Supplementary Guidance on Resource Extraction, required by policy MIN2, will contain further detail for planning applications. There will be a further opportunity for Scottish Water to participate in the preparation of the supplementary guidance. The Council considers that this matter is adequately covered by the plan.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP171 Scottish Water)

Response in respect of representation referring to latest Scottish Aggregates Survey and findings on supply of aggregates

The reference in the LDP to a possible emerging shortage of aggregate resources was worded tentatively, reflecting the unavailability of a contemporaneous SAS dataset at the time it was written, and the difficulties in alternative estimation techniques, described in the Midlothian Minerals Technical Note [CD056]. The SAS 2012 findings indicate that there is a healthy supply of both hard rock and sand and gravel in the SESplan area.

The MIR consulted on options to expand areas of search or specific sites for sand and gravel extraction, and a new area of search was identified in the Proposed MLDP (Upper Dalhousie) – this is not subject to representations.

The SAS and SESplan minerals survey based approaches can be problematic (particularly because the commissioning authorities have no powers to compel operators to participate and unlike, say, housing land the reserves cannot be estimated independently). The alternative approach, based on assumptions derived from data from the Annual Minerals Raised Inquiry dataset has other shortcomings, discussed in the LDP MIR Minerals Technical Note, paragraph 1.3 [CD056].

The Council considers that the proposed LDP has taken proportionate steps based on the best evidence available; it notes that the construction aggregates supply position appears to be adequate and does not propose to amend the plan.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP172 Scottish Borders Council)

Reporter’s conclusions:

Halkerston North area of search – opencast coal

1. A number of representations oppose the reinstatement of Halkerston North area of search for opencast coal extraction through proposed Midlothian Local Development Plan policy MIN 1 (areas of search for surface mineral extraction) on the grounds that the site is not economically viable, with no developer interest. Both Moorfoot Community Council and the Midlothian Green Party highlight that the main issues report proposed removing Halkerston North as an area of search for opencast coal for a number of reasons: there

had been no extraction since the adoption of the current Midlothian local plan (2008); there is no developer interest; and it had not been indicated as being of interest in Scottish Coal's Midlothian Forward Strategy.

2. In addition, the representations consider:

- the site only been reinstated as a result of representations from the landowner;
- the site does not meet the criteria for assessing new, or retained areas of search for opencast coal, set out within the council's minerals and waste technical report;
- no assessment of the issues identified in the technical report have been undertaken;
- the market conditions for opencast coal, set out in the technical note have significantly worsened since the document was written.

3. A further representation from Dr Helen Armstrong, objects to the allocation on the basis that it is not compatible with reducing carbon dioxide emissions.

4. Paragraph 239 of Scottish Planning Policy (2014) requires local development plans to identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period. Policy MIN 1 responds to this requirement by identifying areas of search where opencast coal extraction may be acceptable. The policy states that the identification of an area of search does not indicate the council's acceptance of any particular proposal.

5. With regard to the deliverability of the site, the council has confirmed that there is developer interest in the site. From the evidence before me, I find no reason to disagree with this conclusion.

6. I acknowledge the concerns made in the representations regarding the apparent lack of an up-to-date assessment of the Halkerston North area of search and the reliance of the current allocation as justification for continued identification of the area. I also note that the council recognise that there are many environmental constraints around this area of search that will need to be addressed through the development management and environmental impact assessment processes.

7. I further note that the Halkerston North area of search was identified in the current Midlothian Local Plan and lies within broad areas identified in the previously approved Edinburgh and Lothians Structure Plan (2015) and that both allocations were informed by an assessment of environmental and other considerations. I therefore find that it is not necessary for a further assessment of the area of search. As explained in paragraph 4, policy MIN 1 is clear that the identification of an area of search does not guarantee planning permission will be given. Development proposals will need to meet the requirements of other policies within the proposed plan, including MIN 2 (surface mineral extraction policy).

8. Despite the concerns that identification of the site as an area of search is not compatible with reducing carbon dioxide emissions, I note that paragraph 235 of Scottish Planning Policy states that the planning system should recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security. I acknowledge that coal production would result in carbon dioxide release. However, I find this insufficient to remove the need to identify areas of search for coal as an important resource.

9. Therefore, for the reasons above, I find no modifications are required in response to the representations regarding the Halkerston North area of search for opencast coal.

Airfield site

10. Hargreaves Surface Mining Limited objects to the removal of the Airfield site which was identified within the main issues report as forming part of the area of search for opencast coal extraction. The Airfield site is referred to in paragraph 3.9.14 of the current Midlothian Local Plan (2008) which states that the area may have potential for opencast coal working in the longer term. Hargreaves are concerned that the proposed plan omits the site, without giving any detailed reasons for the decision.

11. As part of their representation, Hargreaves provide evidence to demonstrate why the Airfield site should be identified. This evidence is primarily linked to the decision on a planning application for the site refused in 2010, including: that the reserve is fully proven; the site could be recovered without any unacceptable short term and no long term negative landscape impacts; a 500-metre buffer to local communities can be respected; the site can be operated within noise, dust and vibration levels; Historic Environment Scotland did not object to the planning application; satisfactory transport arrangements can be achieved; unlikely to adversely affect ecology; and there would be no significant cumulative issues.

12. Two further representations object to the exclusion of the Airfield area of search for opencast coal, as they consider: coal extraction would have limited environmental impact; mitigation measures and a community fund would provide benefits to the local community; job creation far exceeds any dis-benefits; the proposal accords with Scottish Planning Policy; and the quality of the coal at the sites proposed to be allocated has not been proven.

13. The council acknowledge that the proposed Airfield area of search is smaller than the area assessed as part of the planning application that was determined in 2010. However, the council consider it to be an area that is larger and more intrusive than the area previously considered by the council as acceptable in landscape terms at the time of the adoption of the 2008 local plan. The council's minerals and waste technical note explains that as part of the site has previously been considered through the development management process a lot more is known about the area than other locations. Whilst the technical note recommends that the area should be included as a reasonable alternative strategy for mineral working, it also highlights the difficulty of resolving adverse impact at sensitive receptors along the south of the area and avoiding the more exposed landscape to the north.

14. The council now concludes, in the proposed plan, to exclude the site as a result of: the expanded area of search at Cauldhall Moor; the retained area of search at Halkerston North; the projected continuing fall in demand for coal; and lack of nearby users. I agree with the council's conclusions.

15. From the information before me, I find no reason to disagree with the council that the areas proposed are the most reasonable and appropriate areas to identify at this time. I therefore find no modifications are required in response to the representations regarding the Airfield area of search for opencast coal.

Safeguarding of mineral resources - coal

16. Hargreaves request that the proven coal reserves at Dalhousie be safeguarded from sterilisation, this lies within the general location of the Aitkendean area allocated within the current Midlothian Local Plan. The representation explains the suitability of the area in terms of its impact on: ecology; communities; landscape; historic environment; transport; and its cumulative impact. In addition, the representation highlights that sterilisation issues are presented in respect of the expansion of the Redheugh development towards the Dalhousie coal deposit. Hargreaves therefore request that consideration is given to the protection of the resource and the timing of the removal of the coal reserves from this area relative to the completion of the Redheugh development to avoid the risk of sterilising part of the reserve and altering the economics of the area of interest.

17. Policy MIN 1 proposes to safeguard mineral resources from sterilisation where their extraction would not conflict with the development strategy for the area. The council state that as a result of the level of population growth and the size of Midlothian, the proposed plan seeks to balance the competing needs for land. In this case, the council concluded that the Redheugh allocations (Hs7 and h50) are an essential part of the housing land supply and helps underpin delivery of the Redheugh new settlement.

18. The council highlight that the developer is seeking a longer term protective designation for the resource to be extracted in the future. I agree with this assessment. As policy MIN 1 would provide protection for the resource at Dalhousie, subject to meeting the identified criteria, I find no amendments are required in response to this representation.

Safeguarding of mineral resources – sand and gravel

19. Hargreaves request that the known sand and gravel resource located at Ankrielow, located within the Cauldhall Moor area of search for coal, is designated as part of the area of search for aggregates.

20. Paragraph 238 of Scottish Planning Policy identifies that plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Scottish Planning Policy also allows for a criterion based approach, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

21. The Scottish Aggregates Survey (2012, published in 2015) identifies that within the SESplan area there are consented reserves for sand and gravel equivalent to 34 years production at 2012 levels.

22. The council expresses concern that a standalone sand and gravel extraction designation at Ankrielow has the potential to result in two sets of disturbance (one from coal and the other from sand and gravel extraction) and an elongated extraction period. I agree with the council that there is the potential for this to occur. In addition, policy MIN 2 supports the extraction of a secondary material provided its removal does not detract from high quality restoration, or have unacceptable environmental effects. For the reasons above, I find no modifications are required in response to this representation.

23. Hargreaves request that the known sand and gravel deposits located within the Airfield site be designated as part of the area of search for aggregates. As explained in paragraph 21, there are sand and gravel reserves to meet identified demand. I therefore

find no modifications are required in response to this representation.

Surface mineral extraction

24. Midlothian Green Party, and a number of other representations, express concern that the proposed supplementary guidance on resource extraction has not been published. As a result, the representations consider it is not possible to fully determine the policy approach that is being proposed. Given the level of public interest in opencast mining and unconventional gas extraction the representations state that the proposed plan should not be approved until the supplementary guidance has been published or alternatively a detailed policy included within the proposed plan.

25. Paragraph 139 of Scottish Government Circular 6/2013 on development planning provides a list of suitable topics for supplementary guidance. I consider it is reasonable and appropriate for the council to prepare supplementary guidance on resource extraction; and as supplementary guidance should follow adoption of the local development plan I consider that it is not necessary for it to be published in advance of the plan. I therefore find no modifications are necessary in response to these representations.

26. Midlothian Green Party considers that policy MIN 2 should be clearly underpinned by the council's statutory commitments under section 44 of the Climate Change (Scotland) Act 2009, namely to act:

- in the way best calculated to contribute to the delivery of national emissions reduction targets; and
- in a way that it considers is most sustainable.

27. By doing so, Midlothian Green Party consider that all mineral proposals are required to include a sustainability appraisal, which must detail the emissions from the project and how these relate to the council's emissions reduction targets.

28. As explained in paragraph 8, Scottish Planning Policy is clear that the planning system should recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security. It is therefore reasonable and appropriate for the local development plan to identify resources. There is no requirement in either SESplan or Scottish Planning Policy to conduct a sustainability appraisal (carbon calculation) for mineral extraction proposals. I therefore find that no amendments to the plan are required in response to this representation.

29. Communities Against Airfield Open Cast express concern regarding the restoration of areas subject to open cast mining. They consider policy MIN 2 should contain greater details regarding the implementation of restoration and aftercare. I note that this response is supported by others. The Coal Authority consider that it may be appropriate for the criterion on restoration, to be clearer, to acknowledge that restoration should be progressive and phased as part of the overall site extraction programme.

30. Whilst I note these concerns, the relevant policy criteria refer to the robustness and suitability of proposals for restoration and aftercare, this assessment can clearly relate to phasing, where it is necessary. The council has also confirmed that the required level of detail will be included within the supplementary guidance. I therefore find that no amendments are required in response to these representations.

31. The Scottish Environment Protection Agency recommend an addition to the water environment criterion, to specifically make reference to groundwater to ensure that mineral development does not have an adverse impact on both the quality and quantity of groundwater. I agree with the council that groundwater is part of the water environment which is specifically stated in the policy. In addition, further detail will be provided within supplementary guidance. I find that no amendments are required in response to this representation.

32. Scottish Natural Heritage states that the requirement to undertake a project-specific habitats regulations appraisal, must be set out clearly without reliance on a general policy. Therefore, it is requested that the supplementary guidance must include clear direction and guidance on project level habitat regulations requirements. The provisions of supplementary guidance are not before me, or in my remit to recommend any changes. However, I note that the council has advised that the forthcoming supplementary guidance will contain further detail for planning applications. No amendments to the proposed plan are required to address this matter.

33. Mr John Sharp objects to the policy support for opencast coal and requests that more support is given to community energy projects. Section 6.1 of the proposed plan includes policies which provide support for the development of a wide variety of renewable energy and low carbon technologies to help meet and exceed national targets. Policies NRG 1 (renewable and low carbon energy projects) and NRG 6 (community heating) specifically support community heating/ and cooling projects. I therefore find that no amendments are required in response to this representation.

Onshore oil and gas

34. The Coal Authority question whether the use of the terminology of “oil and gas” is sufficiently clear or whether it would be more appropriate to refer to “conventional and unconventional hydrocarbons”. Whilst the wording proposed by the Coal Authority better reflects the process, I consider this terminology could be confusing for the general public. I find that no amendments are required in response to this representation.

35. With regard to restoration, whilst the Coal Authority acknowledges that the council are preparing supplementary guidance on resource extraction, it considers that as restoration is a strategic matter, it should be addressed in policy MIN 3 (onshore oil and gas). The Coal Authority explains that because hydrocarbon proposals have three distinct phases, it is possible for cessation to occur at any of these phases. As a result, the Coal Authority considers it is vital to ensure that restoration can be secured in order to limit any future liability and prevent environmental harm.

36. The council state that as the regulatory framework and technical guidance for onshore oil and gas extraction is still developing at the national level, it would not be appropriate to add further detail to policy MIN 3 at this stage and that detail will be provided within supplementary guidance. Whilst I acknowledge the current situation at the national level, should development obtain consent, it is essential that appropriate restoration is secured and therefore should be referred to within policy. I find an amendment to the plan is therefore required.

37. The Coal Authority highlight that licensing responsibilities for hydrocarbons transferred, from the Department of Energy and Climate Change, to the Oil and Gas Authority in April 2015. The council consider it is not necessary to update the text within

paragraph 4.8.7 of the proposed plan, as the Oil and Gas Authority is an executive agency of the Department of Energy and Climate Change. I agree with the council; therefore, no modifications are required in response to this representation.

38. A number of representations object to policy MIN 3 which allows for the extraction of oil and gas, they consider: the approach is contrary to the strategic objectives of the proposed plan; the technology is unproven; and it could cause significant environmental damage particularly as a result of the mining history of the area.

39. Paragraph 240 of Scottish Planning Policy states that for areas covered by a petroleum exploration and development licence, development plan should address the issue. Therefore, it is appropriate for the proposed plan to include a policy covering onshore oil and gas development. No modifications are required in response to this representation.

40. Scottish Water highlight the importance of robust control measure to protect the water environment and water resources. Whilst I agree that the water environment and water resources should be protected, I find that this matter can be addressed under the reference to the environment within policy MIN 3. The council has confirmed that more detail will be provided within supplementary guidance. No modifications are therefore required in response to this representation.

Supportive comments

41. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Modifying policy MIN 3 (onshore oil and gas) on page 38 by inserting the following additional sentence after the first sentence:

“All proposals for appraisal, exploration or production must demonstrate proposals for suitable restoration and aftercare should development cease at any phase of extraction.”

Issue 11	Rural Development (including low density rural housing & Wellington School)	
Development plan reference:	Promoting Economic Growth – Rural Development	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
909210 908990 909873 909877 909890 909888 909477 909605 909824 909824 909826 921711 921712 921296 921860 909287 921846 922014 921711 778581 778056 778372 778417 778551 778551 778551 922085 922086 921865 909801 909605 909365 754760 909222	PP286 PP377 PP396 PP405 PP407 PP418 PP437 PP455 PP462 PP464 PP470 PP506 PP507 PP618 PP667 PP668 PP685 PP701 PP864 PP1387 PP1429 PP1471 PP1475 PP1491 PP1493 PP1494 PP1590 PP1608 PP2310 PP2651 PP2652 PP2653 PP2800 PP2891	Santiago Holdings Scottish Government Omar Almubarak Tom Moon Rosebery Estates Derek Neil Louisa Russell Jane Tallents Brian Larkin Brian Larkin Duncan McAuslan Harry McDonald-Smith Irene McDonald-Smith Sarah Barron George Leitch Elma Leitch Jean Alexander Lasswade District Civic Society Harry McDonald-Smith Hallam Land Management SEPA Bruce Hobbs Celia Hobbs Tynewater Community Council Tynewater Community Council Tynewater Community Council Andrew Barker Rachel Davies Joy Moore H Tibbetts Jane Tallents Adrian FitzGerald Shiela Barker Allan Piper
Provision of the development plan to which the issue relates:	Section 4.9 Rural Development Policy RD 1 Development in the Countryside Policy RD 2 Low Density Rural Housing	
Planning authority's summary of the representation(s):		
<p><u>Development in the Countryside</u></p> <p>Objects to paragraph 4.9.1 in respect of the Damhead area. Considers that the paragraph ignores protecting the rural landscape in favour of development because commuters want</p>		

to live close to Edinburgh. Does not consider this to be an appropriate stance for the plan to take and states that the Damhead community is an example of a rural lifestyle located close to a major city which should not be compromised by development, in particular the proposed A701 relief road. (PP470 Duncan McAuslan)

Considers that village envelopes are very tightly drawn. Windfall developments have on occasion been inappropriately high density - the Tynewater villages could make a small but positive contribution if boundaries less tightly drawn. (PP1491 Tynewater Community Council)

Policy RD 1 Development in the Countryside

Objects to Policy RD 1 due to the provision relating to applying a planning condition restricting occupancy of new houses. Considers that this is contrary to letter from Chief Planner of November 2011. (PP377 Scottish Government)

Objects to Policy RD 1 due to the reference to allowing housing development to fund the renovation of historic buildings. (PP618 Sarah Barron; PP701 Lasswade District Civic Society; PP1590 Andrew Barker; PP1608 Rachel Davies; PP2310 Joy Moore; PP2800 Sheila Barker; PP2891 Allan Piper)

Asserts that there is a shortfall in the 5 year effective land supply and that in order to accord with Policy 7 of the SDP and avoid planning by appeal. Considers that the LDP should make provision for supporting housing development on greenfield sites in the event of a shortfall of this nature. (PP1387 Hallam Land Management)

Objects to Policy RD 1 and considers that the policy should provide further protection for the setting of historic buildings. (PP2651 H Tibbetts)

Seeks modification of criterion c. relating to unacceptable discharges into watercourses, to strengthen it and specify detail of the types of discharge. (PP1429 SEPA)

While paragraph 3.2.12 deals with self-build housing and provides support, it is considered that policy RD1 promotes the contrary view. (PP1493 Tynewater Community Council)

Consider that reference in Policy RD 1 to BREEAM rating is incorrect. The BREEAM 'eco-home 2006' methodology is no longer supported by BRE, who are about to introduce a new rating methodology, Home Quality Mark (HQM). (PP1494 Tynewater Community Council)

While supportive of Policy RD 1, considers that it should allow for housing development which supports economic and tourist developments in the countryside. (PP396 Omar Almubarak)

Supports Policy RD 1. (PP407 Rosebery Estates)

Policy RD 2 Low Density Rural Housing

Objects to the principle of releasing part of a "low density rural housing site" to provide a solution to a road access problem. Refers to an attached transport survey which confirms that the proposed approach in the plan is unnecessary and would not provide a solution that was safe and compliant with current roads standards. Objector owns the land to the north of the allocated site and would not collaborate with creating the access identified in

the MLDP, however, the survey report identifies an alternative route to the south where there is a willing landowner. Also confirms there is widespread local opposition concerned that the scale of development is disproportionate to general area - development should be limited to the footprint of the school building and not the grounds. Particular concern about development extending out and onto the low density rural housing site to the north of the site with no indication of likely numbers in the plan. Development in excess of that identified for the school site would fundamentally and permanently alter the nature and character of the area from a rural one to a suburban one. Supported the introduction of the Council's low density rural housing policy in the current Midlothian Local Plan 2008 but considers the decision to abandon this policy for the Wellington low density land (policy RD2 in the proposed MLDP) a retrograde step in terms of promoting and encouraging sustainable development and delivering environmental improvements. Considers that the policy change will encourage landowners who own land like this to neglect it in the hope they could, one day realise a higher value as part of a development site. (PP405 Tom Moon)

Comments on the proposed Wellington School site (AHs5) and the associated land to the north identified in policy RD2. Supportive of landscape treatment around Wellington School in the event that it is developed, particularly with regard to potential impact on Ard Craig. Access: Consider that proposed access has been identified without proper consideration of alternatives and that access across land to west of Wellington School at Ard Craig (indicated) could be formed to an acceptable standard. Consider that this would be preferable as it would be 120m as opposed to 380m proposed and that the visibility splay onto the A701 already exists or can be achieved, whereas the proposed route may be constrained by a shorter frontage and existing houses. Density/Scale of development: Only reason for extending development to neighbouring land is to deliver new road. Would expect Council to keep cost of road to minimum so that lowest number of houses is required. Concerned about open-ended reference in RD2 to number of units, exacerbated by the size of the site and the limited vegetation compared with the school site. Consider that as the school site is brownfield it could accommodate a higher density and text should reflect the primacy of this site with regard to density over the 'enabling' land. Principles of Low Density Rural Housing: Consider that text in policy RD2 is to justify new housing to fund a new road, rather than the enabling of small scale development to sustain the rural economy, alters the philosophy of the policy. A financial viability analysis should be required with any planning application to justify the more than 2 units policy RD2 allows, which is considered in keeping with its principle to minimise the number of houses necessary to fund the road. If the Ard Craig access is considered preferable, suggests that it merits designation under RD2. Consider that it has merit as there are mature trees along boundaries; it is a more discrete site due to properties close by; can meet road standards; removal of trees for road can be compensated by replacement planting as part of landscaping for Ard Craig; site has sufficient ground stability; not subject to protective policies in the plan; proposed sites within 5km of Peeswit Moss SAC. (PP418 Derek Neil)

Objects to proposed Wellington School site (site AHs5) and adjacent land identified to the north of it by policy RD2. Consider that the access road is unable to deal with current traffic due to lack of passing places, blind corners and lack of footway, and that further development would make this worse. Appreciates reference to new access but feels that this will not help unless existing road is partially closed off. With specific reference to the land identified in RD2, it is felt that development will spoil the scenery and landscape as well as having an adverse impact on wildlife, particularly at Milkhall Pond. (PP437 Louisa Russell)

Objects to the scale of development proposed at the Wellington School site (AHs5) and the neighbouring land identified in policy RD2. Consider that: The proposal contravenes the plan's own aims as well as policy 7 of the SDP; The area is beautiful and unspoilt, the proposal would substantially alter its character; The land identified by RD2 is agricultural land and that recent management by landowner should not change this. To develop on this scale would contradict the aims of the Low Density Rural Housing policy; Concerned about suitability of existing road (passing places, blind corners), notwithstanding the proposed road changes, and the effect this will have on the high level of traffic using A701 during rush hour at present; The likely use of car travel by new residents would contradict sustainability and climate change aims of the plan; Concerned about the impact on biodiversity, particularly the effect on the Lead Burn, Milkhall Pond and local bird sightings such as nesting buzzards, a local Rookery, barn owls, woodpeckers, herons, Canadian Geese, goldfinches and sedge warblers. (PP455, PP2652 Jane Tallents)

Objects to site AHs5 Objects to the scale of development proposed at the Wellington School site and the neighbouring land identified in policy RD2. Considers that: The proposal is outwith the A701 Corridor Strategic Development Area and contravenes the plan's own aims as well as policy 7 of the SDP; The area is beautiful and unspoilt, the proposal would substantially alter its character; The land identified by RD2 is agricultural land and that recent management by landowner should not change this. To develop on this scale would contradict the aims of the Low Density Rural Housing policy; Concerned about suitability of existing road (passing places, blind corners), notwithstanding the proposed road changes, and the effect this will have on the high level of traffic using A701 during rush hour at present; The existing access road (U73) is part of a dedicated cycle route between Roslin Glen and Leadburn. Concerned about the impact that increased traffic from the development may have on cyclists' road safety; The likely use of car travel by new residents would contradict sustainability and climate change aims of the plan. There are no facilities or schools in the area and limited public transport; Concerned about the impact on biodiversity, particularly the effect on the Lead Burn, Milkhall Pond and local bird sightings such as nesting buzzards, a local Rookery, barn owls, woodpeckers, herons, Canadian Geese, goldfinches and sedge warblers. (PP462, PP464 Brian Larkin)

Objects to site AHs5 The area is not conducive to a residential development of 50 - 60 units. There is no guarantee that the mature trees forming the boundary to the site will be retained as part of any development and any loss would threaten wildlife habitats. Raises concern about the appropriateness of the existing narrow single track road to accommodate new development from the site as well as the land opposite (allocated as a low density rural housing site). The area lacks services and amenities - it has no mains sewerage, is subject to low water pressure and regular power cuts and it has no school or local bus service. The nearest facilities are in Penicuik and even there they are limited. (PP506 Harry McDonald-Smith; PP507 Irene McDonald-Smith)

Objects to the proposed Wellington School site (AHs5) and the proposal to allow development in adjoining field. Consider that it is inappropriate consider flora and fauna in area (cites deer, weasels, buzzards, barn owls, swallows and stoats). Concerns regarding mains water supply and sewerage for proposal. (PP667 George Leitch; PP668 Elma Leitch)

Objects to site AHs5 Considers the proposal is completely inappropriate for the area and will decimate the local flora and fauna (deer, weasels, buzzards, barn owls, swallows, stoats). Raises concerns about mains water supply and sewerage connections and also wants to know why residents were not informed of the proposal in advance. (PP685 Jean

Alexander)

Objects to the proposed Wellington School site (AHs5). Considers that the proposed development is premature and undermines the Green Belt protection; while appreciate desire to develop a brownfield site, strongly objects to use of surrounding greenfield land for development which is considered contrary to policies RD1 and RD2; suggests that further development on low density rural housing sites is likely to result in them being developed as housing estates. Objects to the proposed Pomathorn Mill site (AHs4). Considers that the access road is not suitable for housing development; the road is currently dangerous and not suitable for traffic or pedestrians; lower part of the road is subject to landslips; developing this site would eject businesses currently occupying the Mill in violation of policy ECON1. (PP1471 Bruce Hobbs)

Objects to proposed Wellington School site (AHs5). Considers that this will further reduce the Green Belt and the proposal is premature; while developing brownfield site makes sense, objects to the use of surrounding greenfield sites for housing development, which runs counter to policies RD1 and RD2; RD2 only allows for 2 units on the field north of Wellington School, allowing more to allow access is not considered a valid argument; suggests that a more sensible solution is to develop Wellington School footprint with a minor upgrade to the existing access road. (PP1475 Celia Hobbs)

Objects to site AHs5. Acknowledges that some sympathetic but limited development of the school site (now that it is closed and obsolete) would prevent the site being abandoned and becoming an eyesore. Not aware of any significant traffic problems with the access road but considers some improvements would be desirable - one or two passing places. However, does not accept the case for additional development on the fields to the north of the site (low density rural housing sites - policy RD 2) and considers this would lead to calls for similar developments on the other three sites in the area identified for low density rural housing. The Inquiry Reporter for the current local plan concluded that the development of more than two houses on these sites would be detrimental to the surrounding countryside. (PP2653 Adrian FitzGerald)

Supportive of the continuation of the Low Density Rural Housing policy, but seek removal of property called 'The Croft' and the field it sits in from the Springfield site and that the remainder of the Springfield site should be allowed to contribute two dwellings under Policy RD 2. Considers that this field is not poor agricultural quality and not in need of environmental improvement (it has a 3.2 agricultural land quality classification); when The Croft was approved no landscape treatment was undertaken; biodiversity interest of the site in southern field; distance from field to bus stop means that further house cannot be justified; single house cannot fund landscape improvements/maintenance, particularly given ongoing lack of finance for housing developments. (PP286 Santiago Holdings)

Supportive of the allocation of Wellington School site (AHs5). (PP864 Harry McDonald-Smith)

Modifications sought by those submitting representations:

Development in the Countryside

Re. paragraph 4.9.1, the Council should recognise the assets that exist in the Damhead area and capitalise on them, rather than destroying something that is so positive and sought after. (PP470 Duncan McAuslan)

Seeks looser boundaries around villages in the Tynewater area. (PP1491 Tynewater Community Council)

Policy RD 1 Development in the Countryside

Seeks removal of provision relating to applying a planning condition restricting occupancy of new houses. (PP377 Scottish Government)

Seeks stronger protection for the integrity and setting of historic buildings in Policy RD 1. (PP618 Sarah Barron; PP701 Lasswade District Civic Society; PP1590 Andrew Barker; PP1608 Rachel Davies; PP2310 Joy Moore; PP2651 H Tibbetts; PP2800 Sheila Barker; PP2891 Allan Piper)

Under the 'Housing' title of policy RD1, propose adding the following bullet point: "In circumstances where there is a shortfall in the 5 year effective housing land supply, the Council will support greenfield housing proposals in accord with the provisions of SESplan policy 7, and the requirements of SPP." (PP1387 Hallam Land Management)

Change criterion c. to say "capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, whilst promoting protection and enhancement of the water environment avoiding unacceptable and unnecessary surface water and foul water discharges to watercourses." (PP1429 SEPA)

Intimates that policy RD1 should be amended to promote self-build housing. (PP1493 Tynewater Community Council)

No change specified but reference to Home Quality Mark rather than BREEAM is inferred. (PP1494 Tynewater Community Council)

In the first paragraph under 'Housing' in RD1, replace 'and' with 'or'. (PP396 Omar Almubarak)

No changes to the Proposed Plan suggested. (PP407 Rosebery Estates)

Policy RD 2 Low Density Rural Housing

No changes to the Proposed Plan suggested. (PP685 Jean Alexander; PP864 Harry McDonald-Smith; PP2653 Adrian Fitzgerald)

Remove the clause that would allow the Wellington school site development to be extended to include the Wellington low density rural housing site to the north and reinstate the low density rural housing policy for this land. (PP405 Tom Moon)

Alter the proposals map, policy RD2 and paragraph 8.3.46 in the Penicuik Settlement Statement to replace references to land to north of Wellington School with Ard Craig. As a second-best alternative, extend RD2 site to include Ard Craig. (PP418 Derek Neil)

It should provide more information for residents currently living on venture fair road and the impact it may have on increased volume of traffic using existing road and what measures they will put in place to ensure it does not have a detrimental effect to residents living there. (PP437 Louisa Russell)

Suggests that if the development is to go ahead, it should consist of low density sustainable housing project. Access road should be closed to allow access at either end but no through route. (PP455 Jane Tallents; PP464 Brian Larkin)

Suggests that number of houses at the school (AHs5) should be limited to a maximum of 20 units and that the remainder of the site be kept as green space and former playing fields should be used for allotments. Suggest alternative access to the south-west via Ard Craig House, where there could be better sightlines and that the land identified in RD2 should remain at 2 houses as per current policy. If developments go ahead, consider that low impact, environmentally friendly housing should be sought and that the existing access road should be restricted so as not to provide a through route. (PP462 Brian Larkin)

Given the location of the proposed development the Council should consider alternative uses for the school other than housing. (PP506 Harry McDonald-Smith; PP507 Irene McDonald-Smith)

Seeks removal of proposed Wellington School site (AHs5) and the proposal to allow development in adjoining field. (PP667 George Leitch; PP668 Elma Leitch)

Seeks removal of the proposed Pomathorn Mill (AHs4). Suggests limiting the development of Wellington School to the footprint of the building and giving the access road a minor upgrade. (PP1471 Bruce Hobbs)

Suggests that a more sensible solution is to develop Wellington School footprint with a minor upgrade to the existing access road. (PP1475 Celia Hobbs)

Suggests that number of houses at the school (AHs5) should be limited to a maximum of 20 units and that former playing fields should be used for allotments. Suggest alternative access to the south-west via Ard Craig House, where there could be better sightlines and that the land identified in RD2 should remain at 2 houses as per current policy. If developments go ahead, consider that low impact, environmentally friendly housing should be sought and that the existing access road should be restricted so as not to provide a through route. (PP2652 Jane Tallents)

Seeks removal of the northern field (containing 'The Croft') from Policy RD 2 and that the remainder of the Springfield site should be allowed to provide two dwellings under this policy. (PP286 Santiago Holdings)

Summary of responses (including reasons) by planning authority

Development in the Countryside

The Council considers that the text proposed here is consistent with the Proposed Plan's development strategy.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP470 Duncan McAuslan)

The Council considers its approach to drafting settlement boundaries is consistent with the Scottish Planning Policy and good practice. The currently adopted Midlothian Local Plan (CD0054) allocated small scale village extensions at North Middleton and Pathhead, but it is considered that in most cases village character is of overriding importance when

considering development opportunities. Given the scale and range of housing sites already proposed in the plan and the likely outturn numbers from any village allocations the Council considers that these would most likely be insignificant in terms of meeting the strategic housing requirement.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP1491 Tynewater Community Council)

Policy RD 1 Development in the Countryside

The Council considers that the suggested removal of the policy provision relating to the use of a planning condition to restrict the occupancy of new houses has merit.

The Council therefore requests that the Reporter(s) make a judgement as to whether to make changes to the Midlothian Local Development Plan as a consequence of this representation. (PP377 Scottish Government)

Paragraph 142 of [the Scottish Planning Policy](#) supports enabling development where it is the only means of preventing the loss of a historic asset and securing its long-term future.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of these representations. (PP618 Sarah Barron; PP701 Lasswade District Civic Society; PP1590 Andrew Barker; PP1608 Rachel Davies; PP2310 Joy Moore; PP2651 H Tibbetts; PP2800 Sheila Barker; PP2891 Allan Piper)

Paragraph 2.3.9 of the Proposed Plan sets out the Council's provisions for reassessing the adequacy of the effective land supply and promoting any actions needed to address any perceived shortfall in this supply.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP1387 Hallam Land Management)

The Council considers that the changes promoted by the representor are disproportionate. It considers that the phrase "promoting protection and enhancement of the water environment" being more in the character of an objective for the policy than a provision of it, and listing the sources of discharge are not necessary.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP1429 SEPA)

The Council does not consider that Policy RD 1 promotes such a contrary view. Policy RD 1 is entirely silent on the matter of who builds or commissions a house. The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP1493 Tynewater Community Council)

As recently as 4 April 2016, BRE Global confirmed to the Council that Ecohomes is still operational in Scotland; although discussions are ongoing with the Scottish Government as part of making a Scottish version of Housing Quality Mark available as soon as possible, hopefully by the end of 2016. As Housing Quality Mark is likely to be in place in Scotland come adoption of the Proposed Plan, the Council considers that there would be merit in modifying the relevant paragraph to add the words "or comparable replacement BRE rating."

The Council requests that the Reporter(s) make a judgement as to whether to make changes to the Proposed Plan as a consequence of this representation. (PP1494 Tynewater Community Council)

Policy RD 1 already allows for housing development required for the furtherance of *established* countryside tourism/economic activities. It is considered that this approach is consistent with paragraph 81 of [the Scottish Planning Policy](#).

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP396 Omar Almubarak)

The Council acknowledges the support shown for this policy. (PP407 Rosebery Estates)

Policy RD 2 Low Density Rural Housing

The Council considers that the more permissive provisions relating to the Wellington site (compared to those in the currently adopted local plan) are justified in helping promote a package of improvements on this site/the former Wellington School site, including positive redevelopment of a deteriorating and highly visible building, a further enhanced landscape, and in terms of road safety. Policy RD 2 and related provisions of the Proposed Plan do allow for redevelopment of the Wellington low density rural housing site and Wellington School site without the access arrangements described however, the Council is concerned that, in such a scenario, redevelopment would be somewhat limited, with much diminished improvements.

The Council considers that a greater quantity of housing may be acceptable on the Wellington site, provided the detailed requirements of Policy RD 2 are adhered to.

The onus is on the developer(s) to come forward with a deliverable scheme. The Council considers that the other matters raised would be for the planning the application stage. The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of these representations. (PP405 Tom Moon; PP418 Derek Neil)

In addition to the policy position outlined above the Council considers that a greater quantity of housing may be acceptable on the Wellington site (provided the detailed requirements of Policy RD 2 are adhered to), justifying a yet more landscape-dominated development, and further enhancing the wider landscape in turn. The settlement statement relating to Wellington School (AHs5) has the objective of enhancing the appearance of the landscape whilst improving biodiversity value. The Council considers that the other matters raised would be most appropriately addressed at the planning the application stage.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of these representations. (PP437 Louisa Russell; PP455, PP2652 Jane Tallents; PP462, PP464 Brian Larkin)

The settlement statement relating to Wellington School (AHs5) has the objective of enhancing the appearance of the landscape whilst improving biodiversity value. The Council considers that any relative demerits in terms of services and amenities, perceived or actual, would be more than outweighed by the benefits in terms of landscape enhancement.

The Schedule 4 relating to Issue 34 and the supplied Report on Conformity with Participation Statement detail publicity relating to the Proposed Plan. The Council considers that the other matters raised would be most appropriately addressed at the planning the application stage.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of these representations. (PP506 Harry McDonald-Smith; PP507 Irene McDonald Smith; PP667 George Leitch; PP668 Elma Leitch; PP685 Jean Alexander)

The area subject to Policy RD 2 does not fall within the Green Belt. The Council considers that the principle of use of the areas the subject of Policy RD 2 for low density rural housing was established in adopting the current Midlothian Local Plan (CD054), and in the absence of any relevant material change in the wider policy context or other circumstances it is considered that that principle continues to hold. The Council considers that the more permissive provisions relating to the Wellington site (compared to those in the currently adopted local plan) are justified in helping promote a package of improvements on this site/the former Wellington School site, including further enhancements in terms of road safety and landscape.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP1471 Bruce Hobbs; PP1475 Celia Hobbs)

The Inquiry Report (CD077) into the now adopted local plan did not conclude that development of more than two houses on each site would be detrimental to the surrounding countryside. Rather, having noted (para. 9.75) “that even 4 dwellings on each site would have to be regarded a very low density of development”, the Reporter stated (para. 9.76) that the low density housing policy “should essentially be regarded as a pilot project before being extended any more widely”, and “that the numbers of dwellings should be kept to a maximum of 2 for each site at this stage, and that any extension should be considered in the review of the low density rural housing policy in the next local plan review. This would of course be dependent upon the success of the policy in enhancing the landscape value and biodiversity of the Midlothian countryside.” The Council considers this success is now being evidenced through the planning application process and implementation.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP2653 Adrian Fitzgerald)

The Council welcomes the continued support for a low density rural housing policy covering the Springfield site. The extent of this site remains as under the currently adopted Midlothian Local Plan (2008) (CD0054), and the Council is unaware of any relevant material change in the wider policy context or other circumstances that would justify a redrafting of the policy boundary here. Development of the cottage known as The Croft predates adoption of the Midlothian Local Plan 2008) (CD0054), which introduced Policy HOUS5 and its attendant landscape enhancement requirements. The onus is on the developer(s) to come forward with a deliverable scheme.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP286 Santiago Holdings)

The Council acknowledges the support for the Wellington School site (AHs5). (PP864

Harry McDonald-Smith)

Reporter's conclusions:

Development in the countryside

1. Mr Duncan McAuslan objects to paragraph 4.9.1 of the proposed Midlothian Local Development Plan which highlights that the close proximity and ease of access of Midlothian to Edinburgh results in development being commuter based. The representation considers that the proposed plan should recognise Midlothian's assets exist and capitalise on them rather than damaging them with new development. Whilst I acknowledge the concerns raised, I find that paragraph 4.9.1 of the proposed plan correctly articulates the relationship with Edinburgh and the pressure it faces for housing development. There are a number of policies within the proposed plan which seek to protect and enhance the assets of Midlothian, particularly the suite of environment policies, including: ENV 1 (protection of the green belt); ENV 2 (Midlothian green network); ENV 3 (Newbattle strategic greenspace safeguard); ENV 6 (special landscape areas); ENV 7 (landscape character); ENV 8 (protection of river valleys); ENV 11 (woodland, trees and hedges); and ENV 19 (conservation areas). I therefore find no amendments are required in response to this representation.
2. Tynewater Community Council object to the requirement within policy RD 1 (development in the countryside) that new dwellings must demonstrate a "very good" or better BREEAM rating as there is no such rating methodology for new, single dwellings. BREEAM is a method of assessment and certification of the sustainability of buildings, developed by the Building Research Establishment. The representation requests that reference is instead made to the "Home Quality Mark" rather than BREEAM. The council confirms that this assessment rating may be replaced in the future. I agree and therefore find an amendment to the proposed plan is required to ensure the continued implementation of policy RD 1 should BREEAM be replaced.
3. The matters raised by Tynewater Community Council with regard to the contribution that the Tynewater villages could make in terms of windfall development, is addressed in Issue 3 (requirement for new development – housing strategy).
4. The Scottish Government object to the reference within policy RD 1 that a planning condition, limiting the occupancy of new housing in the countryside, is likely to be attached to planning permission. The Scottish Government state that this approach is contrary to paragraph 81 of Scottish Planning Policy (2014) and the advice given by the Chief Planner in November 2011.
5. Paragraph 81 of Scottish Planning Policy states that the planning system should avoid the use of occupancy restrictions on housing development in rural areas, this approach is confirmed within the November letter. The council has advised that they consider the Scottish Government representation has merit. I agree with the Scottish Government, that the reference to occupancy conditions does not accord with the provisions of Scottish Planning Policy or the letter to chief planning officers; a modification is therefore required.
6. Tynewater Community Council identify a conflict between the requirements of policy RD 1 and paragraph 3.2.12, with regard to the issue of self-build housing. The inference is that the policy should be amended to promote self-build housing. Paragraph 3.2.12 of the proposed plan identifies that the council is supportive of the principle of self-build housing

proposals. I find nothing within policy RD 1 that would discourage self-build. Indeed, policy RD 1 would allow any form of housing construction, be it self-build or otherwise, in the countryside where it satisfactorily met the stated criteria. No modifications are therefore required in response to this representation.

7. A number of representations object to the reference within policy RD 1 to support housing development in the countryside required to fund the renovation of historic buildings. The representations also seek stronger protections for the integrity of the setting and character of the rural area of historically important buildings.

8. Paragraph 142 of Scottish Planning Policy recognises that enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of a historic asset and securing its long-term future. Also, that any such development should be the minimum necessary to achieve these aims and that the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset. Therefore, I find that it is appropriate for policy RD 1 to refer to enabling development. However, whilst it is acknowledged that the council will be providing further details within supplementary guidance, as currently worded the policy does not effectively reflect the requirements of Scottish Planning Policy in that it does not explicitly state that it must be clearly demonstrated that the housing development is the only means of preventing the loss of a historic asset and securing its long-term future. An amendment is therefore required.

9. In response to the concern that stronger protection is required to ensure the integrity of the setting and character of historically important buildings, a number of policies within the proposed plan address this matter, including: ENV 19; ENV 20 (nationally important gardens and designated landscapes); and ENV 22 (listed buildings). I find therefore that no modifications are required in response to these representations.

10. Hallam Land Management object to policy RD 1, stating that it does not accord with the requirements of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan), or Scottish Planning Policy, as it fails to support housing development on greenfield land in circumstances where there is a shortfall in the 5-year effective housing land supply.

11. Paragraph 125 of Scottish Planning Policy states that where a shortfall in the 5-year effective land supply emerges, the development plan policies for the supply of housing land will not be considered up-to-date. Policy 7 of SESplan provides criteria to assess greenfield housing proposals either within or outwith strategic development areas to maintain a 5-years' effective housing land supply.

12. Modifications to the proposed plan, identified in Issue 3 (requirements for new development – housing strategy), clearly recognise that outwith the built-up area there will be a general presumption against housing development, unless a deficit in the 5-year effective housing land supply emerges. I conclude that it is not necessary for the proposed plan to repeat this statement within policy RD 1; no further modifications are therefore required to address this representation.

13. The Scottish Environment Protection Agency consider that a modification of the wording to criterion “c” of policy RD 1 is required to strengthen it to ensure it accords with the requirements of the Water Framework Directive; paragraphs 194 and 195 of Scottish Planning Policy; and the Town and Country Planning (Development Planning) Regulations

(2008).

14. The Water Framework Directive put in place a holistic approach to the protection and enhancement of the water environment. Paragraph 194 of Scottish Planning Policy identifies that the planning system should promote protection and improvement of the water environment in a sustainable and coordinated way. Paragraph 195 highlights that planning authorities have a duty to protect and improve Scotland’s water environment. The Town and County Planning (Development Planning) Regulations (2008) also highlights the importance of the water environment.

15. Whilst I acknowledge that there are other policies within the proposed plan that would manage the impact of development on the water environment, I find the current wording of criterion “c” of policy RD 1 does not fully reflect the requirements identified in paragraph 14 above. A modification is therefore required to ensure clarity and consistency with statutory requirements.

16. Mr and Mrs Omar Almubarak consider that the approach to development in the countryside, set out in policy RD 1, should allow for housing development which enables economic and tourism development in the countryside. Criterion “A” of policy RD 1 allows for development in the countryside where it is required for the furtherance of agriculture, horticulture, forestry, countryside recreation or tourism. The housing section of the policy clearly states that housing will normally only be permissible where it is required for the furtherance of an established countryside activity, identified in criterion “A”. Paragraph 81 of Scottish Planning Policy requires local development plans to set out the circumstances in which new housing outwith settlements may be appropriate. I therefore find that no modifications are required in response to this representation.

Low density rural housing

17. A number of representations object to the allocation of Wellington School (AHs5) as an additional housing development opportunity site. This matter is addressed in Issue 29 (A701 corridor strategic development area – Penicuik).

Supportive comments

18. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Adding the following text at the end of the sixth paragraph of policy RD 1 (development in the countryside) on page 39:

“or equivalent standard for any successor assessment.”.

2. Deleting the final sentence of the first paragraph under the housing section of policy RD 1 (development in the countryside) on page 39.

3. Deleting the fourth bullet point in policy RD 1 (development in the countryside) on

page 39 and replacing with:

“enabling development where it can be clearly shown to be the only means of preventing the loss of a heritage asset and securing its long-term future.”.

4. Deleting criterion “c” of policy RD 1 (development in the countryside) on page 39 and replacing with:

“capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply. Development must protect and where appropriate improve the water environment, avoiding unacceptable and unnecessary surface water and foul water discharges to watercourses.”

Issue 12	Green Belt	
Development plan reference:	Section 5 Protecting Our Heritage	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
778339	PP29	Midlothian Green Party
909352	PP112	Network Rail
909352	PP115	Network Rail
909801	PP194	H Tibbetts
909417	PP212	Holder Planning
778604	PP304	Grange Estates (Newbattle) Ltd
778604	PP312	Grange Estates (Newbattle) Ltd
778604	PP322	Grange Estates (Newbattle) Ltd
774360	PP335	Buchanan
776323	PP427	NGP Architecture
909846	PP439	Eskbank & Newbattle Community Council
907142	PP538	Mirabelle Maslin
907464	PP591	Esk Valley Trust
921296	PP619	Sarah Barron
921821	PP679	Margaret Hodge
922014	PP702	Lasswade District Civic Society
766577	PP934	Julian Holbrook
826479	PP979	Edinburgh and Lothian Green Network
826479	PP980	Edinburgh and Lothian Green Network
778581	PP1386	Hallam Land Management
922078	PP1465	Anne Dale
922079	PP1481	Anne Holland
922087	PP1500	Anna MacWhirter
922089	PP1511	Christina Harley
922094	PP1521	Geoffrey Alderson
922115	PP1567	Andrew Thomson
922118	PP1577	Beth Thomson
922085	PP1591	Andrew Barker
922086	PP1609	Rachel Davies
921337	PP1633	Dawn Robertson
921342	PP1641	Derek Robertson
921686	PP1649	Stewart Y. Marshall
921694	PP1657	Elsie Marshall
921630	PP1667	Joan Faithfull
921697	PP1668	Stuart Davis
921698	PP1682	John Owen
921636	PP1684	Emma Moir
921640	PP1697	M A Faithfull
929852	PP1706	Marie Owen
921644	PP1708	S M Croall
921372	PP1719	David Miller
921651	PP1724	R I Pryor
921374	PP1737	Wilma Porteous

921727	PP1742	G Palmer
921376	PP1744	Margaret Miller
921659	PP1751	Susan E Wright
921378	PP1757	Wilma Sweeney
921732	PP1771	Susan Falconer
921663	PP1773	R A Pryor
921669	PP1789	Michael Boyd
921742	PP1796	Gudrun Reid
921380	PP1799	Stuart Barnes
921675	PP1801	Dianne Kennedy
921679	PP1811	George Sweeney
921682	PP1817	David A Porteous
921685	PP1823	Colin Miller
921382	PP1829	Gavin Boyd
921386	PP1835	Kirsty Barnes
921387	PP1841	Vivienne Boyd
921390	PP1847	John F Davidson
921392	PP1853	Eric Smith
921395	PP1859	Annabel Smith
921397	PP1865	Mary M Young
921399	PP1871	James Young
921401	PP1877	John T Cogle
921402	PP1883	Janette D Barnes
921403	PP1889	Jenny Davidson
921404	PP1895	Pamela Thomson
921406	PP1901	Kevin Davidson
921408	PP1907	Hugh Gillespie
921410	PP1913	Jennifer Gillespie
778810	PP1919	John Barton
909886	PP1926	Mary Clapperton
921918	PP1933	John Scaife
922025	PP1940	Linda Scaife
782000	PP1943	Kenneth Purves
921919	PP1947	George Gray
921920	PP1957	Nan Gray
921925	PP1965	Colin Richardson
921414	PP1974	Edith May Barton
921929	PP1979	David Binnie
921417	PP1990	Alex McLean
921960	PP1996	George Mackay
782003	PP2002	E Purves
921962	PP2005	Karen Langham
921423	PP2016	Marjory McLean
776516	PP2024	George Barnes
783974	PP2029	Donald Marshall
921965	PP2033	Elizabeth Richardson
921425	PP2044	Myra G Rodger
921968	PP2045	Avril Thomson
921970	PP2058	Gayle Marshall
921430	PP2062	David S M Hamilton
921431	PP2075	Sally Couch
921828	PP2079	Hazel Johnson

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921434	PP2082	E Hutchison
776560	PP2090	James Hutchison
754767	PP2097	Eskbank Amenity Society
921436	PP2107	Karen Miller
921999	PP2108	Colin Johnson
921658	PP2117	Patrick Mark
921437	PP2125	Robert Scott
921709	PP2129	Chris Boyle
921722	PP2137	K Palmer
921794	PP2144	Patricia Barclay
921830	PP2152	A F Wardrope
921832	PP2154	Elizabeth Anderson
921835	PP2161	Janette Evans
921888	PP2169	Ann O'Brian
921889	PP2176	Gail Reid
921893	PP2183	Zoe Campbell
921900	PP2184	Marshall Scott
921896	PP2193	Kenneth A Hyslop
922005	PP2203	Jan Krwawicz
922006	PP2211	Marjorie Krwawicz
922020	PP2221	Simon Evans
921905	PP2223	Carolyn Millar
922075	PP2230	Anne Murray
921908	PP2239	Charles A Millar
921910	PP2247	Isobel Ritchie
921914	PP2253	Lewis Jones
921915	PP2259	Karlyn Durrant
921917	PP2266	John Blair
909049	PP2272	Ross Craig
921259	PP2278	Caroline Sneddon
921439	PP2284	James Telfer
921443	PP2296	Kenneth McLean
921865	PP2311	Joy Moore
921622	PP2322	Jim Moir
921616	PP2332	Alan Mercer
921599	PP2340	Julia Peden
921976	PP2349	Moira Jones
921768	PP2357	Matthew McCreath
921753	PP2362	W R Cunningham
921740	PP2369	A H Cunningham
921971	PP2374	Zow-Htet
921974	PP2382	Rae Watson
921975	PP2388	Christina Watson
922145	PP2409	Eskbank Amenity Society
921444	PP2645	Lynn MacLeod
921826	PP2646	Lorna Reid
909801	PP2734	H Tibbetts
909820	PP2740	Helen Armstrong
909730	PP2747	Sara Cormack
754760	PP2801	Shiela Barker
778171	PP2811	Jacqueline Marsh
754735	PP2867	Scottish Natural Heritage

909222	PP2892	Allan Piper
Provision of the development plan to which the issue relates:	Section 5.1 Safeguarding and Managing our Natural Environment, para. 5.1.1 to 5.1.5, including Policy ENV 1.	
Planning authority's summary of the representation(s):		
<p>Object to the loss of Green Belt and agricultural land instead of utilising brownfield sites. Considers that there is insufficient policy support for the Green Belt (particularly 'Essential Infrastructure' in ENV1) and that it is adversely affected by the scale and impact of the development strategy. (PP1465 Anne Dale; PP1481 Anne Holland; PP1567 Andrew Thomson; PP1577 Beth Thomson; PP1633 Dawn Robertson; PP1641 Derek Robertson; PP1649 Stewart Y Marshall; PP1657 Elsie Marshall; PP1668 Stuart Davis; PP1682 John Owen; PP1684 Emma Moir; PP1697 M A Faithfull; PP1706 Marie Owen; PP1708 S M Croall; PP1719 David Miller; PP1724 R I Pryor; PP1737 Wilma Porteous; PP1742 G Palmer; PP1744 Margaret Miller; PP1751 Susan E Wright; PP1757 Wilma Sweeney; PP1771 Susan Falconer; PP1773 R A Pryor; PP1789 Michael Boyd; PP1796 Gudrun Reid; PP1799 Stuart Barnes; PP1801 Dianne Kennedy; PP1811 George Sweeney; PP1817 David A Porteous; PP1823 Colin Miller; PP1829 Gavin Boyd; PP1835 Kirsty Barnes; PP1841 Vivienne Boyd; PP1847 John F Davidson; PP1853 Eric Smith; PP1859 Annabel Smith; PP1865 Mary M Young; PP1871 James Young; PP1877 John T Cogle; PP1883 Janette D Barnes; PP1889 Jenny Davidson; PP1895 Pamela Thomson; PP1901 Kevin Davidson; PP1907 Hugh Gillespie; PP1913 Jennifer Gillespie; PP1919 John Barton; PP1926 Mary Clapperton; PP1933 John Scaife; PP1940 Linda Scaife; PP1943 Kenneth Purves; PP1947 George Gray; PP1957 Nan Gray; PP1965 Colin Richardson; PP1974 Edith May Barton; PP1979 David Binnie; PP1990 Alex McLean; PP1996 George Mackay; PP2002 E Purves; PP2005 Karen Langham; PP2016 Marjory McLean; PP2024 George Barnes; PP2029 Donald Marshall; PP2033 Elizabeth Richardson; PP2044 Myra G Rodger; PP2045 Avril Thomson; PP2058 Dr Gayle Marshall; PP2062 David S M Hamilton; PP2075 Sally Couch; PP2079 Hazel Johnson; PP2082 E Hutchison; PP2090 James Hutchison; PP2097 Eskbank Amenity Society; PP2107 Karen Miller; PP2108 Colin Johnson; PP2117 Patrick Mark; PP2125 Robert Scott; PP2129 Chris Boyle; PP2137 K Palmer; PP2144 Patricia Barclay; PP2152 A F Wardrope; PP2154 Elizabeth Anderson; PP2161 Janette Evans; PP2169 Ann O'Brian; PP2176 Gail Reid; PP2183 Zoe Campbell; PP2184 Marshall Scott; PP2193 Kenneth A Hyslop; PP2203 Jan Krwawicz; PP2211 Marjorie Krwawicz; PP2221 Simon Evans; PP2223 Carolyn Millar; PP2230 Anne Murray; PP2239 Charles A Millar; PP2247 Isobel Ritchie; PP2253 Lewis Jones; PP2259 Karlyn Durrant; PP2266 John Blair; PP2272 Ross Craig; PP2278 Caroline Sneddon; PP2284 James Telfer; PP2296 Dr Kenneth McLean; PP2322 Jim Moir; PP2332 Alan Mercer; PP2340 Julia Peden; PP2349 Moira Jones; PP2357 Matthew McCreath; PP2362 W R Cunningham; PP2369 A H Cunningham; PP2374 Dr Zow-Htet; PP2382 Rae Watson; PP2388 Christina Watson; PP2409 Eskbank Amenity Society; PP2645 Lynn MacLeod; PP2646 Lorna Reid; PP2747 Sara Cormack; PP2811 Jacqueline Marsh)</p> <p>Considers the concept of the Green Belt is limited in scope- an 'absence of development', rather than a positive vision of green spaces to provide enjoyment, appreciation of nature, bio-diversity, food production and mitigation for CO2 emissions. It is also flawed because it (policy ENV1) permits "essential infrastructure". (PP29 Midlothian Green Party)</p> <p>Considers that the proposals map should not identify the former Monktonhall Colliery under policy ENV1 as it does not consist of prime agricultural land. (PP112 Network Rail)</p>		

Network Rail's current holdings are formed by two large plots of land, on part of the former Monktonhall Colliery. The northern plot is shown as green belt; however the proposed LDP Strategy Policy 1 notes that there has been some variance in delivery, land assembly and up-take of development within the district, and that some productive land allocations identified some time ago may no longer be appropriate or relevant. Network Rail has nearby land which may be equally suitable for 'green' or open space activities and, over time, as technology and employment opportunities change its northern plot may be usefully developed for activities which would achieve an economic use whilst still providing an open and green function and appearance. This plot would be capable of being used for emerging productive development i.e. energy/solar generation or waste water treatment provided such development addressed Policy ENV 1 and DEV 1. (PP115 Network Rail)

With the exception of the Bush Bioscience Cluster, objects to all Green Belt boundary changes. Objects to removing Polton Industrial Estate from the 'protection' of the Green Belt, given the prominence of this location in the Mavisbank Conservation Area and Designed Landscape. (PP194 H Tibbetts)

Objects to policy VIS2 due to restriction on self-catering accommodation within the Green Belt and suggest that policy ENV1 should have an additional criterion which allows for it. Considers that this policy position runs contrary to the SPP and SDP (quoted) and that as long as holiday home development does not harm the landscape setting of Edinburgh and its neighbouring towns, there is no reason in principle to preclude such development. (PP212 Holder Planning)

2.4 Strategy for Development: Paragraph 2.4.3 Considers that there is potential for further development located within proximity to Eskbank Station. States this is constrained by the Green Belt designation on land on either side of the A7 (in between the roundabouts on the A7 at the B6392 and A6094 roads) and in proximity to the new Eskbank Station. Deletion of the Green Belt at this location is proposed in representations by Grange Estates elsewhere in the Proposed Plan, however, requests paragraph 2.4.3 be amended to acknowledge this development potential. Grange Estates supports the requirement for a new food store to serve the Newtongrange/ Gorebridge/Redheugh area. A7 Urbanisation States although the details of the scheme are unclear, considers the A7 Urbanisation scheme appears to conflict with the intention to maintain the Green Belt on either side of the A7 corridor at Hardengreen (in between the roundabouts on the A7 at the B6392 and A6094 roads). 2.4 Strategy for Development: Paragraph 2.4.7 Considers retention of the land either side of the A7 as described above is not justified (in between the roundabouts on the A7 at the B6392 and A6094 roads). Considers retention of the Green Belt along the A7 corridor is not justified by the findings of the Edinburgh Green Belt Study (December 2008). Considers the retention of the Green Belt at this location is in conflict with the development growth in the area and the A7 "Urbanisation" proposals. (PP304 Grange Estates (Newbattle) Ltd)

Objects to provision in policy ENV1 and supporting text relating to preventing coalescence. Considers that SPP does not mention using Green Belt for preventing coalescence and therefore references to it should be deleted. (PP312 Grange Estates (Newbattle) Ltd)

Objects to the Green Belt status of land either side of the A7, south of the A6094, in between Bonnyrigg and Eskbank/Hardengreen. States: in 2006 Midlothian Council resolved to remove the site from the Green Belt, the Green Belt review study undertaken for the Strategic Development Plan considered there was development potential on the site; and the Midlothian Council's 2013 Main Issues Report for the Local Development Plan

proposed the deletion of Green Belt status either side of the A7 south of the A6094, in between Bonnyrigg and Eskbank/Hardengreen. (PP322 Grange Estates (Newbattle) Ltd)

Objects to the removal of areas of Green Belt from Midlothian generally, Damhead in particular and land associated with the A701 realignment. The proposed plan refers to the importance of the Green Belt and the need to control development within it but at the same time the Council has removed large areas for development without any quantification of the area removed; lack of consultation with residents living in the Damhead area or consideration of the cumulative impact of such action and proposed scale of development on the communities and biodiversity of Midlothian. Considers that the Council's approach is contrary to the Damhead and District Neighbourhood Action Plan which promotes sustainable rural development as well as section 1.2 of the plan about working with communities. Acknowledges that some brownfield sites have been identified (but only as additional housing sites) but considers the Council and the plan should contain a clear commitment to developing brownfield land for housing before releasing Green Belt and prior to the removal of Green Belt status from prime agricultural land. It appears that Green Belt sites have been preferentially identified for housing in the short term which is contrary to the stated aims of SESplan policy 12 and the MLDP. The loss of land associated with the proposed A701 realignment is a major concern for Damhead. It is going to lose amenity space, existing businesses will be adversely affected and the community will lose the protection that Green Belt status would provide by separating communities and preventing residential sprawl. The A701 relief road is not a defensible boundary for the Green Belt in the short or long term. (PP335 Buchanan)

Objects to the Green Belt boundary on the western edge of Lasswade. Identifies a site of interest and states that the Green Belt will result in the site becoming neglected and that Lasswade has struggled to compete with its immediate neighbours, Bonnyrigg and Loanhead. Feels that removal of the designation would complete the existing building line that runs from 32 School Green and could enhance the aesthetic of town development and that this would result in a reinforced building line which would help to portray a strong definition to the town boundary. Feels that small changes to local planning policy such as this might attract small businesses to the area and that development of this site would bring adjoining path that is in need of work due to overhanging trees and surfacing of path. Historical maps show large commercial greenhouses giving the site historical precedent. (PP427 Colin McClung)

Green Belt Eskbank and Newbattle Community Council believe the Green Belt is a vital constraint on urban expansion and should be retained to the fullest possible extent. It should also be protected as an area where the aim is to encourage enhancement of the environment, creation of wildlife corridors and protection of agricultural land, and to retain as much as possible of the rural character of Midlothian. In that context, we do not support deletions of further areas from the Green Belt. (PP439 Eskbank & Newbattle Community Council)

Considers the level of loss to the Green Belt as not acceptable. (PP538 Mirabelle Maslin)

Object to the removal of Polton Industrial Estate, Bonnyrigg from the Green Belt (section 5.1). Consider developments in this area will diminish the heritage and environmental characteristics around the designed landscape of Mavisbank House. While supporting the Plan's strategic objective (section 1.3.2) to reuse brownfield land over greenfield land, especially Green Belt, considers the review of brownfield options for development has not been thorough enough. (PP591 Esk Valley Trust)

Seeks greater protection for the Green Belt. Considers there is no justification to change policy ENV1 to permit development that meets a national requirement or established need if no other site is available (criterion E), if the developer argues no other site is available. Objects to loss of Green belt land in Midlothian. Specifically objects to deletion of Polton Industrial Estate from the Green Belt given the prominence of the location in respect of Mavisbank Conservation Area and Mavisbank Designed Garden and Landscape. (PP619 Sarah Barron)

States the Proposed Plan is fundamentally flawed. Objects to policy ENV1 criterion D permitting essential infrastructure to be constructed in the Green Belt and not providing criteria defining what constitutes "Essential Infrastructure". Considers this allows developers to interpret this to support development on Green Belt land. Considers Green Belt has a variety of important uses including health, biodiversity, recreation, tourism, ecological and agriculture. Considers it essential the Local Development Plan prioritises safeguarding Green Belt and greenfield sites with detailed policies, rigorously implemented, to ensure brownfield and windfall sites are identified, recorded and developed first. Considers this is necessary to assure long-term ecological sustainability of these fragile landscapes and precious agricultural resource. (PP679 Margaret Hodge)

Objects to criterion E of policy ENV1 allowing development that meets and national requirement or established need. See no reason for the change and seeks greater protection for the Green Belt. (PP702 Lasswade District Civic Society)

Considers the Green Belt an important and valuable constraint on urban expansion and should be retained as a key policy measure. Considers Green Belt should be re-cast as the basis for a more positive approach to the promotion of green spaces, not just as development-free corridors, but as areas where the aim is to encourage enhancement of the environment, creation of wildlife corridors and protection of agricultural land, and to connect these to other rural parts of Midlothian. Objects to the deletion of further land from the Green Belt. (PP934 Julian Holbrook)

Green Belt - paragraph 5.1.1 States it is disappointing that no reference appears to have been made to the important 2008 review of the Edinburgh Green Belt by Land Use Consultants (LUC) commissioned by SESplan's member Councils. Considers this review has a crucial bearing on how the Green Belt boundary might be best adjusted to safeguard its quality and purposes. Considers the study also has a bearing on the areas selected for development and their potential capacities set out in the Appendices 1, 2, 3 of the Proposed Plan. (PP979 Edinburgh and Lothian Green Network)

States policy ENV 1 provides insufficient protection to the quality and purposes of the Green Belt, especially to the sensitive areas of high quality and/or potential coalescence between settlements. Considers criteria D and E, arguably, have the potential to override easily green belt purposes and appear to have done so in the 'development' Appendices 1, 2, 3. (PP980 Edinburgh and Lothian Green Network)

Considers the Council has not allocated sufficient land to meet the housing land requirement identified in the Strategic Development Plan. Considers without intervention prior to the Examination, the Council will not maintain a five year effective housing land supply from the point of adoption of the Local Development Plan. States the Council will need to support windfall development on unallocated sites in order to maintain a five year effective land supply. Considers the new Local Development Plan will be out of date with regard to paragraph 125 of Scottish Planning Policy which will lead to decisions by appeal,

not representing a plan-led system. (PP1386 Hallam Land Management)

Objects to the 'essential infrastructure' element of policy ENV1 and considers that more clarity defining what this might be is required to ensure that it is positive for the area. (PP1500 Anna MacWhirter; PP1511 Christina Harley)

Raises concerns that the protection afforded to the Green Belt will not be enough to deal with development pressures in the next few years. (PP1521 Geoffrey Alderson)

Objects to criterion E of Policy ENV1 allowing development that meets and national requirement or established need. (PP1591 Prof Andrew Barker; PP1609 Rachel Davies; PP2311 Joy Moore; PP2734 H Tibbetts; PP2801 Shiela Barker; PP2892 Dr Allan Piper)

Seeks strengthening of protection for Green Belt and greenfield sites and considers that brownfield sites should always be developed first. Objects to 'Essential Infrastructure' element of policy ENV1. (PP1667 Joan Faithfull)

States development on Green Belt land will remove valuable green space and agricultural land. Considers it is the green space that makes Midlothian so special. States building on this land will take away a valuable resource and detrimentally change the character of Midlothian. Considers once land is allocated for housing development it becomes too valuable for other development or uses such as agriculture, community growing or long term recreation. (PP2740 Dr Helen Armstrong)

Considers policy ENV1 requires revision with regard to the objectives for Green Belt set out in Scottish Planning Policy (2014). States policy ENV1 omits reference to the Green Belt objective of protecting and providing access to open space. (PP2867 Scottish Natural Heritage)

Modifications sought by those submitting representations:

Seeks strengthening of protection for Green Belt and greenfield sites and considers that brownfield sites should always be developed first. Objects to 'Essential Infrastructure' element of policy ENV1. (PP1465 Anne Dale; PP1481 Anne Holland; PP1567 Andrew Thomson; PP1577 Beth Thomson; PP1633 Dawn Robertson; PP1641 Derek Robertson; PP1649 Stewart Y Marshall; PP1657 Elsie Marshall; PP1668 Stuart Davis; PP1682 John Owen; PP1684 Emma Moir; PP1697 M A Faithfull; PP1706 Marie Owen; PP1708 S M Croall; PP1719 David Miller; PP1724 R I Pryor; PP1737 Wilma Porteous; PP1742 G Palmer; PP1744 Margaret Miller; PP1751 Susan E Wright; PP1757 Wilma Sweeney; PP1771 Susan Falconer; PP1773 R A Pryor; PP1789 Michael Boyd; PP1796 Gudrun Reid; PP1799 Stuart Barnes; PP1801 Dianne Kennedy; PP1811 George Sweeney; PP1817 David A Porteous; PP1823 Colin Miller; PP1829 Gavin Boyd; PP1835 Kirsty Barnes; PP1841 Vivienne Boyd; PP1847 John F Davidson; PP1853 Eric Smith; PP1859 Annabel Smith; PP1865 Mary M Young; PP1871 James Young; PP1877 John T Cogle; PP1883 Janette D Barnes; PP1889 Jenny Davidson; PP1895 Pamela Thomson; PP1901 Kevin Davidson; PP1907 Hugh Gillespie; PP1913 Jennifer Gillespie; PP1919 John Barton; PP1926 Mary Clapperton; PP1933 John Scaife; PP1940 Linda Scaife; PP1943 Kenneth Purves; PP1947 George Gray; PP1957 Nan Gray; PP1965 Colin Richardson; PP1974 Edith May Barton; PP1979 David Binnie; PP1990 Alex McLean; PP1996 George Mackay; PP2002 E Purves; PP2005 Karen Langham; PP2016 Marjory McLean; PP2024 George Barnes; PP2029 Donald Marshall; PP2033 Elizabeth Richardson; PP2044 Myra G Rodger; PP2045 Avril Thomson; PP2058 Dr Gayle Marshall; PP2062 David S M Hamilton; PP2075

Sally Couch; PP2079 Hazel Johnson; PP2082 E Hutchison; PP2090 James Hutchison; PP2097 Eskbank Amenity Society; PP2107 Karen Miller; PP2108 Colin Johnson; PP2117 Patrick Mark; PP2125 Robert Scott; PP2129 Chris Boyle; PP2137 K Palmer; PP2144 Patricia Barclay; PP2152 A F Wardrope; PP2154 Elizabeth Anderson; PP2161 Janette Evans; PP2169 Ann O'Brian; PP2176 Gail Reid; PP2183 Zoe Campbell; PP2184 Marshall Scott; PP2193 Kenneth A Hyslop; PP2203 Jan Krwawicz; PP2211 Marjorie Krwawicz; PP2221 Simon Evans; PP2223 Carolyn Millar; PP2230 Anne Murray; PP2239 Charles A Millar; PP2247 Isobel Ritchie; PP2253 Lewis Jones; PP2259 Karlyn Durrant; PP2266 John Blair; PP2272 Ross Craig; PP2278 Caroline Sneddon; PP2284 James Telfer; PP2296 Dr Kenneth McLean; PP2322 Jim Moir; PP2332 Alan Mercer; PP2340 Julia Peden; PP2349 Moira Jones; PP2357 Matthew McCreath; PP2362 W R Cunningham; PP2369 A H Cunningham; PP2374 Dr Zow-Htet; PP2382 Rae Watson; PP2388 Christina Watson; PP2409 Eskbank Amenity Society; PP2645 Lynn MacLeod; PP2646 Lorna Reid; PP2747 Sara Cormack; PP2811 Jacqueline Marsh)

Considers the Green Belt is an important and valuable constraint on urban expansion and should be retained as a key policy measure. States it should also be re-cast as the basis for a more positive approach to promotion of green spaces, not just as development-free corridors, but as areas where the aim is to encourage enhancement of the environment, creation of wildlife corridors and protection of agricultural land, and to connect these to other rural parts of Midlothian. Does not support further Green Belt deletions. (PP29 Midlothian Green Party)

Considers that the proposals map should not identify the former Monktonhall Colliery under policy ENV1 as it does not consist of prime agricultural land. (PP112 Network Rail)

Promotes land within its ownership at Shawfair for longer-term development potential, including energy/solar or waste water treatment facilities. (PP115 Network Rail)

Assumed retain current Green Belt boundaries set out in Midlothian Local Plan (2008). Do not take forward changes to Green Belt boundaries identified in the Proposed Midlothian Local Development Plan. (PP194 H Tibbetts)

Policy ENV1 – Insert a provision to enable self-catering tourist accommodation to be developed at item F as follows, “Development will not be permitted in the Green Belt except for proposals that: ... F – For tourist accommodation proposal providing they do not harm the landscape setting of Edinburgh and neighbouring settlements.” Policy VIS 2 – Delete the first bullet point under ‘Self-catering tourist accommodation’ so that the section reads as follows, “ Self-catering tourist accommodation Proposals for self-catering tourist accommodation, including touring caravan/ camping sites, will be permitted where: the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.” (PP304 Grange Estates (Newbattle) Ltd)

Delete; and preventing coalescence from 5.1.3 and from Policy ENV 1 Protection of the Green Belt. (PP312 Grange Estates (Newbattle) Ltd)

Wishes the Green Belt status removed from land in between Bonnyrigg and Eskbank/ Hardengreen, either side of the A7, south of the A6094. (PP322 Grange Estates (Newbattle) Ltd)

The plan should be revised to retain the Green Belt around Damhead as defined in the

Midlothian Local Plan 2008 and it should include a clear commitment to develop brownfield land for additional housing in advance of development on Green Belt. (PP335 Buchanan)

Seeks removal of site at western edge of Lasswade from the Green Belt. (PP427 Colin McClung)

Delete proposals to utilise Green Belt land, for housing, from the Proposed Plan. Publish the Supplementary Guidance for the Midlothian Local Development Plan before adopting it. (PP439 Eskbank & Newbattle Community Council)

Assumed no loss of Green Belt land. (PP538 Mirabelle Maslin)

Retain Polton Industrial Estate, Bonnyrigg in the Green Belt. (PP591 Esk Valley Trust)

Seeks greater protection for the Green Belt. Assumed seeks retention of all Green Belt in Midlothian, particularly retention of Polton Industrial Estate in the Green Belt. Seeks deletion of criterion E from policy ENV1. (PP619 Sarah Barron)

Assumed deletion of policy ENV1 criterion D, or at least provide details of what constitutes "essential infrastructure". Considers it essential the Local Development Plan prioritises safeguarding Green Belt and greenfield sites with detailed policies, rigorously implemented, to ensure brownfield and windfall sites are identified, recorded and developed first. (PP679 Margaret Hodge)

Seeks removal of criterion E of policy ENV1. (PP702 Lasswade District Civic Society; PP1591 Prof Andrew Barker; PP1609 Rachel Davies; PP2311 Joy Moore; PP2734 H Tibbetts; PP2801 Shiela Barker; PP2892 Dr Allan Piper)

Green Belt Assumed retention of Green Belt as a key policy measure. Re-cast Green Belt as the basis for a more positive approach to the promotion of green spaces, not just as development-free corridors, but as areas where the aim is to encourage enhancement of the environment, creation of wildlife corridors and protection of agricultural land, and to connect these to other rural parts of Midlothian. Objects to the deletion of further land from the Green Belt. (PP934 Julian Holbrook)

Green Belt - paragraph 5.1.1 Requests paragraph 5.1.1 include a statement on how the Edinburgh Green Belt Review 2008 was used to alter Green Belt boundaries and to select areas in the Green Belt for development and their respective capacities. If the recommendations have not been used, an explanation of why not is needed, given its reputable quality and cost to the tax payer. (PP979 Edinburgh and Lothian Green Network)

Requests the paragraph of text under criterion E of policy ENV1 should read as follows (a tracked change version of the requested change is contained in the submission made): 'Any development proposal (Including those at D and E) will be required to show that it does not conflict with the overall objective of the Green Belt which is to maintain the character and merit of the landscape setting of the City and Midlothian towns and the quality of life of their citizens, by clearly identifying their physical boundaries and preventing coalescence. There will be a presumption against development in all areas deemed to be sensitive, as outlined in the Proposals Map.' Further suggests the Council should consider making representations to SESplan/Scottish Government that the proposed housing land targets for Midlothian are making it increasingly difficult to comply effectively with the Midlothian Local Development Plan environmental policies. (PP980 Edinburgh and Lothian)

Green Network)

Requests a new sentence be added at the end of criterion E of policy ENV1: "In circumstances where it is demonstrated that there is a shortfall in the five year effective housing land supply, the Council will support appropriate greenfield housing proposals in accord with the provisions of SESplan policy 7 and the requirements of Scottish Planning Policy." (PP1386 Hallam Land Management)

Seeks clarification in policy ENV1 over the definition of 'essential infrastructure'. (PP1500 Anna MacWhirter; PP1511 Christina Harley)

Considers that there are substantial brownfield areas around Edinburgh which could be developed without increasing intrusion into habitats and countryside. (PP1521 Geoffrey Alderson)

Seeks strengthening of protection for Green Belt and greenfield sites and considers that brownfield sites should always be developed first. Objects to 'Essential Infrastructure' element of Policy ENV 1. (PP1667 Joan Faithfull)

Assumed deletion of criterion E from policy ENV1. (PP2734 H Tibbetts)

None stated. Assumed no development on Green Belt and greenfield land should be supported in Midlothian. (PP2740 Dr Helen Armstrong)

In the paragraph below criterion E of policy ENV1, starting "Any development proposal...", delete the final two words of the paragraph "preventing coalescence" and replace with "by protecting and providing access to open space". (PP2867 Scottish Natural Heritage)

Summary of responses (including reasons) by planning authority:

Context

To meet the development requirements of the MLDP strategy, it has been necessary to make some amendments to the Green Belt boundary in some locations.

The Green Belt has an important role in protecting the landscape setting, character and identity of the City and the settlements of Midlothian and preventing coalescence. By protecting the setting and identity of the Midlothian towns, the Green Belt has provided the additional benefit of ensuring that residents have access to the natural beauty of the countryside and the outdoor recreation value it provides. This role will be reinforced through the development of the Midlothian Green Network which will both preserve and enhance the country's rural assets and better connect the countryside with Midlothian's settlements.

To ensure the benefits of the Green Belt are safeguarded, it is important that strong controls are maintained over the remaining designated areas. Therefore, only development which accords with the acceptable Green Belt uses, as set out in Policy ENV 1, would be supported.

Summary of Responses

The Council's approach to the spatial strategy is in line with paragraphs 40 and 55 of the

[Scottish Planning Policy](#), seeking to optimise its contribution to sustainable development, including by “considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.” To meet the requirements of the strategy, it has been necessary to propose amendments to the Green Belt boundary in some locations. The importance the Council has attached to safeguarding of the Green Belt here finds particular expression in the Development Sites Assessment Technical Note (CD050), Revised Environmental Report into the Proposed Plan (CD086) and Green Belt Technical Note (CD030).

In relation to PP335, paragraph 51 of the [Scottish Planning Policy](#) notes that local development plans, in showing the detailed boundary of any green belt, should give consideration to establishing clearly identifiable visual boundary markers based on landscape features such as (inter alia) roads.

In relation to PP619, PP679, PP702, PP980, PP1500, PP1511, PP1609, PP1667, PP1667, PP2311, PP2734, PP2801 and PP2892, the Council considers its approach to Policy ENV 1 is consistent with paragraph 52 of the [Scottish Planning Policy](#), which provides support for essential infrastructure within the Green Belt; and for development meeting a national requirement or established need, if no other suitable site is available.

In relation to PP679, PP1500 and PP1511, the Council considers it appropriate for the interpretation of essential infrastructure to be left to professional judgement.

In relation to PP980, the development in the appendices referred to would not be subject to Policy ENV 1.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP194 H Tibbets; PP335 Buchanan; PP427 Colin McClung; PP439 Eskbank & Newbattle Community Council; PP538 Mirabelle Maslin; PP591 Esk Valley Trust; PP619 Sarah Barron; PP679 Margaret Hodge; PP702 Lasswade District Civic Society; PP980 Edinburgh and Lothian Green Network; PP1500 Anna MacWhirter; PP1511 Christina Harley; PP1591 Prof Andrew Barker; PP2734 H Tibbetts; 2740 Dr Helen Armstrong; PP2801 Shiela Barker; PP2892 Dr Allan Piper)

The Council’s approach to the spatial strategy is in line with paragraphs 40 and 55 of the [Scottish Planning Policy](#), seeking to optimise its contribution to sustainable development, including by “considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.” To meet the requirements of the strategy, it has been necessary to propose amendments to the Green Belt boundary in some locations. The importance the Council has attached to safeguarding of the Green Belt here finds particular expression in the Development Sites Assessment Technical Note (CD050), Revised Environmental Report into the Proposed Plan (CD086) and Green Belt Technical Note (CD030).

The Council considers its approach to Policy ENV 1 is consistent with paragraph 52 of the [Scottish Planning Policy](#), the fifth bullet of which provides for support for essential infrastructure within the Green Belt.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP1465 Anne Dale; PP1481 Anne Holland; PP1567 Andrew Thomson; PP1521 Geoffrey Alderson; PP1577

Beth Thomson; PP1633 Dawn Robertson; PP1641 Derek Robertson; PP1649 Stewart Y Marshall; PP1657 Elsie Marshall; PP1668 Stuart Davis; PP1682 John Owen; PP1684 Emma Moir; PP1697 M A Faithfull; PP1706 Marie Owen; PP1708 S M Croall; PP1719 David Miller; PP1724 R I Pryor; PP1737 Wilma Porteous; PP1742 G Palmer; PP1744 Margaret Miller; PP1751 Susan E Wright; PP1757 Wilma Sweeney; PP1771 Susan Falconer; PP1773 R A Pryor; PP1789 Michael Boyd; PP1796 Gudrun Reid; PP1799 Stuart Barnes; PP1801 Dianne Kennedy; PP1811 George Sweeney; PP1817 David A Porteous; PP1823 Colin Miller; PP1829 Gavin Boyd; PP1835 Kirsty Barnes; PP1841 Vivienne Boyd; PP1847 John F Davidson; PP1853 Eric Smith; PP1859 Annabel Smith; PP1865 Mary M Young; PP1871 James Young; PP1877 John T Cogle; PP1883 Janette D Barnes; PP1889 Jenny Davidson; PP1895 Pamela Thomson; PP1901 Kevin Davidson; PP1907 Hugh Gillespie; PP1913 Jennifer Gillespie; PP1919 John Barton; PP1926 Mary Clapperton; PP1933 John Scaife; PP1940 Linda Scaife; PP1943 Kenneth Purves; PP1947 George Gray; PP1957 Nan Gray; PP1965 Colin Richardson; PP1974 Edith May Barton; PP1979 David Binnie; PP1990 Alex McLean; PP1996 George Mackay; PP2002 E Purves; PP2005 Karen Langham; PP2016 Marjory McLean; PP2024 George Barnes; PP2029 Donald Marshall; PP2033 Elizabeth Richardson; PP2044 Myra G Rodger; PP2045 Avril Thomson; PP2058 Dr Gayle Marshall; PP2062 David S M Hamilton; PP2075 Sally Couch; PP2079 Hazel Johnson; PP2082 E Hutchison; PP2090 James Hutchison; PP2097 Eskbank Amenity Society; PP2107 Karen Miller; PP2108 Colin Johnson; PP2117 Patrick Mark; PP2125 Robert Scott; PP2129 Chris Boyle; PP2137 K Palmer; PP2144 Patricia Barclay; PP2152 A F Wardrope; PP2154 Elizabeth Anderson; PP2161 Janette Evans; PP2169 Ann O'Brian; PP2176 Gail Reid; PP2183 Zoe Campbell; PP2184 Marshall Scott; PP2193 Kenneth A Hyslop; PP2203 Jan Krwawicz; PP2211 Marjorie Krwawicz; PP2221 Simon Evans; PP2223 Carolyn Millar; PP2230 Anne Murray; PP2239 Charles A Millar; PP2247 Isobel Ritchie; PP2253 Lewis Jones; PP2259 Karlyn Durrant; PP2266 John Blair; PP2272 Ross Craig; PP2278 Caroline Sneddon; PP2284 James Telfer; PP2296 Dr Kenneth McLean; PP2322 Jim Moir; PP2332 Alan Mercer; PP2340 Julia Peden; PP2349 Moira Jones; PP2357 Matthew McCreath; PP2362 W R Cunningham; PP2369 A H Cunningham; PP2374 Dr Zow-Htet; PP2382 Rae Watson; PP2388 Christina Watson; PP2409 Eskbank Amenity Society; PP2645 Lynn MacLeod; PP2646 Lorna Reid; PP2747 Sara Cormack; PP2811 Jacqueline Marsh)

The Council considers that its conception of the Green Belt, its contribution to the development strategy, and its safeguarding through Policy ENV 1, are consistent with the [Scottish Planning Policy](#).

Any perception that the Green Belt is focussed on an 'absence of development' (PP29) is understandable given the historic and continuing weight attached in national policy to the role of green belts in "directing development to the right locations" ([Scottish Planning Policy, paragraph 49](#)); however, that paragraph and the Proposed Plan (para. 5.1.3) do acknowledge the positive role in supporting regeneration; protecting and enhancing the character, landscape setting and identity of settlements; and protecting and providing access to open space, that role to be reinforced through development of the Midlothian Green Network.

The Council considers its approach to Policy ENV 1 is consistent with paragraph 52 of the [Scottish Planning Policy](#), the fifth bullet of which provides for support for essential infrastructure within the Green Belt.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP29 Midlothian Green

Party; PP934 Julian Holbrook)

The proposals map does not identify the former Monktonhall Colliery as subject to Policy ENV 1 Green Belt or Policy ENV 4 Prime Agricultural Land. Because of this, and as no map has been submitted, the Council finds itself unable to comment on PP115. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP112, PP115 Network Rail)

This representation in relation to Policy ENV 1 is addressed adequately in the Council's response to Holder Planning's representation in respect of Policy VIS 2 Tourist Accommodation (PP213) (see Schedule 4 for Issue 9). The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP212 Holder Planning)

In the absence of any development allocation in this vicinity, retention of the Green Belt here is considered appropriate in helping maintain the settlement identities of Eskbank and Bonnyrigg. The Council considers that preventing coalescence is a legitimate objective for the Green Belt given development pressures in Midlothian. Response in relation to PP212 above also relates. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP304 Grange Estates (Newbattle) Ltd; PP312 Grange Estates (Newbattle) Ltd; PP322 Grange Estates (Newbattle) Ltd)

The Green Belt Technical Note (CD030) sets out how the LUC study referred to has been taken into account. (PP979 Edinburgh and Lothian Green Network)

The Council does not consider a policy setting out criteria for development in the Green Belt is the proper place for expressing a commitment by the Council to addressing any future shortfall in housing land supply. The Council's approach to same is set out in para. 2.3.9 of the Proposed Plan. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1386 Hallam Land Management)

Modifying Policy ENV 1 in the manner proposed would lead to confusion as to how it is to be implemented, potentially weakening its contribution to the stated objective. (PP2867 Scottish Natural Heritage)

Reporter's conclusions:

Protection of the Green Belt

1. Paragraph 50 of Scottish Planning Policy (2014) requires that, in developing a spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.
2. A number of representations express concern that the approach of the proposed plan undermines the requirements of policy ENV 1 (protection of the green belt) as a result of the level of development proposed. Issue 1 (vision, aims and objectives) and Issue 3 (requirement for new development – housing strategy) addresses these matters. I therefore find that no amendments are necessary in respect of these representations.

3. A number of representations seek a strengthening of the protection of the green belt and greenfield sites in the proposed plan and consider that brownfield sites should always be developed first. In addition to the requirements of Scottish Planning Policy set out in paragraph 1, the policy principles set out within paragraph 40 are clear that there should be consideration of the reuse or redevelopment of brownfield land before new development takes place on greenfield sites. The Midlothian Local Development Plan Main Issues Report; the accompanying Development Sites Assessment Technical Note; the Revised Environmental Report; and the Green Belt Technical Note, clearly set out the importance the council has attached to safeguarding the green belt and greenfield sites and the approach to the assessment of other sites, including those that are brownfield. Whilst I acknowledge the concerns expressed, I find that the approach accords with the requirements of Scottish Planning Policy. Therefore, no amendments are necessary in response to the representations.

4. Concern is expressed by a number of representations regarding criterion 'D' of policy ENV 1 which would allow proposals for essential infrastructure in the green belt. In addition, concern is expressed that "essential infrastructure" should be defined. Paragraph 52 of Scottish Planning Policy identifies that local development plans should describe the type and scale of development which would be appropriate within the green belt. It lists development which may be appropriate including essential infrastructure. I therefore find that the proposed approach accords with the requirements of Scottish Planning Policy; no amendments are therefore necessary. With regard to the definition of essential infrastructure, policy IMP 2 (essential infrastructure required to enable new development to take place) lists the essential infrastructure required and in addition, it is itemised in the settlement statements. As a result, I find that no amendments are necessary.

5. Representations suggest that policy ENV 1 should provide a more positive approach to the promotion of green spaces and the enhancement of the environment. Paragraph 49 of Scottish Planning Policy identifies that the green belt should support the spatial strategy by: directing development to the most appropriate locations; protecting and enhancing the character, setting and identity of a settlement; and protecting and providing access to open space. Other policies within the proposed plan, such as ENV 2 (Midlothian green network) and ENV 3 (Newbattle strategic greenspace safeguard) seek to promote and enhance access to green spaces and enhance the environment. I therefore find no amendments are necessary in response to these representations.

6. Grange Estates seek amendment to policy ENV 1 to enable the development of self-catering tourist accommodation in the green belt. This matter is addressed within Issue 9 (tourism). In addition, Grange Estates dispute that the role of the green belt includes preventing coalescence. Paragraph 4 explains the three roles of the green belt as set out within Scottish Planning Policy and this does not refer to coalescence. However, policy 12 (green belts) of the Strategic Development Plan for Edinburgh and the South East of Scotland (SESplan), which forms part of the statutory development plan, does refer to one of the purposes of the green belt being to prevent coalescence. I therefore find no amendments are necessary in response to this representation.

7. Eskbank and Newbattle Community Council request that the planned supplementary guidance should be published prior to the adoption of the proposed plan as a result of green belt being a vital constraint on urban expansion. As explained at paragraph 3 above, the approach to green belt as set out within the proposed plan has been clearly set out. I therefore find it would be unreasonable to prevent the adoption of the proposed plan until

the planned supplementary guidance has been published.

8. A number of representations request the removal of criterion 'E' from policy ENV 1 which would allow development in the green belt that meets a national requirement or established need if no other site is available. This requirement is included within paragraph 52 of Scottish Planning Policy. I find that the approach accords with the requirements of Scottish Planning Policy. Therefore, no amendments are necessary.

9. Edinburgh and Lothian Green Network request that paragraph 5.1.1 of the proposed plan is amended to explain how the Edinburgh Green Belt Review (2008) informed the proposed changes to the green belt. The Green Belt Technical Note sets out how the proposed changes have been identified. Scottish Ministers expect development plans to be concise. Consequently, I do not consider that it would be appropriate to duplicate this information in the proposed plan. I therefore find that no amendments are necessary.

10. Edinburgh and Lothian Green Network also suggest amendments to policy ENV 1 to ensure sufficient protection of the quality and purposes of the green belt. The amendment proposed refers to the need to specifically highlight criteria 'D' and 'E' and to maintain the character and merit of the landscape setting and the quality of life of their residents. In addition, that there should be a presumption against development in all areas deemed sensitive. Similarly, Scottish Natural Heritage request an amendment to policy ENV 1 to remove reference to preventing coalescence and adding reference to protecting and providing access to open space.

11. Whilst I note the concerns expressed regarding criteria 'D' and 'E', it is not necessary to specifically highlight individual criteria, as all are relevant. Paragraph 49 of Scottish Planning Policy and policy 12 of SESplan refer to the need to protect and enhance character and reference to protecting and providing access to open space. I therefore find that an amendment is required to ensure compliance with Scottish Planning Policy.

12. The reference to coalescence is addressed in paragraph 6. With regard to the request to make reference to quality of life or a presumption against development in areas deemed sensitive, neither Scottish Planning Policy nor SESplan include such a reference. Therefore, I find no amendment is required in respect of this element of the representation.

13. Hallam Land Management request that additional text is added to criterion 'E' of policy ENV 1 to address the issue of a shortfall in the five-year effective land supply. This matter is addressed in Issue 3 (requirement for new development – housing strategy).

Site specific green belt boundary amendments

14. Network Rail state that the some of the former Monktonhall Colliery site is identified as green belt and prime agricultural land and that this approach is not accurate. The proposals map clearly defines the former Monktonhall Colliery site under policy STRAT 1 (committed development) and illustrates that it forms part of the established economic land supply. It does not identify it as green belt or prime agricultural land. It is noted that a further representation has been made by Network Rail which refers to potential future development on its current land holdings near to the former Monktonhall Colliery site. This representation identifies that should development come forward in the future, it would need to address the requirements of policies ENV 1 and DEV 1 (community identity and coalescence). I therefore find that no amendments are required in respect of these representations.

15. The representation by Grange Estates that requests the removal of land at Bonnyrigg is addressed in Issue 32 (A7/A68/Borders Rail corridor strategic development area - Bonnyrigg).

16. A representation seeks an amendment to the green belt at Lasswade to allow the construction of two residential properties; the representation also states that the proposed change to the green belt would result in a stronger boundary. With regard to the current green belt boundary, as this follows School Brae, I consider that the existing boundary is strong. As identified in Issue 3 (requirement for new development) there is no need to allocate further land for housing at this time. In any case, given the scale of the proposal, this matter could be dealt with through the development management process, rather than by an amendment to the proposed plan. I therefore find that no amendment is required in respect of this representation.

17. A number of representations request the retention of the Polton Industrial Estate within the green belt. On my site visit I observed that the site comprises an established industrial estate and therefore conclude that it is not necessary to retain the land as part of the green belt. I therefore find that no amendments are required in respect of this matter.

Supportive comments

18. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Amending the second paragraph of policy ENV 1 (protection of the green belt) on page 43 to read:

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

- Direct development to the most appropriate locations and support regeneration;
- Protect and enhance the character, landscape setting and identity of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence; and
- Protect and provide access to open space.”

Issue 13	Green Network & Newbattle Strategic Greenspace Safeguard	
Development plan reference:	Protecting Our Heritage – Section 5.1 Safeguarding and Managing our Natural Environment	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>906008 PP19 Moorfoot Community Council 778339 PP30 Midlothian Green Party 778629 PP62 Scottish Wildlife Trust Lothians Group 909329 PP104 Newbattle Abbey Crescent Residents' Association 909735 PP266 Midlothian Matters 909734 PP281 Katherine Reid 778604 PP313 Grange Estates (Newbattle) Ltd 778465 PP402 K Taylor 909890 PP408 Rosebery Estates 909891 PP411 Richard Taylor 909894 PP429 Alison Bowden 909895 PP443 Paul de Roo 907464 PP588 Esk Valley Trust 907464 PP589 Esk Valley Trust 779397 PP656 Bonnyrigg and Lasswade Community Council 826479 PP981 Edinburgh & Lothians Green Belt Network 778056 PP1430 SEPA 778551 PP1528 Tynewater Community Council 778339 PP2727 Midlothian Green Party 909735 PP2728 Midlothian Matters 774360 PP2823 Buchanan 754718 PP2857 Newtongrange Community Council 754735 PP2868 Scottish Natural Heritage 754735 PP2878 Scottish Natural Heritage 909735 PP2901 Midlothian Matters 909846 PP2905 Eskbank & Newbattle Community Council 766577 PP2906 Julian Holbrook 826479 PP2907 Edinburgh & Lothians Green Belt Network</p>		
Provision of the development plan to which the issue relates:	Midlothian's Green Network, paragraphs 5.1.6 – 5.1.11, Policy ENV 2 and paragraph 5.1.12, Policy ENV3	
Planning authority's summary of the representation(s):		
<p><u>Policy ENV 2 Midlothian Green Network</u></p> <p><u>The Strategy and Components of the Green Network in the Proposed Plan</u></p> <p>Considers the approach set out in the Midlothian Local Development Plan, which focuses on identifying particular features as “green infrastructure”, risks defining the environment too narrowly and therefore limiting the protection given to it as a whole. (PP30 Midlothian Green Party, PP2905 Eskbank & Newbattle Community Council, PP2906 Julian Holbrook).</p>		

States that in a Plan with a vision prioritising economic and population growth, green networks appear like a strategy to provide only protection for a declining number of narrow corridors separating urban and suburban sprawl. Considers the notion of green networks is predicated on travel, and that while active travel is good, states it is also important to protect green areas as part of every community's living space - as backdrops for views and to allow communities to feel part of the environment. Considers travel is not necessary for green space to perform this role. If people have to experience this through travel then priorities are wrong. Communities should have their own green spaces and that people are able to appreciate the environment within their own communities. (PP30 Midlothian Green Party)

Notes that although the Green Network description in the SESplan mentions extensive tree planting, and protection of existing woodland is mentioned, there is no further expansion of this in the plan. States Midlothian does not have much woodland currently and a plan to extend natural wooded areas would enhance the environment and peoples' well being. (PP266 Midlothian Matters)

States have no specific objection to the aspiration to deliver a green network within Midlothian, however do have concerns about the inadequacy of the mapping provided, particularly in respect of Strategic Green Network Connection Number 8 "South Esk Valley Route/Dalhousie Burn" (shown on Proposed Plan Figure 5.2 Strategic Green Network). Also concerned about the lack of any significant detail upon which to comment in respect of its proposed route, funding, delivery and maintenance mechanisms in both the Proposed Plan, and in the Action Programme. State they commented at Main Issues Report stage that the mapping was inadequate and there were practical points (such as topography, agricultural tenancies, agricultural, sporting and forestry activities) regarding the delivery of these green networks which required to be discussed with the owners along the route. Further state to date, no one has picked up on their concerns or requests for dialogue. Acknowledge that there is an indication in the plan that there will be Supplementary Guidance prepared but consider there is insufficient detail on what that Supplementary Guidance will cover to comply with the Regulations. (PP408 Rosebery Estates)

Referencing a meeting on 4 June 2015 of Bonnyrigg and Lasswade Community Council, Midlothian Councillors and residents, states a number of matters were raised and attendees felt they should be considered within the body of the Local Development Plan (PP656 Bonnyrigg and Lasswade Community Council).

Critical of the lack of green network opportunities identified on Figure 5.2 Strategic Green Network of the Proposed Plan in the Tynewater Community Council area. (PP1528 Tynewater Community Council)

Considers that putting green networks at the core of development proposals would be of benefit to all including active travel provision, biodiversity and geodiversity habitat. It would also address many of the objectors concerns but would require a comprehensive revision to the proposed plan as it stands. Restoration of derelict land should be part of a green network and in the A701 corridor there is an opportunity to restore Straiton Bing linking habitats in the A701 with the Pentland Hills Regional Park. Considers that active travel provision should be part of the Green Network and would welcome the development of cycling routes on the A702, A703 and A701, a reduction of the speed limit on these roads, separation from current road traffic on these routes and better lighting to provide a network that is suitable for commuting. (PP2823 Buchanan)

Objects to the text of the identified objectives of the Climate Change theme for the Midlothian Green Network set out in Table 5.1.(paragraph 5.1.8, page 43). (PP2907 Edinburgh & Lothians Green Belt Network)

Availability of Supplementary Guidance on Green Networks and Detail/Further Information on Green Networks

Expresses concern supplementary guidance and further information on Green Networks was not available at the time of publishing the Proposed Plan. Understands supplementary guidance will be published with further information on Green Networks. Uncertain when/if the guidance has been published. (PP30 Midlothian Green Party, PP62 Scottish Wildlife Trust Lothians Group, PP1528 Tynewater Community Council, PP2823 Buchanan)

States the Scottish Wildlife Trust would be happy to be involved in production of supplementary guidance and refer to longstanding work with the Council on the development of its Local Biodiversity Site system. Consider the Midlothian Local Biodiversity Sites will form the core of the biodiversity elements of the green network. Consider the local biodiversity sites may be a convenient opportunity to link the supplementary guidance to updating the Midlothian Local Biodiversity Action Plan (LBAP). Refer to the 2006 LBAP being mentioned in the Proposed Plan, but consider the 2006 LBAP to be very out of date. State the green network supplementary guidance and an update of the LBAP could be prepared in tandem. (PP62 Scottish Wildlife Trust Lothians Group)

Advises that further clarity should be provided in the Midlothian Green Network Supplementary Guidance. (PP2868 Scottish Natural Heritage)

Concerned the Midlothian Green Network Supplementary Guidance and Nature Conservation supplementary guidance are not available, and despite the recognition of the Special Landscape Area areas, they may not be protected from development while this guidance is being prepared. Ask that the sign off (assumed to mean adoption) of the Midlothian Local Development Plan is postponed until the guidance is available and has been sighted by the Public. (PP2901 Midlothian Matters)

Text of Policy ENV 2 Midlothian Green Network

Recommends policy ENV 2 is amended to recognise that green networks comprise "green" and "blue" features. (PP1430 SEPA)

Action Programme

States SEPA is willing to be included within the "Responsibility/Involvement" for the green network supplementary guidance in the Local Development Plan Proposed Action Programme (page 13). (PP1430 SEPA)

Welcomes being identified in the Proposed Action Programme for involvement in policy ENV 2. (PP2868 Scottish Natural Heritage)

Support for Green Networks in Midlothian

Supports the identification, promotion and protection for a Midlothian Green Network forming part of the Central Scotland Green Network. (PP281 Katherine Reid, PP30

Midlothian Green Party, PP62 Scottish Wildlife Trust Lothians Group, PP266, 2901 Midlothian Matters, PP408 Rosebery Estates, PP588 Esk Valley Trust, PP656 Bonnyrigg and Lasswade Community Council, PP1430 SEPA, PP1528 Tynewater Community Council, PP2868 Scottish Natural Heritage, PP2905 Eskbank & Newbattle Community Council)

Supports the themes and objectives identified in Table 5.1 (page 43) of the Proposed Plan for a green network in Midlothian. (PP2868 Scottish Natural Heritage)

Policy ENV 3 Newbattle Strategic Greenspace Safeguard

Implementation of Policy ENV 3

Considers the southern end of the safeguarded area, which lies in the Moorfoot Community Council area, will in future be under major pressure from the Hs11 Dalhousie South and h37 Cockpen Farm housing development sites to the west and east, and the Dalhousie Business Park to the south. State it will be imperative to ensure that the wording of the policy – “strategic safeguard” is reflected in practice in the determination of future planning applications that could adversely affect the protection of this area. (PP19 Moorfoot Community Council)

Wording of Policy ENV 3

States concerns regarding the wording of policy ENV3. Considers the wording is weak and vague and that the policy implies that “ancillary development relevant to existing uses” could be granted consent. Request that for the avoidance of doubt, the policy should make it clear that further housing development at Newbattle, in particular “infill development”, will not be supported as it would be detrimental to the character of the existing parkland/open space. (PP104 Newbattle Abbey Crescent Residents' Association)

Similar points raised about the clarity and intent of the policy’s wording as PP104 Newbattle Abbey Crescent Residents' Association. (PP402 K Taylor, PP411 Richard Taylor, PP429 Alison Bowden, PP443 Paul de Roo, Esk Valley Trust PP589)

Designation of Newbattle Strategic Greenspace Safeguard

Grange Estates objects to the proposed Newbattle Strategic Greenspace Safeguard and policy ENV3. Considers the area has no particular merit other than it being largely undeveloped agricultural land and a golf course. States the site contains no nature conservation designations and is not part of a proposed Special Landscape Area. Add that the only designation affecting the site is the Newbattle Abbey Garden and Designed Landscape designation. Considers the plan contains policies for the promotion and direction of development, and in the absence of any justification to designate the land as Green Belt, the Council has invented a policy designation to provide the same protection afforded by Green Belt for land that does not merit such treatment. (PP313 Grange Estates (Newbattle) Ltd)

States paragraph 5.1.12 and policy ENV3 provide good reasons for the protection of this important green space. (PP981 Edinburgh & Lothians Green Belt Network)

The commitments of this designation could be applied elsewhere. (PP589 Esk Valley Trust)

Coalescence

Concerned about loss of village identity, and wishes coalescence be kept to a minimum. Wishes a “green separation” between Mayfield and Newtongrange and considers the proposed Newbattle Strategic Greenspace assists with this objective. (PP2857 Newtongrange Community Council)

Action Programme

Welcomes being identified in the Proposed Action Programme for involvement in policy ENV 3. (PP2878 Scottish Natural Heritage)

Support for Newbattle Strategic Greenspace Safeguard

Supports the identification of the Newbattle Strategic Greenspace Safeguard and protection of Midlothian’s environment. (PP19 Moorfoot Community Council, PP281 Katherine Reid, PP2727 Midlothian Green Party, PP104 Newbattle Abbey Crescent Residents' Association, PP402 K Taylor, PP411 Richard Taylor, PP429 Alison Bowden, PP443 Paul de Roo, PP589 Esk Valley Trust, PP2728 Midlothian Matters, PP2857 Newtongrange Community Council, PP2901 Midlothian Matters, PP2905 Eskbank & Newbattle Community Council)

Considers the Newbattle Strategic Green Space Safeguard will help to strengthen the resistance to further development in the River South Esk valley. States the safeguard shows an understanding of Newbattle Abbey Crescent as a very unusual development that needs conserving, built within the landscaped grounds of Newbattle Abbey, which is of substantial historic significance. States resident’s understanding is that the original building consent was for a very low density development to preserve the unique character of the parkland that surrounds the Abbey, in what is a designated Historic Garden/Designed Landscape. (PP429 Alison Bowden)

Support for a Long-term Country Park within Newbattle Strategic Greenspace Safeguard

Supports the long-term aspiration of a country park within the Newbattle Strategic Greenspace Safeguard as identified in the Proposed Plan. (PP402 K Taylor, PP443 Paul de Roo)

Modifications sought by those submitting representations:Policy ENV 2 Midlothian Green Network

None specified – in relation to Policy ENV 2 and paragraphs 5.1.6 – 5.1.11. (PP62 Scottish Wildlife Trust Lothians Group; PP588 Esk Valley Trust; PP2901 Midlothian Matters).

The Strategy and Components of the Green Network in the Proposed Plan

The approach set out in the Midlothian Local Development Plan should not identify particular features as “green infrastructure” and risk defining the environment too narrowly, thereby limiting the protection given to the environment as a whole. (Assumed desire for the Green Network to not just focus on particular features as "green infrastructure", but also the wider environment. (PP30 Midlothian Green Party; PP2905 Eskbank & Newbattle Community Council; PP2906 Julian Holbrook)

Considers Midlothian does not currently have much woodland. Assumed request for a plan/policy in the Local Development Plan to extend woodland coverage in Midlothian to enhance the environment and peoples' well being. (PP266 Midlothian Matters)

Requests increased linkages between strategic green network opportunities no.8 and no. 12 (identified on page 45 of the Proposed Plan) in the Bonnyrigg area. Suggests using already signed paths to connect the southern Bonnyrigg distributor road and the Penicuik/Musselburgh walking and cycling route. (PP281 Katherine Reid)

State that either, more detailed mapping of the route within the Local Development Plan of Strategic Green Network Connection Number 8 "South Esk Valley Route / Dalhousie Burn" (shown on Proposed Plan Figure 5.2 Strategic Green Network) is required, or a more definitive list of what the Supplementary Guidance will cover and who will be involved in its preparation is needed. State they would particularly like to see clarity being provided on the consultation arrangements (for the supplementary guidance), the route to be followed, who will deliver the route, how it will be funded and by whom, and how it will be maintained in the future. (PP408 Rosebery Estates)

Referencing a meeting on 4 June 2015 of Bonnyrigg and Lasswade Community Council, Midlothian Councillors and residents, states the following was raised and attendees felt they should be considered within the body of the Local Development Plan: amenity green corridors; reserving land for a rail spur around Bonnyrigg; and defined and allocated greenspace, away from road sides, for cycle paths and wildlife corridors; Also states: if site BG3 (BG3 Dalhousie South is the Main Issues Report site reference for Proposed Plan site Hs11 Dalhousie South) is built a green corridor along the B6392 should be provided to reserve space for a future railway to Rosewell to avoid compulsory purchase of properties in the "Waverlies" area - near Waverley Park in Bonnyrigg by the route of the Bonnyrigg-Penicuik former railway line footpath/cycleway; and if much of the identified development proceeds then site BG5 (Main Issues Report reference for Proposed Plan site Hs12 Hopefield Extension) should be permanently designated as agricultural land, and land for allotments; low density crofts; and small holdings. Any houses built should be tied to the productive use of the land. (PP656 Bonnyrigg and Lasswade Community Council)

Wishes more green network opportunities identified in the Tynewater Community Council area, particularly: a connection through Vogrie Country Park linking the strategic green network opportunity routes 6 and 7 identified on Figure 5.2 Strategic Green Network of the Proposed Plan; and the route from Fala to Brothersheil over Fala Moor. (PP1528 Tynewater Community Council)

Requests that the Council - prepares a proper, well thought out approach to green networks with maps and actions; extend the green network to incorporate active travel provision, in particular cycling routes on the A702, A703 and A701; revise the plan to provide a proper, spatially and topically explicit assessment of what the Council will do for conservation in the lifetime of the plan; implement a restoration plan for Straiton Bing. (PP2823 Buchanan)

Replace the two objectives of the Climate Change theme in Table 5.1 (paragraph 5.1.8, page 43) with the following text: Text of revised first bullet point becomes - "Promoting economic growth that complies with sustainable development". Text of revised second bullet point becomes - "Securing sustainable development and climate change resilience, including for the long term protection of prime agricultural land". (PP2907 Edinburgh & Lothians Green Belt Network)

Availability of Supplementary Guidance on Green Networks and Detail/Further Information on Green Networks

N/A – objection comments are addressed in the Council's response section of this Schedule 4.

Text of Policy ENV 2 Midlothian Green Network

Amend policy ENV 2 to recognise that green networks comprise "green" and "blue" features. (PP1430 SEPA)

Action Programme

SEPA is willing to be included within the "Responsibility/Involvement" for the green network supplementary guidance in the Local Development Plan Proposed Action Programme (page 13). (PP1430 SEPA)

Policy ENV 3 Newbattle Strategic Greenspace Safeguard

None specified – in relation to Policy ENV3 and paragraph 5.1.12. (PP19 Moorfoot Community Council, PP2727 Midlothian Green Party, PP2728 Midlothian Matters, PP2878 Scottish Natural Heritage)

Implementation of Policy ENV 3

This objection is addressed in the Council's Response section of this Schedule 4. (PP19 Moorfoot Community Planning)

Wording of Policy ENV 3

The policy should be amended to clarify and ensure it does not give support for planning consent for something that would not fit with the greenspace and country park goals and would be detrimental to the character of the existing parkland/open space. Policy ENV 3 should explicitly state that further housing development, and housing infill development, within the safeguarded area will not be supported. (PP104 Newbattle Abbey Crescent Residents' Association)

Support the proposed designation but seek a similar level of clarity as objector PP104 Newbattle Abbey Crescent Residents' Association. (PP402 K Taylor, PP411 Richard Taylor, PP429 Alison Bowden, PP443 Paul de Roo, Esk Valley Trust PP589)

In addition to protection of the safeguarded area "to help maintain individual community identities and provide for countryside activities " (text taken from paragraph 5.1.12 of the Proposed Plan) believes that environmental considerations should also be included, particularly in relation to flooding risks. Refers to climate change predictions of increased winter rainfall for Scotland East of up to 36% by 2080. Provides a web link to Met Office UK Climate Projections (UKCP09) -

<http://ukclimateprojections.metoffice.gov.uk/23674?emission=low> (PP411 Richard Taylor)

Designation of Newbattle Strategic Greenspace Safeguard

Delete Policy ENV 3 and the Newbattle Strategic Greenspace Safeguard from the Local

Development Plan. If that is not accepted then the boundary of the Newbattle Strategic Greenspace Safeguard should be adjusted to only include the land within the current Newbattle Abbey Garden & Designed Landscape designation (plan with objectors submission). (PP313 Grange Estates (Newbattle) Ltd)

Requests the area subject to the Newbattle Strategic Greenspace Safeguard be designated as Green Belt to give it greater protection. (PP981 Edinburgh & Lothians Green Belt Network)

The commitments of this designation could be applied elsewhere. (Esk Valley Trust PP589)

Coalescence

Wishes a green separation be maintained between Newtongrange and Mayfield, and consequently the co-location of committed housing sites h34, h35, h38 and h49 to be reconsidered. Considers that proposed Newbattle Strategic Greenspace assists with this objective (assumed to mean an extension or similar such safeguard be put in place in this location and committed housing sites h34, h35, h38 and h49 be deallocated and removed from the plan as housing sites). (PP2857 Newtongrange Community Council)

Action Programme

None specified.

Summary of responses (including reasons) by planning authority:

Context

The Strategic Development Plan [CD111, policy 11, first paragraph] requires Local Development Plans to identify opportunities to contribute to the development and extension of a Green Network.

Paragraphs 5.1.6 to 5.1.12 of the Proposed Midlothian Local Development Plan set out the Council’s approach to identifying and seeking to deliver a Midlothian Green Network. The approach is based upon work undertaken between different sections of the Council, including planning, land services and transport with Scottish Natural Heritage in 2014. Figure 5.2 identifies strategic green network connections within and between settlements in Midlothian as well as cross boundary links with adjoining local authorities. Through the Green Network the Council is seeking to achieve a range of objectives which are identified in table 5.1 on page 43 of the Proposed Plan. Improving opportunities for increased active travel (walking and cycling) and biodiversity enhancements are amongst the key themes and objectives for the Midlothian Green Network. The Council will produce supplementary guidance to provide detail of what will comprise the Midlothian Green Network. This will include mapped detail, with supporting text, identifying existing, planned and aspirational green network components. It will also provide the green network requirements for new developments. This will include giving details of the requirements for development allocations identified in the Settlement Statements of the Proposed Plan.

The supplementary guidance on green networks referred to in the Proposed Plan [CD112] at paragraph 5.1.9 and in policy ENV 2 will provide further detail on the green network for public consultation. Points raised in objections to the Proposed Plan relating to the detail of green network opportunities and the extent of the network will be noted and considered by

the Council as part of the preparation of the supplementary guidance. Details of the consultation arrangements will be made in due course when a draft supplementary guidance document is available for public consultation.

The Council has identified a long-term strategic greenspace safeguard to prevent development in an area that currently has a very important role in helping with maintaining the separate identities of a number of communities in north east Midlothian, namely Dalkeith, Eskbank, Bonnyrigg, Easthouses and Newtongrange. The strategic importance of this land in relation to the very close proximity of these communities is clearly highlighted in figure 5.3, page 46, of the Proposed Plan and when passing through this area. The Council has identified this area, with strong support received through responses to the Main Issues Report [CD043] and the Proposed Plan [CD112], in response to the significant growth facing Midlothian and the continued pressure for development on this strategically important land. The Council considers the land has a very important role in helping set recognisable departures and entries to and from different communities. This would be lost if the safeguarded land were developed.

Policy ENV 2 Midlothian Green Network

The Strategy and Components of the Green Network in the Proposed Plan

The supplementary guidance will include more detailed mapping and supporting text identifying green network opportunities and green network requirements from new development, including open space and habitat connectivity and routes for walking and cycling. It will provide details of which parts of the green network are existing or programmed for implementation or enhancements. It will also set out aspirational green network developments for which the Council considers there is benefit in pursuing but for which there is no funding or commitment to deliver at this time. This will be done on a map based basis with supporting text. Parties responsible for the delivery of the green network will be identified where possible in the supplementary guidance and in the Action Programme at the appropriate review cycle. Supplementary guidance also allows for long-term maintenance of green networks to be considered.

The Council considers this approach of identifying a green network through supplementary guidance will help more clearly identify the form of the green network and what it is. The Council also believes this approach will be beneficial in identifying what the green network requirements are from new developments and for supporting applications to external funding sources to help develop the green network in Midlothian.

The Council has focused much of the green network in and around the most densely populated parts of Midlothian. This initial work was done in collaboration with Scottish Natural Heritage and focused on identifying a green network including the development of the objectives for the Midlothian Green Network identified in table 5.1 on page 43 of the Proposed Plan. Scottish Natural Heritage supported this approach and this is set out in their response to the Proposed Plan [CD093].

While there already exist very considerable habitat networks and foot and cycle connections across Midlothian, the Council has sought to identify key locations and routes for green network development as required by Policy 11 of the Strategic Development Plan. The Council considers those routes identified are a priority, but that in no way will stop enhancements, whether for habitat or active travel improvements, in other locations in Midlothian not specifically identified in figure 5.2 coming forward and in principle being

supported and developed.

The green network identified in the Proposed Plan has many purposes, one of which is to promote active travel within and between settlements. The Council considers the focus on the locations and strategic green network opportunities identified in figure 5.2 in the Proposed Plan is key to achieving this. It will be very important that the green network provides connections from it, both for habitat and people, to all parts of Midlothian.

The Council has sought to maximise the benefit for the most number of people from green network investments. It has therefore focussed the green network in the Proposed Plan on strategic opportunities and key strategic routes. Council commitments to the whole of Midlothian remain, for example, the requirement to have a Core Paths plan for all of Midlothian.

The Midlothian Green Network in no way diverts attention or protection from the Midlothian's very considerable other environmental assets not identified in figure 5.2 of the Proposed Plan. Support for protection of the wider environment is not diminished by the development of a Midlothian Green Network. The Council considers that section 5 of the Proposed Plan provides a robust policy framework for the protection and enhancement of Midlothian's environmental and cultural assets that are not identified as part of the Midlothian Green Network shown on figure 5.2. The policy framework will apply equally to all parts of Midlothian where particular policies are relevant.

The Council envisages the green network in Midlothian developing and expanding over time through future Local Development Plans over and above that identified in this first Midlothian Local Development Plan. As expressed by the Central Scotland Green Network Trust the development of the Central Scotland Green Network is a 40 to 50 year project. This therefore allows a variety of yet unknown green network and other habitat and active travel improvements to come forward and be supported.

The Council intends the green network requirements of the Midlothian Local Development Plan to complement the plan's open space and landscaping requirements for new development. The Council sees this as an important means of securing green network enhancements and of helping create attractive environments across Midlothian. The green network seeks to reflect that people will travel between communities for a variety of reasons. One of the green networks objectives, as set out in table 5.1, page 43, of the Proposed Plan is Active Travel. The green network therefore seeks to implement measures that can help encourage where possible for this travel to be active travel means, i.e. walking and cycling.

With regard to PP266 Midlothian Matters, the Council supports in principle appropriate woodland extension in Midlothian. It continues to support the Edinburgh and Lothians Forestry Strategy 2012-2017 [CD114] and working with partners to secure its implementation where possible. The aims of that strategy include; expand the region's woodland resource; promote a high quality environment; and enhance quality of life. Table 5.1 on page 43 of the Proposed Plan under the Biodiversity theme identifies "Realising the benefits of woodland" as an objective of the Midlothian Green Network. The Council will work where it is able to support in principle appropriate woodland extension in Midlothian.

In relation to PP656 Bonnyrigg and Lasswade Community Council, the Council has safeguarded former railway lines, but without legislative and financial commitment the Council does not consider it is able to safeguard land for future railway lines where there

was no previous railway. Safeguarding land with no programme for delivery could blight land and result in a proposals being in a plan that could not be realised. The Proposed Plan sets out the Council's preferred strategy for site Hs12 Hopefield Extension, (site BG5 in the Main Issues Report-CD043). This includes a residential development with land for community food growing if appropriate. The Council does not consider low density croft and small holdings housing meet the development strategy and requirements for the plan.

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections and representations (PP281 Katherine Reid, PP408 Rosebery Estates, PP656 Bonnyrigg and Lasswade Community Council, PP1528 Tynewater Community Council, PP2823 Buchanan, PP30 Midlothian Green Party, PP2905 Eskbank & Newbattle Community Council, PP2906 Julian Holbrook, PP2907 Edinburgh & Lothians Green Belt Network, PP266 Midlothian Matters)

Availability of Supplementary Guidance on Green Networks and Detail/Further Information on Green Networks

The Council notes the offer to be involved in the production of the supplementary guidance on green networks. (PP62 Scottish Wildlife Trust Lothians Group)

The Council chose not to prepare supplementary guidance for the Proposed Plan in advance of its publication in order to prevent abortive work having been undertaken in case the Proposed Plan was subject to significant change through the Examination process, leading to the guidance having to be amended.

The Council notes Scottish Natural Heritage advice (PP2868) that further clarity should be provided in the Midlothian Green Network Supplementary Guidance on green networks in Midlothian. Further information on the content of the supplementary guidance on green networks is provided above in the Summary of Response section of this Schedule 4. (PP2868 Scottish Natural Heritage)

For this reason the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections. (PP30 Midlothian Green Party, PP62 Scottish Wildlife Trust Lothians Group, PP1528 Tynewater Community Council, PP2823 Buchanan, PP2868 Scottish Natural Heritage, PP2901 Midlothian Matters)

Text of Policy ENV 2 Midlothian Green Network

The Proposed Plan [CD112] in the accompanying text for policy ENV 2, specifically paragraph 5.1.7, sets out that green networks comprise both "green" and "blue" features. For this reason the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP1430 SEPA)

Action Programme

The Council has no issue with this request to be included within the "Responsibility/ Involvement" for the green network supplementary guidance in the Local Development Plan Action Programme. (PP1430 SEPA)

Support for Green Networks in Midlothian

The Council notes the support for the identification, promotion and protection for a

Midlothian Green Network forming part of the Central Scotland Green Network. (PP281 Katherine Reid, PP30 Midlothian Green Party, PP62 Scottish Wildlife Trust Lothians Group, PP266, PP2901 Midlothian Matters, PP408 Rosebery Estates, PP588 Esk Valley Trust, PP656 Bonnyrigg and Lasswade Community Council, PP1430 SEPA, PP1528 Tynewater Community Council, PP2868 Scottish Natural Heritage, PP2905 Eskbank & Newbattle Community Council)

The Council notes the support for the themes and objectives identified in Table 5.1 (page 43) of the Proposed Plan for a green network in Midlothian. (PP2868 Scottish Natural Heritage)

Policy ENV 3 Newbattle Strategic Greenspace Safeguard

Implementation of Policy ENV 3

The Council notes the comments made in relation to the application of the policy in the assessment of future planning applications affecting the area subject of the safeguard. Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this representation. (PP19 Moorfoot Community Council)

Wording of Policy ENV 3

The Council considers the intent and requirements of policy ENV 3 provide the clarity required for the formulation and assessment of proposals within the Newbattle Strategic Greenspace Safeguard. Policy ENV 3 covers a variety of land uses within the proposed safeguard including leisure, golf, agriculture and domestic housing, and the policy has been worded to reflect this. The Council considers the term ancillary development does not infer or provide support for new housing development. With regard to housing, the term ancillary development would typically refer to domestic alterations such as extensions, fencing and driveways. The Council as planning authority is clear on the intent of the policy, and as planning authority does not consider it could be interpreted as supporting new residential development. The Council does not consider it necessary or appropriate for development plan policies to make specific exemptions to prevent particular types of development. The Council considers all proposals require to be assessed against the whole policy framework of a development plan and that individual policies should not specify locations where housing development will not be supported.

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections (PP104 Newbattle Abbey Crescent Residents' Association, PP402 K Taylor, PP411 Richard Taylor, PP429 Alison Bowden, PP443 Paul de Roo, Esk Valley Trust PP589).

The Council considers the Proposed Plan has a robust policy framework for the assessment of environmental considerations, including flooding, in relation to development proposals. For this reason the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP411 Richard Taylor).

Designation of Newbattle Strategic Greenspace Safeguard

For the reasons identified paragraph 5.1.12 of the Proposed Plan [CD112] the Council considers the land within the Newbattle Strategic Greenspace Safeguard key to maintaining the identities of the individual communities that are adjacent to this area,

namely Dalkeith, Eskbank, Bonnyrigg, Easthouses and Newtongrange. The Council considers the land also has a very important role in helping set recognisable departures and entries to and from different communities. This would be lost if the safeguard were developed.

The Proposed Plan explains that this land is under pressure for development, and in the context of the very significant growth identified in the Proposed Plan for Midlothian, the Council considers this safeguard a very important land use planning tool to help maintain the separate identities of these communities and provide countryside activities on their doorstep. The Council considers the entire area of the designation is required for this purpose.

This designation has received strong support, particularly from local communities. This is reflected in the number of representations received in support of the designation identified in this part of the Schedule 4.

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP313 Grange Estates (Newbattle) Ltd)

The Council considers the settlement identity issues raised in its response to objection PP313 Grange Estates (Newbattle) Ltd highlight the importance of this land in a local context. The Council considers this safeguard the most appropriate mechanism for securing its future. The safeguard highlights the real focus of its role which is to help maintain community identity. If the land were designated as Green Belt and over time it could not be proved that it met ongoing requirements for designation as Green Belt, then it would likely come under pressure for removing the Green Belt designation. At that point it may be harder to resist pressure for development on the site. The proposed safeguard in the Proposed Plan would not have that potential weakness. It would be able to continue its primary role of helping maintain community identities in this part of Midlothian.

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP981 Edinburgh & Lothians Green Belt Network)

Having other such designations in Midlothian would be a matter for future development plan reviews. For this reason the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (Esk Valley Trust PP589)

Coalescence

Retention of committed housing sites (in this instance h34, h35, h38 and h49 at Newtongrange and Mayfield) is a matter also addressed in other Schedule 4s. Housing sites a h34, h35, h38 and h49 are committed housing sites in the Proposed Plan carried forward from the Midlothian Local Plan (2008) [CD054]. They are not proposed for deallocation by the Council and for return to countryside. The designation of a similar safeguard to that of the Newbattle Strategic Greenspace Safeguard in the location of sites h34, h35, h38 and h49 would therefore be a matter for future development plan reviews.

The matters relating to village identity, desire for coalescence to be kept to a minimum, and wishing green separation between Mayfield and Newtongrange are matters that need to be addressed through the detailed planning application process for these committed sites.

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP2857 Newtongrange Community Council)

Action Programme

The Council notes Scottish Natural heritage welcoming being identified in the Proposed Action Programme for involvement in policy ENV 3. (PP2878 Scottish Natural Heritage)

Support for Newbattle Strategic Greenspace Safeguard

The Council notes the support for the Newbattle Strategic Greenspace Safeguard designation in policy ENV 3. (PP19 Moorfoot Community Council, PP281 Katherine Reid, PP2727 Midlothian Green Party, PP104 Newbattle Abbey Crescent Residents' Association, PP402 K Taylor, PP411 Richard Taylor, PP429 Alison Bowden, PP443 Paul de Roo, PP589 Esk Valley Trust, PP981 Edinburgh & Lothians Green Belt Network, PP2728 Midlothian Matters, PP2857 Newtongrange Community Council, PP2901 Midlothian Matters, PP2905 Eskbank & Newbattle Community Council)

Support for a Long-term Country Park within Newbattle Strategic Greenspace Safeguard

The Council notes the support for the long-term aspiration of a potential country park within the Newbattle Strategic Greenspace Safeguard as identified in the Proposed Plan paragraph 5.1.12. (PP402 K Taylor, PP443 Paul de Roo)

Reporter's conclusions:

Midlothian Green Network

1. A number of representations express concern that the approach of the proposed local development plan of identifying particular features as “green infrastructure” risks defining the environment too narrowly and therefore limits the protection that is given to it as a whole. The glossary of Scottish Planning Policy defines green networks as “connected areas of green infrastructure and open space that together form an integrated and multi-functional network”. Both the description of the role of green networks, set out in paragraph 5.1.6 of the proposed plan, and the description of what green networks comprise, in paragraph 5.1.7, are in accordance with the definition set out within Scottish Planning Policy. Therefore, I find that the definition within the proposed plan is sufficient and would not likely be interpreted as limiting the protection given to green infrastructure. Further policies within the proposed plan address other elements of the environment, such as: ENV 7 (landscape character); ENV 10 (water environment); ENV 11 (woodland, trees and hedges); and ENV 15 (species and habitat protection and enhancement). I therefore find no modifications are necessary in response to these representations.

2. A number of representations state that the proposed plan should contain greater detail regarding the green network, with a clear spatial approach, defined actions and details of funding. In addition, further areas were suggested for allocation/action:

- extend the green network to incorporate active travel provision, such as cycling routes on the A702, A703 and A701;
- the need for a Restoration plan for Straiton Bing;
- Vogrie Country Park should be identified as a link between routes six and seven and that the Fala to Brothersheil route, over Fala Morr should be included within

the proposed plan;

- the need for increased linkages between routes eight (South Esk Valley Route/ Dalhousie Burn) and 12 (NCR196/Penicuik-Musselburgh Walkway) in the Bonnyrigg area;
- allocation of green spaces, away from road sides, such as dedicated bike paths and wildlife corridors.

3. Paragraph 5.1.9 of the proposed plan explains that it includes only the strategic green network connections, green network zones and key outdoor leisure destinations. It also explains that statutory supplementary guidance will be prepared to provide greater detail in relation to these matters. In addition, the council has confirmed that the comments raised with regard to the proposed green network would be considered through the preparation of supplementary guidance; which I consider to be an appropriate response. Paragraph 139 of Scottish Government Circular 6/2013 on 'development planning' provides a list of suitable topics for supplementary guidance including "detailed policies where the main principles are already established"; and "local policy designations that do not impact on the spatial strategy of the wider plan area". Therefore, I consider it is reasonable and appropriate for the council to prepare supplementary guidance on the green network. I find that no modifications are necessary in response to these representations.

4. A number of representations express concern that the detail of the green network proposals will be set out in supplementary guidance, which is not yet available. As a result, concern is expressed that it is impossible to review the policy and fully understand the area that has been defined. Scottish Natural Heritage advise that further clarity should be provided within supplementary guidance. In addition, Midlothian Green Party consider that the notion of green networks is predicated on travel and there is also a need for the proposed plan to protect green areas as part of every community's living space.

5. The council has confirmed that the supplementary guidance will include:

- more detailed mapping;
- supporting text which identifies green network opportunities;
- green network requirements from new developments and allocations - including open space and habitat connectivity and routes for walking and cycling;
- the identification of existing, planned and aspirational (where there is currently no funding) green network developments.

6. As explained in paragraph 3 above, Circular 6/2013 provides guidance on suitable topics for supplementary guidance. I find that it is sufficient for the council to rely on supplementary guidance rather than make amendments to the proposed plan. No modifications are therefore necessary in response to these representations.

7. Midlothian Matters request that the proposed plan includes a policy to extend woodland coverage in Midlothian to enhance the environment. Paragraph 201 of Scottish Planning Policy encourages planning authorities to prepare forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland. Paragraph 5.1.7 of the proposed plan highlights that green networks include woodland. As explained within paragraph 5, the supplementary guidance on green networks identify existing, planned and aspirational green network developments. Given the explanation within paragraph 5.1.7 of the proposed plan, it is clear that the supplementary guidance will consider the expansion of woodland. In addition, the council has explained its role in supporting the delivery of the Edinburgh and

Lothians Forestry Strategy. Consequently, I find that no modifications are required in response to this representation.

8. Edinburgh and Lothians Green Belt Network request amendments to the themes and objectives of the Midlothian Green Network, stating that the climate change theme should refer to economic growth complying with sustainable development and the long-term protection of prime agricultural land. The strategic development plan, SESPlan, supports the creation of the central Scotland green network. Paragraph 127 of SESPlan identifies that the network will deliver multiple benefits, including: assisting in mitigating and adapting to climate change; supporting sustainable economic growth; creating more health promoting environments; and improving biodiversity. As currently worded, the themes and objectives of the Midlothian green network, as defined in table 5.1 of the proposed plan, reflect both Scottish Planning Policy (see paragraph 1 above) and SESPlan. No modifications are therefore required in response to this representation.

9. The Scottish Environment Protection Agency requests an amendment to policy ENV 2 (Midlothian Green Network) to include the recognition that green networks comprise both green and blue features. Paragraph 5.1.7 of the proposed plan explains that green networks comprise both green and blue features. It is not necessary to repeat this within policy ENV 2. I therefore find no modifications are necessary in response to this representation.

10. The comments from the Scottish Environment Protection Agency regarding the Action Programme is addressed in Issue 25 (action programme).

Newbattle Strategic Greenspace Safeguard

11. A number of representations consider the wording of policy ENV 3 (Newbattle strategic greenspace safeguard) should be strengthened. Specifically, the representations request that the policy should be clear that further housing development at Newbattle, in particular infill development, will not be supported as it would be detrimental to the character of the existing parkland/open space. In addition, Mr Richard Taylor requests further modifications to strengthen the policy approach and minimise flood risk.

12. Whilst I understand the concerns expressed in the representations, paragraph 5.1.12 of the proposed plan is clear that the area is proposed to be safeguarded as a “green lung” and to ensure the expanding communities have access to countryside activities. I agree with the council that the term “ancillary development” used in policy ENV 3 is established in the planning process as something which is a subsidiary use and would not, therefore, be of detriment to the protection of the greenspace. The policy is clear that any development proposals would also be required to accord with policy RD 1 (development in the countryside), which contains clear criteria to assess development. With regard to flooding, policy ENV 9 (flooding) addresses these concerns. Consequently, I find that the wording of policy ENV 3 (and the other provisions of the plan) would be sufficient to protect the character of parkland/open space. No modifications are therefore required in response to these representations.

13. Grange Estates request that the proposed plan is modified to delete policy ENV 3 and the Newbattle Strategic Greenspace Safeguard or the boundary is reduced to only include the land within the current Newbattle Abbey Garden and Designated Landscape. Grange Estates considers that the area proposed for designation has no particular merit other than being largely undeveloped agricultural land. There is no suggestion within the proposed

plan that the area has any particular merit. As explained in paragraph 12, the purpose of the proposed designation is to safeguard the area as a green lung and to ensure the expanding communities have access to countryside activities.

14. This approach is in accordance with the requirements of paragraph 221 of Scottish Planning Policy which highlights that the planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure.

15. Similarly, Persimmon Homes (East Scotland) has also challenged the designation of the Newbattle Strategic Greenspace instead supporting the allocation of additional housing land at this location (see representation PP468 in Issue 31 of this report). In Issue 31 it is concluded that the allocation of housing land is not required or supported.

16. For these reasons, I find that no modifications are required in response to the representations from Grange Estates or Persimmon Homes (East Scotland).

17. Edinburgh and Lothians Green Belt Network suggest that the area proposed to be allocated as the Newbattle Strategic Greenspace Safeguard is designated as green belt to give it greater protection. Whilst one of the purposes of the green belt, as defined within paragraph 49 of Scottish Planning Policy, is to protect and provide access to open space, paragraph 50 also requires planning authorities, when developing a spatial strategy to review green belt boundaries. I agree with the council that the allocation as strategic greenspace safeguard provides greater longer term protection. No modification is therefore required in response to this representation.

Supportive comments

18. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

No modifications.

Issue 14	Prime Agricultural Farmland and Peat Carbon Rich Soils	
Development plan reference:	Policies ENV 4 and ENV 5 and supporting text	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
778510	PP206	Wind Prospect Developments Limited
909735	PP265	Midlothian Matters
908990	PP362	Scottish Government
921296	PP621	Sarah Barron
921821	PP680	Margaret Hodge
766577	PP939	Julian Holbrook
826479	PP982	Edinburgh & Lothians Green Belt Network
778056	PP1431	SEPA
778056	PP1432	SEPA
922078	PP1466	Anne Dale
922079	PP1482	Anne Holland
922115	PP1568	Andrew Thomson
922118	PP1578	Beth Thomson
921337	PP1634	Dawn Robertson
921342	PP1642	Derek Robertson
921686	PP1650	Stewart Y Marshall
921694	PP1658	Elsie Marshall
921630	PP1669	Joan Faithfull
921697	PP1671	Stuart Davis
921698	PP1685	John Owen
921636	PP1686	Emma Moir
921640	PP1698	M A Faithfull
929852	PP1709	Marie Owen
921644	PP1710	S M Croall
921372	PP1722	David Miller
921651	PP1726	R I Pryor
921374	PP1738	Wilma Porteous
921376	PP1745	Margaret Miller
921659	PP1752	Susan E. Wright
921727	PP1756	G Palmer
921378	PP1760	Wilma Sweeney
921732	PP1772	Susan Falconer
921663	PP1775	R A Pryor
921380	PP1790	Stuart Barnes
921669	PP1792	Michael Boyd
921742	PP1798	Gudrun Reid
921675	PP1803	Dianne Kennedy
921679	PP1812	George Sweeney
921682	PP1818	David A Porteous
921685	PP1824	Colin Miller
921382	PP1830	Gavin Boyd
921386	PP1836	Kirsty Barnes
921387	PP1842	Vivienne Boyd
921390	PP1848	John F Davidson

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921392	PP1854	Eric Smith
921395	PP1860	Annabel Smith
921397	PP1866	Mary M Young
921399	PP1872	James Young
921401	PP1878	John T Cogle
921402	PP1884	Janette D Barnes
921403	PP1890	Jenny Davidson
921404	PP1896	Pamela Thomson
921406	PP1902	Kevin Davidson
921408	PP1908	Hugh Gillespie
921410	PP1914	Jennifer Gillespie
778810	PP1920	John Barton
909886	PP1927	Mary Clapperton
921918	PP1934	John Scaife
922025	PP1941	Linda Scaife
921919	PP1948	George Gray
782000	PP1952	Kenneth Purves
921920	PP1958	Nan Gray
921925	PP1966	Colin Richardson
921414	PP1975	Edith May Barton
921929	PP1981	David Binnie
921417	PP1992	Alex McLean
921960	PP1997	George Mackay
782003	PP2006	E Purves
921962	PP2007	Karen Langham
921423	PP2017	Marjory McLean
776516	PP2025	George Barnes
783974	PP2030	Donald Marshall
921965	PP2035	Elizabeth Richardson
921425	PP2047	Myra G Rodger
921968	PP2048	Avril Thomson
921970	PP2060	Gayle Marshall
921430	PP2064	David S M Hamilton
921431	PP2076	Sally Couch
921434	PP2083	E Hutchison
921828	PP2085	Hazel Johnson
776560	PP2092	James Hutchison
754767	PP2099	Eskbank Amenity Society
921436	PP2109	Karen Miller
921999	PP2110	Colin Johnson
921658	PP2118	Patrick Mark
921437	PP2128	Robert Scott
921709	PP2131	Chris Boyle
921722	PP2138	K Palmer
921794	PP2145	Patricia Barclay
921832	PP2155	Elizabeth Anderson
921830	PP2158	A F Wardrope
921835	PP2162	Janette Evans
921888	PP2170	Ann O'Brian
921889	PP2177	Gail Reid
921893	PP2185	Zoe Campbell
921900	PP2188	Marshall Scott

921896	PP2194	Kenneth A Hyslop
922005	PP2204	Jan Krwawicz
922006	PP2212	Marjorie Krwawicz
922020	PP2222	Simon Evans
921905	PP2226	Carolyn Millar
922075	PP2231	Anne Murray
921908	PP2240	Charles A Millar
921910	PP2248	Isobel Ritchie
921914	PP2254	Lewis Jones
921915	PP2260	Karlyn Durrant
921917	PP2267	John Blair
909049	PP2273	Ross Craig
921259	PP2279	Caroline Sneddon
921439	PP2285	James Telfer
921444	PP2291	Lynn MacLeod
921443	PP2297	Kenneth McLean
921622	PP2323	Jim Moir
921616	PP2333	Alan Mercer
921599	PP2341	Julia Peden
921976	PP2350	Moira Jones
921768	PP2358	Matthew McCreath
921753	PP2363	W R Cunningham
921740	PP2370	A H Cunningham
921971	PP2375	Zow-Htet
921974	PP2383	Rae Watson
921975	PP2389	Christina Watson
922145	PP2411	Eskbank Amenity Society
921826	PP2647	Lorna Reid
909730	PP2748	Sara Cormack
Provision of the development plan to which the issue relates:	Protecting Our Heritage, 5.1.13 – 5.1.16, provide policy in relation to Prime Agricultural Land and Peat & Carbon Rich Soils	
Planning authority's summary of the representation(s):		
<p><u>Prime Agricultural Land – General</u></p> <p>Objects to the loss of prime agricultural land. Considers; there is insufficient policy protection for prime agricultural farmland, and that it is adversely affected by the scale and impact of the Proposed Plan's development strategy. (PP1634 Dawn Robertson; PP1642 Derek Robertson; PP1650 Stewart Y Marshall; PP1658 Elsie Marshall; PP1669 Joan Faithfull; PP1671 Stuart Davis; PP1685 John Owen; PP1686 Emma Moir; PP1698 M A Faithfull; PP1709 Marie Owen; PP1710 S M Croall; PP1722 David Miller; PP1726 R I Pryor; PP1738 Wilma Porteous; PP1745 Margaret Miller; PP1752 Susan E Wright; PP1756 G Palmer; PP1760 Wilma Sweeney; PP1772 Susan Falconer; PP1775 R A Pryor; PP1790 Stuart Barnes; PP1792 Michael Boyd; PP1798 Gudrun Reid; PP1803 Dianne Kennedy; PP1812 George Sweeney; PP1818 David A Porteous; PP1824 Colin Miller; PP1830 Gavin Boyd; PP1836 Kirsty Barnes; PP1842 Vivienne Boyd; PP1848 John F Davidson; PP1854 Eric Smith; PP1860 Annabel Smith; PP1866 Mary M Young; PP1872 James Young; PP1878 John T Cogle; PP1884 Janette D Barnes; PP1890 Jenny Davidson; PP1896 Pamela Thomson; PP1902 Kevin Davidson; PP1908 Hugh Gillespie; PP1914 Jennifer Gillespie PP1920 John Barton; PP1927 Mary Clapperton; PP1934 John Scaife; PP1941</p>		

Linda Scaife; PP1948 George Gray; PP1952 Kenneth Purves; PP1958 Nan Gray; PP1966 Colin Richardson; PP1975 Edith May Barton; PP1981 David Binnie; PP1992 Alex McLean; PP1997 George Mackay; PP2006 E Purves; PP2007 Karen Langham; PP2017 Marjory McLean; PP2025 George Barnes; PP2035 Elizabeth Richardson; PP2047 Myra G Rodger; PP2048 Avril Thomson; PP2060 Dr Gayle Marshall; PP2064 David S M Hamilton; PP2076 Sally Couch; PP2083 E Hutchison; PP2085 Hazel Johnson; PP2092 James Hutchison; PP2099 Eskbank Amenity Society; PP2109 Karen Miller; PP2110 Colin Johnson; PP2118 Patrick Mark; PP2128 Robert Scott; PP2131 Chris Boyle; PP2138 K Palmer; PP2145 Patricia Barclay; PP2155 Elizabeth Anderson; PP2158 A F Wardrope; PP2162 Janette Evans; PP2170 Ann O'Brian; PP2177 Gail Reid; PP2185 Zoe Campbell; PP2188 Marshall Scott; PP2194 Kenneth A Hyslop; PP2204 Jan Krwawicz; PP2212 Marjorie Krwawicz; PP2222 Simon Evans; PP2226 Carolyn Millar; PP2231 Anne Murray; PP2240 Charles A Millar; PP2248 Isobel Ritchie; PP2254 Lewis Jones; PP2260 Karlyn Durrant; PP2267 John Blair; PP2273 Ross Craig; PP2279 Caroline Sneddon; PP2285 James Telfer; PP2291 Lynn MacLeod; PP2297 Dr Kenneth McLean; PP2323 Jim Moir; PP2333 Alan Mercer; PP2341 Julia Peden; PP2350 Moira Jones; PP2358 Matthew McCreath; PP2363 W R Cunningham; PP2370 A H Cunningham; PP2375 Dr Zow-Htet; PP2383 Rae Watson; PP2389 Christina Watson; PP2411 Eskbank Amenity Society; PP2647 Lorna Reid; PP2748 Sara Cormack; PP2030 Donald Marshall; PP680 Margaret Hodge; PP1466 Anne Dale; PP1482 Anne Holland; PP1568 Andrew Thomson; PP1578 Beth Thomson)

States the Proposed Plan admits a number of the allocated sites are on prime agricultural farmland. Considers this illustrates the absence of robust policy protection for remaining agricultural landscapes. (PP1466 Anne Dale; PP1482 Anne Holland; PP1568 Andrew Thomson; PP1578 Beth Thomson)

States the Proposed Plan will seriously impact good quality farmland in Midlothian. States the Scottish Government and its agencies have good policies to protect such land but the Proposed Plan does not give adequate consideration to this national asset. States under a changing climate food security will become a serious issue, which is already apparent now. Considers good quality farmland is needed around settlements for the growing of local food, to provide accessible land based employment and training PP939 Julian Holbrook.

Paragraph 5.1.14 should be rewritten to reflect concerns that prime farmland should be given greater protection to secure potential for home grown food production in the event of forecasted adverse effects of climate change on food production. States the UK currently imports 40% of its food requirements and this significant amount should justify the application of the "precautionary principle" of sustainable development PP982 Edinburgh & Lothians Green Belt Network.

Policy ENV 4 Prime Agricultural Land

Policy ENV 4 is a positive one, but the wording of "essential infrastructure" is woolly and because it is not clearly defined, is at risk of being eroded. The proposed A701 relief road for instance will destroy much prime farmland irreplaceably. It could be argued that this road is not essential but desired. If the intention of this policy is truly to protect farmland, it needs to be strong enough to do so. (PP265 Midlothian Matters)

The first paragraph of Policy ENV 4 should be amended to reflect paragraph 80 of Scottish Planning Policy which restricts development on prime agricultural land or land of a lesser quality that is locally important. (PP362 Scottish Government)

Policy ENV 4 suggests the Council is responding to developer pressure rather protecting such a valuable and finite resource as prime agricultural farmland, which represents 25% of Midlothian's land. (PP621 Sarah Barron)

Considers criteria A and B are likely to be afforded so much weight as to render the protection of this important asset derisory. (PP982 Edinburgh & Lothians Green Belt Network)

SEPA supports policy ENV 4. States this policy can be seen as a climate change mitigation measure and it is in keeping with Midlothian Council's duties under the Climate Change (Scotland) Act 2009. Believes the protection and enhancement of soil quality and functionality will improve resilience to climate change as well as having wider environmental benefits by reducing erosion, compaction, and contamination. Considers the policy is also in keeping with Scottish Planning Policy paragraph 194 which seeks to protect soils from damage. (PP1431 SEPA)

Policy ENV 5 Peat and Carbon Rich Soils

Recommends a change to policy ENV 5 to take account of commercial scale renewable energy development (e.g. onshore wind development) and the potential for significant adverse effects to arise from it. Considers it is whether such effects from a development are acceptable or not which should be considered, and this should be assessed on a case by case basis. Recommends the introduction of the word "unacceptable" before "adverse effect" PP206 Wind Prospect Developments Limited.

Supports policy ENV 5 and the protection it provides for peat and carbon rich soils. Considers this policy can be seen as a climate change mitigation measure and it is in keeping with Midlothian Council's duties under the Climate Change (Scotland) Act 2009. States the protection and enhancement of soil quality and functionality will improve resilience to climate change as well as having wider environmental benefits by reducing erosion, compaction and contamination. Considers the policy in keeping with Scottish Planning Policy paragraphs 194 and 205. (PP1432 SEPA)

Modifications sought by those submitting representations:

Prime Agricultural Land – General

None specified. (PP2030 Donald Marshall)

Seek a more rigorous approach to protecting prime agricultural land. PP1634 Dawn Robertson; PP1642 Derek Robertson; PP1650 Stewart Y Marshall; PP1658 Elsie Marshall; PP1669 Joan Faithfull; PP1671 Stuart Davis; PP1685 John Owen; PP1686 Emma Moir; PP1698 M A Faithfull; PP1709 Marie Owen; PP1710 S M Croall; PP1722 David Miller; PP1726 R I Pryor; PP1738 Wilma Porteous; PP1745 Margaret Miller; PP1752 Susan E Wright; PP1756 G Palmer; PP1760 Wilma Sweeney; PP1772 Susan Falconer; PP1775 R A Pryor; PP1790 Stuart Barnes; PP1792 Michael Boyd; PP1798 Gudrun Reid; PP1803 Dianne Kennedy; PP1812 George Sweeney; PP1818 David A Porteous; PP1824 Colin Miller; PP1830 Gavin Boyd; PP1836 Kirsty Barnes; PP1842 Vivienne Boyd; PP1848 John F Davidson; PP1854 Eric Smith; PP1860 Annabel Smith; PP1866 Mary M Young; PP1872 James Young; PP1878 John T Cogle; PP1884 Janette D Barnes; PP1890 Jenny Davidson; PP1896 Pamela Thomson; PP1902 Kevin Davidson; PP1908 Hugh Gillespie; PP1914 Jennifer Gillespie PP1920 John Barton; PP1927 Mary Clapperton; PP1934 John Scaife;

PP1941 Linda Scaife; PP1948 George Gray; PP1952 Kenneth Purves; PP1958 Nan Gray; PP1966 Colin Richardson; PP1975 Edith May Barton; PP1981 David Binnie; PP1992 Alex McLean; PP1997 George Mackay; PP2006 E Purves; PP2007 Karen Langham; PP2017 Marjory McLean; PP2025 George Barnes; PP2035 Elizabeth Richardson; PP2047 Myra G Rodger; PP2048 Avril Thomson; PP2060 Dr Gayle Marshall; PP2064 David S M Hamilton; PP2076 Sally Couch; PP2083 E Hutchison; PP2085 Hazel Johnson; PP2092 James Hutchison; PP2099 Eskbank Amenity Society; PP2109 Karen Miller; PP2110 Colin Johnson; PP2118 Patrick Mark; PP2128 Robert Scott; PP2131 Chris Boyle; PP2138 K Palmer; PP2145 Patricia Barclay; PP2155 Elizabeth Anderson; PP2158 A F Wardrope; PP2162 Janette Evans; PP2170 Ann O'Brian; PP2177 Gail Reid; PP2185 Zoe Campbell; PP2188 Marshall Scott; PP2194 Kenneth A Hyslop; PP2204 Jan Krwawicz; PP2212 Marjorie Krwawicz; PP2222 Simon Evans; PP2226 Carolyn Millar; PP2231 Anne Murray; PP2240 Charles A Millar; PP2248 Isobel Ritchie; PP2254 Lewis Jones; PP2260 Karlyn Durrant; PP2267 John Blair; PP2273 Ross Craig; PP2279 Caroline Sneddon; PP2285 James Telfer; PP2291 Lynn MacLeod; PP2297 Dr Kenneth McLean; PP2323 Jim Moir; PP2333 Alan Mercer; PP2341 Julia Peden; PP2350 Moira Jones; PP2358 Matthew McCreath; PP2363 W R Cunningham; PP2370 A H Cunningham; PP2375 Dr Zow-Htet; PP2383 Rae Watson; PP2389 Christina Watson; PP2411 Eskbank Amenity Society; PP2647 Lorna Reid; PP2748 Sara Cormack)

Requests a halt to all new housing developments until criteria identified in her submission (PP680) to the Proposed Plan are met, including impact on infrastructure, merging of communities, loss of woodland, open space, Green Belt and agricultural land and these are discussed in a full, fair and open public consultation. (PP680 Margaret Hodge)

The Local Development Plan should incorporate policies prioritising protecting the national value of this land as a designated "Food Belt". Proposals on prime agricultural farmland should be deleted to protect this national and local food resource, outstanding landscape, and biodiversity amenity of land. (PP939 Julian Holbrook)

Amend paragraph 5.1.4 to read: "As a priority, built development should be directed to land that has previously been developed ('brownfield' land) in order to avoid the loss of agricultural land. However, given the scale of growth in South East Scotland, every effort will be made to ensure that all development occurs on such land. Nevertheless, at the present time, a number of the sites allocated in this Plan are on prime farmland, though this was taken into account in the selection of sites, balancing other factors such as Green Belt and accessibility. To ensure the precautionary principle of sustainable development is applied, these allocations will be reviewed at an appropriate time.")PP982 Edinburgh & Lothians Green Belt Network)

The Local Development Plan should adopt a more rigorous approach to protecting the national value of this land as a designated "food belt" rather than land for housing or retail. (PP1466 Anne Dale; PP1482 Anne Holland; PP1568 Andrew Thomson; PP1578 Beth Thomson)

Policy ENV 4 Prime Agricultural Land

None specified. (PP1431 SEPA; PP265 Midlothian Matters; PP621 Sarah Barron)

The first paragraph of Policy ENV 4 should be amended to read as follows: "Development will not be permitted which leads to the permanent loss of prime agricultural land (Class 1, 2 and 3.1 of the James Hutton Institute Land Classification for Agriculture system), or land

of a lesser quality that is locally important, unless : " (PP362 Scottish Government)

Requests policy ENV 4 is amended as follows: Development will not be permitted which leads to the permanent loss of prime agricultural land (Class 1, 2 and 3.1 of the James Hutton Institute Land Classification for Agriculture system), unless: A. the site is allocated as part of the development strategy of this Plan; where there is no alternative site available; and where the need for the development clearly outweighs the environmental or economic interests in retaining the farmland for productive use; and the word 'clearly' should also be included in criterion B. (PP982 Edinburgh & Lothians Green Belt Network)

Policy ENV 5 Peat and Carbon Rich Soils

None specified. (PP1432 SEPA)

Requests policy ENV 5 is reworded as follows: "Within or adjacent to ecologically significant areas protected in this Plan, peat extraction or development likely to have an unacceptable adverse effect on peatland and/ or carbon rich soils will not be supported. Elsewhere, commercial peat extraction and other development likely to have an unacceptable adverse effect on peatland and/ or carbon rich soils, will only be permitted in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. Where peat and other carbon rich soils may be affected by a proposal, an assessment of the development's effect on CO2 emissions will be required." (PP206 Wind Prospect Developments Limited)

Summary of responses (including reasons) by planning authority:

Context

The Proposed Plan acknowledges the benefits and finite nature of prime agricultural farmland, peatland and carbon rich soils. Policies ENV 4 Prime Agricultural Land and ENV 5 Peat and Carbon Rich Soils seek to protect these precious resources while still, as they must, supporting the development strategy of the plan. In preparing the Proposed Plan's development strategy to meet the development requirements for Midlothian identified in the Edinburgh and South East Scotland Strategic Development Plan (2013), the Council has had to select a suite of development sites that provide for the most sustainable strategy. There is a shortage of available suitable sites, particularly previously development sites in Midlothian that are suitable for development. This means that greenfield sites, many currently in agricultural use, will have to be used. The Proposed Plan sets out in paragraph 5.1.13 and Figure 5.4 that the prime agricultural farmland in Midlothian is concentrated around the north Midlothian settlements. Therefore settlement extensions in this area which are in closer proximity to existing services and employment opportunities than many other locations in Midlothian are more likely to affect prime agricultural farmland.

Prime Agricultural Land – General

Given the scale of development requirement identified in the Strategic Development Plan (2013) (CD111) for Midlothian, and the shortage of available brownfield land in Midlothian, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Revised Environmental Report (CD086) and development sites analysis (Main Issues Report Technical Note) (CD020) undertaken in the preparation of the Local Development Plan. As identified in CD086 and CD020 prime

agricultural farmland is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing up all of these factors is required and the Council considers the suite of sites allocated in the Proposed Plan required to meet identified strategic requirements is the best available given the restricted availability of suitable sites. Paragraph 5.1.4 of the Proposed Plan acknowledges that, where possible, the loss of agricultural land should be minimised but that given the scale of growth to be provided for, it is not possible to have all of the plan's allocations on brownfield land.

The Council considers the policy framework of the Proposed Plan provides appropriate robust protection of prime agricultural farmland that meets the requirements of [Scottish Planning Policy](#). In relation to paragraph 80 of [Scottish Planning Policy](#), which states "*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*", the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the Strategic Development Plan (CD111).

The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. In accordance with paragraph 80 of Scottish Planning Policy, the Council considers policy ENV 4 provides for robust protection of prime agricultural farmland.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP939 Julian Holbrook; PP982 Edinburgh & Lothians Green Belt Network; PP2030 Donald Marshall; PP680 Margaret Hodge; PP1466 Anne Dale; PP1482 Anne Holland; PP1568 Andrew Thomson; PP1578 Beth Thomson; PP1634 Dawn Robertson; PP1642 Derek Robertson; PP1650 Stewart Y Marshall; PP1658 Elsie Marshall; PP1669 Joan Faithfull; PP1671 Stuart Davis; PP1685 John Owen; PP1686 Emma Moir; PP1698 M A Faithfull; PP1709 Marie Owen; PP1710 S M Croall; PP1722 David Miller; PP1726 R I Pryor; PP1738 Wilma Porteous; PP1745 Margaret Miller; PP1752 Susan E Wright; PP1756 G Palmer; PP1760 Wilma Sweeney; PP1772 Susan Falconer; PP1775 R A Pryor; PP1790 Stuart Barnes; PP1792 Michael Boyd; PP1798 Gudrun Reid; PP1803 Dianne Kennedy; PP1812 George Sweeney; PP1818 David A Porteous; PP1824 Colin Miller; PP1830 Gavin Boyd; PP1836 Kirsty Barnes; PP1842 Vivienne Boyd; PP1848 John F Davidson; PP1854 Eric Smith; PP1860 Annabel Smith; PP1866 Mary M Young; PP1872 James Young; PP1878 John T Cogle; PP1884 Janette D Barnes; PP1890 Jenny Davidson; PP1896 Pamela Thomson; PP1902 Kevin Davidson; PP1908 Hugh Gillespie; PP1914 Jennifer Gillespie PP1920 John Barton; PP1927 Mary Clapperton; PP1934 John Scaife; PP1941 Linda Scaife; PP1948 George Gray; PP1952 Kenneth Purves; PP1958 Nan Gray; PP1966 Colin Richardson; PP1975 Edith May Barton; PP1981 David Binnie; PP1992 Alex McLean; PP1997 George Mackay; PP2006 E Purves; PP2007 Karen Langham; PP2017 Marjory McLean; PP2025 George Barnes; PP2035 Elizabeth Richardson; PP2047 Myra G Rodger; PP2048 Avril Thomson; PP2060 Dr Gayle Marshall; PP2064 David S M Hamilton; PP2076 Sally Couch; PP2083 E Hutchison; PP2085 Hazel Johnson; PP2092 James Hutchison; PP2099 Eskbank Amenity Society; PP2109 Karen Miller; PP2110 Colin Johnson; PP2118 Patrick Mark; PP2128 Robert Scott; PP2131 Chris Boyle; PP2138 K Palmer; PP2145 Patricia Barclay; PP2155 Elizabeth Anderson; PP2158 A F Wardrope; PP2162 Janette Evans; PP2170 Ann O'Brian;

PP2177 Gail Reid; PP2185 Zoe Campbell; PP2188 Marshall Scott; PP2194 Kenneth A Hyslop; PP2204 Jan Krwawicz; PP2212 Marjorie Krwawicz; PP2222 Simon Evans; PP2226 Carolyn Millar; PP2231 Anne Murray; PP2240 Charles A Millar; PP2248 Isobel Ritchie; PP2254 Lewis Jones; PP2260 Karlyn Durrant; PP2267 John Blair; PP2273 Ross Craig; PP2279 Caroline Sneddon; PP2285 James Telfer; PP2291 Lynn MacLeod; PP2297 Dr Kenneth McLean; PP2323 Jim Moir; PP2333 Alan Mercer; PP2341 Julia Peden; PP2350 Moira Jones; PP2358 Matthew McCreath; PP2363 W R Cunningham; PP2370 A H Cunningham; PP2375 Dr Zow-Htet; PP2383 Rae Watson; PP2389 Christina Watson; PP2411 Eskbank Amenity Society; PP2647 Lorna Reid; PP2748 Sara Cormack)

[Scottish Planning Policy](#) and the Strategic Development Plan (CD111) provide no justification for a local development plan seeking to secure use of good quality farmland around settlements for accessible land based employment and training; or for seeking to reduce 'food miles' and improve food security, through an agricultural 'food belt' or otherwise. The type of food produced on agricultural land, and where that food is consumed, falls outwith Planning control. The Council is not aware of any local 'food belts' or any reasonable prospect of having one. For these reasons, the Council considers changing the proposed development strategy to avoid conflict with a hypothetical food belt, and the suggested incorporation of a food belt policy, would not be justified. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP939 Julian Holbrook)

Policy ENV 4 Prime Agricultural Land

The Council welcomes SEPA's support on this policy. (PP1431 SEPA)

The Scottish Government has not suggested, and the Council is unclear of, what (if any) agricultural land in Midlothian is "of a lesser quality" than prime agricultural land yet "locally important". The Council considers the suggested modification would make the policy unclear and difficult to implement as it would be difficult to identify and justify what land is of "lesser quality" yet "locally important" for the assessment of a development proposal. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP362 Scottish Government)

When read in conjunction with paragraph 5.1.15 of the Proposed Plan, the Council considers Policy ENV 4 defines "essential infrastructure" sufficiently clearly. The proposed A701 relief road falls within the scope of the development strategy (identified as a component of criterion A of policy ENV 4) and not "essential infrastructure" (for the purposes of criterion B of policy ENV 4). The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP265 Midlothian Matters)

The intention of policy ENV 4 is to respond to development pressures and protect prime agricultural land in line with the development strategy of the plan. The policy intentionally provides support in principle for sites allocated on prime agricultural farmland that form part of the development strategy. The policy is more restrictive for proposals on prime agricultural land that are not on allocated sites or do not accord with the plan's development strategy. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP621 Sara Barron)

The Council does not agree that criteria A and B are likely to be afforded such weight as to

render the protection of prime agricultural farmland derisory. The Council has a requirement to allocate sites for new development. Policy ENV 4 retains a very important role, particularly in relation to proposals coming forward that are not identified as part of the Proposed Plan's development strategy, e.g. proposals not on allocated development sites. The policy will retain a very important role in the assessment of such proposals.

The Council considers the statement "every effort will be made to ensure that all development occurs on such [brownfield] land" would not best reflect the actuality of the development strategy and would read erroneously as supporting text/preamble to a plan policy. The principles identified in the objection will apply to development proposals on unallocated sites and this is reflected in the text policy ENV 4. The Council considers applying the precautionary principle to prime agricultural land loss alone would not ensure achievement of the most sustainable development pattern. There are a range of factors that require to be considered in identifying a sustainable development strategy, including accessibility and proximity to services, facilities, employment and public transport as well as landscape and topographical factors. The Council also considers referring to commitment to a review of allocations outwith the review of the Local Development Plan (in the interests of safeguarding prime agricultural land or otherwise) would lead to confusion and uncertainty which would not be supported by [Scottish Planning Policy](#).

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP982 Edinburgh & Lothians Green Belt Network)

Policy ENV 5 Peat and Carbon Rich Soils

The Council welcomes SEPA's support on this policy. (PP1432 SEPA)

Other than particular situations identified in paragraph 241 of [Scottish Planning Policy](#), the Council considers that paragraphs 205 and 241 of Scottish Planning Policy presume against any development which would damage peatland. The Council also considers that any conclusion that development affecting peat is acceptable should be reached through the planning application process, and where appropriate, taken forward as an exception to local development plan policy. The Council does not support the suggested change and therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation PP206 Wind Prospect Developments Limited.

Reporter's conclusions:

Impact of the development strategy on prime agricultural land

1. Paragraph 76 of Scottish Planning Policy (2014) identifies the need to protect against the unsustainable growth of car-based commuting in pressurised areas which are easily accessible from Scotland's cities and main towns, where on-going development pressures are likely to continue. Paragraph 76 requires development plans to make provision for most new urban development to take place within, or in planned extensions to, existing settlements.
2. Paragraph 80 of Scottish Planning Policy states that where it is necessary to use good quality land for development that the layout and design of the development should minimise the amount of such land that is required. With regard to development on prime

agricultural land, or land of lesser quality that is locally important, paragraph 80 goes on to state that it should not be permitted except where it is essential; this is defined as where development is:

- a component of a settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

3. In this context, the proposed Midlothian Local Development Plan identifies, within paragraph 5.1.14, that a number of the sites proposed to be allocated in the plan are on prime farmland. In addition, the plan explains that given the scale of growth required in South East Scotland, that it is not possible to ensure that all development takes place on previously developed (brownfield) land.

4. One of the site assessment criteria included within the council's 'Development Sites Assessment' was to avoid the loss of prime quality agricultural land. In addition, the council's Revised Environmental Report accompanying the proposed plan clearly identifies that the negative impact on soils, through the loss of prime agricultural land and greenfield land, is significant and that this is unlikely to be resolved as there are limited options available for brownfield/ non-prime agricultural sites.

5. As explained in paragraph 76, Scottish Planning Policy requires local plans to make provision for most new urban development to take place within, or in planned extensions to existing settlements. The proposed plan has followed a site assessment process that has considered, in the identification of sites, whether the scale of growth required can be delivered whilst protecting prime agricultural land and it is clear that are limited options available that would not require the loss of some prime agricultural land.

6. I find that the approach to the identification of sites in respect of seeking to protect prime agricultural land is in accordance with the Scottish Planning Policy, therefore there is no justification to amend the plan to halt or restrict housing development.

7. Matters raised by Ms Hodge above regarding the loss of agricultural land are covered elsewhere in this report including: consultation (Issue 34); infrastructure (Issues 6 and 7); merging of communities (Issues 1, 3 and 4); and loss of woodland (Issue 18), open space (Issue 13), and green belt (Issue 12). Midlothian Matters also comments on the definition of "essential infrastructure", this matter is dealt with in Issue 12 (green belt) and Issue 24 (policies IMP1-IMP5).

Prioritising brownfield sites

8. Paragraph 40 of Scottish Planning Policy requires development plans to consider the re-use or redevelopment of brownfield land before new development takes place on greenfield sites.

9. A number of representations suggest the need for policy ENV 4 (prime agricultural land) to be modified to prioritise the development of brownfield land to avoid the loss of agricultural land.

10. Policies within the proposed plan, such as STRAT 2 (windfall housing sites) and ECON 4 (economic development outwith established business and industrial sites), support proposals that re-use brownfield, vacant or derelict land as opposed to greenfield locations. This complies with the requirements of Scottish Planning Policy in providing a brownfield-first approach. Issue 1 (vision, aims and objectives) also recommends the modification of the proposed plan to “prioritise” the re-use of brownfield land. Therefore, I find that no modifications are required.

Prime agricultural land

11. The Scottish Government suggest that policy ENV 4 (prime agricultural land) should, in addition to prime agricultural land, also identify land of lesser quality that is locally important. To accord with paragraph 80 of Scottish Planning Policy (as set out above) I agree with the Scottish Government and find that the policy should also make reference to land of lesser quality that is locally important. An amendment to the policy is therefore required.

12. A number of representations state that criterion A of policy ENV 4 should be expanded to replicate criterion B to demonstrate that no alternative site is available and that the need outweighs the environmental or economic interests of retaining the farmland for productive use. As explained in paragraph 4, the sites identified to be allocated within the proposed plan have already been assessed in terms of their suitability. There is no requirement within Scottish Planning Policy that would necessitate a further assessment as that proposed. Consequently, no change is required to policy ENV 4 to address this matter.

13. A number of representations suggest that the proposed plan should designate prime agricultural land as a food belt. There is no requirement within Scottish Planning Policy for local development plans to designate prime agricultural land as a food belt rather than land for housing or retail. And, where unallocated land was promoted for development the provisions of policy ENV 4 would apply to enable the protection of prime agricultural land. I find that no amendments required in relation to this matter.

Peat and carbon rich soils

14. Paragraph 203 of Scottish Planning policy requires that planning permission should be refused where the nature or scale of the proposed development would have an unacceptable impact on the natural environment. Paragraph 205 also refers to minimising the impact of the loss of carbon dioxide from disturbance of these soils.

15. Proposed policy ENV 5 (peat and carbon rich soils) refers to “adverse effect” on peat and carbon rich soils. The term “adverse effect” implies a greater impact than that of “unacceptable effect” as promoted in national policy. To ensure the policy is in accordance with Scottish Planning Policy, I find that an amendment to this policy is required to amend the level of impact to “unacceptable effect”.

Supportive comments

16. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Adding the following text to policy ENV 4 (prime agricultural land) on page 47 between "system)," and "unless" in the first sentence of the policy:

"or land of a lesser quality that is locally important,"

2. Replacing the word "adverse" with "unacceptable" in the first and second paragraphs of policy ENV 5 (peat and carbon rich soils) on page 48.

Issue 15	Special Landscape Areas and Landscape Character	
Development plan reference:	Policies ENV 6 Special Landscape Ares and ENV 7 Landscape Character, paragraphs 5.1.18 – 5.1.21	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
778510 909735 908990 909890 921296 921296 778982 921821 922014 766577 826479 826479 778551 778551 922085 922086 921865 922145 778982 909735 909735 909801 754767 779441 754760 909222 909735	PP207 PP264 PP363 PP409 PP622 PP624 PP665 PP681 PP703 PP940 PP983 PP984 PP1532 PP1534 PP1592 PP1610 PP2312 PP2412 PP2726 PP2729 PP2730 PP2735 PP2769 PP2783 PP2802 PP2893 PP2902	Wind Prospect Developments Limited Midlothian Matters Scottish Government Rosebery Estates Sarah Barron Sarah Barron Elizabeth Quigley Margaret Hodge Lasswade District Civic Society Julian Holbrook Edinburgh & Lothians Green Belt Network Edinburgh & Lothians Green Belt Network Tynewater Community Council Tynewater Community Council Andrew Barker Rachel Davies Joy Moore Eskbank Amenity Society Elizabeth Quigley Midlothian Matters Midlothian Matters H Tibbetts Eskbank Amenity Society Jon Grounsell Shiela Barker Allan Piper Midlothian Matters
Provision of the development plan to which the issue relates:	Landscape Character and Quality (paragraphs 5.1.18 – 5.1.21). Provides the policy framework for assessing the effect of development proposals on Special Landscape Areas and the landscape character and quality of Midlothian.	
Planning authority's summary of the representation(s):		
<p><u>Policy ENV 6 Special Landscape Areas</u></p> <p><u>Use of the word “Significant” in policy ENV6</u></p> <p>Considers significant adverse effects are inevitable in the immediate and locally surrounding area to a commercial wind farm site. Believes what requires to be considered is whether such effects are deemed acceptable or not and have to be considered in the planning balance. States national policy does not preclude development of onshore wind farms within or adjacent to special landscape areas. The policy should introduce the word “unacceptable” before “significant” to allow for an objective assessment of developments to be undertaken, together with a judgement on acceptability to be undertaken by the decision</p>		

maker. (PP207 Wind Prospect Developments Limited)

Consider policy ENV 6 significantly dilutes the protection afforded to local landscape designations (termed Special Landscape Areas in the Proposed Plan) in comparison to the protection afforded to Areas of Great Landscape Value through Policy RP6 Areas of Great Landscape Value of the Midlothian Local Plan (2008). (PP622 Sarah Barron, PP703 Lasswade District Civic Society, PP1592 Andrew Barker, PP1610 Rachel Davies, PP2312 Joy Moore, PP2735 H Tibbetts, PP2802 Shiela Barker, PP2893 Allan Piper)

Requests further details on policy ENV 6, line 3. Considers the phrase: '...where they will not have a significant adverse effect on the special landscape qualities'... implies that adverse effects are acceptable. (PP983 Edinburgh & Lothians Green Belt Network)

Boundaries selected/identified for Special Landscape Areas

Pleased that the SESplan Green Network will also be implemented in Midlothian. Pleased a number of 'Areas of Great Landscape Value' have been recognised and will continue to be protected in the new Special Landscape Area designation. Notes however that some areas have been removed from this protection, mostly in and around the Green Belt to the North of Midlothian and would strenuously aim to protect any further erosion of those areas designated as Special Landscape Area. Also welcomes the proposed establishment of the Newbattle Strategic Greenspace Safeguard. (PP264, PP2729, PP2902 Midlothian Matters)

Considers Policy ENV 6 skates lightly over the seemingly significant changes in the landscape designations in much of the Tynewater area. States it is regrettable the supplementary guidance on Special Landscape Areas is not available as it apparently provides details of the 2012 review that gave rise to the changes between Areas of Great Landscape Value and Special Landscape Areas. (PP1532 Tynewater Community Council)

Objects to the approach taken to identifying Special Landscape Areas in Midlothian and considers the study (Areas of Great Landscape Value Review 2012) upon which the designations are based is flawed. Questions why some areas are afforded this designation over other areas (examples are provided in the full objection including land currently designated as AGLV and proposed as candidate Special Landscape Areas at Gladhouse Reservoir, the escarpment of the Moorfoot Hills and at Carrington Farmland). Does not consider robust boundaries for this designation have been identified, nor that the Special Landscape Areas could stand up to scrutiny. Questions why settlements, referencing Temple, are not included within a Special Landscape Area. Considers this is contrary to the "all landscapes approach" page 12 of the 2006 Scottish Natural Heritage and Historic Scotland Guidance on Local Landscape Designations. Critical that the study did not include an assessment of key views in Midlothian as was done in Edinburgh in its review of local landscape designations (examples are provided in the full objection of considered key views, including the almost continuous westward views of the Pentland Hills from the A6094 and B7026 roads in Midlothian). (PP2783 Jon Grounsell)

The Setting of Special Landscape Areas

Paragraph 196 of Scottish Planning Policy states that buffer zones should not be established around areas designated for their natural heritage importance. Applying the same considerations as for the Special Landscape Areas to development proposed for the setting of the Special Landscape Areas appears to be a form of buffer for the Special Landscape Areas. The final sentence should therefore be removed. (PP363 Scottish

Government)

Availability of Supplementary Guidance on Special Landscape Areas

Considers it regrettable the supplementary guidance on Special landscape Areas is not available as it apparently provides details of the 2012 review that gave rise to the changes between Areas of Great Landscape Value and Special Landscape Areas. (PP1532 Tynewater Community Council)

Concerned that the Midlothian Green Network and Nature Conservation Supplementary Guidance has not been published. Concerned development may take place within new Special Landscape Areas prior to publication of the supplementary guidance on this matter. (PP2730 Midlothian Matters)

Role of Special Landscape Areas in the Proposed Midlothian Local Development Plan

Considers Midlothian's very attractive landscape should have much greater prominence in promoting tourism in Midlothian. Considers much of the areas designated as Special Landscape Areas include land not subject to development pressure, and the designation seems therefore spurious. States the effect of this designation could have an adverse impact in directing development towards perfectly good high amenity landscape, in order to protect the perceived better qualities of the land designated as Special Landscape Area. States as the Special Landscape Areas are such an important driver for the whole Local Development Plan it is appalling they have been given such scant attention. (PP2783 Jon Grounsell)

Support for Proposed Special Landscape Areas

Support the exclusion of Cauldhall Moor Area of Search for Opencast Coal from being within a Special Landscape Area. (PP409 Rosebery Estates)

Supports the inclusion of Auchencorth Moss within the Pentland Hills Special Landscape Area and efforts to protect and retain this important lowland moss. Considers Auchencorth Moss a landscape of wild beauty. States its horizontal, sweeping nature creates a calm settled landscape complementing the parallel ranges of the Pentland and Moorfoot Hills. Considers human activity on the Moss has not disturbed the horizontal nature of the area and it is therefore important to continue to resist pressure to permit wind turbines on the Auchencorth Moss or its fringes since the vertical nature of these structures would destroy this landscape. (PP665, PP2726 Elizabeth Quigley)

Policy ENV 7 Landscape Character

Impact of Proposed Plan on Midlothian's Landscape Character

Consider the landscape character of Midlothian will be hugely affected by the adverse proposals put forward by the Local Development Plan, particularly between Gorebridge and Eskbank, around Melville Castle, Mavisbank and Rosewell and Carrington. (PP624 Sarah Barron)

Considers development identified in the Proposed Plan will adversely affect the existing landscape character of Midlothian. States areas of landscape value between Lasswade, Bonnyrigg and Eskbank have already been lost, and when allocated sites are developed,

Bonnyrigg and Eskbank will have coalesced except for the A7. State the Proposed Plan allocates more housing on Areas of Landscape Value. Refers to beautiful landscapes, including those at Roslin and the Pentland Hills, being lost to retail, commercial and housing development. State detailed landscape protection areas and policies with specific protection criteria and strategies should be outlined in the Local Development Plan. Consider these should be implemented rigorously in order to assure viable long term ecological sustainability of these fragile landscapes. State all areas of Landscape Value designation should be withdrawn from the Local Development Plan in order to protect the landscape amenity of the County and villages. (PP681 Margaret Hodge, PP2412 Eskbank Amenity Society, PP940 Julian Holbrook, PP2769 Eskbank Amenity Society)

Refers to the Proposed Plan allocating land for housing 20% more than the SESplan requirement. Considers housing sites Hs2 and Hs3 should be deleted to prevent coalescence, protect Green Belt and prevent increased traffic congestion on the road network. (PP681 Margaret Hodge, PP2412 Eskbank Amenity Society)

Wording of policy ENV 7 Landscape Character

Remove the words "significantly and" from the first sentence of policy ENV 7. (PP984 Edinburgh & Lothians Green Belt Network)

Application of policy ENV 7 Landscape Character

Further guidance is required for the interpretation and application of this policy, including further details on lines 1 and 2 of the policy. (PP984 Edinburgh & Lothians Green Belt Network, PP1534 Tynecwater Community Council)

Modifications sought by those submitting representations:

Policy ENV 6 Special Landscape Areas

None specified. (PP409 Rosebery Estates, PP665, PP2726 Elizabeth Quigley, PP2783 Jon Grounsell and PP1532 Tynecwater Community Council)

Use of the word "Significant" in policy ENV 6

Requests policy ENV 6 is worded as follows to reflect Wind Prospect Developments Ltd objection to the policy: "*Development proposals within Special Landscape Areas will only be permitted where they incorporate high standards of siting and design and where they will not have an unacceptable significant adverse effect on the special landscape qualities of the area. Developments affecting the setting of Special Landscape Areas will be subject to the same considerations.*" (PP207 Wind Prospect Developments Limited)

Delete the words "a significant" in line three of policy ENV 6 and replace with "an". Replace policy ENV 6 Special Landscape Areas in the Proposed Midlothian Local Development Plan (2014) with policy RP 6 Areas of Great Landscape Value from the adopted Midlothian Local Plan (2008). (PP622 Sarah Barron, PP703 Lasswade District Civic Society, PP983 Edinburgh & Lothians Green Belt Network, PP1592 Andrew Barker, PP1610 Rachel Davies, PP2312 Joy Moore, PP2735 H Tibbetts, PP2802 Shiela Barker, PP2893 Allan Piper)

Requests further details on policy ENV 6 line 3. Considers the phrase: '....where they will

not have a significant adverse effect on the special landscape qualities'... implies that adverse effects are acceptable. (PP983 Edinburgh & Lothians Green Belt Network)

Boundaries selected/identified for Special Landscape Areas

Seeks strong protection for Special Landscape Areas and for no future removal of the designation from land in Midlothian. (PP2729 Midlothian Matters, PP2783 Jon Grounsell)

The Setting of Special Landscape Areas

The final sentence of Policy ENV6 should be removed to reflect Scottish Planning Policy, so that it reads as follows: "Development proposals within Special Landscape Areas will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the special landscape qualities of the area" (PP363 Scottish Government)

Availability of Supplementary Guidance on Special Landscape Areas

Asks that the sign off (assumed to mean adoption) of the Midlothian Local Development Plan is postponed until the supplementary guidance is available and has been sighted by the Public. (PP264, PP2902, PP2730 Midlothian Matters)

Policy ENV 7 Landscape Character

None specified. (PP624 Sarah Barron)

Impact of Proposed Plan on Midlothian's Landscape Character

State detailed landscape protection areas and policies with specific protection criteria and strategies should be outlined in the Local Development Plan. Consider these should be implemented rigorously in order to assure viable long term ecological sustainability of these fragile landscapes. State all areas of Landscape Value designation should be withdrawn from the Local Development Plan in order to protect the landscape amenity of the County and villages. (PP681 Margaret Hodge, PP940 Julian Holbrook, PP2412, PP2769 Eskbank Amenity Society)

Wording of policy ENV 7 Landscape Character

Remove the words "significantly and" from the first sentence of policy ENV 7. (PP984 Edinburgh & Lothians Green Belt Network)

Application of policy ENV 7 Landscape Character

Further guidance is required for the interpretation and application of this policy, including further details on lines 1 and 2 of the policy. (Edinburgh & Lothians Green Belt Network, PP1534 Tynewater Community Council)

Summary of responses (including reasons) by planning authority:

Context

Policies ENV 6 Special Landscape Areas, ENV 7 Landscape Character and supporting text

in paragraphs 5.1.17 – 5.1.21 of the Proposed Plan provide the policy framework for the assessment of proposals affecting Midlothian’s Special Landscape Areas and wider landscape character. The Proposed Plan sets out that supplementary guidance will be produced to provide further details on the consideration of the characteristics and qualities of Special Landscape Areas that should be taken into account in the formulation and assessment of proposals with potential to affect them. These points will be addressed in the Statements of Importance for each candidate Special Landscape Area that will be included in the supplementary guidance.

In 2012 the Council appointed an independent landscape architect, Carol Anderson, to undertake a review of the Midlothian Areas of Great Landscape Value (AGLV). The purpose of the review was to identify the extent to which the designated AGLVs in Midlothian complied with relevant national guidance, namely the Scottish Natural Heritage and Historic Scotland prepared Guidance on Local Landscape Designations (2006) [CD031]. Carol Anderson is a landscape architect with considerable experience in the review of landscape designations and the consideration and application of the 2006 Guidance on Local Landscape Designations. The Council considers the 2012 Areas of Great Landscape Value is compliant with Scottish Planning Policy ([Scottish Planning Policy](#)) and the 2006 guidance.

The Midlothian AGLV Review 2012 forms part of the Main Issues Report Landscape Technical Note 2013 [CD051 Appendix 2] and informed the production of the Midlothian Local Development Plan Main Issues Report [CD043]. The Main Issues Report was subject to public consultation in 2013 and the Landscape Technical Note 2013 was available for comment as part of that consultation.

The 2012 study has been endorsed by Scottish Natural Heritage [CD094 Annex 1-29] in their response on the Main Issues Report. In its response to the Proposed Midlothian Local Development Plan (2014) [CD093], Scottish Natural Heritage made no comment or suggested any changes to the Landscape Character and Quality sections of the Proposed Plan (paragraphs 5.1.17 – 5.1.21), including policies ENV 6 and ENV 7.

Policy ENV 6 Special Landscape Areas

Use of the word “Significant” in policy ENV 6

The Council considers the test within policy ENV 6 meets and accords with the requirements of Scottish Planning Policy ([Scottish Planning Policy](#)) for natural environment designations set out in paragraphs 196-197 of that document. The Council submits that the wording of the policy represents the balance between development and the level of protection sought by Scottish Planning Policy.

The Council also considers that the policy accords with the gradation of protection required by Scottish Planning Policy between international, national and local nature natural environment designations. The Council believes the level of test in policy ENV 6 is sufficiently robust and takes the position of Scottish Planning Policy paragraph 203, of supporting refusal of developments that would have an unacceptable impact on the natural environment. Policy ENV 6 requires high quality new developments in locations that affect Special Landscape Areas.

A Special Landscape Area is a local designation, a local landscape designation. The final sentence of paragraph 196 of Scottish Planning Policy is clear that the level of protection

given to local designations should not be as high as that given to international or national designations. Paragraphs 207 and 208 in relation to Natura 2000 sites, and paragraph 212 in relation to national natural environment designations, of Scottish Planning Policy, set out the level of protection that should be afforded to these types of designations. For Natura 2000 sites the Scottish Planning Policy test of whether a proposal should be approved relates to there being no adverse effect on the integrity of the site. For national designations the test for the assessment for a proposal is identified as still being very strong in Scottish Planning Policy, but less stringent than for international designations. For national designations paragraph 212 sets out the test on whether a proposal should be permitted includes whether any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

The Council considers the wording of policy ENV 6 accords and is compliant with the requirements set out in Scottish Planning Policy (final sentence of paragraph 196) for the assessment of proposals affecting a local landscape designation. The Council considers the removal of the word “significant” before the word “adverse” in policy ENV 6 would make the policy inconsistent with the level of test required by Scottish Planning Policy for local landscape designations. The Council considers removal of the word “significant” would in effect make the test of the policy the same level as that for an international or national designation set out in paragraphs 207-212 of Scottish Planning Policy, and would not be in accordance with Scottish Planning Policy.

The Landscape Character and Quality sections (paragraphs 5.1.17 – 5.1.21) of the Proposed Plan, and the other parts of chapter 5 (Protecting Our Heritage), set out how important landscape is to Midlothian’s high quality and character as a place. This is reflected in over 50% of Midlothian being covered by a landscape protection designation, highlighted by Figure 5.5 Special Landscape Areas of the Proposed Plan.

The commissioning of the 2012 Midlothian Areas of Great Landscape Value review included a requirement for the consultant to review policies RP6 Areas of Great Landscape Value and RP7 Landscape Character of the Midlothian Local Plan (2008) and to provide a view to the Council on whether these policies remain fit for purpose, and how, if considered appropriate and/or necessary, they might be amended to take account of the Scottish Natural Heritage and Historic Scotland Guidance on Local Landscape Designations (2006) [CD031].

The consultant’s (Carol Anderson) view on the wording of policy RP6 Areas of Great Landscape Value of the Midlothian Local Plan (2008) is set out in the Conclusion (section 8, paragraphs 8.3 and 8.4) of the 2012 Midlothian Areas of Great Landscape Value Review [CD004 Appendix 2]. The consultant’s view and recommended changes are reflected in policy ENV 6 Special Landscape Areas of the Proposed Midlothian Local Development Plan (2014).

The Council considers the wording of policy ENV 6 accords with the guidance set out in the “Developing planning policies”, section 5-5, page 24 of the Scottish Natural Heritage and Historic Scotland 2006 guidance [CD031]. In section 5-5, specifically in relation to developing development plan policy, it states:

“Development should therefore generally only be permitted within a local landscape designation when it will not have significant adverse impacts on the special character or qualities of the landscape area...”

The Council considers this position and wording is reflected in policy ENV 6.

In its response to the Proposed Midlothian Local Development Plan (2014) [CD093], Scottish Natural Heritage made no comment or suggested any changes to the Landscape Character and Quality sections of the Proposed Plan (paragraphs 5.1.17 – 5.1.21), including policies ENV 6 and ENV 7.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP207 Wind Prospect Developments Limited, PP622 Sarah Barron, PP703 Lasswade District Civic Society, PP1592 Andrew Barker, PP1610 Rachel Davies, PP2312 Joy Moore, PP2735 H Tibbetts, PP2802 Shiela Barker, PP2893 Allan Piper, PP983 Edinburgh & Lothians Green Belt Network)

Boundaries selected/identified for Special Landscape Areas

As stated in the Context part of the Summary of Responses by the planning authority of this schedule 4, in 2012 the Council appointed an independent landscape architect, Carol Anderson, to undertake a review of the Midlothian Areas of Great Landscape Value.

The 2012 review, in line with the 2006 guidance, identified candidate Special Landscape Areas to replace the Areas of Great Landscape Value. The candidate Special Landscape Areas included boundary changes to the Areas of Great Landscape Value recommended by the appointed consultant. The consultants brief for the work [CD053] at paragraph 4.3 sets out that the Council asked the consultant to consider whether areas not currently designated as Area of Great Landscape Value, as identified in the Midlothian Local Plan (2008), merit designation as a Special Landscape Area. This was done and candidate Special Landscape Areas were identified in the published 2012 Area of Great Landscape Value review [CD004 Appendix 2]. The existing Areas of Great Landscape Value and the candidate Special Landscape Areas identified in the 2012 Review were identified on page 99 of the Main Issues Report [CD043] and also in Appendix 3 of the Landscape Technical Note prepared for the Main Issues Report [CD051].

Scottish Natural Heritage was involved in a partnership capacity with the review. They provided a grant to Midlothian Council of 37.5% of the total cost of the 2012 study. They provided assistance with the preparation of the brief for the work and with consideration of possible consultants to appoint to undertake the work.

The Council considers the 2012 Areas of Great Landscape Value review was a robust and very strong piece of work consistent with national policy ([Scottish Planning Policy](#)) and guidance on local landscape designations [CD004]. Scottish Natural Heritage, in its consultation response on the Main Issues Report, stated it supported the definition and extent of the candidate Special Landscape Areas and that their selection and assessment was based upon a robust process [CD094 Annex 1-29].

Following the consideration of the consultation responses received on the Main Issues Report in 2013 regarding the candidate Special Landscape Areas, the Council made changes to the boundaries of two of the candidate Special Landscape Areas. These two changes between the candidate Special Landscape Areas identified in the Main Issues Report and Proposed Plan are identified on the map [CD069]. They are changes are in the:

- Fala Rolling Farmland and Policies candidate Special Landscape Area: south

- eastern Midlothian, near Fala village, on the west side of the A68 road; and
- South Esk Valley and Carrington Farmland candidate Special Landscape Area: central Midlothian, south of Rosewell.

The Council considers it has identified Special Landscape Areas in the Proposed Plan that meet the requirements of the 2006 guidelines [CD032] and Scottish Planning Policy for designation. In its response to the Proposed Midlothian Local Development Plan (2014) [CD093], Scottish Natural Heritage made no comment or suggested any changes to the Landscape Character and Quality sections of the Proposed Plan (paragraphs 5.1.17 – 5.1.21), including policies ENV 6 and ENV 7.

Future protection of Special Landscape Areas from development will be a decision for the Council as planning authority in its application of the development plan policy framework. The strong importance of Midlothian's landscape is reinforced in the supporting text of the Local Development Plan. Future removal or addition of the land designated as Special Landscape Area will be a matter for the Council to consider in line with future reviews of the Local Development Plan and/or any policy directives.

No settlements with a boundary identified in the Proposed Plan have been included within a Special Landscape Area. The Council does not consider it appropriate to include settlements within a Special Landscape Area as this would represent an inappropriate conflict and duplication of policies covering a settlement. Scottish Planning Policy on page 9 sets out under the headline "Policy Principles" that it introduces a presumption in favour of development that contributes to sustainable development. Subject to detailed consideration of a proposal, the Proposed Plan through policy DEV 2 is consistent with this broad principle in respect of development within settlement boundaries identified in the plan. However, the Proposed Plan does not have such a presumption in favour of development outside of settlement boundaries in designated countryside. The Special Landscape Areas are located within designated countryside and, given their status, the Council would not wish to introduce this same presumption within Special Landscape Area boundaries or the countryside. The Council considers that such a change to the policy may result in a situation where support in principle could be given for a development within a Special Landscape Area in a settlement, but not within the countryside. The Council submits that such a scenario would diminish the status of the local landscape designation and that dual position would be an unsatisfactory position to be in. The Council considers the Proposed Plan contains relevant and appropriate policies, particularly policy DEV 2, for considering the impact of proposals within settlement boundaries. Depending on the circumstances and the settlement, policies ENV 6 and ENV 7 and their requirements may also still be relevant to the assessment of a proposal.

With respect to the identification of key views, the Council does not consider it appropriate to compare a local landscape designation review undertaken in Edinburgh with the one undertaken in 2012 in Midlothian. The expanse of countryside and potential number and range of views in Midlothian would have made selection of viewpoints difficult. The Statements of Importance in the 2012 Review [CD004 Appendix 2] set out the important features of the candidate Special Landscape Areas and factors to be taken into account in the preparation and assessment of proposals in these locations. Instead of identifying key views, the Council considers it would be more appropriate and effective to consider the visual impact of proposals on an individual basis in accordance with the Local Development Plan. The Statements of Importance will be included within the supplementary guidance.

The Council therefore requests that the Reporter(s) make no change to the Midlothian

Local Development Plan in respect of these representations. (PP264, PP2729, PP2729 and PP2902 Midlothian Matters, PP1532 Tynewater Community Council, PP2783 Jon Grounsell)

The Setting of Special Landscape Areas

The Council considers it necessary and very appropriate to include the final sentence of policy ENV 6. The policy in its proposed form allows for the impact of development proposals, which may be located outside Special Landscape Area, to be considered in terms of potential impact on the integrity of the designation or features that support its designation. The final sentence does not represent a buffer in terms of development not being supported in such locations, but that the impact of proposals should be given due consideration. The final sentence reflects that the qualities of a Special Landscape Area will not stop at a boundary identified on a plan, and that a Special Landscape Area may be affected by development outside of its boundaries.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP363 Scottish Government)

Availability of Supplementary Guidance on Special Landscape Areas

The Proposed Plan sets out what will be included in the Supplementary Guidance. The Schedule 4 Outstanding Issue 34 General Matters addresses the publication of Supplementary Guidance. (PP1532 Tynewater Community Council, PP2730 Midlothian Matters)

Role of Special Landscape Areas in the Proposed Midlothian Local Development Plan

The Proposed Plan provides the policy framework for the assessment of development proposals in Midlothian. It has to include a very wide variety of topic areas, including Special Landscape Areas. The Council does not consider Special Landscape Areas have been given scant attention. The Council has sought to prepare a more concise policy framework for the Local Development Plan in accordance with Planning reform from 2006 onward. The Council acknowledges that Midlothian's landscape plays a very important part of the tourism work undertaken by the Council's Economic Development section and considers the proposed policy framework will help protect this asset for this purpose. The Council considers the natural heritage sections of the Proposed Plan highlight the significance and relevance of Midlothian's landscape.

The Proposed Plan has identified Special Landscape Areas based upon the 2012 Areas of Great Landscape Value review undertaken by the Council. Scottish Natural Heritage, in its consultation response on the Main Issues Report [CD094 Annex 1-29], stated it supported the definition and extent of the candidate Special Landscape Areas and that their selection and assessment was based upon a robust process. The Council considers the Proposed Plan identifies robust and credible Special Landscape Areas based upon the 2006 national guidance [CD031] and Scottish Planning Policy. In its response to the Proposed Midlothian Local Development Plan (2014) [CD093], Scottish Natural Heritage made no comment or suggested any changes to the Landscape Character and Quality sections of the Proposed Plan (paragraphs 5.1.17 – 5.1.21), including policies ENV 6 and ENV 7.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP2783 Jon Grounsell)

Policy ENV 7 Landscape CharacterImpact of Proposed Plan on Midlothian's Landscape Character

The Development Sites Assessment Technical Note [CD020] sets out the information that informed and was raised as part of the site selection process for the Proposed Plan's development strategy. The Development Sites Assessment Technical Note sets out that landscape and landscape impact criteria were part of a range of factors considered in the assessment of development sites.

The Development Sites Assessment Technical Note sets out the landscape issues that should be taken into account in the development of sites. The Local Development Plan sets out the policy framework against which sites allocated in the plan will require to be assessed, including those relating to design and landscape. The Schedule 4 Outstanding Issue 3 Requirement for New Development – Housing Strategy addresses the scale of growth and development strategy identified in the Proposed Plan.

The Council therefore requests that the Reporter(s) makes no change to the Midlothian Local Development Plan in respect of these representations. (PP624 Sarah Barron, PP681 Margaret Hodge, PP2412, PP2769 Eskbank Amenity Society, PP940 Julian Holbrook)

Wording of policy ENV 7 Landscape Character

The Council considers the requirements of policy ENV 7 are fully in line with the position of Scottish Planning Policy ([Scottish Planning Policy](#)), paragraph 203, in respect of supporting refusal of developments that would have an unacceptable impact on the natural environment. The Council considers an unacceptable development would fail the tests of policy ENV 7. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP984 Edinburgh & Lothians Green Belt Network)

Application of policy ENV 7

The policy is to be applied Midlothian wide and is intended to also provide landscape protection for areas not within a Special Landscape Area. The Council considers there are large areas outside proposed Special Landscape Areas in Midlothian that are important high quality attractive landscapes. Policy ENV 7 is intended to ensure this matter is properly considered in the assessment of development proposals. While these areas may not have merited designation as a Special Landscape Area, the Council is of the opinion they should still be afforded due consideration. The Council does not consider further guidance is required on this policy and that it (the policy, ENV 7) provides sufficiently clear guidance for the formulation and assessment of development proposals.

The Council therefore requests that the Reporter(s) makes no change to the Midlothian Local Development Plan in respect of these representations. (PP984 Edinburgh & Lothians Green Belt Network, PP1534 Tynewater Community Council)

Reporter's conclusions:Special landscape areas

1. Paragraph 196 of Scottish Planning Policy (2014) requires that international, national

and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans; and that buffer zones should not be established around areas designated for their natural heritage importance. With regard to local designations, the paragraph further states that the reasons for local designations should be clearly explained and the level of protection given to them should not be as high as that given to international or national designations.

2. With regard to making decisions on planning applications, paragraph 203 of Scottish Planning Policy states that “planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment”.

3. In this context, a representation has expressed concern that proposed local development plan policy ENV 6 (special landscape areas) does not comply with Scottish Planning Policy as a result of the inclusion of the word ‘significant’ in terms of the degree of impact on any special landscape qualities. To ensure consistency with Scottish Planning Policy, I agree that the policy should be amended to refer to ‘unacceptable’, rather than ‘significant’, impacts.

4. A number of representations have expressed concern that policy ENV 6 significantly dilutes the level of protection afforded to local landscape designations in the current Midlothian Local Plan (2008). Whilst these concerns are noted, the current local plan was prepared prior to Scottish Planning Policy (2014). Subject to the proposed modifications to policy ENV 6, I find that policy ENV 6 accords with the provisions of Scottish Planning Policy and affords adequate protection to local landscape designations. No amendments are therefore necessary in respect of these representations.

5. The Midlothian local development plan main issues report and the accompanying landscape technical note clearly set out the reasons for the proposed special landscape areas. It is noted that Scottish Natural Heritage supported the approach taken by the council and that changes were made to the boundaries of the special landscape areas following consultation. Whilst I acknowledge the concerns expressed in a number of representations regarding the approach taken to the identification of special landscape areas and the areas proposed to be allocated, I find that the proposed special landscape areas accord with the requirements of Scottish Planning Policy, as well as the Scottish Natural Heritage and Historic Scotland guidance on local landscape designations (published in 2006). Therefore, no amendments are necessary.

6. The Scottish Government state that policy ENV 6 appears to include a form of buffer for the special landscape areas, which is not in accordance with the requirements of Scottish Planning Policy. I note that ENV 6 does not allocate a buffer zone around special landscape areas but refers to impact on “setting”. There is no need for the proposed policy to directly state “setting” as this implies a buffer zone. However, I find it appropriate that as part of the assessment of a development proposal outside a special landscape area, that the impact of that development on the special landscape area is assessed. Therefore, in order to ensure this requirement is clear I find amendment is required to both the policy and supporting text.

7. Tynewater Community Council raise concern that the special landscape areas supplementary guidance is not available, therefore neither are the details of the 2012 review that resulted in the changes between the current areas of great landscape value and special landscape areas. As explained in paragraph 5 above, these changes were

described in both the main issues report and the accompanying landscape technical note. I therefore find that no amendment is necessary in respect of this representation.

8. The concern raised by Midlothian Matters regarding supplementary guidance for the Midlothian green network and nature conservation is dealt with in Issue 34 (process, consultation ect).

9. A representation considers that the special landscape areas are an important driver for the whole local development plan and is concerned that they have been given little attention, for example in respect of tourism. Whilst I acknowledge these concerns, I find that no amendments are required to the proposed plan in response to this representation. The Midlothian local development plan must be read as a whole and there are a number of policies within the proposed plan that address these issues, including VIS 1 (tourist attractions), ENV 6 (special landscape areas), ENV 7 and (landscape character).

Landscape character

10. A number of representations express concern that the level of development identified within the proposed plan will impact on the landscape character of Midlothian, highlighting, in particular, sites, Hs2 (Larkfield West, Eskbank) and Hs3 (Larkfield South West, Eskbank). In addition, concern is also expressed with regard to coalescence. Sites Hs2 and Hs3 are dealt with in Issue 31 (A7/A68/Borders Rail corridor – other settlements) and the matter of coalescence is dealt with in Issue 4 (open space, design and coalescence).

11. Whilst I acknowledge the concerns regarding the impact of the proposed development on the landscape, paragraph 194 of Scottish Planning Policy is clear that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character. It does not prevent all development that will impact on landscape character. The council's development sites assessment clearly identifies that as part of the allocation of sites the council considered landscape impacts. In addition, land allocations within the proposed plan identify where landscape mitigation is required as part of subsequent development proposals. I therefore find that no amendments are necessary in respect of these representations.

12. The Edinburgh and Lothians Green Belt Network request that the word 'significantly' is removed from policy ENV 7 (landscape character). As explained in paragraph 2, paragraph 203 of Scottish Planning Policy states that planning permission should be refused where the nature or scale of proposed development would have an "unacceptable" impact on the natural environment. I therefore find that an amendment is required to ensure policy ENV 7 accords with Scottish Planning Policy.

13. A number of representations identify the need for guidance on the interpretation and application of policy ENV 7. Paragraph 5.1.21 of the proposed plan explains that many parts of Midlothian have a diverse and distinctive landscape, both within and outside special landscape areas. It goes on to explain that the purpose of the policy is to give protection to these other landscapes and to encourage sensitive landscape planning and management. I do not consider further guidance is needed and therefore do not propose an amendment in response to these representations.

Supportive comments

14. The examination of development plans is restricted to matters raised in unresolved

representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Replacing the text "a significant adverse effect" from policy ENV 6 (special landscape areas) on page 49 with "an unacceptable impact".
2. Replacing the word "within" from the first sentence of policy ENV 6 (special landscape areas) on page 49 with "affecting".
3. Deleting the final sentence from policy ENV 6 (special landscape areas) on page 49.
4. Replacing the second sentence of paragraph 5.1.17 on page 48 with:

"These are identified as Special Landscape Areas (SLAs) which are sensitive to development, both within and outside their boundaries, that could potentially damage their distinctive qualities."

And, therefore, deleting ", including in some cases development outwith their identified boundaries. Therefore, policy ENV 6 will also apply to developments situated outwith an SLA." from paragraph 5.1.17.

5. Deleting "significantly and adversely affect" from policy ENV 7 (landscape character) on page 49 and replacing with "have an unacceptable affect on".

Issue 16	Flooding and Water Environment	
Development plan reference:	Policies ENV 9 Flooding; ENV10 Water Environment; and paragraphs 5.1.24 to 5.1.28.	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
780480 908990 908990 908990 908990 908990 826479 826479 778056 778056 778551	PP187 PP364 PP365 PP366 PP367 PP368 PP986 PP987 PP1434 PP1435 PP1537	Scottish Water Scottish Government Scottish Government Scottish Government Scottish Government Scottish Government Edinburgh & Lothians Green Belt Network Edinburgh & Lothians Green Belt Network SEPA SEPA Tynewater Community Council
Provision of the development plan to which the issue relates:	Water Environment Section – Policies ENV 9 Flooding, ENV 10 Water Environment and supporting text in paragraphs 5.1.24 to 5.1.28.	
Planning authority’s summary of the representation(s):		
<p><u>Amend reference to ‘Sewers for Scotland’, and consultation with Scottish Water on Drinking Water Protection Areas and protection of other assets</u></p> <p>Paragraph 5.1.26 should refer specifically to Sewers for Scotland 3rd Edition, which has now been released, and that it can be accessed via www.scottishwater.co.uk.</p> <p>Requests the following text be added to paragraph 5.1.26 - “There are seven operational water supply catchments within the Midlothian Council area. Scottish Water would like to be consulted on any new development or activities which may have an impact on our assets particularly Drinking Water Protected Areas (DWPA)”. (PP187 Scottish Water)</p> <p><u>Policy ENV 9 Flooding</u></p> <p>Policy ENV 9 should be amended to remove reference to 'guidance' as Scottish Planning Policy is solely policy, not guidance, and to remove the word 'watercourse' as Scottish Planning Policy applies to all types of flooding. (PP365 Scottish Government)</p> <p>Considers policy ENV 9 does not accord with the policy position of the Scottish Planning Policy. Policy ENV 9 should be amended to state "The functional flood plain will be protected; in undeveloped and sparsely developed areas development may be acceptable in areas at medium to high risk of flooding if the location is essential for operational reasons and an alternative, lower risk location is not available. Where flood protection measures to the appropriate standard already exist or are planned (under the adopted Local Flood Risk Management Plan) in built-up areas, development for residential, institutional, commercial and industrial development may be suitable. Any loss of flood storage capacity should be</p>		

mitigated to achieve a neutral or better outcome. All proposals should be considered in accordance with the flood risk framework". (PP366 Scottish Government)

SEPA supports many of the intentions of this policy, but consider that it summarises SPP in a way which is confusing and may lead to different interpretations. SEPA therefore objects to policy ENV 9 and suggests a replacement policy framework. SEPA also provides comment in relation to site specific Flood Risk Assessments and using their Land Use Vulnerability Guidance to inform the layout of development sites. (PP1435 SEPA)

References in supporting text to surface water flooding

States that supporting text should be clarified to avoid any misinterpretation that stipulations on locating infrastructure and buildings in areas of surface water risk might apply to all forms of flood risk. (PP364 Scottish Government)

Policy ENV10 Water Environment

The policy should highlight the need for SUDS provision to be considered at the outset of project design with siting/ design of development informed by natural flow paths and SUDS features integrated with local blue/green networks.

Linkages with Flood Risk Management Plans, Surface Water Management Plans, and Scottish Government's climate change targets and Adaptation Programme should also be considered.

Recommends that requirement for buffer strips by watercourses is developed to highlight that a wider buffer may be needed in some cases.

In respect of spatial strategy and allocations considers that a number of water environment measures should be included.

Suggests future Supplementary Guidance refers to WEF (Water Environment Fund) funding and groundwaters. (PP1434 SEPA)

Reference to sustainable drainage systems

References to 'Sustainable urban drainage systems' should be changed to Sustainable Drainage Systems (SuDS) and any abbreviations should be changed from SUDS to SuDS. (PP367 Scottish Government)

Reference to long term maintenance arrangements

Additional text should refer to long term maintenance arrangements to comply with Scottish Planning Policy. (PP368 Scottish Government)

Support policies ENV 9 and ENV 10

Supports policies ENV 9 and ENV 10. (PP987, PP986 Edinburgh & Lothians Green Belt Network)

Content of supplementary guidance

States that surface water flooding has taken place at a number of locations in Tynewater in recent years. Considers that it would be appropriate for additional Supplementary Guidance to bring the various publications, plans and guidance together. (PP1537 Tynewater Community Council)

Modifications sought by those submitting representations:

Amend reference to ‘Sewers for Scotland’, and consultation with Scottish Water on Drinking Water Protection Areas and protection of other assets

Section 5.1.26 (page 52): Asks that “Advice on the design, installation and maintenance of SUDs may be found in Sewers for Scotland (Scottish Water)” is changed to “ Advice on the design, installation and maintenance of SUDs may be found in Sewers for Scotland 3rd Edition and can be accessed through Scottish Waters website, www.scottishwater.co.uk ” At the end of the sentence above, requests the following is added: “There are seven operational water supply catchments within the Midlothian Council area. Scottish Water would like to be consulted on any new development or activities which may have an impact on our assets particularly Drinking Water Protected Areas (DWPA)”. (PP187 Scottish Water)

Policy ENV 9 Flooding

Deletion of words 'watercourse' and 'guidance' from policy ENV 9. (PP365 Scottish Government)

Change 2nd paragraph of policy ENV 9 to " The functional flood plain will be protected; in undeveloped and sparsely developed areas development may be acceptable in areas at medium to high risk of flooding if the location is essential for operational reasons and an alternative, lower risk location is not available. Where flood protection measures to the appropriate standard already exist or are planned (under the adopted Local Flood Risk Management Plan) in built-up areas, development for residential, institutional, commercial and industrial development may be suitable. Any loss of flood storage capacity should be mitigated to achieve a neutral or better outcome. All proposals should be considered in accordance with the flood risk framework". (PP366 Scottish Government)

Policy ENV 9 should be replaced with policy written in accordance with SEPA's submitted policy framework - Proposals for development must contribute effectively to sustainable flood management by:

- ensuring development is avoided in areas at medium to high flood risk, from any source, unless it accords with the SPP risk framework;
- ensuring development contributes to a reduction in overall flood risk to support the delivery of Flood Risk Management Strategies and Local Flood Risk Management Plans (once published); and,
- Ensuring that the proposed development does not place communities and businesses at unacceptable flood risk

Where a potential flood risk has been identified, from any source, a site specific Flood Risk Assessment must [be] undertaken in accordance with SEPA technical guidance, in advance of the development, and the findings must be used to inform the siting, layout and

capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is a safe dry pedestrian access and egress at time of flood.

SEPA also recommends additional wording to be added in respect of flooding matters, specifically:

- SEPA's Land Use Vulnerability Guidance should be used to inform the layout of development sites;
- undeveloped land should not be developed behind Flood Protection Schemes to ensure there is no increase in residual risk, redevelopment, in areas at risk of flooding, including areas behind a formal Flood Protection Scheme, should be to an equal or less vulnerable use than the existing site use and should incorporate flood resilient design/materials;
- any redevelopment in an area that will be behind a formal Flood Protection Scheme should not be built until the Flood Protection Scheme is operational; and
- any development which accords with the risk framework and is permitted with medium to high risk areas and in adjacent low to medium risk areas should ensure that water resilient design and materials are incorporated in order to limit the impact of potential flood risk. (PP1435 SEPA).

Supporting text to surface water flooding

Amend first sentence of paragraph 5.1.26 to "Infrastructure and buildings may be located in areas subject to surface water flooding but should be designed to remain free from such flooding where the annual probability of occurrence is greater than 0.5% ". (PP364 Scottish Government)

Policy ENV10 Water Environment

Seeks amendments to policy, so that the need for SUDS provision is considered at the outset of project design, with siting/ design of development informed by natural flow paths and SUDS features integrated with local blue/ green networks. Linkages with Flood Risk Management Plans, Surface Water Management Plans, and Scottish Government's climate change targets and Adaptation Programme should also be considered. Recommends that requirement for buffer strips by watercourses is developed to highlight that a wider buffer may be needed in some cases. States water environment measures should be included in the spatial strategy and allocations. Requests future Supplementary Guidance make reference to Water Environment Fund funding and groundwaters. (PP1434 SEPA)

Reference to sustainable drainage systems

References to 'Sustainable urban drainage systems' should be changed to Sustainable Drainage Systems (SuDS) and change abbreviations from SUDS to SuDS. (PP367 Scottish Government)

Reference to long term maintenance arrangements

Additional text should be added that refers to long term maintenance arrangements. (PP368 Scottish Government)

Content of supplementary guidance

Considers that it would be appropriate for additional Supplementary Guidance to bring the various publications, plans and guidance together. (PP1537 Tynewater Community Council)

Summary of responses (including reasons) by planning authority:Context

Midlothian has a relatively low risk of flooding, as its rivers are in deeply incised valleys and it has no coastline. Nevertheless, a sustainable approach to flood risk management requires the whole river system to be considered; and Local Flood Risk Management Plans are being prepared which will set out measures to reduce flood risk, as the established River Basin Management Plans do for the water environment.

The Local Development Plan is supported by a Strategic Flood Risk Assessment (SFRA). This document defines the functional flood plan, and will be a 'living document' updated through the life of the plan so that the best understanding of flood risk is available to support decision making, particularly for individual sites.

The plan will be accompanied by Supplementary Guidance *Flooding and the Water Environment*, which will take on many of the detail matters formerly covered by detailed planning policy DP3 of the Midlothian Local Plan (2008). The Council considers that this move to briefer, more focussed development plans reflects the Scottish Government's expectations of Local Development Plan. The Proposed Plan also makes reference to the flood risk framework in Scottish Planning Policy, and to other supporting documents such as Sewers for Scotland.

Amend reference to 'Sewers for Scotland', and consultation with Scottish Water on Drinking Water Protection Areas and protection of other assets

Midlothian Council would prefer not to refer to specific editions of Sewers for Scotland as this may not be the relevant document throughout the life of the Midlothian Local Development Plan. The Council would also not wish to include a link to Scottish Water's website for reasons of brevity and to avoid the risk of broken web links being present in the document.

In respect of the representation seeking consultation with Scottish Water on any new development or activities which may affect the Drinking Water Protection Areas (DPWAs), the proposed text of the modification sought could be more appropriately addressed as a Development Management procedural matter. Midlothian Council has acquired GIS shape files of the DWPA boundaries from Scottish Water, and is considering the requirements for a consultation procedure to notify them of applications within these areas, or which potentially affect other assets.

In terms of a policy response to this matter, the Council considers that the presumption against development which may cause a deterioration in water quality contained in policy ENV 10 Water Environment is sufficient protection. The Supplementary Guidance *Flooding and the Water Environment* will provide the opportunity to provide more detail guidance, and could also contain plans of the DPWA boundaries to help advise developers (if it is considered appropriate to disseminate knowledge of the DPWAs more widely).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP187 Scottish Water)

Policy ENV 9 Flooding

The Scottish Government seek removal of the words 'guidance' and 'watercourse' in the first paragraph of Policy ENV9. The Council is content for the word 'guidance' to be replaced by the word 'policy' and for the word 'watercourse' to be removed.

The Scottish Government seek changes to exceptions to the second paragraph of ENV 9, which sets out the overall policy of protection that applies to flood plains.

The Council considers that the Scottish Government's proposed revised text helps to reinforce the policy and maintain close alignment with [Scottish Planning Policy](#), and so is content for these changes to be reflected in the policy.

The Scottish Government also wish to add reference to all proposals being in compliance with flood risk framework – in the Council's view this is unnecessary as compliance with the framework is already established in the first paragraph of Policy ENV9.

The Council would be content should the Reporter(s) indicate that changes are appropriate to the Midlothian Local Development Plan in respect of these representations. (PP365, PP366 Scottish Government)

In respect of SEPA's representation which seeks the replacement of policy ENV 9, Scottish Planning Policy and the other policies referred to by SEPA are not model policies, and the Council has to come to a judgement as to how to best make Scottish Planning Policy operative through its own development plan policies. The Council is also conscious of the need to make the new style development plans briefer and more focussed documents. The forthcoming Supplementary Guidance (SG) *Flooding and the Water Environment* will play an important part in this, and its preparation will involve SEPA and other interested parties.

Policy ENV 9 embeds reference to the Scottish Planning Policy risk framework. Midlothian Council considers that introducing other phrases, such as 'development must contribute to sustainable flood risk management' lack precision and clarity and will be difficult to use for operational development management purposes.

Midlothian Council considers that through Policy ENV9's supporting text, and references back to Scottish Planning Policy, has a robust framework requiring Flood Risk Assessment in appropriate circumstances. If the Council is not satisfied that a site is acceptable in flooding terms it can refuse planning permission. The Council considers it will be in developers interests to submit the requisite information. The Supplementary Guidance may contain more on SEPA's technical guidance for FRA, but the Council does not consider it appropriate to flesh this out further in the Local Development Plan.

In respect of the modification sought by SEPA: the Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1435 SEPA)

References in supporting text to surface water flooding

Midlothian Council considers that the change is unnecessary and that: it is clear from the

context of the sentence that the reference is to remaining free from surface water flooding.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP364 Scottish Government)

Policy ENV 10 Water Environment

In respect of the representation seeking an amendment to policy so that the need for SuDS provision is considered at the outset of project design. Midlothian Council considers that the requirement for SuDS established in Policy ENV 9 will have the effect of causing developers to consider SuDS from the outset. The Council has concerns that including a requirement in the policy for SuDS provision to be considered at the outset of project design would not be the most useful or constructive approach. If a planning application was submitted without adequate consideration of SuDS, the Council could refuse it but it is possible that in some cases there would be merit in negotiating with an applicant and amending the proposal.

The Council considers that the other changes and references sought in respect of the design of SuDS, can best be addressed through its Supplementary Guidance (SG) *Flooding and the Water Environment*. As a key agency, SEPA will be invited to participate in the preparation of this.

In respect of the change sought to buffer strips, the requirement expressed in the policy is a minimum, so the need for wider buffer strips by some watercourses is adequately addressed by the policy as worded.

The comments in respect of the content of the future Supplementary Guidance (SG) *Flooding and the Water Environment* in relation to Water Environment Fund funding and groundwaters are noted. The Council will carry out consultation and engagement on its supplementary guidance. The Council considers that the way in which it has introduced the supplementary guidance in the plan need not preclude including further information of the type sought by SEPA.

As regards the water environment measures that SEPA seeks in the spatial strategy and individual allocations, the Council is content that the water environment and flood risk policies and required masterplan/planning brief process will adequately address this matter. Paragraph 5.1.27 indicates that the settlement statements identify sites which need Flood Risk Assessment and other water environment considerations, but that the Council may determine that FRA is necessary at other locations, on receipt of further advice.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1434 SEPA)

Reference to sustainable drainage systems

The Council accepts that sustainable drainage systems (SuDS) rather than sustainable urban drainage systems (SUDS) is the term used to refer to this approach in [Scottish Planning Policy](#).

The Council would be content should the Reporter(s) indicate that changes are appropriate to the Midlothian Local Development Plan in respect of this representation. (PP367 Scottish Government)

Reference to long term maintenance arrangements

Reference to appropriate long term maintenance arrangements for SuDS appears in paragraph 268 of [Scottish Planning Policy](#) in the section relating to development management considerations. Midlothian Council considers that it is going too far to interpret this as a requirement for development plans to include a reference which replicates this part of Scottish Planning Policy.

There is potential to further develop the requirements for SuDS in the Supplementary Guidance (SG) *Flooding and the Water Environment*. In view of the Scottish Government's desire for development plans to be shorter more focussed documents, the Council is not convinced that the proposed change is desirable.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP368-Scottish Government)

Content of supplementary guidance

The comments in respect of the content of the future Supplementary Guidance (SG) *Flooding and the Water Environment* are noted. The Council will carry out consultation and engagement on its supplementary guidance. The Council considers that the way in which it has introduced the supplementary guidance in the plan need not preclude including further information of the type sought by the representor. The Council would also draw attention to its Strategic Flood Risk Assessment (CD102) which draws together information about flooding in the area. It is intended that this should be a 'living document' and be updated periodically to incorporate the latest information about flooding when it becomes available.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP1537 Tynewater Community Council).

Reporter's conclusions:Support and supplementary guidance

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support from various parties are noted but do not require any further consideration. In addition, there is no provision to examine the content of forthcoming supplementary guidance, of concern to the Tynewater Community Council – this is a matter which could be addressed with the council when it produces forthcoming supplementary guidance on Flooding and the Water Environment.

Sewers in Scotland

2. Paragraph 5.1.26 of the proposed Midlothian Local Development Plan refers to advice contained in the document 'Sewers in Scotland' published by Scottish Water on the maintenance of sustainable drainage systems. I find this reference reasonable to enable those using the proposed plan to find the relevant advice on this topic without the need for the plan to refer to the specific document edition or the Scottish Water website. No modification is required on this matter.

Drinking Water Protection Areas

3. I agree with the council that consultation with Scottish Water in relation to drinking water protection areas is more appropriately addressed as a development management procedural issue and does not require a specific reference in the proposed plan. In any case, I note that the council is reviewing its consultation/notification arrangements with Scottish Water and that the council intends to prepare supplementary guidance on Flooding and the Water Environment which would likely include guidance on drinking water protection. I further note that policy ENV 10 (water environment) establishes a presumption against development which may cause deterioration in water quality which would provide sufficient protection for drinking water protection areas. Therefore, I do not find the modifications sought by Scottish Water necessary.

Surface water flooding

4. Proposed plan paragraph 5.1.26 refers to the parameters in which development can occur in relation to surface water flooding. In this context, I agree with the Scottish Government that the reference in the first sentence to “remain free from flooding” could be misinterpreted to relate to all flooding rather than surface water flooding. A minor modification to clarify this matter is therefore justified.

Sustainable drainage systems

5. I find that the modifications sought by the Scottish Government to refer to “sustainable urban drainage systems” or “SUDS” as “sustainable drainage systems” or “SuDS” throughout the water environment section of the proposed plan reasonable to ensure consistency with national policy. I note that the council is also content with these changes. I also note that there are references to sustainable urban drainage systems in policy IMP3 (water and drainage). A consequential modification in line with this unresolved matter is therefore also required.

Policy ENV 9 (Flooding)

6. The council is content with changes suggested to proposed policy ENV 9 (flooding) by the Scottish Government in relation to the flood risk framework and government policy. I find that the removal of the word “watercourse” from “watercourse flooding” and replacement of the word “guidance” with “flood risk policy” would be appropriate and reasonable to align the policy with the provisions of Scottish Planning Policy (2014) on managing flood risk and drainage.

7. Similarly, the council is content for changes suggested to policy ENV 9 by the Scottish Government in relation to the protection of the functional flood plain in order to align with Scottish Planning Policy. I find that the modification sought by the Scottish Government is required if the policy is to conform to national policy.

8. The effect of these modifications would be to present the requirements of Scottish Planning Policy in a clear and consistent manner to the extent that I consider that they obviate the need for policy ENV 9 to be replaced, as sought by the Scottish Environment Protection Agency. Accordingly, I do not consider the modifications sought by SEPA to be necessary in this instance.

Policy ENV 10 (Water Environment)

9. Paragraph 268 of Scottish Planning Policy requires proposed arrangements for sustainable drainage systems to have appropriate long-term maintenance arrangements. Proposed policy ENV 9 includes reference to the potential to seek long-term management agreements with developers of sustainable drainage systems. As stated by the council in its response, the detail of this could be further outlined in its forthcoming supplementary guidance on Flooding and the Water Environment. Therefore, I find no justification to modify policy ENV 10 (water environment) to include reference to long-term maintenance as suggested by the Scottish Government.

10. The Scottish Environment Protection Agency suggests that policy ENV 10 should highlight the need for sustainable drainage system provision to be considered at the outset of the development design process and to provide linkages to the delivery of Flood Risk Management Plans, Surface Water Management Plans and Scottish Government climate change targets.

11. With regard to first of these matters, I consider the council’s position that such matters are more appropriately addressed in supplementary guidance and in negotiations with developers to be reasonable, particularly given the requirements of policy ENV 9; and of criterion C of proposed local development plan policy DEV 5 (sustainability in new development), which requires all proposals to treat and conserve water on site in line with best practice and guidance on sustainable urban drainage. Furthermore, the terms of policy ENV 9 are such that developers will effectively be required to consider sustainable drainage systems from the outset.

12. With regard to the provision of references to management plans, climate change targets, buffer strips adjacent to watercourses, and other water environment measures within the policy, the council considers that such matters are best and more appropriately addressed in forthcoming supplementary guidance on Flooding and the Water Environment. Following my conclusions above, whilst acknowledging the importance of such matters and their importance in helping to frame the context within which development proposals should be developed, I do not consider it necessary for them to be expressed explicitly in a policy within the local development plan. I agree that such matters are more appropriately addressed in supplementary guidance, as suggested by the council. To do so would also accord with Scottish Government circular 6/2013 (Development Planning), in particular paragraphs 137 to 139, which address suitable topics to be addressed in supplementary guidance. Accordingly, I do not consider the modifications sought by the Scottish Environment Protection Agency to be necessary in this instance.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Adding the word “such” after “free from” in the first sentence of paragraph 5.1.26 on page 51.
2. Replacing the first sentence of policy ENV 9 (flooding) on page 51 with:

“Proposals for development will be assessed in relation to the flood risk framework and flood risk policy as set out in Scottish Planning Policy, using the SEPA flood maps to delineate the zones of little or no risk, low to medium risk, and medium to high risk.”

3. Replacing the second paragraph of policy ENV 9 (flooding) on page 51 with:

"The functional flood plain will be protected; in undeveloped and sparsely developed areas development may be acceptable in areas at medium to high risk of flooding if the location is essential for operational reasons and an alternative, lower risk location is not available. Where flood protection measures to the appropriate standard already exist or are planned (under the adopted Local Flood Risk Management Plan) in built-up areas, development for residential, institutional, commercial and industrial development may be suitable. Any loss of flood storage capacity should be mitigated to achieve a neutral or better outcome. All proposals should be considered in accordance with the flood risk framework."

4. Replacing the phrase "Sustainable Urban Drainage Systems" and its abbreviation "SUDS" in policies ENV 9 (flooding) and ENV 10 (water environment) and where used in paragraphs 5.1.24 to 5.128 with the phrase "Sustainable Drainage Systems" and its abbreviation "SuDS", as required.

5. Replacing the phrase "Sustainable Urban Drainage Systems" and its abbreviation "SUDS" in the second and fourth paragraphs of policy IMP 3 (water and drainage) on page 78 with the phrase "Sustainable Drainage Systems" and its abbreviation "SuDS", as required.

Issue 17	Nature Conservation	
Development plan reference:	Section 5, Protecting Our Heritage – Safeguarding and Managing Our Natural Environment	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
778629 778629 909507 921640 921296 921821 766577 826479 826479 826479 826479 922079 922087 922089 922094 922108 922115 922118 779441 921337 921342 921686 921694 921630 921697 921636 921698 921640 921644 929852 921651 921659 921732 921663 921742 921919 921920 782000 921929 921960 782003 783974 921970	PP65 PP66 PP292 PP557 PP625 PP683 PP943 PP989 PP992 PP993 PP994 PP1485 PP1501 PP1514 PP1524 PP1552 PP1569 PP1579 PP1621 PP1636 PP1644 PP1652 PP1660 PP1672 PP1674 PP1689 PP1690 PP1700 PP1713 PP1718 PP1730 PP1755 PP1778 PP1779 PP1804 PP1950 PP1960 PP1969 PP1984 PP1999 PP2011 PP2038 PP2065	Scottish Wildlife Trust Lothians Group Scottish Wildlife Trust Lothians Group Scottish Enterprise M A Faithfull Sarah Barron Margaret Hodge Julian Holbrook Edinburgh & Lothians Green Belt Network Edinburgh & Lothians Green Belt Network Edinburgh & Lothians Green Belt Network Edinburgh & Lothians Green Belt Network Anne Holland Anna MacWhirter Christina Harley Geoffrey Alderson Patricia Dimarco Andrew Thomson Beth Thomson Jon Grounell Dawn Robertson Derek Robertson Stewart Y Marshall Elsie Marshall Joan Faithfull Stuart Davis Emma Moir John Owen M A Faithfull S M Croall Marie Owen R I Pryor Susan E Wright Susan Falconer R A Pryor Gudrun Reid George Gray Nan Gray Kenneth Purves David Binnie George Mackay E Purves Donald Marshall Gayle Marshall

754767	PP2102	Eskbank Amenity Society
921658	PP2120	Patrick Mark
921794	PP2147	Patricia Barclay
921900	PP2192	Marshall Scott
921896	PP2197	Kenneth A Hyslop
922005	PP2206	Jan Krwawicz
922006	PP2214	Marjorie Krwawicz
921905	PP2232	Carolyn Millar
921908	PP2242	Charles A Millar
921443	PP2299	Kenneth McLean
921622	PP2325	Jim Moir
921616	PP2335	Alan Mercer
921599	PP2343	Julia Peden
921971	PP2378	Zow-Htet
922145	PP2414	Eskbank Amenity Society
754735	PP2870	Scottish Natural Heritage
754735	PP2871	Scottish Natural Heritage
754735	PP2872	Scottish Natural Heritage
754735	PP2873	Scottish Natural Heritage
Provision of the development plan to which the issue relates:	Paragraphs 5.1.33 – 5.1.36, includes Policy ENV12 Internationally Important Nature Conservation Sites; Policy ENV13 Nationally Important Nature Conservation Sites; ENV14 Regionally and Locally Important Nature Conservation Sites and Policy ENV15 Species and Habitat Protection and Enhancement	
Planning authority's summary of the representation(s):		
<p><u>Object to former railway line between King's Park and Strawberry Bank, Eskbank not being identified as a biodiversity site</u></p> <p>Object to the designation of an ex-railway cutting in Eskbank (from King's Park to Strawberrybank, at Torsonce Road) as open space rather than a biodiversity site, a wildlife corridor or a habitat of conservation value; concern about the potential loss to permanent development; plan does not contain any policies to protect & promote site for biodiversity purposes; plan contains no criteria to designate such sites; unhappy with the Council's approach to assessing the site and dealing with request to designate the area for biodiversity purposes. (PP1636 Dawn Robertson; PP1644 Derek Robertson; PP1652 Stewart Y Marshall; PP1660 Elsie Marshall; PP1672 Joan Faithfull; PP1674 Stuart Davis; PP1689 Emma Moir; PP1690 John Owen; PP1700 M A Faithfull; PP1713 S M Croall; PP1718 Marie Owen; PP1730 R I Pryor; PP1755 Susan E Wright; PP1778 Susan Falconer; PP1779 R A Pryor; PP1804 Gudrun Reid; PP1950 George Gray; PP1960 Nan Gray; PP1969 Kenneth Purves; PP1984 David Binnie; PP1999 George Mackay; PP2011 E Purves; PP2038 Donald Marshall; PP2065 Gayle Marshall; PP2120 Patrick Mark; PP2147 Patricia Barclay; PP2192 Marshall Scott; PP2197 Kenneth A Hyslop; PP2206 Jan Krwawicz; PP2214 Marjorie Krwawicz; PP2232 Carolyn Millar; PP2242 Charles A Millar; PP2325 Jim Moir; PP2335 Alan Mercer; PP2343 Julia Peden; PP2378 Zow-Htet)</p> <p>States public bodies have a duty in terms of section 1 of the Nature Conservation (Scotland) Act 2004 have a public duty to conserve biodiversity. Objects to the former railway line between King's Park and Strawberry Bank, Eskbank not being identified as a biodiversity site - states the site was a nature conservation site in the Main Issues Report but is designated as "Open space within settlement areas" in the Proposed Plan; concern</p>		

about the potential loss of the site to permanent development; concern at the cumulative loss of wildlife and wildlife habitat in Eskbank, e.g. through loss of Green Belt land and construction of the Borders Railway; concern that the plan does not contain any policies to protect & promote sites for biodiversity purposes, wildlife corridors and habitats of conservation value; concern the Proposed Plan does not have policies to address illegal contamination and dumping, unhappy with the Council's approach to assessing the former railway site in Eskbank and dealing with a request from the local community to designate the area as a biodiversity site. (PP683 Margaret Hodge)

Objects to the former railway line between King's Park and Strawberry Bank, Eskbank not being identified as a biodiversity site - states the site was a nature conservation site in the Main Issues Report but is designated as "Open space within settlement areas" in the Proposed Plan; concern about the potential loss of the site to permanent development; concern at the cumulative loss of wildlife and wildlife habitat in Eskbank, e.g. through loss of Green Belt land and construction of the Borders Railway; concern that the plan does not contain any policies to protect & promote sites for biodiversity purposes, wildlife corridors and habitats of conservation value; concern the Proposed Plan does not have clear policies to address illegal contamination and dumping, unhappy with the Council's approach to assessing the former railway site in Eskbank and dealing with a request from the local community to designate the area as a biodiversity site. (PP1485 Anne Holland; PP1501 Anna MacWhirter; PP1514 Christina Harley; PP1552 Patricia Dimarco; PP1569 Andrew Thomson; PP1579 Beth Thomson; PP2299 Kenneth McLean)

States the Main Issues Report for the Local Development Plan identified the former railway cutting NT327665 as a nature conservation site and that the Proposed Plan re-designates the former railway line as "Open space within settlement areas". Considers the Proposed Plan fails to specify clear pro-active policies for the promotion of biodiversity to offset the cumulative loss of Green Belt, woodland and natural habitats through large scale urbanisation of Midlothian's countryside. Also considers the Proposed Plan fails to provide clearly defined criteria for designating biodiversity sites, wildlife corridors and habitats of conservation value. States the Proposed Plan fails to provide clear policies to address illegal contamination and dumping which degrades natural habitats. Refers to the naturally regenerated former railway line from Strawberry Bank to King's Park, Eskbank, the local community having pressed for it to be designated a Local Biodiversity Site, and the Reporter at the 2007 Public Local Inquiry held into unresolved objections to the Finalised Midlothian Local Plan (2006) recommending as a matter of urgency the Council assess the area as a Biodiversity Site and Wildlife Corridor. Refer to the former railway line being surveyed and assessed and failing to become a local biodiversity site, all unbeknown to the local community. Object to the community (either the Eskbank Amenity Society or Eskbank and Newbattle Neighbourhood Planning Partnership) not having a chance to be involved, comment and their records to be submitted to the Council for consideration. States the Eskbank Amenity Society requested a review with the Council over the lack of engagement and opportunity to submit records. Consider the Proposed Plan has not taken on board community submissions in it designating the former railway line as a "Natural/semi-natural open area" and "Woodland". States the Proposed Plan does not provide clear criteria for this designation or information on the protection afforded to it. (PP2102 Eskbank Amenity Society; PP2414 Eskbank Amenity Society)

Considers the hideous metal fencing either side of Borders Railway has created a barrier for deer and other wildlife. States the loss of wildlife corridors such as the railway cutting from King's Park to Strawberry Bank in Eskbank would be a disaster. States in Eskbank deer have been seen virtually trapped in ever decreasing grazing areas. Considers this

will create major problems if their natural habitats are not protected and connected by important corridors. (PP1524 Geoffrey Alderson)

Concern raised about cumulative loss of biodiversity from development

Considers there is continuing yearly loss of open space and biodiversity, and ancient fields are taken up for development that is not required. Considers the planning system is not sufficiently protecting valuable biodiversity havens in natural or semi-natural areas and development continues without apparent control or consideration for the future. Considers there has been a serious decline in the number and type of insects. Given the importance of insects to the food chain, considers this is a matter for serious concern and is insufficiently appreciated and considered. (PP557 M A Faithfull)

States a number of woodland trees and hedges have been lost through cumulative development of large areas of housing in Midlothian. Considers these are important landscape features, wildlife habitats and settlement boundaries that have not been replaced by new development. Considers the biodiversity and wildlife value of these features should be protected through Local Development Plan policies which require the retention of all these features, and as a last resort replacement of removed trees and hedges. States the Local Development Plan should include Tree Preservation Orders on all remaining areas of mature woodland to offer protection to such a valuable resource. Considers the Council needs to champion important local trees and raise awareness of their plight. (PP625 Sarah Barron)

The Proposed Plan fails to provide: clear pro-active policies for promotion of biodiversity to offset the cumulative loss of Green Belt, woodland and natural habitat through large scale urbanisation of Midlothian's countryside; clearly defined transparent criteria for designating biodiversity sites, wildlife corridors and habitats of conservation value; and clear policies to address illegal contamination and dumping which degrades many local areas of wildlife value and natural habitats. (PP943 Julian Holbrook)

Seeks changes to policies ENV 13, ENV 14 and ENV 15

Supports policy ENV 12 Internationally Important Nature Conservation Sites. (PP989)

States sites subject to policy ENV 13 are national nature conservation sites and should be given robust protection. (PP992)

States regionally and locally important nature conservation sites subject to policy ENV 14 are often as important to local communities as international and national sites. Considers that they therefore also merit effective protection. (PP993)

States the matters covered by policy ENV 15 are important and deserve effective protection. (PP994, (PP989, PP992, PP993, PP994 Edinburgh & Lothians Green Belt Network)

Seeks removal of Nature Conservation designations at The Bush

Scottish Enterprise welcomes the clearly written and presented Proposed Plan, and particularly the clarity of most of the maps. Scottish Enterprise fully supports and welcomes the Proposed Plan's approach towards the economic development of The Bush. Scottish Enterprise notes, however, that policy ENV 14 confers a locally/regionally significant nature

conservation designation which it considers may result in a constraint to the development of the land. Requests that the designation be removed or the wording of policy ENV 14 be amended such that priority is given to economic development proposals in relation to sites b1, b2 and b9. Scottish Enterprise feels that there is some confusion on the proposals map at The Bush, where two different types of purple hatching are used - one to denote economic development and the other an environmental constraint (policy ENV 14). Scottish Enterprise requests that the Council gives consideration to the use of different colouring (for example a green colour) for the environmental constraint (policy ENV 14), if it is retained over this site, to clearly differentiate between the policies and proposals which promote development (b1, b2 and b9) and that which constrains it (policy ENV 14). (PP292 Scottish Enterprise)

Raises concerns regarding the lack of supporting background information available on Local Biodiversity Sites

Objects to no consultation having been undertaken a prior to a proposed Local Biodiversity Site being identified. Considers there is insufficient supporting information available on designations already identified in the Midlothian Local Plan (2008). (PP1621 Jon Grounell)

Representations made by the Scottish Wildlife Trust

Considers the Proposed Plan a good plan for biodiversity enhancement and local biodiversity site protection under local authority planning powers. Refer to having worked for many years with the Council through its Midlothian Local Biodiversity Site Steering Group and the Scottish Wildlife Trust having recently paid for the survey of five remaining candidate local biodiversity sites in Midlothian. Refers to the Council not having the financial resources to undertake these surveys, fill the vacant post of Biodiversity Officer post and renew its now out of date Midlothian Local Biodiversity Action Plan. States twice in the Proposed Plan "aims and objectives" of the Midlothian Local Biodiversity Action Plan appear as policy in the Proposed Plan - this is supported. Further state no actions from the Midlothian Local Biodiversity Action Plan are being taken forward since the Midlothian Local Biodiversity Partnership was disbanded following the departure of the Council's Biodiversity Officer. (PP65 Scottish Wildlife Trust Lothians Group)

State they supported previously the promotion of Springfield Mill as a local biodiversity site. Also state the Council manages the site with a great deal of local community support. Considers the Council Ranger support for Straiton Pond Local Nature Reserve is similar to that given to Springfield Mill. Suggests that existing Council resources, resources the Mavisbank Trust may be able to get access to from Scottish Natural Heritage should be used to investigate if a Local Nature Reserve could be identified and declared that covers the current local biodiversity sites of Springfield Mill and Mavisbank House and gardens. It could perhaps be called a "North Esk Valley Local Nature Reserve". Considers a Local Nature Reserve has a number of advantages for local natural heritage, local landscape and wider social benefits of encouraging involvement in and access to the local environment. Believe a number of aims and objectives outlined in Scottish Natural Heritage guidance on selecting and declaring Local Nature Reserves could be more than fulfilled in a Local Nature Reserve covering the current local biodiversity sites of Springfield Mill and Mavisbank House and gardens. Note that the River North Esk in this location forms part of a Strategic Green Network opportunity identified on pages 44 and 45 of the Proposed Plan. Consider the Springfield Mill site demonstrates the commitment by local people to enhancing their local community. State that a Local Nature Reserve gives the community a mechanism to get involved in their local environment and enjoy and use and learn from

local natural heritage. Considers that local nature reserve status for this site could potentially help access funds to manage this area appropriately. Does not believe there would be serious impact from renovating Mavisbank House and pond on the current local biodiversity site status affecting the site of Mavisbank House and Policies. Believes a North Esk Local Nature Reserve would "join the dots" between many policies and proposals in this excellent plan. (PP66 Scottish Wildlife Trust Lothians Group)

Representations made by Scottish Natural Heritage

Considers the caveats for international designated sites are clearly presented and should leave no doubt as to what is required to successfully develop a site. States the Natura caveats in policy ENV 12 are clear and concise and, at this stage Scottish Natural Heritage considers the Proposed Plan meets the requirements of the Habitats Regulations. Additional comments on the Habitats Regulations Appraisal of the Proposed Plan are provided separately on the Revised Environmental Report. (PP2870)

Considers the caveats in policy ENV 13 for national designated sites are clearly presented and should leave no doubt as to what is required to successfully develop a site. (PP2871)

Considers that the Midlothian Local Development Plan's approach with respect to protection of locally designated sites set out in policy ENV14 is clear and leaves no doubt what is required. (PP2872)

Considers that the Midlothian Local Development Plan's approach with respect to protected species set out in policy ENV15 is clear and leaves no doubt what is required (PP2873, PP2870; PP2871; PP2872; PP2873 Scottish Natural Heritage)

Modifications sought by those submitting representations:

Objects to former railway line between King's Park and Strawberry Bank, Eskbank not being identified as a biodiversity site

The Plan should provide clearly defined transparent criteria for the designation of biodiversity sites and the railway cutting at Torsonce Road should be designated as a local biodiversity site. (PP1636 Dawn Robertson; PP1644 Derek Robertson; PP1652 Stewart Y Marshall; PP1660 Elsie Marshall; PP1672 Joan Faithfull; PP1674 Stuart Davis; PP1689 Emma Moir; PP1690 John Owen; PP1700 M A Faithfull; PP1713 S M Croall; PP1718 Marie Owen; PP1730 R I Pryor; PP1755 Susan E Wright; PP1778 Susan Falconer; PP1779 R A Pryor; PP1804 Gudrun Reid; PP1950 George Gray; PP1960 Nan Gray; PP1969 Kenneth Purves; PP1984 David Binnie; PP1999 George Mackay; PP2011 E Purves; PP2038 Donald Marshall; PP2065 Gayle Marshall; PP2120 Patrick Mark; PP2147 Patricia Barclay; PP2192 Marshall Scott; PP2197 Kenneth A Hyslop; PP2206 Jan Krwawicz; PP2214 Marjorie Krwawicz; PP2232 Carolyn Millar; PP2242 Charles A Millar; PP2325 Jim Moir; PP2335 Alan Mercer; PP2343 Julia Peden; PP2378 Zow-Htet)

The Local Development Plan should provide clearly defined transparent criteria for the designation of biodiversity sites. The former railway line between King's Park and Strawberry Bank, Eskbank should be designated as a potential/interim biodiversity site and wildlife corridor and be given full protection from development through policy ENV 14. This should be done until community wildlife records are included by the Council in a fully informed, open and transparent biodiversity evaluation. The plan should include clear policies to address illegal contamination and dumping. (PP683 Margaret Hodge; PP1485

Anne Holland; PP1501 Anna MacWhirter; PP1514 Christina Harley; PP1552 Patricia Dimarco; PP1569 Andrew Thomson; PP1579 Beth Thomson; PP2299 Kenneth McLean)

Requests the former railway line from Strawberry Bank to King's Park, Eskbank, should, in addition to the proposed status of a "Natural/semi-natural open area", be identified in the Local Development Plan as an interim Biodiversity site and Wildlife Corridor under Policy ENV 14. Further requests that extensive community records are included by Midlothian Council are included within a fully informed, open and transparent biodiversity evaluation. (PP2102, PP2414 Eskbank Amenity Society)

None stated. (PP1524 Geoffrey Alderson)

Concern raised about cumulative loss of biodiversity from development

None stated. (PP557 M A Faithfull; PP943 Julian Holbrook)

The biodiversity and wildlife value of woodland trees and hedges should be protected through the Local Development Plan policies. These policies should require retention of all woodland trees and hedges, and as a last resort replacement of removed trees and hedges. Tree Preservation Orders should be placed on all remaining areas of mature woodland to offer protection to such a valuable resource. The Council needs to champion important local trees and raise awareness of their plight. (PP625 Sarah Barron)

Seeks changes to policies ENV 13, ENV 14 and ENV 15

No changes sought to policy ENV 12. (PP989)

Policy ENV 13 Criterion B, line one - delete the word "significant". (PP992)

Policy ENV 14 criterion A, line one - delete the word "minimise" and replace it with "avoid". (PP993)

Policy ENV 15 criterion C - replace the word "suitable" with "effective". (PP994, PP989, PP992, PP993, PP994 Edinburgh & Lothians Green Belt Network)

Seeks removal of Nature Conservation designations at The Bush

Scottish Enterprise requests that Midlothian Council considers deleting policy ENV 14 designation where it relates to The Bush. States if it is deemed not appropriate to delete policy ENV14, then Scottish Enterprise requests the following amendments be made to policy ENV 14 to create a positive approach towards sustainable economic development, and removes the requirement for the applicant to prove that a development will not harm the nature conservation interests (proposed amendments in bold):

Policy ENV 14 Regionally and Locally Important Nature Conservation Sites

Development which could affect the nature conservation interest of any sites or wildlife corridors of regional or local conservation importance, or any other site which is proposed or designated as of regional or local importance during the lifetime of the Plan, will not be permitted unless it is demonstrated that:

A. the development will be sited and designed in a manner which will unacceptably damage the value of the site and does not includes measures that will appropriately compensate for any unacceptable level of damage; or

B. the public interest (including those of a social or economic nature) to be gained from the

proposed development outweigh the nature conservation interest of the site.

If policy ENV 14 is retained in relation to The Bush, Scottish Enterprise requests that consideration is given to amending the annotation on the proposals map such that it is clearly defined and separate from those proposals which encourage economic development. (PP292 Scottish Enterprise)

Raises concerns regarding the lack of supporting background information available on Local Biodiversity Sites

None stated. (PP1621 Jon Grounell)

Representations made by the Scottish Wildlife Trust

States this consultation requests comments on the Proposed Midlothian Action Programme. Considers there is a standing action to implement policy ENV 15 Habitat Protection outwith Formally Designated Areas from the equivalent policy RP 14 of the Midlothian Local Plan (2008). (PP65 Scottish Wildlife Trust Lothians Group)

Wishes the Council to investigate promotion of a Local Nature Reserve, possibly called "North Esk Valley Local Nature Reserve" and for it to be identified in the Local Development Plan. State that a "North Esk Valley Local Nature Reserve" could include the current local biodiversity site of Springfield Mill and Mavisbank House and gardens. (PP66 Scottish Wildlife Trust Lothians Group)

Representations made by the Scottish Natural Heritage

No changes sought. (PP2870; PP2871; PP2872; PP2873 Scottish Natural Heritage)

Summary of responses (including reasons) by planning authority:

Context

Section 5 of the Proposed Plan, including paragraphs 5.1.33 to 5.1.36 and policies ENV 12 to ENV 15, sets out a protective policy framework for the very considerable environmental assets in Midlothian. In accordance with Scottish Planning Policy the Proposed Plan in policies ENV 12 to ENV 14 sets out the circumstances where development may be supported that affects a nature conservation designation. Policy ENV 15 highlights that not all areas will be subject to a nature conservation designation, but may contain important environmental assets that need to be given full consideration in the assessment of development proposals that come forward. The Council considers it has struck the correct balance in policies ENV 12 to ENV 15 that is sought by Scottish Planning Policy. As required by Scottish Planning Policy, policies ENV 12 to ENV 14 of the Proposed Plan contain a scaled level of protection for international, national and local nature conservation designations, with international designations having the most protection from development.

Objects to former railway line between King's Park and Strawberry Bank, Eskbank not being identified as a biodiversity site

The site between King's Park and Strawberry Bank (at Torsonce Road, see CD152) was subject to a planning application for 7 dwelling houses (06/00084/OUT) in 2006. Permission was refused due to poor access, lack of space for gardens and loss of trees.

The planning application helped prompt objections to the Finalised Midlothian Local Plan (2006) (adopted in 2008) to identify the site as a Local Biodiversity and exclude the site from the built-up area to avoid there being any support in principle for residential development on a site within the settlement boundary.

The Reporter at the 2007 Local Plan Inquiry for the 2008 Midlothian Local Plan found that there were adequate policies in place which any housing proposal would have to meet and that no further policies were necessary. However he stated that the Council should continue to examine the objection site with a view to its potential future identification as a Local Biodiversity Site (CD077, page 503, paragraphs 72.24-72.26).

Following the 2007 Local Plan Inquiry, the Council established a new local nature conservation site system in line with the relevant 2006 national guidance, "Guidance on Establishing and Managing Local Nature Conservation Site Systems in Scotland" (CD153). The site in question was proposed as a local biodiversity site. While it was recognised for its contribution as a wildlife corridor, the site failed in its assessment in March 2015 to become a local biodiversity due to their being insufficient rare or species of particular note present. The Council considered it had sufficient survey information collected from the Botanical Society of Britain and Ireland at different times of the year to undertake the assessment. Where able, the Council has now had the survey information for the site collected from the Eskbank Amenity Society recorded on its behalf by The Wildlife Information Centre who administers the local biodiversity system on the Council's behalf. The Wildlife Information Centre is the local wildlife records centre.

The local biodiversity site system operated by the Council allows for sites failing to become local biodiversity sites at an assessment to be resubmitted for consideration two years after that failure. Sites can be reconsidered before two years if significant new information is brought to the attention of the Council. Sites are considered by the Midlothian Local Biodiversity Steering Group whose members include the Scottish Wildlife Trust and the Botanical Society of Britain and Ireland. Scottish Natural Heritage is a corresponding member copied into the decisions of the steering group.

Sites that are endorsed by the Council and the Midlothian Local Biodiversity Steering Group as Proposed Local Biodiversity Sites receive the same policy support as designated local nature conservation sites in both the adopted Midlothian Local Plan (2008) (CD54), through policy RP 12 Regionally and Locally Important Nature Conservation Sites, and policy ENV 14 of the Proposed Plan.

The Nature Conservation Technical Note 2013 (CD61), published at the same time as the Main Issues Report 2013, provided information on the operation of the Midlothian Local Biodiversity Steering Group. This included information on the promotion and assessment of sites proposed as new Local Biodiversity Sites. The Main issues Report did not designate the site as a local nature conservation site. The Proposed Plan at paragraph 5.1.35 sets out that non-statutory planning guidance will be produced to provide information on identifying and designating potential new local biodiversity sites. In line with the 2006 Planning reforms and the Scottish Government's desire for shorter development plans, the Council does not consider it appropriate to include the lengthy information on the local biodiversity site system in the Local Development Plan itself, rather that it should be included within separate planning guidance.

The former railway line is designated open space in the Proposed Plan and is a therefore subject to the requirements of policy DEV 8 Open Spaces of the Proposed Plan. The

acknowledgement of the site as a wildlife corridor by the Council is particularly relevant to the assessment of proposals in relation to criterion D of the policy. This criterion does not support proposals that will diminish the biodiversity of designated open space.

The Council considers that the Proposed Plan contains a robust policy framework for the protection of environmental assets and nature conservation designations that is consistent with Scottish Planning Policy. The Council notes that Scottish Natural Heritage is fully supportive of policies ENV 12-ENV 15 in their responses PP2870; PP2871; PP2872; PP2873 respectively. The Council also notes the Scottish Wildlife Trust in their response PP65 is supportive of the Proposed Plan, and considers it a good plan for biodiversity enhancement and local biodiversity site protection under local authority planning powers.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP683 Margaret Hodge; PP1485 Anne Holland; PP1501 Anna MacWhirter; PP1514 Christina Harley; PP1524 Geoffrey Alderson; PP1552 Patricia Dimarco; PP1569 Andrew Thomson; PP1579 Beth Thomson; PP1636 Dawn Robertson; PP1644 Derek Robertson; PP1652 Stewart Y Marshall; PP1660 Elsie Marshall; PP1672 Joan Faithfull; PP1674 Stuart Davis; PP1689 Emma Moir; PP1690 John Owen; PP1700 M A Faithfull; PP1713 S M Croall; PP1718 Marie Owen; PP1730 R I Pryor; PP1755 Susan E Wright; PP1778 Susan Falconer; PP1779 R A Pryor; PP1804 Gudrun Reid; PP1950 George Gray; PP1960 Nan Gray; PP1969 Kenneth Purves; PP1984 David Binnie; PP1999 George Mackay; PP2011 E Purves; PP2038 Donald Marshall; PP2065 Gayle Marshall; PP2102; PP2414 Eskbank Amenity Society; PP2120 Patrick Mark; PP2147 Patricia Barclay; PP2192 Marshall Scott; PP2197 Kenneth A Hyslop; PP2206 Jan Krwawicz; PP2214 Marjorie Krwawicz; PP2232 Carolyn Millar; PP2242 Charles A Millar; PP2299 Kenneth McLean; PP2325 Jim Moir; PP2335 Alan Mercer; PP2343 Julia Peden; PP2378 Zow-Htet)

The Council does not consider it appropriate to include policies in the Local Development Plan on illegal contamination or dumping because these are not matters that can be enforced by the land use planning system. (PP683 Margaret Hodge; PP1485 Anne Holland; PP1501 Anna MacWhirter; PP1514 Christina Harley; PP1552 Patricia Dimarco; PP1569 Andrew Thomson; PP1579 Beth Thomson; PP2299 Kenneth McLean)

Concern raised about cumulative loss of biodiversity from development

The potential effect of development on proposed sites on biodiversity designations, habitats and protected species were considered in the process of site selection (Site Assessment Technical Note, pages 3-4, CD020). All of the sites, with the exception of a handful of brownfield sites within settlement boundaries, underwent a biodiversity assessment either by the Council's Biodiversity Officer or by The Wildlife Information Centre. These assessments looked at the potential harm development as a site could do to locally known species and habitats as well as opportunities for enhancement. Consequently, it is considered that biodiversity matters have been handled appropriately. The Council will be revamping its Local Biodiversity Action Plan and considers this, together with the local biodiversity site system and development of a Midlothian Green Network, provide opportunities to further enhance biodiversity in Midlothian. The Local Development Plan in section 5 sets out a protective policy framework for Midlothian's considerable environmental and cultural assets. The Proposals Map for the Local Development identifies the large extent of designated and non-designated nature conservation assets in Midlothian.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP557 M A Faithfull; PP625 Sarah Barron; PP943 Julian Holbrook)

Seeks changes to policies ENV 13, ENV 14 and ENV 15

The Council notes Scottish Natural Heritage's clear full support for the wording of policies ENV 12, ENV 13, ENV 14 and ENV 15 of the Proposed Plan – representations PP2870; PP2871; PP2872; PP2873 respectively.

In preparing the wording of policies ENV 13 and ENV 14, the Council has followed the level test set out in Scottish Planning Policy for such designations. The Council considers the level of test in policy ENV 13 is fully consistent with paragraphs 196 and 212 of Scottish Planning Policy and policy ENV 14 is consistent with paragraphs 196 and 197 of Scottish Planning Policy.

The Council considers that the requested changes to policy ENV 13 would result in any adverse effect on habitats being contrary to policy, which is not consistent with the wording of Scottish Planning Policy. Paragraph 212 of Scottish Planning Policy states:

'Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where... any significant adverse effects on the qualities for which the area has been designated are clearly outweighed...'

The Council considers making the requested change to policy ENV 13 would reduce the distinction between policies ENV 12 and ENV 13, and the gradation of test for the different class of designations that is clearly sought in paragraph 196 of Scottish Planning Policy:

'International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans... The level of protection given to local designations should not be as high as that given to international or national designations.' (Scottish Planning Policy paragraph 196)

The Council considers the requested change to the first line of criterion A of policy ENV 14 would make the policy inconsistent with the level of test sought by paragraph 196 of Scottish Planning Policy for development plan policies affecting local nature conservation sites, in comparison to the level of test for policies affecting national and international nature conservation designations. The Council considers the requested change would increase the level of test for local designations to one which would be higher than sought by Scottish Planning Policy paragraph 196. The Council fully supports the objector's views on the importance of local designations. This is reflected in their being well over 50 local designations in Midlothian.

The Council considers the requested change to criterion C of policy ENV 15 would not enhance the policy and is not necessary.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP989, PP992, PP993, PP994 Edinburgh & Lothians Green Belt Network)

Seeks removal of Nature Conservation designations at The Bush

The Council considers that either removing the designation under policy ENV 14 or reducing the protection given by the wording of the policy is inappropriate given the presence of the mature trees and habitat present in this location. The designation is a Local Wildlife Site designated by the Scottish Wildlife Trust and it is not in the gift of the Council to remove the designation, even were it considered desirable. The Council does not accept the argument that economic matters should automatically take precedence over nature conservation matters. In line with paragraph 35 of Scottish Planning Policy, the Council considers it correct and appropriate for an applicant to demonstrate that a proposal is compliant with the development plan where it may potentially have an adverse effect on biodiversity. Policy ENV 14 sets out the circumstances in which development within a designated local nature conservation site can be supported by the Local Development Plan.

The Council notes the comments raised concerning the type and colour of symbols used on the proposals map. The Council considers the issue arises due to the large number of policy designations in very close proximity in parts of Midlothian. For the paper version the Council would accept that the proposal maps in certain areas require to be looked at closely.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP292 Scottish Enterprise)

Raises concerns regarding the lack of supporting background information available on Local Biodiversity Sites

The Proposed Plan outlines the Council's intention to produce non-statutory planning guidance on Nature Conservation in paragraph 5.1.35. This is elaborated in table 7.1 (page 81) of the Proposed Plan which states that the guidance '*Provides details of the statutory and local nature conservation sites and explains the process for identifying and designating new Local Biodiversity Sites.*' Best efforts are made to contact all known land owners of potential local biodiversity sites for their survey and consideration as a local biodiversity site. (PP1621 Jon Grounell)

Representations made by the Scottish Wildlife Trust

The Council notes the support for the Proposed Plan in representation PP65.

The Scottish Wildlife Trust has previously been advised to make formal submission to Council to outline their desire for a North Esk Local Nature Reserve. The Council has concerns regarding the practicalities of the proposed Local Nature Reserve. The site proposed currently covers two distinct elements managed by different organisations. Springfield Mill is owned by the Council and operated by a local group of volunteers called the Friends of Springfield Mill in conjunction with the Council's Ranger Service. The grounds of Mavisbank House are owned by the state and in the care of Historic Environment Scotland. The Council would have concerns regarding maintaining the green flag status of Springfield Mill and would require the Mavisbank area to also meet this standard prior to considering a single Local Nature Reserve.

Designating a Local Nature Reserve involves going through a formal process involving consultation with Scottish Natural Heritage and making a case for the site based on the

criteria set in *Local Nature Reserves in Scotland: A Guide to their selection and Declaration* (CD042). This document sets Scottish Natural Heritage's view on what should be considered when choosing a Local Nature Reserve in section 5.2. Providing accessibility is important for the purposes of raising people's awareness, understanding and enjoyment of their local natural heritage. Given the difficulty in providing suitable access to Mavisbank House and grounds, the Council considers that a case would be hard to make at this time. Furthermore, the integrity of the proposed Local Nature Reserve would be difficult to make a case for given that Polton Road passes through it and that it may not meet the requirement for a Local Nature Reserve to be safe and physically easy to get into and circulate around. The Council is also concerned at the additional cost burden of having to establish and manage a Local Nature Reserve, including the provision of a safe access, vehicle parking and operational management plan(s) for the site. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP65; PP66 Scottish Wildlife Trust Lothians Group)

Representations made by the Scottish Natural Heritage

As Scottish Natural Heritage does not seek changes to policies ENV12-ENV15, the Council does not consider that modifications to these policies are required with respect to these representations. (PP2870, PP2871, PP2872, PP2873 Scottish Natural Heritage)

Reporter's conclusions:

Former railway line at Eskbank

1. A number of representations request that the former railway line between King's Park and Strawberry Bank, Eskbank should be designated as a potential or interim biodiversity site and wildlife corridor and given full protection from development through proposed local development plan policy ENV 14 (regionally and locally important nature conservation sites). The representations consider that the open space designation along the route (subject to policy DEV 8 – open spaces within settlement area), is insufficient to protect the biodiversity value of the site. Representations also highlight that the biodiversity importance of the site is referred to within the Eskbank and Newbattle Neighbourhood Plan.

2. The council's Nature Conservation Technical Note provides information on how sites can be identified as local biodiversity sites, including the site assessment criteria. Paragraph 5.1.35 of the proposed plan refers to supplementary planning guidance, which will provide details of: the statutory and local conservation sites; matters to be considered in the formulation or assessment of proposals potentially affecting nature conservation sites; and the process for identifying and designating potential new local biodiversity sites.

3. The council has explained that:

- the site referred to in the representations, failed the assessment to become a local biodiversity site in March 2015. This was as a result of their being insufficient rare species or species of particular note present at the site;
- the site assessment system allows for sites, which have previously failed the assessment, to be resubmitted for consideration two years after the previous assessment;
- the assessment system also allows sites to be reconsidered where there has been significant new information brought to the attention of the council;
- proposed sites are considered by the Midlothian local biodiversity steering

group;

- sites that are endorsed by the council and the steering group currently receive the same policy support as designated local nature conservation sites in the current Midlothian Local Plan (2008).

4. The site assessment process will allow the site referred to in the representations to be re-assessed. Should the site be endorsed by the council and the steering group, policy ENV 14 of the proposed plan will give the same weight to it during the consideration of a planning application, as it does to designated sites. Policy DEV 8 would apply to any proposals along the route preventing development which, amongst other things, would diminish the quality, amenity or biodiversity of the designated open space. Therefore, I find that the approach of the proposed plan is appropriate. No modifications are therefore required in response to these representations.

Nationally important nature conservation sites

5. Edinburgh and Lothians Green Belt Network objects to policy ENV 13 (nationally important nature conservation sites) stating that given their national importance they should be given robust protection. An amendment to policy ENV 13 is suggested to strengthen the proposed policy approach.

6. Paragraph 212 of Scottish Planning Policy (2014) states that development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve, should only be permitted where: the objectives of the designation and the overall integrity of the area will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. I find that policy ENV 13 accords with the requirements of Scottish Planning Policy; and provides a robust approach to the protection of nationally important sites. No modifications are required in response to this representation.

Regionally and locally important nature conservation sites

7. Edinburgh and Lothians Green Belt Network highlight that regional and local nature conservation sites are as often as important to local communities as international and national sites. An amendment to policy ENV 14 (regionally and locally important nature conservation sites) is therefore proposed to strengthen the policy approach.

8. Paragraph 196 of Scottish Planning Policy highlights that international, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Paragraph 203 states that direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development. Criterion 'A' of policy ENV 14 requires the applicant to demonstrate that a development has been sited and designed to minimise damage to the value of the site and include measures that will appropriately compensate for any damage which cannot be avoided. I therefore consider that policy ENV 14 accords with the requirements of Scottish Planning Policy; no modifications are therefore required in response to this representation.

9. Scottish Enterprise express concern that the allocation of land at The Bush as a regionally and locally important nature conservation site may result in a constraint to development of the land. It is requested that the designation is removed or the wording of

policy ENV 14 amended to give priority to economic development proposals in relation to established biotechnology sites b1 (Pentland Science Park), b2 (Edinburgh Technopole) and b9 (New Milton).

10. Scottish Planning Policy is clear that the planning system should support sustainable economic growth. Paragraph 29 identifies the principles to guide the preparation of planning policies and planning decisions, including, giving due weight to net economic benefit, as well as protecting and enhancing the natural environment.

11. Criterion 'B' of policy ENV 14 reflects Scottish Planning Policy by including an assessment of the public interest to be gained from the development, including those of a social or economic nature. In order for development to be permitted, the public interest to be gained would need to clearly outweigh the nature conservation interest of the site. I find the approach of policy ENV 14 accords with the requirements of Scottish Planning Policy and would not unnecessarily impede development of sites at The Bush. No modifications are therefore required in response to this representation.

12. Scottish Enterprise also express concern regarding the lack of clarity on the proposals map at The Bush where two different types of purple hatching are used to denote different allocations. I agree that given the number of designations and allocations at the site the proposals map has to be studied carefully in order to establish the extent of each designation/ allocation. However, it is possible to establish which designations apply to the area without too much difficulty. I therefore find that no modifications are required in response to this representation.

13. Scottish Wildlife Trust Lothians Group seek the allocation two local biodiversity sites, covering Springfield Mill and Mavisbank House as a local nature reserve. Guidance produced by Scottish Natural Heritage, "Local Nature Reserves in Scotland – A Guide to their Selection and Declaration" explains the process for designating a local nature reserve. Section 3 of the guidance sets out that it is not possible to designate a local nature reserve through the development plan process. Instead, a formal process is required to be undertaken with a period for consultation and engagement. Consequently, no modifications are required in response to this representation.

Species and habitat protection and enhancement

14. A number of representations express concern that the proposed plan does not:

- include proactive policies for the promotion of biodiversity to offset the cumulative loss of green belt, woodland and natural habitats;
- provide clearly defined and transparent criteria for the designation of biodiversity sites, wildlife corridors and habitats of conservation value;
- provide clear policies to address illegal contamination and dumping which degrades many local areas of wildlife value and natural habitats.

15. Policies ENV 12 (internationally important nature conservation sites), ENV 13, ENV 14 and ENV 15 (species and habitat protection) all include the requirement to protect biodiversity. In addition, policies DEV 5 (sustainability in new development) and DEV 7 (landscaping in new developments) seek to promote biodiversity enhancements in new development.

16. With regard to the provision of clearly defined and transparent criteria for the

designation of biodiversity sites, as explained in paragraphs 2, 3 and 4, this will be set out within the forthcoming supplementary guidance. In addition, as also explained in paragraph 2, the current criteria for assessment is set out within the council's Nature Conservation Technical Note.

17. In response to the request for the need for policies to address illegal contamination and dumping, I agree with the council that it is not appropriate to include policies in the proposed plan because these are not matters that can be enforced by the land use planning system. Other statutory functions enable action to be taken in response to these activities.

18. I therefore find that no modifications are required in response to these representations.

19. Edinburgh and Lothians Green Belt Network considers that policy ENV 15 should be strengthened to ensure the mitigation proposed with regard to the impact on a protected is effective, not just suitable. Paragraph 214 of Scottish Planning Policy is clear that the presence, or potential presence, of a legally protected species is an important consideration in decisions on planning applications. Mitigation to protect species should, therefore, be effective. Consequently, I agree that an amendment is required in order to ensure consistency with Scottish Planning Policy.

20. A representation identifies that a number of woodlands and hedges have been lost through the cumulative development of large areas of new housing within Midlothian. It is requested that:

- the biodiversity and wildlife value of woodlands and hedges should be protected through policies in the proposed plan. Policies should require retention of all of these features and as a last resort, replacement of removed trees and hedges;
- the proposed plan should include tree preservation orders on all remaining areas of mature woodland to protect such a valuable resource.

21. Paragraph 5.1.29 of the proposed plan acknowledges the important contribution that trees and hedges made to the quality, character and biodiversity of Midlothian's towns, villages and countryside. Policy ENV 11 (woodland, trees and hedges) seeks to protect woodlands, trees and hedgerows and, where an exception to the policy is agreed, any woodland, trees or hedges lost should be replaced with equivalent provision. The settlement statements section of the proposed plan clearly identifies where additional landscaping, including tree planting, is required as part of the development of individual sites.

22. There is provision within the Town and Country Planning (Scotland) Act 1997 (as amended) which gives planning authorities the powers to make tree preservation orders. The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 make provision for the form of a TPO and the procedure to be followed when making and confirming a TPO. This requires identification of the area to be covered by means of a map and registration of the TPO with the Land Register of Scotland. There are also specific consultation requirements to confirm a TPO including engagement through newspaper advertisement and contact with the Forestry Commission. Therefore, although local development plans can identify areas covered by TPOs, I find that it is not possible, as suggested in representations, to designate areas as

TPOs through the local development plan.

23. As a result of the above, no modifications are required in response to this representation.

Supportive comments

24. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Replacing the word "suitable" in criterion "C" of policy ENV 15 (species and habitat protection and enhancement) on page 55 with "appropriate and effective".

Issue 18	Other Natural Environment	
Development plan reference:	Policy ENV8, ENV11, ENV16, ENV17 and other environmental policy matters not handled elsewhere.	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>907759 PP70 Buccleuch Property Group 754735 PP85 Scottish Natural Heritage 905168 PP134 Susan Goldwyre 908990 PP369 Scottish Government 907142 PP542 Mirabelle Maslin 907464 PP590 Esk Valley Trust 921821 PP682 Margaret Hodge 922014 PP704 Lasswade District Civic Society 766577 PP941 Julian Holbrook 826479 PP985 Edinburgh and Lothian Green Network 826479 PP988 Edinburgh and Lothian Green Network 826479 PP990 Edinburgh and Lothian Green Network 826479 PP991 Edinburgh and Lothian Green Network 826479 PP995 Edinburgh and Lothian Green Network 755063 PP1016 Coal Authority 778056 PP1433 SEPA 778056 PP1437 SEPA 778056 PP1438 SEPA 778056 PP1439 SEPA 778551 PP1535 Tynewater Community Council 922085 PP1593 Andrew Barker 922086 PP1611 Rachel Davies 921865 PP2313 Joy Moore 922145 PP2413 Eskbank Amenity Society 909801 PP2736 H Tibbetts 754767 PP2770 Eskbank Amenity Society 754760 PP2803 Shiela Barker 754735 PP2869 Scottish Natural Heritage 909222 PP2894 Allan Piper</p>		
Provision of the development plan to which the issue relates:	Protecting Our Heritage section, policies ENV8, ENV11, ENV16 and ENV17 (pages 42 to 56). This Schedule 4 also contains the Council's response to the representation seeking an additional policy on light pollution.	
Planning authority's summary of the representation(s):		
<p><u>Policy ENV8 Protection of River Valleys</u></p> <p>Considers that experience of policy RP9 in adopted Local Plan is a cause for confusion, particularly where development already exists in the river valleys and development associated with it is put forward (scenarios put forward). Therefore supportive of relaxation in urban areas. (PP134 Susan Goldwyre)</p>		

Objects to potential for policy to support development within urban envelopes. (PP542 Mirabelle Maslin, PP590 John Oldham)

Objects to the change in policy ENV8 from policy RP9 of the Midlothian Local Plan (2008) of removing the "locational need" for development to be supported within parts of settlements that are located in the river valley policy area. States policy RP9 was a good example of collaboration between community groups and the Council and is a highly valued piece of community planning. Very concerned the policy is being changed after only five years from its introduction to the Midlothian Local Plan (2008). Considers the River Valleys are vulnerable through policy ENV8 similar to how there has been a dramatic loss of agricultural Green Belt land in Midlothian following permission being given for initial pockets of development. (PP682 Margaret Hodge, PP2413 Eskbank Amenity Society, PP2770 Eskbank Amenity Society)

Raises concerns that with no definition of 'urban areas', the rewording of policy ENV8 opens the door to developer interpretation and demands. Considers that small pockets of development could undermine the river valleys leading to dramatic loss, similar to Green Belt and prime agricultural land. (PP941 Julian Holbrook)

Considers that policy ENV8 has potential to contribute towards NPF/SPP requirements and River Basin Management Planning (RBMP) objectives, which has not been realised. Objects to lack of evidence that water body pressures/asures have been taken into account in preparation of MLDP. (PP1433 SEPA)

Objects to sentence in policy ENV8 allowing for development in urban envelopes, particularly in view of flood plain and drainage concerns. (PP1593 Andrew Barker, PP1611 Rachel Davies, PP2313 Joy Moore, PP2803 Shiela Barker)

Objects to the section of policy ENV8 that permits development in the river valleys within the urban envelopes, particularly in view of flood plain and drainage concerns. Requests the second sentence of the first paragraph of policy ENV8 is removed. (PP2736 H Tibbetts)

Supports Lasswade District Civic Society letter. Objects to sentence in policy ENV8 allowing for development in urban envelopes, particularly in view of flood plain and drainage concerns. (PP2894 Allan Piper)

Objects to sentence in policy ENV8 allowing for development in urban envelopes, particularly in view of flood plain and drainage concerns. (PP704 Lasswade District Civic Society)

Policy ENV11 Woodland, Trees and Hedges

In its current form Policy ENV11 provides for woodland removal as an exception, but does not address habitat connectivity matters that may occur. Requests change to bring Policy ENV11 in accordance with Scottish Planning Policy paragraph 217. (PP369 Scottish Government)

Welcome the clear intent to protect and enhance forestry and woodland in Midlothian, but has concerns regarding the wording of the second paragraph of policy ENV11 in relation to "woodland, trees or hedges lost will be replaced with equivalent". As the policy includes ancient woodland, Scottish Natural Heritage considers it inconsistent with paragraph 216 of Scottish Planning Policy (2014) in respect of ancient semi-natural woodland. Scottish

Planning Policy describes such trees as an irreplaceable resource that should be protected from adverse impacts resulting from development. (PP2869 Scottish Natural Heritage)

Policy ENV16 Vacant, Derelict and Contaminated Land or supporting text

Emphasises need for caution as well as greater emphasis on the water environment. (PP1437 SEPA)

Considers that suitable policy criteria should be included in LDP to ensure that coal mining legacy issues are taken into account/addressed as and when sites at high risk of instability come forward in the plan period. (PP1016 Coal Authority)

Policy ENV17 Air Quality

Seeks change to policy to reinforce impact of mitigation measures. (PP995 Edinburgh and Lothian Green Network)

Seeks amendment of policy to address the cumulative effects of development and that opportunity is taken to address impacts of increased greenhouse gas emissions generated by additional traffic from development in the proposed plan. (PP1438 SEPA)

Seeks introduction of policy on light pollution

Considers this section of the plan should have a policy on light pollution. States the policy should require that lighting associated with new development must not result in light spill on to adjoining land or excessive reflection to the sky. Considers light sources must be shielded so that they are not visible from outwith the site. (PP542 Mirabelle Maslin)

Support for Policy ENV8

Supports policy ENV8. (PP985 Edinburgh and Lothian Green Network)

Support for Policy ENV11

Supports policy ENV11. (PP988 Edinburgh and Lothian Green Network)

Support for Policy ENV16

Supports policy ENV16. (PP990 Edinburgh and Lothian Green Network)

Support for Policy ENV18

Supports policy ENV18. (PP991 Edinburgh and Lothian Green Network)

SEPA supports policy ENV18. Considers the policy sets a solid framework for addressing the issue of noise which can have a significant impact on "sensitive receptors" such as housing, offices and schools. States similarly complaints about noise could have impacts on established businesses. States a noise impact assessment is a useful mechanism for establishing separation distances, or other appropriate mitigation and controls, between uses that generate noise and sensitive receptors. (PP1439 SEPA)

Modifications sought by those submitting representations:Policy ENV8 Protection of River Valleys

Seeks clarification over wording of "compatibility of scale, siting and design". (PP134 Susan Goldwyre)

Seeks removal of text from policy ENV8 which allows for development in urban envelopes. (PP542 Mirabelle Maslin, PP590 John Oldham, PP704 Lasswade District Civic Society, PP1593 Andrew Barker, PP1611 Rachel Davies, PP2313 Joy Moore, PP2736 H Tibbetts, PP2803 Shiela Barker, PP2894 Allan Piper)

The North and South Esk River Valleys should be protected entirely by a presumption against development. Policy ENV8 should be amended to use the words in policy RP9 of the Midlothian Local Plan (2008) and be strengthened by more robust planning policies and practices prioritising protection of precious wildlife and community assets. The river valleys and surrounding ancient woodlands should be withdrawn from the Local Development Plan to protect them. (PP682 Margaret Hodge, PP2413 Eskbank Amenity Society, PP2770 Eskbank Amenity Society)

Seeks reinstatement of wording of RP9 from current Midlothian Local Plan. River Valleys should be excluded from consideration for new development. (PP941 Julian Holbrook)

Seeks greater emphasis in policy ENV8 on NPF/SPP requirements and River Basin Management Planning (RBMP) objectives. (PP1433 SEPA)

Policy ENV11 Woodland, Trees and Hedges

Paragraph two of Policy ENV11 should be amended to include an additional sentence at the end, so that it reads as follows:

"Where an exception to this policy is agreed, any woodland, trees or hedges lost will be replaced with equivalent. Removal of woodland, trees and hedges will only be permitted where it is clearly demonstrated that significant and clearly defined benefits will be achieved. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network". (PP369 Scottish Government)

Insert the following as a new final sentence to the second paragraph of policy ENV11, *"As an irreplaceable resource, it is unlikely that benefits can be demonstrated for the removal of ancient woodland. Exceptions for ancient woodland will therefore not be considered."* (PP2869 Scottish Natural Heritage)

Policy ENV16 Vacant, Derelict and Contaminated Land or supporting text

Considers that additional text should be included to recommend that applicants considering redeveloping such land consult SEPA at the earliest stage of preparing proposals. (PP1437 SEPA)

Suggest altered text for ENV16, viz: "The Council will support the redevelopment of vacant, unstable and derelict land provided the new use does not conflict with other policies of this

Local Development Plan, particularly policy DEV2. It will require to be satisfied that proposals for the use of land are suitable in relation to any potential risks from prior contamination and instability." (PP1016 Coal Authority)

Policy ENV17 Air Quality

On line five of policy ENV17, insert the word "*effective*" before the word "mitigation". (PP995 Edinburgh and Lothian Green Network)

Seeks amendment of policy to address the cumulative effects of development and that opportunity is taken to address impacts of increased greenhouse gas emissions generated by additional traffic from development in the proposed plan. (PP1438 SEPA)

Seeks introduction of policy on light pollution

Introduce a policy in section 5.1 of the Proposed Plan on light pollution. The policy should: require that lighting associated with new development must not result in light spill on to adjoining land or excessive reflection to the sky; and light sources must be shielded so that they are not visible from outwith a development site. (PP542 Mirabelle Maslin)

Summary of responses (including reasons) by planning authority:

Context

This Schedule 4 addresses those environmental topics which have been subject of representations but which are not addressed in a separate Schedule 4.

A number of representations have been received in respect of the Protection of River Valleys policy. This policy was established in the Midlothian Local Plan 2008, creating a local protective designation along the valleys of the North Esk, South Esk and Tyne. However, the current policy does not include any exception criteria to enable consideration of development proposals where the designation covered parts of established urban areas. The Council considers that there may be instances where the nature of proposed development is considered to be appropriate (with or without mitigation of any likely impact on the designation) and where the proposal is also consistent with other policies relating to the urban context. Through ENV8, the Proposed Plan seeks to modify the established policy from the Adopted Local Plan to provide more clarity and consistency when considering proposals in respect of land within urban envelopes.

Representations have also been received seeking specific changes to either Policies or supporting text in respect of policies ENV11, ENV16, ENV17, and in respect of a perceived omission from the environmental policies.

Response in respect of representations seeking changes to Policy ENV8 Protection of River Valleys

The policy was introduced in the 2008 Midlothian Local Plan (CD000, Policy RP9). It was a local designation, and was introduced in response to community concerns about protection of the river valleys. The policy was intended to protect the landscape and amenity qualities of the river valleys by providing an overarching policy to protect them as a coherent entity. The river valleys contain important semi natural and ancient woodlands which are of great value for biodiversity. Their linear nature is particularly valuable for genetic exchange, and

the policy provided another layer of protection for this important resource.

In the light of operational experience, the Midlothian Local Development Plan Proposed Plan amends the policy, in respect of the test of a specific locational need for land within the urban envelopes (these are defined in the proposals map). The original policy covered extensive areas within the urban envelopes, and the spatial extent of the policy is maintained in Policy ENV8. The Council considers that it is not helpful to the aims of the policy to treat this area in the same way as land outwith settlements. The landscape is different within such areas; there are often brownfield opportunities, many linked to former paper mill uses, and there are existing residents and businesses, who may wish to seek development which has little or no impact on the landscape character of the valley. The Council considers that the approach of the current policy (RP9) is overly onerous in its treatment of built-up areas (for example, a brownfield redevelopment of former mill buildings would have to demonstrate a need to be sited in a river valley location, to comply with the policy).

Although the specific locational need test is removed from the land covered by ENV8 in the urban envelope, the remaining aspects of the policy in terms of impact on the landscape and conservation value of the valleys, not impeding public access opportunities and avoiding conflict with other policies of the plan (in particular water environment policies) continue to apply. The Council considers that the relaxation provides a level of flexibility for continuing development needs within the urban envelope that is reasonable, while continuing to meet the objectives of the policy.

In respect of the representations seeking the protection of the North and South Esk River Valleys by a presumption against development, the Council considers that Policy ENV8 provides exceptionally strong protection for these areas (particularly when it is remembered that it is a local designation rather than a policy for the protection of an internationally or nationally designated resource).

Valuable environmental assets are also protected by other environmental policies, including those on Green Network (ENV2), Special Landscape Areas (ENV6), and Landscape Character (ENV7), Water Environment (ENV10), Woodland Trees and Hedges (ENV11) and the suite of nature conservation policies in ENV12, ENV13, ENV14 and ENV15.

In respect of the representation seeking clarification over the wording of 'compatibility of scale, siting and design' these words and phrases are not used in Policy ENV8, so there appears no need to provide further clarification.

In respect of the representation seeking greater emphasis in policy ENV8 on NPF/SPP requirements and River Basin Management Planning (RBMP) objectives, the Plan has a Water Environment policy (ENV10) and Flooding Policy (ENV9). The Protection of River Valleys policy was actuated by local desires for greater protection of the river valley for landscape, amenity and biodiversity reasons. As the matters raised are satisfactorily addressed by other policies in the plan the Council does not consider there is any case for amending Policy ENV8.

In respect of the representations seeking maintenance of the policy for flood plain/flooding reasons, neither the current policy RP9 or its replacement ENV8 was introduced to meet a flooding objective, and this matter is covered by ENV9 in the Proposed Plan.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP134 Susan Goldwyre, PP542 Mirabelle Maslin, PP590 John Oldham, PP682 Margaret Hodge, PP704 Lasswade District Civic Society, PP2413 & PP2770 Eskbank Amenity Society, PP941 Julian Holbrook, PP1433 SEPA, PP1593 Andrew Barker, PP1611 Rachel Davies, PP2313 Joy Moore, PP2803 Shiela Barker, PP2736 H Tibbetts, PP2894 Allan Piper)

Response in respect of representations seeking changes to Policy ENV11 Woodland, Trees and Hedges

In respect of the representation seeking additional text for the second paragraph of Policy ENV11 in connection with maintaining habitat connectivity. The Council does not consider that the change sought by the Scottish Government would affect the underlying aims or strategy of the proposed plan.

The Council considers that the proposed modifications have merit and therefore requests that Reporter(s) make a judgement on whether to make changes to the Midlothian Local Development Plan in respect of this representation. (PP369 Scottish Government)

In respect of the representation seeking additional text for the second paragraph of Policy ENV11 to the effect that exceptions for ancient woodland will not be considered: the policy requires that where an exception to the policy is agreed, any woodland, trees or hedges will be replaced with an equivalent, and removal will only be permitted where it is demonstrated that significant and clearly defined benefits will be achieved. The Council considers that this policy gives strong protection to ancient woodland, and the proposed change is unnecessary.

The Council agrees with the representor that it is unlikely that benefits can be demonstrated for the removal of ancient woodland. Under the terms of the policy it is therefore unlikely that such a proposal could be justified and so the proposed change appears to make little practical difference.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP2869 Scottish Natural Heritage).

Response in respect of representations seeking change in respect of Policy ENV16 Vacant, Derelict and Contaminated Land or supporting text

The Council accepts that SEPA is an organisation that potential applicants may find useful to contact in respect of some applications that are on land that is either vacant, derelict or contaminated. However, SEPA's involvement will not be relevant in every case. In preparing the Proposed Plan the Council has tried to make it clear, succinct and relevant. The Council does not consider that policies or supporting text should be expanded to encompass all relevant organisations that may be of assistance to an applicant in preparing development proposals.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1437 SEPA)

The Council would not favour a general policy presumption supporting the redevelopment of unstable land, which would be the effect of the proposed change. In respect of the

additional text to refer to ground instability in addition to contaminated land, the Council has highlighted this matter in the supporting text (paragraph 5.1.39) and made particular reference to the role of the Coal Authority.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1016 Coal Authority)

Response in respect of representations seeking changes to Policy ENV17 Air Quality

In respect of the change seeking the insertion of the word 'effective' before the word 'mitigation', the Council considers that this is unnecessary – it should be taken as read that where mitigation is sought it should be effective.

In respect of addressing greenhouse gas emissions from additional traffic generated by development, this is a climate change rather than an air quality issue, and other policies in the plan address this matter. Carbon dioxide would only become a problem in enclosed spaces where there was a source-pathway-receptor relationship, and increased concentrations of CO₂ led to depleted oxygen in the air. This tends to occur in cases where there have been certain types of waste dumping or mining which have not been properly remediated or resulting gas excluded through use of gas proof membranes incorporated into development on such sites. Policy ENV16 addresses this matter, as do other regulatory systems.

Councils have a duty under Part IV of the Environment Act (1995) to regularly review and assess air quality in their areas, and to determine whether or not the specified air quality objectives are likely to be achieved. All the busy junctions in Midlothian have been considered as part of the local authority's annual air quality review and assessment and monitoring is carried out at various junctions in Midlothian for nitrogen dioxide (NO₂) and particulates (PM₁₀). Midlothian Council's latest (October 2015) 'Updating and Screening Assessment (USA)' (CD000) considers this issue. The purpose of the USA is to determine whether there are any matters that have changed which may lead to risk of an air quality objective being exceeded and whether there is a need for a 'Detailed Assessment'. The USA indicates that measured concentrations are within the annual mean air quality objective by some margin at all monitoring locations and that a Detailed Assessment is not required.

Recent road building (A68 Dalkeith northern bypass, B6392 Bonnyrigg distributor road, and the Edgehead (Loanhead) relief road) has helped improve traffic flow and removed traffic from the kinds of areas which give rise to air quality concerns (narrow and congested areas with high buildings and high density of sensitive receptors). The Council's transport network interventions are designed to support implementation of the plan's development strategy. Successive European Union vehicle standards have required higher vehicle emission standards (it is assumed that vehicles sold in the UK will at least adhere to these standards). Alternatives to internal combustion are becoming available – the first 'plug-in' electric buses in the Lothians enter service in 2017, with 'geofencing' technology so that they run in pure electric mode in sensitive areas.

There are methods to model air quality and predict the impact of new development based on for example the increase in vehicle trips generated by the development and taking into account existing background levels. This is something that is requested by Environmental Health where there is a concern or possibility that a new development may cause a breach of the Air Quality Objectives and something which would normally form part

of an Environmental Impact Assessment (EIA) for a large development. The scoping phase of any EIA would consider provision for cumulative effects. The Council considers that Policy ENV17 provides an adequate basis for the proper consideration of air quality matters (both in terms of development which generates problems or may put people in harm's way).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP995 Edinburgh and Lothian Green Network, PP1438 SEPA)

Response in respect of representation seeking introduction of policy on light pollution

In respect of a policy on light pollution, the Council considers that its existing policies and other regulatory procedures provide adequate protection. Artificial light pollution became a statutory nuisance under the Public Health (Scotland) Act 2008, and Council Environmental Health teams have powers to address this. The Council's own lighting is designed to meet British Standard BS5489, so as to provide the right lighting class for a given area. All lighting designs are considered in respect of their impact on the environment, assessments of obtrusive light and light pollution being a part of this. Luminaire manufacturers provide a wide variety of lanterns with different optical settings to accommodate most situations. All the roads street lighting designs are checked by the lighting section prior to approval and again after installation.

Policy DEV2 Protecting Amenity within the Built-up Area Policy seeks to prevent development which detracts from the character or amenity of the built-up area. Policy DEV6 Layout and Design of New Development, criterion M requires any roads, lighting and parking to satisfy the Council's standards. If Council standards are modified to place greater emphasis on prevention of light pollution, this will have an impact on land use planning policy

Policy RD3 seeks to protect the Pentland Hills Regional Park, should the management plan indicate a stronger emphasis on preserving dark skies this would be reflected in the application of the policy. The primary characteristic of those areas of the country that have dark skies is an absence of people. The Council's rural development policies and the general emphasis on directing development to existing built up areas or planned extensions to these areas, has the effect of reducing development impact and potential light sources away from the deep rural areas.

The installation of new lighting will in many cases have permitted development (PD) rights. Some National Parks areas have designated dark skies areas with supporting policies in their development plans, but Midlothian Council is not convinced that there is such an area in Midlothian requiring special protection through significant removal of PD rights or an express policy to address this matter.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP542 Mirabelle Maslin)

Reporter's conclusions:

Protection of river valleys

1. A number of representations object to the proposed change from current Midlothian

Local Plan 2008 policy RP9 to proposed policy ENV 8 (protection of river valleys). The change in policy approach would allow development within the urban envelope rather than the current approach which prevents all development in river valleys, unless there is a specific locational requirement. Concern is expressed that the proposed approach would result in inappropriate development which would undermine the river valleys, particularly as there is no definition of “urban area” within the proposed plan. The representations consider the policy should be amended to reflect a strengthened policy RP9.

2. The river valleys extend across a large part of the plan area, as a result a number of policies within the proposed local development plan would be relevant when assessing planning applications, including: ENV 2 (Midlothian green network); ENV 6 (special landscape areas); ENV 7 (landscape character); ENV 10 (water environment); ENV 11 (woodland, trees and hedges); and in the suite of nature conservation policies, ENV 12 (internationally important nature conservation sites), ENV 13 (nationally important capture conservation sites), ENV 14 (regionally and locally important nature conservation sites) and ENV 15 (species and habitat protection and enhancement). Whilst I understand the concerns expressed in the representations, I find that policy ENV 8, when read alongside the other relevant policies within the proposed plan, would give the appropriate level of protection to the river valleys. With regard to the suggestion that the proposed plan does not define the “urban area”, policy ENV 8 cross refers to policy DEV 2 (protecting amenity within the built-up area) and the proposals map defines settlement boundaries which clearly define the boundary of the urban area. As a result, no modifications are required in response to the representations.

3. A number of representations express concern that by permitting development in the river valleys, within the urban envelopes, policy ENV 8 will increase flooding and drainage problems. As explained in paragraph 2, a number of policies within the proposed plan will be relevant when assessing planning applications that lie within the river valleys. Policy ENV 9 (flooding) states that development will not be permitted which would be at an unacceptable risk of flooding or would increase the risk of flooding elsewhere. With regard to drainage, policy ENV 9 also states that sustainable urban drainage systems will be required for most forms of development, with further reference to this requirement within policy ENV 10 (water environment) and policy IMP 3 (water and drainage). As a result, I find that no modifications are required in response to the representations.

4. A representation from Mrs Susan Goldwyre suggests that policy ENV 8 should provide more emphasis, definition and detail on the compatibility of scale, siting and design of new development. As policy DEV 6 (layout and design of new development) addresses these matters, I find no modifications are required in response to this representation.

5. The Scottish Environment Protection Agency object to policy ENV 8 as evidence that the water body pressures and measures should have been taken into account in the preparation of the proposed plan, specifically:

- the role of the river valleys, as blue/ green networks, should have been given much greater emphasis with scrutiny given to how they can usefully connect to the wider blue/green networks in rural areas and provide valued green infrastructure in urban envelopes;
- the policy provides no evidence that account has been taken of river basin planning objectives relating to the river networks associated with these valleys in order to contribute to action in this regard; and
- there is no evidence that river basin management planning data has been

considered in support of policy ENV 10 (water environment).

6. Paragraph 5.1.22 of the proposed plan recognises the important role of the river valleys in unifying some of the area's most valuable and attractive places. However, no link is provided between this section of the proposed plan and the section on the Midlothian green network, where in paragraph 5.1.7 it is clearly set out that of the proposed plan explains that green networks comprise both "green" and "blue" features. I therefore agree with the Scottish Environment Protection Agency that modification is required to ensure the role of the river valleys as part of the green network is clear.

7. With regard to the concern that policy ENV 8 does not provide evidence that account has been taken of river basin planning, the policy refers specifically to the water environment policies. Policy ENV 10 (water environment) highlights that proposals that support measures identified in the river basin management plan will be supported. I therefore find that no modification is required in response to this representation.

8. The matter regarding river basin management data is addressed in Issue 16 (flooding and water environment) of this report.

Woodlands, trees and hedges

9. The Scottish Government request that policy ENV 11 (woodland, trees and hedges) is amended to ensure it reflects the requirements of paragraph 217 of Scottish Planning Policy (2014), to address habitat connectivity matters that may occur. The council consider the amendment proposed by the Scottish Government would not affect the underlying aims or the strategy of the proposed plan and that the proposed modification has merit. I agree and find that policy ENV 11 should be modified to ensure consistency with Scottish Planning Policy.

10. Scottish Natural Heritage request an amendment to policy ENV 11, to ensure consistency with paragraph 216 of Scottish Planning Policy. This highlights that ancient semi-natural woodland is an irreplaceable resource, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Scottish Natural Heritage suggest that the policy should be amended to make reference to ancient woodland being an irreplaceable resource and that it is therefore unlikely that benefits can be demonstrated for the removal of ancient woodland, as a result, exceptions for ancient woodland should not be considered.

11. Whilst I agree with Scottish Natural Heritage that ancient woodland is an irreplaceable resource, paragraph 218 of Scottish Planning Policy allows for removal of woodland where it would achieve significant and clearly defined additional public benefits; it does not exclude exceptions for ancient woodland. However, I agree that policy ENV 11 does not fully reflect the requirements of Scottish Planning policy, in that it does not refer to additional public benefits. A modification is therefore required.

Vacant, derelict and contaminated land

12. The Scottish Environment Protection Agency highlight that redevelopment of vacant, derelict and contaminated land can lead to significant impacts on the environment. Therefore, it is requested that paragraph 5.1.39 of the proposed plan should be amended to state that the Scottish Environment Protection Agency should be consulted at the

earliest stage of preparing proposals. I agree with the council that the proposed plan should not be expanded to encompass all relevant organisations that may be of assistance to an applicant in developing proposals; this could suitably occur as part of best practice. As a result, no modifications are required in response to the representations.

13. As a result of the past coal mining activity, the Coal Authority considers that suitable policy criteria should be included in the proposed plan to ensure that coal mining legacy issues are taken into account and addressed in both allocated and unallocated sites, within development high risk areas, come forward over the lifetime of the plan. It is suggested that this could be achieved through the incorporation of a specific new policy on past coal mining legacy issues or by making a minor amendment to Policy ENV 16 (vacant, derelict and contaminated land).

14. I agree with the Coal Authority, particularly as 32% of the Midlothian area has been subject to past coal mining activity, that it is important that land stability issues are addressed. Whilst it is noted that a number of the development considerations for land allocations highlight issues of land instability, it is important that this issue is fully considered through the determination process. Although I agree with the council that the revised policy wording suggested by the Coal Authority would give a general policy presumption supporting the redevelopment of unstable land, for the reasons identified above, I find that a modification is required.

Air quality

15. The Scottish Environmental Protection Agency seek an amendment to policy ENV 17 (air quality) to address the cumulative effects of development and that the opportunity is taken to address the impacts of increased greenhouse gas emissions generated by increased car journeys from development proposed plan.

16. The Environmental Report that accompanies the proposed plan considered the air quality impacts of the proposed development strategy. It highlights that the proposed plan contributes to the avoidance of greenhouse gas emissions by: planning the distribution of land uses in a way that reduces the need to travel and discourages the use of private motor vehicles; encouraging economic development within Midlothian itself; and sustaining and improving public transport and cycle routes and paths to the city and elsewhere. In addition, the Environmental Report states that air quality impacts were included as part of the assessment of development sites.

17. This approach has therefore considered the cumulative effects. In addition, I agree with the council that the scoping phase of any environmental impact assessment for a qualifying development would include provision for cumulative effects. I find therefore that no modification is required to the proposed plan in response to this representation.

18. The Edinburgh and Lothian Green Network request an amendment to policy ENV 17 to ensure that mitigation is effective. Whilst I acknowledge the council's comments that it should be taken as read that where mitigation is sought it should be effective, I note the differing approach in other policies within the proposed plan, for example: policy VIS 3 (Midlothian snowsports centre), RD 4 (country parks) refer to "satisfactory" mitigation; policy ENV 13 (nationally important nature conservation sites) refers to "suitable" mitigation. In the interest of clarity, a modification to the proposed plan is required.

Light pollution

19. A representation requests an additional policy to address light pollution which would require that lighting associated with new development must not spill on to adjoining land or have excessive reflection to the sky. I agree with the council that a number of policies within the proposed plan will control light pollution from new development, including policies DEV 2 and DEV 6. I find therefore that no modification is required to the proposed plan in response to this representation.

Supportive comments

20. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Adding the following text to the end of the second paragraph of policy ENV 11 (woodland, trees and hedges) on page 52:

"If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network".

2. Replacing the second sentence of the second paragraph of policy ENV 11 (woodland, trees and hedges) on page 52 with:

"Removal of woodland, trees and hedges will only be permitted where it would achieve significant and clearly defined additional public benefits".

3. Adding the following text to the end of the final sentence of policy ENV 16 (vacant, derelict and contaminated land) on page 55:

"and land instability."

4. Adding "effective" in between "seek" and "mitigation" in the second sentence of policy ENV 17 (air quality) on page 56.

5. Adding the following to the end of the second sentence of paragraph 5.1.22 on page 50:

"and as such, they are a vital part of Midlothian's green network.".

Issue 19	Preserving our Historic Environment	
Development plan reference:	Protecting our Heritage, section 5.2 including policies ENV19 to ENV22 and ENV24 and 25, pages 56 – 63	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>909476 909801 907142 921640 921296 908554 921601 921821 922014 754728 754728 754728 921601 766577 922079 922087 922089 922115 922118 922085 922086 779441 921337 921342 921686 921694 921630 921697 921636 921698 921640 921644 929852 921651 921659 921663 921732 921742 921919 921920 782000 921929 921960</p>	<p>PP111 PP195 PP544 PP558 PP626 PP662 PP670 PP684 PP705 PP904 PP905 PP906 PP917 PP944 PP1486 PP1502 PP1515 PP1570 PP1580 PP1594 PP1612 PP1622 PP1637 PP1645 PP1653 PP1661 PP1675 PP1677 PP1691 PP1693 PP1701 PP1714 PP1721 PP1731 PP1758 PP1780 PP1781 PP1807 PP1951 PP1961 PP1970 PP1986 PP2000</p>	<p>William McCulloch H Tibbetts Mirabelle Maslin M A Faithfull Sarah Barron Margaret Montgomery Ross Laird Margaret Hodge Lasswade District Civic Society Historic Scotland Heritage Management Directorate Historic Scotland Heritage Management Directorate Historic Scotland Heritage Management Directorate Ross Laird Julian Holbrook Anne Holland Anna MacWhirter Christina Harley Andrew Thomson Beth Thomson Andrew Barker Rachel Davies Jon Grounsell Dawn Robertson Derek Robertson Stewart Y Marshall Elsie Marshall Joan Faithfull Stuart Davis Emma Moir John Owen M A Faithfull S M Croall Marie Owen R I Pryor Susan E Wright R A Pryor Susan Falconer Gudrun Reid George Gray Nan Gray Kenneth Purves David Binnie George Mackay</p>

782003	PP2012	E Purves
783974	PP2041	Donald Marshall
921970	PP2066	Gayle Marshall
754767	PP2104	Eskbank Amenity Society
921658	PP2121	Patrick Mark
921794	PP2149	Patricia Barclay
921900	PP2196	Marshall Scott
921896	PP2199	Kenneth A Hyslop
922005	PP2207	Jan Krwawicz
922006	PP2215	Marjorie Krwawicz
921905	PP2235	Carolyn Millar
921908	PP2243	Charles A Millar
921443	PP2300	Kenneth McLean
921865	PP2314	Joy Moore
921622	PP2326	Jim Moir
921616	PP2336	Alan Mercer
921599	PP2344	Julia Peden
921971	PP2379	Zow-Htet
922145	PP2415	Eskbank Amenity Society
754760	PP2804	Shiela Barker
909222	PP2895	Allan Piper

Provision of the development plan to which the issue relates:	Protecting our Heritage, section 5.2 pages 56 – 63 including policy ENV19 Conservation Areas; ENV20 Nationally Important Gardens and Designed Landscapes; ENV21 Nationally Important Historic Battlefields; ENV22 Listed Buildings; ENV24 Other Important Archaeological or Historic Sites; ENV25 Site Assessment, Evaluation and Recording.
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Planning authority’s summary of the representation(s):

ENV19 Conservation Areas

Objects to the Proposed Plan as it is felt that the principles of Policy ENV 19 are not reflected in built developments in conservation areas; concern about the impact that poor design and material choices are having on these areas; concern about the lack of respect for local characteristics & building features in these areas; need to exert more planning control on design & material choices via Conservation Area Appraisals, design briefs and quality standards. (PP944 Julian Holbrook; PP1570 Andrew Thomson; PP1486 Anne Holland; PP1502 Anna MacWhirter; PP1515 Christina Harley; PP1580 Beth Thomson; PP1637 Dawn Robertson; PP1645 Derek Robertson; PP1653 Stewart Y Marshall; PP1661 Elsie Marshall; PP1675 Joan Faithfull; PP1677 Stuart Davis; PP1691 Emma Moir; PP1693 John Owen; PP1701 M A Faithfull; PP1714 S M Croall; PP1721 Marie Owen; PP1731 R I Pryor; PP1758 Susan E Wright; PP1780 R A Pryor; PP1781 Susan Falconer; PP1807 Gudrun Reid; PP1951 George Gray; PP1961 Nan Gray; PP1970 Kenneth Purves; PP1986 David Binnie; PP2000 George Mackay; PP2012 E Purves; PP2041 Donald Marshall; PP2066 Gayle Marshall; PP2104 Eskbank Amenity Society; PP2121 Patrick Mark; PP2149 Patricia Barclay; PP2196 Marshall Scott; PP2199 Kenneth A Hyslop; PP2207 Jan Krwawicz; PP2215 Marjorie Krwawicz; PP2235 Carolyn Millar; PP2243 Charles A Millar; PP2300 Kenneth McLean; PP2326 Jim Moir; PP2336 Alan Mercer; PP2344 Julia Peden; PP2379 Zow-Htet; PP2415 Eskbank Amenity Society)

Considers the requirements of the policy are not reflected in planning practice in the

Midlothian Green Belt or its towns, villages and conservation areas. Critical of new development design and poor quality of materials that are oppressive and of alien character. Considers this lack of respect for local characteristics extends to conservation areas, referring to standardised housing at Hopefield or the insensitive new housing at Eskbank on Dalhousie Road. Considers some look more English “home counties” in style than traditional Scottish vernacular. Refers to design default of harling/render to give a spurious Scottish finish to poorly designed buildings. (PP684 Margaret Hodge)

Concerned about permitted development within Midlothian's conservation areas. (PP662 Margaret Montgomery)

Note that in the preamble to policy ENV19, it is stated that modern materials in conservation areas may be appropriate, yet the wording of the policy suggests otherwise. Recommend that ambiguity is clarified. Given the importance of detailed design in conservation areas seeks clarification on whether Planning Permission in Principle (PPP) applications are acceptable in conservation areas. Suggests that it would be helpful to include reference to Conservation Area Appraisals in this section, if not the policy itself. (PP904 Historic Scotland Heritage Management Directorate)

Consider that the only active management of conservation areas mentioned is potential funding from THI and CARS, which may not provide further funding. Given that many of the conservation areas have no character appraisals, this is considered unacceptable as these explain what is being protected and why. In relation to Penicuik, it is felt that the changes made to the conservation area boundary have not been explained, and that the setting of Uttershill Castle has been overlooked. The castle should be protected to enhance an understanding of its meaning rather than just for scenery for the town. Auchendinny should be protected by a conservation area (covering Loanstone and Howgate) given its history as a paper making town. The lack of listed buildings underlines the need for this. (PP1622 Jon Grounell)

ENV20 Nationally Important Gardens & Designed Landscapes

While it is considered that policy ENV20 provides robust protection for Nationally Important Gardens & Designed Landscape, it is felt that it should allow for the potential for development to enhance these. Welcome reference to management plans in paragraph 5.2.13. (PP905 Historic Scotland Heritage Management Directorate)

ENV21 Nationally Important Historic Battlefields

Supports the identification and importance given to the site of the Battle of Roslin. Seeks assurances that in the development of the former Roslin Institute site (Hs18) there is a commitment to protect the site and its characteristics, that archaeologists can have access and investigate the site ahead of/during development and that works should provide financial contributions towards interpretation boards, prepared in conjunction with archaeologists, Historic Scotland, University of Edinburgh and the local community. (PP670 Ross Laird)

Consider that policy ENV21 provides robust protection for Historic Battlefield; suggest rewording in line with SPP and upcoming guidance on battlefields. Consider that this provides a more defined scope for the policy with concerns that it would be difficult to implement the policy in its current form, particularly with regards to 'appearance' and 'setting'. (PP906 Historic Scotland Heritage Management Directorate)

Welcomes the identification of the two battlefield sites, but concerned that development on edge of Battle of Roslin site could have a detrimental impact. While Esk Valley is recognised for the importance of its heritage, considers that more could be done. (PP917 Ross Laird)

ENV22 Listed Buildings

While supportive of principles of policy ENV22, is concerned that the section on enabling development is too restrictive with regards to the location of the enabling development in relation to the building (criterion a). Considers that there are circumstances where sites not in curtilage of listed building have advantage of causing unnecessary harm to building or setting (cites Northumberland County Council v Sec of State Env (1989)). (PP111 William McCulloch)

Objects to the 'Enabling Development' aspect of policy ENV22 and seeks stronger protection of integrity/setting/character of listed buildings. (PP195 H Tibbetts; PP626 Sarah Barron; PP705 Lasswade District Civic Society; PP1594 Andrew Barker; PP1612 Rachel Davies; PP2314 Joy Moore; PP2804 Shiela Barker; PP2895 Allan Piper)

Plan refers to safeguarding Rosslyn Chapel but considers that recent Council decision on car parking at Chapel Loan have spoiled what was an attractive route. Castle, battlefield and other sites should be protected. (PP544 Mirabelle Maslin)

Other matters – reference to policies ENV24 and 25

Concerned at loss of Roman archaeology given evidence that Midlothian was an important hub for the Roman invasion of northern Scotland. Cites Elginhaugh and old Roman farming field patterns as examples of this loss to development. (PP558 M A Faithfull)

Modifications sought by those submitting representations:

ENV19 Conservation Areas

Conservation Areas should be protected from further development until Conservation Area Appraisals, design briefs and quality standards are identified with specific policies for each Conservation Area. (PP944 Julian Holbrook ; PP1570 Andrew Thomson; PP1486 Anne Holland; PP1502 Anna MacWhirter; PP1515 Christina Harley; PP1580 Beth Thomson; PP1637 Dawn Robertson; PP1645 Derek Robertson; PP1653 Stewart Y Marshall; PP1661 Elsie Marshall; PP1675 Joan Faithfull; PP1677 Stuart Davis; PP1691 Emma Moir; PP1693 John Owen; PP1701 M A Faithfull; PP1714 S M Croall; PP1721 Marie Owen; PP1731 R I Pryor; PP1758 Susan E Wright; PP1780 R A Pryor; PP1781 Susan Falconer; PP1807 Gudrun Reid; PP1951 George Gray; PP1961 Nan Gray; PP1970 Kenneth Purves; PP1986 David Binnie; PP2000 George Mackay; PP2012 E Purves; PP2041 Donald Marshall; PP2066 Gayle Marshall; PP2104 Eskbank Amenity Society; PP2121 Patrick Mark; PP2149 Patricia Barclay; PP2196 Marshall Scott; PP2199 Kenneth A Hyslop; PP2207 Jan Krwawicz; PP2215 Marjorie Krwawicz; PP2235 Carolyn Millar; PP2243 Charles A Millar; PP2300 Kenneth McLean; PP2326 Jim Moir; PP2336 Alan Mercer; PP2344 Julia Peden; PP2379 Zow-Htet; PP2415 Eskbank Amenity Society)

Local area design briefs should be produced to exert more control and deliver more sensitive local design standards reflecting local characteristics in the design and materials of any building in a conservation area. Specific policies for each conservation area should

be produced which have accompanying conservation area appraisals, design briefs and quality standards. Conservation areas should be protected from further development until this is in place. (PP684 Margaret Hodge)

Suggests applying Article 4 Directions in Midlothian's conservation areas. (PP662 Margaret Montgomery)

Suggest that wording used in paragraph 5.2.3 appears in policy ENV19. The section or policy should clarify whether PPP applications are acceptable in conservation areas. Reference should be made to Conservation Area Appraisals. (PP904 Historic Scotland Heritage Management Directorate)

The least the plan should do is to have a working set of conservation area appraisals for those already designated. Extend Penicuik Conservation Area to land to south of Uttershill Castle. Suggest that including triangular land to south of castle of about 90m would preserve the view of the castle from the south with the Pentland Hills as backdrop. A conservation area should cover the villages of Howgate, Loanstone and Auchendinny. (PP1622 Jon Grounell)

ENV20 Nationally Important Gardens & Designed Landscapes

Suggest change in line with wording of paragraph 148 of SPP: "protect, and, where appropriate, seek to enhance gardens and designed landscapes". (PP905 Historic Scotland Heritage Management Directorate)

ENV21 Nationally Important Historic Battlefields

Development should allow archaeologists to access and investigate ahead of and during development and that works should provide contributions to finance interpretation boards in and around the site. (PP670 Ross Laird)

Change wording of first sentence of policy to read: "Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have an adverse effect on the key landscape characteristics and special qualities of the battlefield." Also suggest moving second paragraph of the policy into the preamble as this appears to be more general advice (as in 5.2.3 for conservation areas). (PP906 Historic Scotland Heritage Management Directorate)

While Esk Valley is recognised for the importance of its heritage, considers that more could be done. (PP917 Ross Laird)

ENV22 Listed Buildings

Propose using the standard used in guidance by English Heritage (Enabling Development and Conservation of Heritage Assets), which states that enabling development may be proposed on a site in the same ownership as well as within the place or its setting (provided same LA area). (PP111 Simpson & Brown)

Objects to the 'Enabling Development' aspect of policy ENV22. Would like Council to make stronger protection for the integrity of setting/character of listed buildings. (PP195 H Tibbetts; PP626 Sarah Barron; PP705 Lasswade District Civic Society; PP1594 Andrew Barker; PP1612 Rachel Davies; PP2314 Joy Moore; PP2804 Shiela Barker; PP2895 Allan

Piper)

Either remove reference to safeguarding Rosslyn Chapel in Roslin Settlement Statement or provide meaningful definition. (PP544 Mirabelle Maslin)

Other matters – reference to policies ENV24 and 25

Seeks better protection of Roman archaeology. (PP558 M A Faithfull)

Summary of responses (including reasons) by planning authority:

Context

This section of the plan deals with built and natural conservation issues and seeks to provide an appropriate policy framework to protect and enhance the historic environment and, in some cases (ENV22), to consider circumstances in which enabling development may be appropriate and acceptable.

As a result of the local plan review many of the policies in this section remain unchanged from those in the Midlothian Local Plan 2008 (CD054) but still remain relevant and valid. For comparative purposes, ENV19 Conservation Areas replaces RP22, ENV20 Nationally Important Gardens and Designed Landscapes replaces RP25, ENV22 Listed Buildings replaces RP24, ENV24 Other Important Archaeological or Historic Sites replaces RP27 and ENV25 Site Assessment, Evaluation and Recording replaced RP28. However, the Proposed Plan introduces a new policy, ENV21 Nationally Important Historic Battlefields to address the new Historic Environment Scotland (HES) designation. In addition, policy ENV22 Listed Buildings includes a subsection on Enabling Development, which was not in the equivalent policy in MLP 2008 (this is discussed below).

Representations to policy ENV19 Conservation Areas

It is the Council's view that policy ENV19 is worded in a manner that protects Midlothian's Conservation Areas from development that is harmful to their character and appearance. Furthermore, it is considered that the policy also provides sufficient guidance to preserve and enhance the Conservation Areas, including where Conservation Area Appraisals and design briefs/standards are absent. The Council therefore considers that policy ENV19 is in accordance with paragraphs 143-144 of the Scottish Planning Policy (SPP) as well as paragraphs 1.16-1.25 of the Historic Environment Scotland Policy Statement (CD032).

While the Council has produced Conservation Area Appraisals for some of Midlothian's Conservation Areas, it has not been possible to produce new or update existing appraisals due to the reduction in resources and staff in recent years. While this is an unfortunate development, the Council considers that policy ENV19 does protect conservation areas from harmful development, as requested by the representors, particularly the first paragraph which states: '*Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.*' Any suggestion that new development should be prevented in the absence of Conservation Area Appraisals, design briefs or standards would not, in the Council's opinion, be in accordance with paragraph 1.5 of HES Policy Statement (CD032) which reinforces the need to balance protection with current economic realities. In this context it is considered that appeals against applications, refused by the Council due to absence of a Conservation Area Appraisal, design brief or standards, would have a very high likelihood of succeeding.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP944 Julian Holbrook ; PP1570 Andrew Thomson; PP1486 Anne Holland; PP1502 Anna MacWhirter; PP1515 Christina Harley; PP1580 Beth Thomson; PP1637 Dawn Robertson; PP1645 Derek Robertson; PP1653 Stewart Y Marshall; PP1661 Elsie Marshall; PP1675 Joan Faithfull; PP1677 Stuart Davis; PP1691 Emma Moir; PP1693 John Owen; PP1701 M A Faithfull; PP1714 S M Croall; PP1721 Marie Owen; PP1731 R I Pryor; PP1758 Susan E Wright; PP1780 R A Pryor; PP1781 Susan Falconer; PP1807 Gudrun Reid; PP1951 George Gray; PP1961 Nan Gray; PP1970 Kenneth Purves; PP1986 David Binnie; PP2000 George Mackay; PP2012 E Purves; PP2041 Donald Marshall; PP2066 Gayle Marshall; PP2104 Eskbank Amenity Society; PP2121 Patrick Mark; PP2149 Patricia Barclay; PP2196 Marshall Scott; PP2199 Kenneth A Hyslop; PP2207 Jan Krwawicz; PP2215 Marjorie Krwawicz; PP2235 Carolyn Millar; PP2243 Charles A Millar; PP2300 Kenneth McLean; PP2326 Jim Moir; PP2336 Alan Mercer; PP2344 Julia Peden; PP2379 Zow-Htet; PP2415 Eskbank Amenity Society)

In respect of exerting more planning control on design and material choices via design briefs, the Council considers that the plan adequately addresses this matter in respect of policy IMP1 New Development, which states: *'Development briefs or masterplans 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...'*

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP684 Margaret Hodge)

In relation to permitted development rights within conservation areas, while the recent changes to the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 revoked many of the Article 4 Directions that were in place in Midlothian's Conservation Areas, the changes to the permitted development rights minimised the need to apply new Article 4 Directions.

Many of the Article 4 Directions that were in place in Midlothian were designated in the 1970s and 1980s and were therefore revoked following the changes to the Permitted Development Order in 1992. Most of these covered Classes 1-9 which relate to householder developments, which at the time of their designation made little provision for Conservation Areas. The changes to the Order include criteria in each of the householder classes which state that these classes of development are not applicable within conservation areas. In relation to non-householder permitted development, the Government is considering further changes to the Permitted Development Order and any Article 4 Direction made at this time would likely be out of date at the time of implementation and therefore the Council considers that it would be best to wait until the legislative situation is resolved before reviewing the need for such Directions.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP662 Margaret Montgomery) In respect of the wording of policy ENV19 it is considered that the policy provides sufficient context for consideration of proposed developments emphasising that the proposal must preserve or enhance the character and appearance of the Conservation Area. This would not preclude consideration of non traditional materials that are deemed to achieve these objectives and in such cases, section 25 of the [Town and Country Planning \(Scotland\) Act 1997 as amended](#) reinforces this position by stating that: *'Where, in making any*

determination under the planning Acts, regard is to be had to the development plan... unless material considerations indicate otherwise... Although the text in paragraph 5.2.3 is not included in the policy, it remains part of the development plan. Furthermore it is considered that the text relating to using modern materials is, by necessity of allowing for innovative solutions, ambiguous. The Council do not consider including such ambiguity would be useful in the wording of a policy.

The Council does accept PPP applications within conservation areas and do not consider it necessary to state this as this is the case throughout Midlothian. The Council would not object to including reference to Conservation Area Appraisals but cannot commit to updating those that are in place or to producing new ones.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP904 Historic Scotland Heritage Management Directorate)

In relation to the specific comments raised in relation to conservation area coverage in relationship to Uttershill Castle, Lonstone and Auchendinny, the areas suggested for new or extended conservation areas would need to be assessed under the criteria outlined in Annex 3 of the HES Policy Statement. The Council would want to undertake an assessment of these areas prior to committing to their designation. It is considered that the other points raised by this representor are dealt with in the response above.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1622 Jon Grounsell)

ENV20 Nationally Important Gardens & Designed Landscapes

The Council has concerns regarding the proposed changes to the wording of policy ENV20. It is considered that adding wording such as 'where appropriate' without specifying what constitutes an enhancement adds unnecessary ambiguity to the wording of the policy. The policy as worded does not preclude development which enhances sites in the *Inventory*.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP905 Historic Scotland Heritage Management Directorate)

ENV21 Nationally Important Historic Battlefields

Planning permission has already been granted for housing at site Hs18 Roslin Institute, however a condition has been applied to this consent which requires an archaeological survey to be undertaken prior to the commencement of development and provides for information board (CD088).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP670 Ross Laird)

The Council is content with the modifications proposed by Historic Environment Scotland in relation to policy ENV21. The policy was written at a time following the designation of the battlefields but prior to publication of guidance on how these battlefields should be protected and it is considered that the proposed text better reflects this guidance.

The Council considers that the proposed modifications have merit and are therefore content to leave any appropriate recommendations to the Reporter's judgement in respect of this representation. (PP906 Historic Scotland Heritage Management Directorate)

With regards to providing greater protection for the Esk Valley, the Council has only included those areas under policy ENV21 that are included in the designation for the Battle of Roslin as listed in the *Inventory of Historic Battlefields* (see figure 5.9 of the Proposed Plan). Given that these designations are made by Historic Environment Scotland, rather than the Council, it is considered that it would be inappropriate to extend coverage of this policy beyond this. It should be noted that the wording of the first paragraph of this policy ensures that should the boundary for the Battle of Roslin be extended during the plan period, ENV21 would be applicable in the extended area.

The Esk Valley is also covered by a number of other designations in the vicinity of Roslin, including RD4 Country Parks, ENV6 Special Landscape Areas, ENV8 Protection of River Valleys, ENV19 Conservation Areas, ENV20 Nationally Important Gardens & Designed Landscapes as well as policies for protecting wildlife and habitats (ENV13-14). The Council therefore considers that the Esk Valley is sufficiently protected.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP917 Ross Laird)

Representations to policy ENV22 Listed Buildings

The Council notes the representor's general support of policy ENV22 but has some concerns in relation to the modification proposed. It is accepted that there may be tensions between protecting the setting of a listed building and ensuring that enabling development is located in the vicinity of that building. However, allowing for enabling development to be located on land of the same ownership could result in it being remote from the listed building in question and could undermine other important protection policies in the plan, such as Green Belt or Special Landscape Areas, where the land ownership is in a rural location and extensive. The Enabling Development section of policy ENV22 is considered to be consistent with paragraph 142 of SPP, which implies close proximity between the listed building and proposal in the last sentence. The Council considers that enabling development is only one way in which a listed building can be preserved or renovated and may not be acceptable in all circumstances.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP111 William McCulloch)

In respect of the representations regarding general points on enabling development, policy ENV22 is largely unchanged from the listed building policy in the Midlothian Local Plan (CD054, policy RP24 Listed Buildings, page 51), other than the inclusion of the 'Enabling Development' section. This change was made in light of planning applications made during the plan period for this type of development, for which policy RP24 lacked guidance, in particular over when such development would be acceptable, what scale of development would be appropriate, how these should be assessed and the relationship and proximity between the listed buildings and the new buildings. While the Council appreciates the concerns raised by representors over the integrity of the setting and character of listed buildings, it is considered that the change in policy does not represent an encouragement of new development, but rather provides further guidance to assist in better decision making. Furthermore, it is considered unlikely that retaining the policy as worded in policy

RP24 would prevent the submission of further applications for enabling development. The Enabling Development section of policy ENV22 is considered to be consistent with paragraph 142 of SPP.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP195 H Tibbetts; PP626 Sarah Barron; PP705 Lasswade District Civic Society; PP1594 Andrew Barker; PP1612 Rachel Davies; PP2314 Joy Moore; PP2804 Shiela Barker; PP2895 Allan Piper)

With regards to the concerns expressed about the impact of increased car parking at Rosslyn Chapel, the additional capacity was required for the ongoing operation of the Chapel as a major visitor attraction and as a consequence of a substantial increase in visitor numbers largely brought about the publicity generated by the film “The Davinci Code” (CD089). It is considered that refusing this proposal would not have prevented this increase and may have resulted in undesirable parking issues in the vicinity of the Chapel and within Roslin itself. In determining the application, the design, landscaping, layout and choice of materials for the car park were carefully chosen to minimise the effect on the setting of the Chapel and it is considered that the essential features of this important building have been maintained, though it is appreciated that the representor may have a different viewpoint.

It is not clear what the removing the bullet point in the Roslin Settlement Statement referring to “safeguarding and promoting Rosslyn Chapel.....” would achieve in relation to protecting Rosslyn Chapel from harmful development (paragraph 8.3.31). While the settlement statements do not constitute policy it is important to note that the entire plan must be considered in determining applications submitted to the Council. Any development that may have an effect on the essential characteristics of an A-listed building, such as Rosslyn Chapel, would be subject to the provisions of policy ENV22, which provides more detailed and meaningful guidance than the bullet points in paragraph 8.3.31.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP544 Mirabelle Maslin)

Other matters – reference to policies ENV24 and 25

The Council considers that policy ENV24-25 provides for protecting archaeological sites *in situ*, including Roman archaeology, and is therefore in accordance with paragraphs 150-151 of [SPP](#). With regard to the specific case of Elginhaugh Fort, the office building on this site was approved in 1988 under the auspices of the 1980 Dalkeith Local Plan, which did not include general archaeology policies such as ENV24-25 and which has been superseded by subsequent local plans which do.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP558 M A Faithfull)

Reporter’s conclusions:

Conservation areas

1. In accordance with sections 61 and 62 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, paragraph 2.41 of the Scottish Historic Environment Policy Statement (2016) explains that conservation areas are defined as

areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. It goes on to state that all planning authorities are required, from time to time, to determine which areas meet this definition and to designate them as conservation areas. Therefore, I find that the designation or review of a conservation area boundary does not need to take place through the preparation or review of a local development plan.

2. Section 64 of the Act requires that once a conservation area has been designated it becomes the duty of the planning authority and any other authority concerned, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation.

3. A number of representations have raised concerns regarding the implementation of conservation area policy in Midlothian to date suggesting that developments have been unsympathetic to conservation areas. However, as the council has a statutory duty, described in paragraph 2 above, to preserve or enhance the character and appearance of the area when making planning decisions, I find that no change is necessary with regard to the concerns raised in respect of past decisions.

4. Concerns have been expressed by a number of representations about the lack of conservation area appraisals or design briefs covering the conservation areas in Midlothian. The representations request that no further development should take place within conservation areas where such a document, which contains specific policies, is not in place. In addition, Historic Environment Scotland identify that it may be appropriate for the proposed plan to make reference to conservation area appraisals and another representation expresses the view that there is a need within the proposed plan for more specific reference to active management, such as conservation area appraisals.

5. Conservation area appraisals are a management tool to help identify the special interest and changing needs of an area. Whilst encouraged by paragraph 139 of Scottish Planning Policy (2014) they are not a statutory requirement. To insert a requirement into the proposed Midlothian Local Development Plan, that would prevent development taking place, would therefore be inappropriate. However, I do find that an amendment to policy ENV 19 (conservation areas) is required to make reference to conservation area appraisals to ensure consistency with the encouragement referred to in Scottish Planning Policy.

6. Paragraph 139 of Scottish Planning Policy identifies that local planning authorities should identify existing and proposed Article 4 directions. Article 4 directions give the Scottish Government and planning authorities the power to remove permitted development rights. A representation has expressed concern regarding the impact of permitted development rights and considers that Midlothian Council should issue article 4 directions to control development within conservation areas. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, now provides greater protection for conservation areas. Local planning authorities can however resolve to make Article 4 directions at any time, where it considers there are exceptional circumstances where the exercise of permitted development rights would harm the historic environment. I therefore find no amendments are necessary.

7. Historic Environment Scotland consider there is ambiguity within policy ENV 19, and its supporting text, regarding support for the use of modern materials in conservation areas. I consider that, as currently worded, the requirement within policy ENV 19 that states that traditional natural materials "will be used", suggests that contemporary materials would not

be supported. Paragraph 1.10 of Scottish Historic Environment Policy Statement identifies that conservation of any part of Scotland's historic environment should use "appropriate technical knowledge, materials, skills and methods of working". The use of modern materials in conservation areas is not prohibited. Indeed, paragraph 5.2.3 of the proposed plan states that "innovative, well-designed contemporary buildings / extensions may also be accepted...". Therefore, I find an amendment to policy ENV 19 is required to be explicit that contemporary materials may also be appropriate.

8. Historic Environment Scotland also consider that clarification should be contained within the proposed plan as to whether planning permission in principle applications will be acceptable within conservation areas. There is no requirement in Scottish Planning Policy or Scottish Historic Environment Policy Statement for this guidance to be incorporated with local development plans. In addition section 64 of the Act does not distinguish between different types of planning applications. However, this does not prohibit the council requesting additional information from an applicant to inform the determination of a planning permission in principle application. I therefore find no amendments are necessary.

9. A representation suggests that the Penicuik Conservation Area boundary should be amended to include the setting of Uppershill Castle; and further suggests that Auchendinny, Howgate, Loanstone should be designated as conservation areas. As explained in paragraph 1 above, the designation and amendment of conservation area boundaries can take place outside the local development plan process. Paragraph 2.50 of the Scottish Historic Environment Policy Statement explains that Historic Environment Scotland expects planning authorities to designate only those areas which they consider to be of special architectural or historic interest as conservation areas. As part of this process it encourages councils to undertake a thorough appraisal of any area before designation. In addition, paragraph 2.47 identifies that there must be public consultation. I visited the Penicuik Conservation Area, as well as Auchendinny, Howgate and Loanstone. Whilst I noted some buildings and features of interest, given the requirements of legislation and the Scottish Historic Environment Policy Statement for robust evidence and engagement in respect of new and amendments to existing conservation areas, I find it would be inappropriate to recommend any changes to the Penicuik Conservation Area boundary or identify new conservation areas. No amendments are necessary in response to this representation.

Nationally important gardens and designated landscapes

10. Paragraph 148 of Scottish Planning Policy states that planning authorities should protect and where appropriate seek to enhance gardens and designated landscapes included in the inventory of gardens and designated landscapes and designated landscapes of regional and local importance. As written, proposed policy ENV 20 (nationally important gardens and designated landscapes) of the local development plan omits reference to the need for development, where appropriate, to enhance gardens and designed landscapes. I therefore agree with Historic Environment Scotland, that an amendment to policy ENV 20 is required to ensure consistency with Scottish Planning Policy.

Nationally important historic battlefields

11. Planning permission has been granted for housing on the site of the former Roslin Institute Site (Hs18). This requires an archaeological survey in advance of development

and provides for an information board. I therefore find no amendments are necessary in response to the representation from Ross Laird. This site is further discussed in Issue 30 (A701 corridor strategic development area – Roslin).

12. Historic Environment Scotland request that policy ENV 21 (nationally important historic battlefields) is reworded to take account of Scottish Planning Policy and guidance on battlefields. In addition, that text contained within the policy is moved to the supporting text. Paragraph 149 of Scottish Planning Policy requires planning authorities to seek to protect, conserve and where appropriate enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields. The council is content with the modifications proposed. I agree that amendments are required in order to ensure consistency with Scottish Planning Policy.

13. A representation seeks more protection of the Esk Valley. The Esk Valley is covered by a number of designations, including policies RD 4 (country parks), ENV 6 (special landscape areas), ENV 8 (protection of river valleys), ENV 19 (conservation areas), ENV 20 (nationally important gardens and designated landscapes) as well as policies for the protection of wildlife and habitats - policies ENV 13 (nationally important nature conservation sites) and ENV 14 (regionally and locally important nature conservation sites). I therefore find there is sufficient protection for the Esk Valley and that no amendments are necessary in response to this representation.

Listed buildings

14. Paragraph 142 of Scottish Planning Policy highlights that enabling development may be acceptable where: it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term use; that any development should be the minimum necessary to achieve these aims; and that the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

15. A representation expresses concern that criteria 'a' of policy ENV 22 (listed buildings) is too restrictive and that enabling development may be proposed on a site in the same ownership as well as in the place or setting. As explained in paragraph 14 above, Scottish Planning Policy is clear that the resultant development would be located in close proximity to the listed building, as it refers to the need to preserve or enhance the character and setting of the historic asset. This point is expressed clearly within policy ENV 22. I therefore find no amendments are necessary in response to this representation.

16. A number of representations seek stronger protection of the integrity, setting and character of listed buildings when assessing the impact of enabling development. As explained above, the policy approach is in accordance with Scottish Planning Policy. I therefore find no amendments are necessary.

17. A representation expresses concern regarding the impact of development at Chapel Loan and the impact of increased car parking at Rosslyn Chapel which is an A-listed building. There are no unresolved representations from Historic Environment Scotland raising concern about this matter. In any case, proposed plan policy ENV 22 would not support development which would adversely affect the character or appearance of a listed building, I therefore find no amendments are necessary.

Archaeology

18. A representation expresses concerns regarding the loss of Roman archaeology as a result of development and considers the proposed plan should give greater protection. Proposed policies ENV 24 (other important archaeological or historic sites) and ENV 25 (site assessment, evaluation and recording) provide protection for archaeological sites in accordance with the requirements of paragraphs 150 and 151 of Scottish Planning Policy, I therefore find no amendments are necessary.

Supportive comments

19. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Adding the following text to policy ENV 19 (conservation areas) on page 57 as a new sentence following the first sentence of the policy:

"In assessing proposals, regard will be had to any relevant Conservation Area Character Appraisal."

2. Amending policy ENV 19 (conservation areas) on page 57 by deleting 'traditional natural' from the start of the second sentence in the second paragraph, between 'Conservation Area.' and 'materials appropriate'.

3. Amending policy ENV 20 (nationally important gardens and designed landscapes) on page 60 by adding the following text at the start of the policy:

"Development should protect, and where appropriate enhance, gardens and designated landscapes."

4. Amending the first sentence of policy ENV 21 (nationally important historic battlefields) on page 61 by deleting "character, appearance, setting or the key features of the battlefield." and replacing with:

"key landscape characteristics and special qualities of the battlefield."

5. Deleting the second paragraph of policy ENV 21 (nationally important historic battlefields) on page 61 and inserting the deleted text as a new paragraph 5.2.16 in the supporting text, following paragraph 5.2.15.

6. Making consequential changes to the paragraph numbering from paragraph 5.2.15 onwards to account for the insertion of new paragraph 5.2.16.

Issue 20	Renewable Energy Technologies including Wind Energy	
Development plan reference:	Section 6 Encouraging Sustainable Energy and Waste Management	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>778339 PP31 909770 PP173 780480 PP182 778510 PP208 778510 PP209 778510 PP210 778510 PP211 909839 PP221 909839 PP222 909735 PP267 909735 PP268 909507 PP290 908990 PP370 908990 PP371 909846 PP442 922014 PP706 766577 PP935 909898 PP1197 778056 PP1440 778056 PP1441 778372 PP1472 778417 PP1477 778417 PP1479 778551 PP1539 778551 PP1540 778551 PP1541 922085 PP1595 922086 PP1613 782085 PP1629 921865 PP2315 778339 PP2648 754760 PP2805 909801 PP2842 909898 PP2855 909898 PP2856 909222 PP2896 754735 PP2903 754735 PP2874</p>	<p>Midlothian Green Party Scottish Borders Council Scottish Water Wind Prospect Developments Limited Wind Prospect Developments Limited Wind Prospect Developments Limited Wind Prospect Developments Limited Chris Yapp Chris Yapp Midlothian Matters Midlothian Matters Scottish Enterprise Scottish Government Scottish Government Eskbank & Newbattle Community Council Lasswade District Civic Society Julian Holbrook Hargreaves Production SEPA SEPA Bruce Hobbs Celia Hobbs Celia Hobbs Tynewater Community Council Tynewater Community Council Tynewater Community Council Andrew Barker Rachel Davies PEPA Joy Moore Midlothian Green Party Shiela Barker H Tibbetts Hargreaves Production Hargreaves Production Allan Piper Scottish Natural Heritage Scottish Natural Heritage</p>	
Provision of the development plan to which the issue relates:	Section 6.1 Renewable and Low Carbon Energy Projects; Section 6.2 Wind Energy	

Planning authority's summary of the representation(s):Section 6.1 Renewable and Low Carbon Energy Projects/Policy NRG 1 Renewable and Low Carbon Energy Projects

Welcomes a chapter in the Proposed Plan dedicated to Renewable and Low Carbon Energy Projects and the acknowledgement of the importance of meeting national targets for developing energy and heat from renewable sources. Considers this part of the Plan should be strengthened by referring to specific targets and make it clear they are not capped. Considers that the Proposed Plan does not reflect the requirements of paragraph 155 of Scottish Planning Policy (2014) in supporting in principle a wide variety of renewable energy and low cost carbon technologies. Supports and wishes to retain the reference in paragraph 6.1.2 that wind is likely to be one of the available renewable energy resources available in Midlothian. Considers this a welcome upfront recognition that wind energy is an available resource in Midlothian. Considers the last two sentences of paragraph 6.2.1 are slightly confusing because they state all wind energy proposals will be assessed against policy NRG2 and all other renewable and low carbon energy projects will be assessed against Policy NRG 1, but Policy NRG 2 then also refers the reader back to Policy NRG 1. (PP208 Wind Prospect Developments Limited)

Considers Policy NRG 1 Renewable and Low Carbon Energy Projects an oddly constructed policy as it alternates between reference points for assessment of a proposal from "significant adverse effect" in some policy criterion to "unacceptable" effect in others. Considers this mix of language inconsistent and unhelpful for undertaking a policy assessment as it creates a hierarchy within the policy where some matters are given greater consideration/protection than others. Where the "adverse" effects are referred to, requests that these are referred to as "unacceptable significant adverse effects". Considers this will allow the decision maker to consider whether significant effects are acceptable or not in the context of the development. Supports the final paragraph of text in Policy NRG 1 and wish it to be retained. (PP209 Wind Prospect Developments Limited)

The word "significant" should be removed from criterion A, C, D and H of Policy NRG 1 Renewable and Low Carbon Energy Projects. (PP706 Lasswade District Civic Society; PP1595 Andrew Barker; PP1613 Rachel Davies; PP2315 Joy Moore; PP2805 Shiela Barker; PP2842 H Tibbetts; PP2896 Allan Piper)

Considers solar power has an important role in providing energy. Request that an area of search for solar arrays is included within the Local Development Plan. Considers the Proposed Plan does not provide adequate guidance for solar development and this is necessary given expected drops in the cost of producing and developing solar power. (PP2855 Hargreaves Production)

Considers that provisions of policy NRG 1 criterion D with respect to peat should be reviewed and updated if required, once results of Scottish Natural Heritage consultation on carbon rich soils are available. Considers policy NRG 1 criterion E should be changed to include reference to landscape and visual impacts. Considers that final paragraph of policy NRG 1 should refer to the suitability for use in perpetuity (considers that this would reflect Scottish Planning Policy paragraph 170). (PP2874 Scottish Natural Heritage)

Section 6.2 Wind Energy/Policy NRG 2 Wind Energy

Considers the Council's policy approach to wind energy remains focussed almost

exclusively on the visual impact of turbines and is based on an assumption the impact is negative. Considers the approach perverse and that no other development type is subject to this narrow and negative approach. State the policy (NRG 2 Wind Energy) and supplementary guidance provide no guidance on how the benefits of wind energy are to be assessed and its role in supporting Midlothian Council's statutory obligation to contribute to emissions reduction. Considers policy NRG 2 Wind Energy should be more balanced, taking full account of wind energy's contribution to emissions reductions, its role in enhancing farm diversification, reducing business energy costs, and its potential for promoting community enterprise and Council ownership of renewable energy. Suggest if detailed policy is required in supplementary guidance it should address all forms of renewable energy, not just wind. (PP31 Midlothian Green Party)

Policy NRG 2 relates specifically to wind energy development however it is a very brief policy and simply states that all proposals will be assessed against policy NRG 1 together with certain other requirements. (PP210 Wind Prospect Developments Limited)

Welcomes the Council's Spatial Framework for wind farms in the Proposed Plan based upon Table 1 of Scottish Planning Policy (2014). Considers the Council has followed the recommended approach of Table 1 set out within Scottish Planning Policy and this is reflected within the Proposed Plan's Figure 6.1 Midlothian Spatial Framework for Wind Farms. Aware that supplementary guidance on wind energy will be produced and subject to separate public consultation. Welcomes the Council's response to Scottish Planning Policy (2014) in the form of an updated landscape capacity analysis (2014). State this approach had been advocated in their response to the Main Issues Report, rather than over reliance on the 2007 landscape capacity assessment. Consider the revised approach indicates Midlothian does in fact have capacity for some commercial scale wind energy development. View this acknowledgement as important and welcome. Considers that each wind farm site requires to be considered on its individual merit. (PP211 Wind Prospect Developments Limited)

States in its current form Paragraph 6.2.3 is not in accordance with Scottish Planning Policy and requires to be amended for the following reasons: States landscape capacity is not a feature included in Table 1 of SPP and should not inform the Spatial Framework for wind farms as landscape impacts are for development management as per paragraph 169 of SPP. However, landscape capacity can be used to identify areas of strategic capacity for wind farms. Should this approach not be accepted, the Wind Farm Opportunity Areas should be removed from Figure 6.1 and be presented elsewhere as they do not form part of the spatial framework approach set by Table 1 and paragraph 163 of Scottish Planning Policy. (PP370 Scottish Government)

States a number of changes are required to ensure that the terminology and approach to the spatial framework for wind farms in Figure 6.1 reflects Scottish Planning Policy (Table 1: Spatial Frameworks). (PP371 Scottish Government)

Considers Policy NRG 2 on wind energy should be more balanced, taking full account of its contribution to emissions reductions, its role in enhancing farm diversification and reducing business energy costs, and its potential for promoting community enterprise and Council ownership of renewable energy. States the policy should not be so biased as to presume that the physical impact is always negative. (PP442 Eskbank & Newbattle Community Council; PP935 Julian Holbrook)

Considers apparent height restrictions in the "Wind Farm Opportunity Areas" do not accord

with Scottish Planning Policy and are effectively a pre-determination of a landscape and visual assessment which would be done as part of any wind farm environmental statement. Considers the lack of wind energy search areas in Midlothian contradicts the Council's focus on promoting economic activity set out in paragraph 4.1.1 of the Proposed Plan. (PP1197 Hargreaves Production)

Policy ENV 18 is welcomed but considers that it should be linked with Policy NRG 2 on wind farms. Believes that wind farm developers use noise standards (ETSU-R-97) to justify increased night time noise levels. States this standard is used to describe tenants in affected dwellings as 'those with an economic interest' which the objector considers a deplorable abuse. (PP1539 Tynewater Community Council)

Support the Council's position to support a wide variety of renewable energy and low carbon technologies, and the Council's supportive and encouraging position on community renewable energy developments. However, changes are requested to policy NRG2 Wind Energy. Policy NRG2 Wind Energy criterion 1: Considers Shadow flicker, and to a lesser degree, driver distraction should be assessed as part of the Environmental Impact Assessment and/or planning statement for proposals. These assessments could use significance criteria to determine if a significant effect has occurred. (PP2856 Hargreaves Production)

Considers that text referring to migratory birds in policy NRG2 should be changed to qualifying species of Special Protection Areas. Considers that text in final sentence should be re-written, in respect of how the supplementary guidance will be used, to make clear it will be relevant in all wind energy proposals. States that key for Figure 6.1 should be rewritten, to replace 'Importance' with 'Interest' in reference to SSSIs. Considers that the source of the information in figure 6.2 should be given (next to the figure and in related text, paragraph 6.2.3). (P2903 Scottish Natural Heritage)

Encouraging Use of Renewable Energy Technologies

States the Proposed Plan lacks imagination on renewable energy. Considers there is a long list of criteria in the Proposed Plan that will effectively stop renewable energy development. Considers the Council needs to do a lot more to encourage renewable energy projects as opposed to looking for reasons to do nothing. (PP221 Chris Yapp)

Considers the Council's plans for renewable energy are too timid. States there needs to be a greater emphasis on renewable energy projects in Midlothian. Considers the Council appears to be looking for reasons to do nothing in this area. (PP222 Chris Yapp)

Asks that communities and building plans be actively encouraged to develop community energy generation such as geo-thermal, or small wind turbines such as the new "tree" design being piloted in Paris : (<http://www.iflscience.com/technology/new-wind-turbine-looks-tree-coming-paris>). Considers this would contribute to Midlothian meeting its renewable targets without requiring large scale turbine developments, which have been largely ruled out by the Midlothian Wind Energy Study (2014). States the wording of the Proposed Plan appears to suggest that Midlothian Council would not stand in the way of such initiatives, but a more active supporting role from the Council would encourage local skills and industry, be positive for the environment and help new communities to establish themselves and grow together. (PP268 Midlothian Matters)

CO² Emissions Targets

Considers that, in addition to the per capita target for CO² emissions outlined in the Single Midlothian Plan, the Midlothian Local Development Plan should adopt an overall target for CO² emissions in Midlothian. (PP2648 Midlothian Green Party)

Support for policy NRG1 and/or policy NRG 2

Midlothian Matters welcomes the environmental approach championed in policies NRG 1-8. (PP267 Midlothian Matters)

Considers the Renewable and Low Carbon Energy section of the Proposed Plan provides a clear framework for the assessment of renewable and low carbon energy projects. (PP290 Scottish Enterprise)

Considers Policy NRG 1 to be consistent with the strategic goals of Scottish Planning Policy (paragraph 154). Supports the principle of a robust review of all development considerations to ensure successful delivery of such facilities. In particular welcome the opportunity for applicants to justify wider economic/ net community benefits of proposals and the ability for applicants to demonstrate the contribution from such developments in achieving carbon reductions and the attainment of wider renewable energy targets. (PP1440 SEPA)

Supports as a statement of policy "all wind energy proposals" will be assessed against the requirements of Policy NRG 1". Considers this policy ensures that proposals for wind energy will be considered in the same context as other forms of renewable energy and reiterates stated support of Policy NRG 1. The comments on Policy NRG 1 are set out below: "Considers the policy to be consistent with the strategic goals of Scottish Planning Policy (paragraph 154). Supports the principle of a robust review of all development considerations to ensure successful delivery of such facilities. In particular welcome the opportunity for applicants to justify wider economic/ net community benefits of proposals and the ability for applicants to demonstrate the contribution from such developments in achieving carbon reductions and the attainment of wider renewable energy targets." (PP1441 SEPA)

Fully supports the Council's stance and position on wind energy development expressed in the Proposed Plan, the Midlothian Wind Energy Capacity Study (2014) and the draft Supplementary Guidance on Wind Energy Development. Pleased that these documents address wind turbine development of all scales. Notes that the Midlothian Wind Energy Capacity Study (2014) is explicitly clear on identifying areas where there is no landscape potential at all for any scale of wind turbine development. States that wind industry developers continue to apply for development in those areas. Hopes the Council will uphold the proposals in the Proposed Plan. Considers it would be sensible and save considerable Council time and money if proposals in such areas were not validated (for determination). (PP1472 Bruce Hobbs; PP1477 Celia Hobbs; PP1629 PEPA)

Assumed support for policies NRG 1 Renewable and Low Carbon Energy Projects and NRG 2 Wind Energy. (PP1479 Celia Hobbs)

Supports Policy NRG 1 Renewable and Low Carbon Energy Projects. (PP1540 Tynewater Community Council)

Supports Policy NRG 2 Wind Energy but regrets the Supplementary Guidance on Wind Energy Development in Midlothian was not available. (PP1541 Tynewater Community Council)

No Direct Comment on policies NRG 1 and NRG 2

Scottish Borders Council notes text in 6.2 Wind Energy and Policy NRG 1 on Renewable and Low Carbon Energy Projects and has no comments to make. (PP173 Scottish Borders Council)

Scottish Water is required to ensure that a proposed activity does not impact on the ability of Scottish Water to meet its regulatory requirements. Under Article 7 of the Water Framework Directive, waters used for the abstraction of drinking water are designated as Drinking Water Protected Areas (DWPA). The objective is to ensure that any activity does not result in deterioration of waters within the DWPA. States wind farms can have other potential impacts on Scottish Water operations and their assets, for example, below ground assets such as water and sewer mains can be affected by heavy construction traffic and may require protection. Some Scottish Water radio telemetry signals can be interfered with by wind turbine blades, depending on the location of the turbines. (PP182 Scottish Water)

Modifications sought by those submitting representations

Section 6.1 Renewable and Low Carbon Energy Projects/Policy NRG 1 Renewable and Low Carbon Energy Projects

States the supporting text at section 6.1 of the Proposed Plan should specifically refer to the specific targets set out in national policy and make it clear they are not caps. Suggests the last paragraph of section 6.2.1 (assumed by the Council to mean the third sentence) is reworded as follows: "All proposals for renewable and low carbon energy projects will be assessed against the criteria identified in Policy NRG 1. All wind energy proposals will also be assessed against policy NRG2." (PP208 Wind Prospect Developments Limited)

Requests the wording of Policy NRG 1 is revised as follows: "Renewable and low carbon energy projects, including, biomass, biofuels, energy from waste, geothermal, minewater, solar, hydro-electric, heat pumps, energy storage, microgeneration, community heating/cooling and other decentralised energy technology, will be permitted provided any proposal will not: A. cause an unacceptable significant adverse effect upon the historic environment including the following designations/features and, where relevant, their settings: Inventory of Gardens and Designed Landscapes, Conservation Areas, listed buildings, scheduled monuments and other significant archaeological sites, or historic battlefields; B. cause an unacceptable significant adverse effect upon natural heritage including the nature conservation interests, and degree of protection afforded these interests, defined by policies ENV12 – ENV15; C. cause an unacceptable significant adverse effect upon Green Belt, the Pentland Hills Regional Park or its setting, or the Special Landscape Areas; D. cause an unacceptable significant adverse effect on peat/carbon rich soils* or prime agricultural farmland; (*when available, reference should be made to the relevant Scottish Government "Carbon Calculator" in the development and assessment of proposals); E. have an unacceptable effect on the amenity of nearby communities or residential properties including noise, and impact on telecommunications; F. cause or increase pollution or flood risk, or have an unacceptable effect on the water environment or water catchment areas; G. require infrastructure for access and/or power transmission which itself has a significantly unacceptable environmental impact; H. have an

unacceptable significant adverse effect upon landscape or visual impact; I. result in unacceptable cumulative impacts; J. lead to the loss of public access routes and, if routes require diversion, alternatives acceptable to the Council must be provided; K. compromise telecommunications and broadcasting installations, and transmission links; L. lead to unacceptable impacts on the road network including traffic generation and road safety; and/or M. demonstrably damage the local economy in terms of tourism or recreation. Any proposal must: 1. include a robust mechanism for decommissioning to ensure operators and/ or site owners achieve site restoration to a standard satisfactory to the Council, including the removal of all related equipment; 2. accord with any other relevant Local Development Plan policies or proposals; and 3. consider the potential to connect new projects to off-grid areas. In assessing all renewable energy and low carbon technology proposals, the following will be important considerations: net economic impact, including at the local and community scale; the scale of contribution from the development to renewable energy generation targets; and the effect on greenhouse gas and carbon emissions. However, these considerations will not necessarily carry more weight where there may be likely significant environmental effects arising from a development. Where there are potentially significant environmental effects from a development, the Council will require full justification that the economic benefits, contribution to renewable energy targets and carbon reduction outweigh the environmental consequences." (PP209 Wind Prospect Developments Limited)

The word "significant" should be removed from criterion A, C, D and H of Policy NRG 1 Renewable and Low Carbon Energy Projects. (PP706 Lasswade District Civic Society; PP1595 Andrew Baker; PP1613 Rachel Davies; PP2315 Joy Moore; PP2805 Sheila Barker; PP2842 H Tibbetts; PP2896 Allan Piper)

Requests that an area of search for solar arrays be included in the Local Development Plan. Consider more guidance should be provided in the Plan on commercial and domestic solar development. (PP2855 Hargreaves Production)

The text of policy NRG 1 criterion D should be reviewed when the results of Scottish Natural Heritage's consultation on soils are available and the most up to date peat/carbon rich soil data should be used for inclusion in figure 6.1 the spatial framework for wind farms. Reference to landscape and visual impacts should be included in policy NRG 1 criterion E. Reference to suitability of the use being in perpetuity should be made in the final paragraph of policy NRG 1. (PP2874 Scottish Natural Heritage)

Section 6.2 Wind Energy/Policy NRG 2 Wind Energy

Consider policy NRG2 Wind Energy should be more balanced, taking full account of wind energy's contribution to emissions reductions, its role in enhancing farm diversification, reducing business energy costs, and its potential for promoting community enterprise and Council ownership of renewable energy. Suggest if detailed policy is required in supplementary guidance it should address all forms of renewable energy, not just wind. (PP31 Midlothian Green Party)

None proposed. (PP210 Wind Prospect Developments Limited; PP211 Wind Prospect Developments Limited)

Delete sentence 3 of paragraph 6.2.3 of the Proposed Plan which reads: 'The framework identifies the areas and scale of wind energy development that the Council considers to have landscape capacity to successfully accommodate wind turbines of 30 metres and

above.' Replace this with the following wording: " Figure 6.1 also identifies areas of strategic capacity for wind farms, that the Council considers have landscape capacity to successfully accommodate wind turbines of 30 metres and above " (PP370 Scottish Government)

In Figure 6.1. of the Proposed Plan, the following changes are required to reflect Scottish Planning Policy: Change: Site of Special Scientific Importance to read "Site of Special Scientific Interest ". Change: 2km Settlement Buffer to read "2km area for community separation for consideration of visual impact ". Change: In the key, add in notation that identifies the white area within the planning authority boundary as being "Areas with potential for wind farm development ". The above modifications are required to accord with Scottish Planning Policy Table 1 which is clear that there are three groups of area to be identified, albeit where no National Parks or National Scenic Areas exist it is reasonable not to address group 1 of Table 1 of Scottish Planning Policy. Change: Delete the title 'Wind farm opportunity areas*' and replace with "Areas of strategic capacity for wind farms ". The above modification is required as Scottish Planning Policy does not provide for the identification of opportunity areas as a sub set of groups 2 or 3 of Table 1 of the policy. However, it does provide for the identification of areas where there is strategic capacity for wind farms, which can be informed by landscape capacity assessment as set out in Scottish Government advice: <http://scotgovplanningarchitecture.com/2014/12/05/onshore-wind-questions-answered/>

Should this approach not be accepted the Wind Farm Opportunity Areas should be removed from Figure 6.1 and be presented elsewhere as they do not form part of the spatial framework approach set by Table 1 and paragraph 163 of Scottish Planning Policy. (PP371 Scottish Government)

Remove the presumption from the Plan that the physical impact of wind farms is always negative' (PP442 Eskbank Community Council; PP935 Julian Holbrook)

Considers the "Wind Farm Opportunity Areas" in Figure 6.1 Midlothian Spatial Framework for Wind Farms are overly restrictive and should be reassessed to better accord with Scottish Planning Policy and ensure Scottish Government targets on renewable energy are met. Considers the lack of wind energy search areas in Midlothian contradicts the Council's focus on promoting economic activity set out in paragraph 4.1.1 of the Proposed Plan. (PP1197 Hargreaves Production)

Policy NRG 2 is welcomed but believes that it should be linked with policy NRG 1 and there is no need for policies NRG 1 and NRG 2 to be separated. (PP1539 Tynewater Community Council)

Policy NRG2 Wind Energy criterion 1: Considers the word "significantly" is not quantified. If it is retained it should be quantified to define the threshold at which a "significant" increase has been reached. Considers shadow flicker, and to a lesser degree, driver distraction should be assessed as part of the Environmental Impact Assessment and/or planning statements for proposals. These assessments could use a significance criterion to determine if a significant effect has occurred. Policy NRG2 Wind Energy criteria 2 and 3: Consider these should be assessed in the same manner (assumed to mean as Criterion 1 above in this objection. (PP2856 Hargreaves Production)

Text referring to migratory birds should be changed to qualifying species of Special Protection Areas. Changes should be made in the text referring to supplementary guidance, to make it clear that the guidance is relevant to all wind energy proposals. The

reference in the key of figure 6.1 to “Sites of Special Scientific Importance” should be changed to “Sites of Special Scientific Interest”. The source of the information in figure 6.2 should be provided. (PP2903 Scottish Natural Heritage)

Encouraging Use of Renewable Energy Technologies

Considers the Local Development Plan should give greater encouragement of community-owned renewable energy projects, including wind energy. (PP221, PP222 Chris Yapp.)

Policies NRG 1 and NRG 2 should give more overt and clearly stated support and encouragement of community energy generation, such as geo-thermal, or small wind turbines, such as the new "tree" design being piloted in Paris :
<http://www.iflscience.com/technology/new-wind-turbine-looks-tree-coming-paris> (PP268 Midlothian Matters)

CO² Emissions Targets

The Midlothian Local Development Plan should adopt an overall target for CO² emissions in Midlothian, in addition to per capita levels; This should be achieved by the Council focusing on the mains sources of such emissions. (PP2648 Midlothian Green Party)

Support for policy NRG1 and/or policy NRG 2

None proposed. (PP267 Midlothian Matters; PP290 Scottish Enterprise; PP1440, PP1441 SEPA; PP1472 Bruce Hobbs; PP1477, PP1479 Celia Hobbs; PP1629 PEPA; PP1540, PP1541 Tynewater Community Council)

No Direct Comment on policies NRG 1 and NRG 2

None proposed (PP173 Scottish Borders Council.)

No changes suggested but Scottish Water requests that any proposals or applications for wind farms or fuel storage are submitted to Scottish Water for review, to identify whether there are Drinking Water Protected Areas present which would require protection through mitigation actions. (PP182 Scottish Water)

Summary of responses (including reasons) by planning authority:

Context

The Council in the Proposed Plan has set out a positive policy framework that supports a wide variety of renewable energy technologies. The policy framework identifies criteria against which proposals must be assessed. The Council considers policies NRG 1 and NRG 2 provide the appropriate level of test and accords with the requirements of Scottish Planning Policy.

The Proposed Plan in section 6.2 and figure 6.2 acknowledges there is a role for wind energy in Midlothian. However, the plan sets out that support for it will only be given where it can be successfully accommodated in the landscape. The three large scale wind farms that have come forward in Midlothian have been refused by the Council and all have been dismissed at appeal by Reporters, most recently in 2015. They have been dismissed by the Reporters primarily for reasons of landscape and visual impact.

The Reporter at the 2015 wind farm appeal at Mount Lothian, near Gladhouse Reservoir, had sections 6.1-6.2 and policies NRG 1 and NRG 2 of the Proposed Plan before him at the appeal as documents for the Hearing.

Section 6.1 Renewable and Low Carbon Energy Projects/Policy NRG 1 Renewable and Low Carbon Energy Projects

The targets that exist are targets for Scotland as a whole and are subject to change. Including them could lead to the plan being out of date if the targets change. The Council does not consider it necessary to include targets at a single point in time when current targets can be identified from other sources. The targets do not apply to individual local authorities and it is the responsibility of planning authorities to help meet/exceed the national targets in a manner that is appropriate to their area.

The Council does not consider the requested word changing to the third sentence of paragraph 6.2.1 is necessary.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP208 Wind Prospect Development Limited)

The Council considers the Proposed Plan's policy framework is consistent with [Scottish Planning Policy](#) paragraphs 161-168, with the level of test being appropriate. As with all planning proposals, professional judgement is required for the assessment of proposals subject of policy NRG 1. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP209 Wind Prospect Developments Limited)

The Council considers the level of test in policy NRG 1 of criteria A, C, D and H is appropriate and will provide the correct level scrutiny for renewable energy proposals. Professional judgement will be required in the assessment of renewable energy proposals against the requirements of policy NRG 1. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP706 Lasswade District Civic Society; PP1595 Andrew Baker; PP1613 Rachel Davies; PP2315 Joy Moore; PP2805 Sheila Barker; PP2842 H Tibbetts; PP2896 Allan Piper)

[Scottish Planning Policy](#) contains no requirement for development plans to identify areas of search for solar arrays and no policy guidance is given for their identification. The first paragraph of policy NRG 1 specifically refers to solar as a renewable energy source that will be supported in principle by the Council, subject to the criteria identified in the policy. The Council considers that the policy framework of the Proposed Plan allows for the assessment of solar array proposals that may come forward. Further, the Council considers the identification of search areas would be difficult, particularly in the absence of Scottish Government guidance and in a county with a large countryside area where possibly large tracts of land may be suitable for solar arrays. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2855 Hargreaves Production)

The Council thanks Scottish Natural Heritage for their comments in relation to criterion 'D' of Policy NRG 1. The Council considers criterion 'D' can be updated to reflect the status of the "Carbon Calculator" as a non-material change to the plan prior to publication. In

producing the plan the Council will also ensure, as with the other figures in the plan, that figure 6.1 contains the most up to date data on peat and carbon rich soils in Midlothian.

The Council considers the change proposed for criterion 'E' of Policy NRG 1 is unnecessary as landscape and visual impact are dealt with under criterion 'H'.

Areas identified for potential wind energy in the Proposed Plan are considered suitable for use, at the scale of development identified in the plan, in perpetuity in terms of paragraph 170 of [Scottish Planning Policy](#). The issue of perpetuity would be considered in the assessment of all renewable energy development proposals.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2874 Scottish Natural Heritage)

Section 6.2 Wind Energy/Policy NRG 2 Wind Energy

The Council considers both policies NRG 1 and NRG 2 are supportive in principle of a wide variety of types of renewable energy. However, the policies rightly require a full assessment of proposals against a variety of factors. In line with paragraph 169 of [Scottish Planning Policy](#), policy NRG 1 sets out in its final paragraph that the economic impact of a renewable energy development is an important consideration in its assessment. Therefore the factors raised by the objector can be taken into account in this way through policy NRG 1. The Council does not consider further detailed guidance is required on other forms of renewable energy than wind. Therefore it is only producing supplementary guidance in relation to wind energy. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP31 Midlothian Green Party)

The Council notes the comments made. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP210, PP211 Wind Prospect Developments Limited)

The Council considers sections 6.1 and 6.2 of the Proposed Plan provide a clear, positive policy framework for the assessment of wind energy proposals. The plan sets out the locations and scale of development where the Council is, in principle, likely to support wind energy development. The Council considers it has produced a spatial framework and policy framework that accord with [Scottish Planning Policy](#) (paragraphs 161-168). The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP370, PP371 Scottish Government; PP1197 Hargreaves Production)

The Council does not consider the policy framework contains a presumption or intention to imply that the physical impact of wind energy development is always negative. Figure 6.2 sets out locations where, in principle, wind energy could be supported. The Council does not consider the larger scale wind farms can successfully be accommodated in Midlothian. The three wind farm applications that have been submitted in Midlothian have all been refused and dismissed at appeal on landscape and visual impact grounds. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP442 Eskbank & Newbattle Community Council; PP935 Julian Holbrook)

The Council considers the proposed change is unnecessary. Policy ENV 18 will apply to any expected noisy development and there is no need to textually link policies ENV 18 and NRG 2. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1539 Tynewater Community Council)

Defining the threshold at which significance is reached would be a disproportionate treatment of the matter within a local development plan. It is a matter that is addressed through professional judgement in the assessment of a proposal.

The specific presumption against wind energy proposals which will significantly increase the risk of shadow flicker or driver distraction is considered a relevant and proportionate inclusion within the policy framework for wind energy development, consistent with the [Scottish Planning Policy](#) (paragraphs 161-168). It should be considered through environmental impact assessment, but the Council considers it is still an important matter that should remain an assessment criterion of policy NRG 2.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2856 Hargreaves Production)

The Council considers the proposed changes to policy NRG 2 are unnecessary and would serve to dilute the natural heritage protection objectives of the policy. The Council considers the penultimate sentence of paragraph 6.2.2 and the final paragraph of policy NRG 2 make it clear the supplementary guidance on wind energy will apply to all wind energy development. The Council notes the point about SSSIs in figure 6.1 and will make the requested change. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2903 Scottish Natural Heritage)

Encouraging Use of Renewable Energy Technologies

The Council considers the policy framework of the Proposed Plan is consistent with [Scottish Planning Policy](#) paragraphs 161-168 and that it provides support in principle for a wide variety of renewable energy technologies. The plan sets a policy framework against which proposals must be assessed.

The plan's policy framework allows for individuals and communities to come forward with proposals. The Council considers it can only support development that is acceptable in a local and wider setting, taking into account a wide variety of considerations. The Council is willing to support communities where it is able to promote renewable energy technologies. However, its resources are limited in the amount of work it might like to do in this area. The Proposed Plan in paragraph 6.1.3 sets out its position in relation to community benefit packages resulting from renewable energy development.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these of representation. (PP221, PP222 Chris Yapp; PP268 Midlothian Matters)

CO2 Emissions Targets

The Council does not consider it within the scope of a local development plan to set a

territorial greenhouse gas emissions target for the area to which the plan relates. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2648 Midlothian Green Party)

Support for policy NRG1 and/or policy NRG 2

The Council welcomes the support for policy NRG1 and/or policy NRG2. (PP267 Midlothian Matters; PP290 Scottish Enterprise; PP1440, PP1441 SEPA; PP1472 Bruce Hobbs; PP1477, PP1479 Celia Hobbs; PP1629 PEPA; PP1540, PP1541 Tynewater Community Council)

The publication of supplementary guidance is dealt with in the Schedule 4 Issue 34 General Matters. The Council requests that the Reporter(s) makes no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1541 Tynewater Community Council)

No Direct Comment on policies NRG 1 and NRG 2

The Council notes the position of Scottish Borders Council. The Council considers the matters raised by Scottish Water are ones for the planning application process.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP173 Scottish Borders Council; PP182 Scottish Water)

Reporter's conclusions:

Context

1. The council's support in principle for the development of a wide variety of renewable energy and low carbon technologies to help meet and exceed national targets for developing energy and heat from such sources is expressed in chapter 6 of the proposed Midlothian Local Development Plan. Proposed policies NRG 1 (renewable and low carbon energy projects) and NRG 2 (wind energy) set out the tests that development must satisfy if it is to be considered acceptable, while policy NRG 3 (energy use and low & zero-carbon technology) considers energy use and low and zero carbon technologies. Although the council states that its approach to this topic is consistent with Scottish Planning Policy (SPP), the Scottish Government does not consider this to be the case. I address the concerns of the Scottish Government and other parties below.

Section 6.1 (renewable and low carbon energy projects) and policy NRG 1

2. Wind Prospect Developments Ltd argues that section 6.1 of the proposed plan should specifically refer to the targets for developing energy and heat from renewable sources as set out in national policy. The representation also seeks an acknowledgement that the targets are not capped and may be exceeded. In this regard, I note that paragraph 154 of SPP states that the planning system should, among other things, support the transformational change to a low carbon economy, consistent with national objectives and targets. This statement is supported by a footnote which states that further targets may be set in due course. Furthermore, paragraph 6.1.1 of the proposed plan acknowledges that the council will support renewable energy and low carbon technologies to help meet and

exceed national targets (my emphasis).

3. In light of the above, I agree with the council that it would be inappropriate to refer to specific targets set by the Scottish Government as they will be subject to change over time. In addition, the targets apply to Scotland as a whole and I find it reasonable that the proposed plan simply acknowledges that development which is considered acceptable would make a contribution to targets being met. Accordingly, I do not consider it necessary to modify the proposed plan in response to this representation.

4. A further representation by Wind Prospect Developments Ltd identifies the potential for confusion when seeking to identify the relevant criteria that guides the assessment of wind farm proposals. Paragraph 6.1.2 of the proposed plan states that “all wind energy proposals will be assessed against policy NRG 2”. Policy NRG 2 confirms that all wind energy proposals will be assessed against the requirements of policy NRG 1 as well as specific criteria set out in policy NRG 2. All other renewable and low carbon energy proposals are also to be assessed against the requirements of policy NRG 1, some examples of which are included at the beginning of the policy. This approach is clear. However, I agree that the order of the policies and the matters addressed in paragraph 6.1.2 could lead to confusion and that a modification would help to clarify which criteria are relevant when assessing a particular proposal.

5. Wind Prospect Developments Ltd also identify inconsistencies in the language and emphasis placed upon considerations within policy NRG 1, for example, the term ‘adverse effect’ is sometimes preceded by the word ‘significant’ and at other times by ‘unacceptable’. This, it is suggested, creates a hierarchy of considerations within the policy where some considerations could be given greater weight in the decision making process. Other representations, however, advocate the removal of the word ‘significant’ from certain criterion.

6. I consider that the policy as proposed is inconsistent with SPP in how it addresses certain considerations. Table 1 (spatial frameworks) within SPP recognises the need for ‘significant’ protection to be given to a range of international and national designations, and other important mapped environmental interests, which are addressed by the policy. I consider that without a consistent approach it could be inferred that there is indeed a hierarchy of considerations when this is not the case. I agree therefore that the wording of the policy should be modified to introduce a consistent approach to the matters addressed by the policy.

7. Hargreaves Production seeks a modification to the proposed plan that would see the introduction of an ‘area of search’ for the development of solar arrays and, more generally, guidance on commercial and domestic solar development. The council contends that it would be difficult to identify an ‘area of search’ in the absence of Scottish Government guidance on this matter and also because much of Midlothian is countryside on which such development may be acceptable in principle. The council adds that paragraph 6.1.2 and the introduction to policy NRG 1 refer to solar development and that the proposed plan provides a policy framework for the consideration of such proposals should they come forward. I consider the council’s position on this matter to be reasonable and that no modification to the proposed plan is required in response to this matter.

8. Finally, I note the comments of Scottish Natural Heritage with regard to criterion ‘D’ of policy NRG 1 and the inclusion of up-to-date peat/carbon rich soils data. The council suggests that this matter than can be addressed as a non-material change to the proposed

plan prior to its publication. However, I consider that it would more appropriate to indicate that in the development and assessment of proposals account should be taken of any updated information available in relation to known peat/carbon rich soils. This requirement should also be noted in the legend of Figure 6.1 (Midlothian spatial framework for wind farms).

Section 6.2 Wind energy and policy NRG 2

9. The Midlothian Green Party argues that the terms of policy NRG 2 focus almost exclusively on the visual impact of turbines and is based on an assumption that such impacts are negative. Furthermore, it considers that the policy should recognise wind energy's contribution to the reduction of emissions, its role in farm diversification, the reduction in business costs and the potential for promoting community enterprise. Similar arguments are expressed by Mr Yapp in his representation.

10. As I note in paragraph 1 above, the council supports in principle the development of a wide variety of renewable energy and low carbon technologies. To be acceptable proposals are required to satisfy the criteria of policies NRG 1 and NRG 2, which taken together are broadly consistent with the considerations of paragraph 169 of SPP. Furthermore, as the council notes, the final paragraph of policy NRG 1 refers to a range of considerations that address matters raised by the Midlothian Green Party and Mr Yapp. In particular, I note that when assessing proposals the policy states that the council will take into account net economic impact, including at the local and community scale, the contribution of a development to energy generation targets and its effect on greenhouse gas and carbon emissions. In conclusion, I find that the decision making framework provided by policies NRG 1 and NRG 2 includes an inherent balancing provision which allows any significant environmental effects arising from a particular development to be assessed against its benefits.

11. The Scottish Government has identified a number of modifications that it believes are required if section 6.2 and Figure 6.1 of the proposed plan are to conform to SPP and, particularly the provisions set out in Table 1 (spatial frameworks), contained therein. A further representation, on behalf of Hargreaves Production, also considers the proposed plan to be inconsistent with SPP, insofar as it fails to conform fully to the framework described in Table 1.

12. I agree with the Scottish Government that the proposed plan is not fully consistent with SPP on this matter and that it should be modified. Whilst a number of the modifications sought relate to the terminology used in paragraph 6.2.3 and Figure 6.1, including reference to 'sites of special scientific importance' rather 'interest', the legend to Figure 6.1 implies the application of a spatial framework different to that set out Table 1 in SPP.

13. In the absence of National Park and National Scenic Area designations in Midlothian, I acknowledge that it is appropriate not to address Group 1 of SPP Table 1 in Figure 6.1. I also acknowledge that 'Areas of Significant Protection' are akin to Group 2 of Table 1 in SPP 1 and are appropriately addressed. What should then follow is an indication that the remainder of the local authority area has the potential to accommodate wind farm development, subject to detailed consideration against identified policy criteria; this area would correspond to Group 3 of the SPP's spatial framework. By identifying 'Wind Farm Opportunity Areas', however, the council is in effect seeking to create sub areas within Group 3, for which there is no provision in SPP. The Scottish Government adds that

should its suggested modifications not be acceptable, the proposed plan could continue to identify wind farm opportunity areas but that these should be presented elsewhere in the plan. However, I consider that such an approach is unnecessary given the inclusion of Figure 6.2 in the proposed plan which, while not part of the spatial framework, provides guidance on the potential or otherwise of the landscape to accommodate wind turbines.

14. Paragraph 163 of SPP states that the approach to spatial framework preparation set out in SPP Table 1 should be followed in order to deliver consistency nationally and that additional constraints should not be applied. The spatial framework is complemented, it adds, by a more detailed and exacting development management process. Although not a comprehensive list, paragraph 169 of SPP identifies considerations to be taken into account in the assessment of energy infrastructure proposals. As I note above, the criteria of policies NRG 1 and NRG 2, taken together, are broadly consistent with these considerations. Overall, I conclude that paragraph 6.2.3 and Figure 6.1 should be modified to accord with SPP.

15. With regard to wind farm proposals, Tynewater Community Council seeks a modification to policy NRG 2 that links its considerations with those of proposed policy ENV 18 (noise), on the basis that energy companies use noise standards to justify their developments. I note that wind farm proposals are not only required to satisfy the criteria of NRG 2 but also those of NRG 1 and that criterion 'E' of NRG 1 includes the consideration of noise impacts on communities and residential properties. On this basis, I agree with the council that the suggested modification is not necessary.

16. Hargreaves Production argues that criterion 1 of proposed policy NRG 2 should be modified by either removing the word 'significantly' or including a qualification to explain what is meant by it. I am inclined to accept that the inclusion of the word 'significantly' in the context of the policy is open to interpretation and that the consideration of shadow flicker or driver distraction will vary depending on the scale of a proposal and the characteristics of an area. As such, I consider that it would be appropriate simply to infer within the context of the policy that proposals will be allowed where impacts are acceptable in terms of shadow flicker and road safety. I agree that the policy should be modified.

17. Scottish Natural Heritage (SNH) seeks a modification to criterion 3 of proposed policy NRG 2 to clarify that wind energy proposals should not cause interference to qualifying species of Special Protection Areas, rather than just to the flight path of migratory birds. I consider such a modification to be reasonable on the basis that natural heritage interests are broad and varied and extend beyond solely the interests of migratory birds. SNH also seeks a modification to the final paragraph of the policy in relation to the application of supplementary guidance on wind energy development. However, I consider that the proposed plan is clear that the guidance, when prepared, will be relevant to all wind energy proposals, regardless of the scale of development proposed.

18. SNH also seeks two minor modifications to Figure 6.1 to correct the reference to Sites of Special Scientific Interest; and to Figure 6.2 to acknowledge the source of the information contained therein. I deal with the first of these matters in paragraph 12 above. In relation to the second point I agree that the source of the information that has informed the preparation of Figure 6.2 should be identified.

19. Despite the proposed plans support in principle for the development of a wide variety of renewable energy and low carbon technologies representations from Midlothian matters and Mr Yapp consider that it should give greater encouragement to renewable energy

developments, including community owned projects. The representation adds that the criteria of proposed policies NRG 1 and NRG 2 in effect block the development of renewable energy projects in the area. The council takes a contrary view on this matter and, as I indicate in paragraph 10 above, I find the proposed plan's approach to this matter to be broadly consistent with SPP. Accordingly I do not consider that the proposed plan should be modified in response to the representation.

Carbon dioxide emission targets

20. The Midlothian Green Party advocates that the proposed plan should adopt an overall target for carbon dioxide emissions, in addition to per capita levels outlined in the Single Midlothian Plan (Midlothian's community plan). The representation notes that the Single Midlothian Plan commits the council to a target of reducing per capita carbon dioxide emissions from 6.4 tonnes in 2008 to 4.5 tonnes in 2020 – a reduction of 42%; I note that these figures reflect those found in the Scottish Government's 'Low Carbon Scotland, Meeting the Emissions Reduction Targets' (2013). Furthermore, it is argued that, the standards of proposed policy NRG 3 should apply equally to non-housing development, for example, business and industrial uses, haulage facilities and certain industrial processes. The council considers that it is beyond the scope of a local development plan to set a territorial emissions target for its area.

21. Paragraph 154 of SPP states that the planning system should, among other things, help reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to energy efficiency, heat recovery, efficient energy supply and storage, electricity and heat from renewable sources, and electricity and heat from renewable sources when greenhouse gas emissions can be significantly reduced. It is within this context that sections 6.3 and 6.4 (decentralised heat) and proposed policies NRG 3, NRG 5 (heat supply sources and development with high heat demand) and NRG 6 (community heating) have been prepared; this matter is also addressed in the context of sustainable place-making and proposed policy DEV 5 (sustainability in new development). In addition, proposed policy NRG 4 and Appendix 7 (interpretation of policy NRG 3) provide guidance on the interpretation of policy NRG 3 with reference to the Building Regulations. I note that these considerations apply to all types of buildings.

22. I find that the Scottish Government's reduction emissions targets apply to Scotland as a whole. While the planning system has an important role in helping achieve overall emission targets it is only part of the solution in the country's transformation to a low carbon economy. Accordingly, I find that the proposed plan's approach to this topic is consistent with the requirements of SPP. It also provides a policy framework that seeks to mitigate greenhouse gas emissions arising from the development and use of buildings. In this context, and as the council correctly notes, it is beyond the scope of a local development plan to set a territorial greenhouse gas emissions target.

Scottish Water

23. I agree with the council that the representation submitted on behalf of Scottish Water requesting that it be consulted on planning applications proposing wind farms and fuel storage development is a matter for the development management process.

Support for policies NRG 1 and NRG 2

24. The expressions of support for proposed policies NRG 1 and NRG 2 are noted but do not require any further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Replacing the final two sentences of paragraph 6.1.2 on page 64 of the plan with;

“All proposals for renewable and low carbon energy projects will be assessed against the criteria identified in policy NRG 1. All wind energy proposals will also be assessed against the criteria of policy NRG 2.”

2. Amending the wording of criteria within policy NRG 1 (renewable and low carbon energy projects) on pages 64 and 65 to read:

“A. cause an unacceptable significant adverse effect upon the historic environment...”

“B. cause an unacceptable significant adverse effect upon natural heritage...”

“C. cause an unacceptable significant adverse effect upon the green belt...”

“D. cause an unacceptable significant adverse effect on peat/carbon rich soils* or prime agricultural farmland; (*when available, reference should be made to the relevant Scottish Government “Carbon Calculator” and any updated information in relation to known peat/carbon rich soil in the development and assessment of proposals).”

“H. cause an unacceptable significant adverse effect upon the landscape or visual impact...”

3. Deleting the third sentence of paragraph 6.2.3 on page 65 and adding the following sentence:

“Figure 6.1 also identifies areas with the potential for wind farm developments which the council considers have the capacity to successfully accommodate wind turbines of 30 metres and above.”

4. Amending the legend of Figure 6.1 on page 67 of the plan by:

- replacing “Site of Special Scientific Importance” with “Site of Special Scientific Interest”;
- replacing “2 km settlement buffer” to read “2 km community separation for consideration of visual impact”;
- deleting the heading “Wind Farm Opportunity Areas” and associated notation and replace with the following the heading “Areas with Potential for Wind Farm Development” and the text “all areas other than those defined as having significant protection”.

5. Deleting the word “significantly” from the beginning of criterion 1 of policy NRG 2 (wind energy) on page 66.

6. Deleting the words “with the flight path of migratory birds” from criterion 3 of policy NRG 2 (wind energy) on page 66 and replacing with “to qualifying species of Special Protection Areas”.
7. Amending Figure 6.2 on page 68 by adding the source of the information that has informed its preparation.

Issue 21	Building Design, Energy Efficiency and Community Heating	
Development plan reference:	Sections 6.3 and 6.4 and policies: NRG 3 Energy Use and Low & Zero Carbon Generating Technology; NRG 4 Interpretation of Policy NRG 3; NRG 5 Heat Supply Sources and Development with High Heat Demand; and NRG 6 Community Heating	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>778339 PP32 Midlothian Green Party</p> <p>908875 PP94 Homes for Scotland</p> <p>909814 PP220 CALA Managment Ltd</p> <p>909735 PP267 Midlothian Matters</p> <p>778604 PP314 Grange Estates (Newbattle) Ltd</p> <p>908990 PP372 Scottish Government</p> <p>908990 PP373 Scottish Government</p> <p>908990 PP374 Scottish Government</p> <p>908990 PP375 Scottish Government</p> <p>908990 PP376 Scottish Government</p> <p>908022 PP547 Ruari Cormack</p> <p>909730 PP565 Sara Cormack</p> <p>779397 PP641 Bonnyrigg & Lasswade Community Council</p> <p>779397 PP642 Bonnyrigg & Lasswade Community Council</p> <p>779397 PP1161 Bonnyrigg and Lasswade Community Council</p> <p>778056 PP1442 SEPA</p> <p>778056 PP1443 SEPA</p> <p>778056 PP1444 SEPA</p> <p>778056 PP1445 SEPA</p> <p>778056 PP1446 SEPA</p> <p>778551 PP1542 Tynewater Community Council</p> <p>778551 PP1543 Tynewater Community Council</p> <p>778551 PP1544 Tynewater Community Council</p> <p>908025 PP2649 Edward Angus</p> <p>908025 PP2650 Edward Angus</p> <p>778056 PP2690 SEPA</p> <p>965285 PP2846 Aileen E Angus</p> <p>965285 PP2847 Aileen E Angus</p>		
Provision of the development plan to which the issue relates:	Sections 6.3 and 6.4, including policies NRG 3 – NRG 6	
Planning authority's summary of the representation(s):		
<p><u>Section 6.3 Energy Use and Low & Zero Carbon Technology</u></p> <p>Objects to Proposed Plan because it does not contain non-housing emissions standards, e.g. relating to business and industrial developments giving rise to high levels of emissions,</p>		

such as from mineral extraction, haulage facilities and certain industrial processes. Without clear and effective controls on non-housing emissions, backed by a rigorous policy, Midlothian's climate change strategy is wide open to failure. (PP32 Midlothian Green Party)

Policy NRG 3 Energy Use and Low & Zero-Carbon Generating Technology and NRG 4 Interpretation of Policy NRG 3

Supports these policies, including requirements to include additional reductions in emissions greater than Building Regulations. (PP1442, PP1443 SEPA)

Objects to the Proposed Plan because does not consider the phrase "and energy which is required supplied efficiently" used in policy NRG 3 is clear on what efficient supply is and how proposals would be assessed against this provision. Further objects to policy NRG 3 stating the 2007 Building Standards referred to are out of date/superseded. (PP372 Scottish Government)

Objects to the Proposed Plan because policy NRG 4 stating policy NRG 3 shall not apply to committed development. States that Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117], as amended by Section 72 of the Climate Change (Scotland) Act 2009 [CD118], is intended to apply to all new buildings, and that exempting significant development sites runs counter to the aims of Section 3F. (PP373 Scottish Government)

Objects to the Proposed Plan because these policies do not deal adequately with developer tendency to apply minimal standards. (PP565 Sara Cormack; PP547 Ruari Cormack; PP641, PP642, PP1161 Bonnyrigg and Lasswade Community Council)

Objects to the Proposed Plan because Policies NRG 3 and NRG 4 do not deal adequately with developer tendency to apply minimal standards. Buildings account for about 43% of the UK's carbon emissions. Buildings and other developments can also damage the environment through poor waste management or inefficient use of resources. Carbon emissions from buildings must be reduced and planning policies must help to protect and improve the natural and built environment. The UK Government recently published guidelines for new developments, particularly housing, that need to be acknowledged within the Midlothian Local Development Plan: "To reduce carbon emissions from buildings, we: 1. are requiring local planning authorities to make sure that all new developments are energy efficient; 2. will require all new homes to be zero carbon from 2016 and are considering extending this to include all other buildings from 2019." (PP2649, PP2650 Edward Angus; PP2846, PP2847 Aileen E Angus).

Objects to the Proposed Plan on the grounds that regulating energy use and carbon emissions is within the remit of building regulations and that planning policy should not be used to exact standards higher than stipulated through building standards. Considers there can be no local justification for, or general benefit in, applying different standards in different localities arbitrarily. Contends that even small changes to these requirements can have a significant impact on build costs and development viability, and that there is no evidence to indicate the benefits of such a policy outweigh this negative impact – or that there is customer demand. (PP94 Homes for Scotland; PP314 Grange Estates (Newbattle) Ltd)

Objects to the Proposed Plan because has concerns with the approach of policy NRG 3. Objector is unclear to which regulations the 5% target in policy NRG 3 relates. States if the baseline building standards regulations are the 2007 ones then it is possible to achieve 5%

betterment, based on any warrant approvals being sought after 1st October 2015 - the due date for the 2015 Building Standards Regulations to come into force. States there is dubiety in the final sentence of policy NRG 3 'In the case of subsequent standards, the percentage shall be at least 5%'. States policy NRG 3 can be read in two ways, firstly the new Building Standards Regulations (October 2015) are enforcing a 21.4% betterment which is far in excess of the 5% required by policy NRG 3, or it could be read that it needs to be 5% on top of the 21.4%. Considers it illogical that a policy would seek a 5% betterment in excess of the 2007 Regulations when the 2015 Regulations are seeking betterment of 21.4%. If a betterment of 5% in excess of the 2015 Regulations is sought, a total betterment of 26.4% would be required, and that would be of significant concern both commercially and technically. States it may be the case that at the time the policy was devised the extent of the 2015 Building Regulation betterment targets were not known and that may explain the 5% betterment requirement.

State the remit of the Scottish Building Standards Agency addresses zero carbon/sustainability/renewable technologies at a national level and they are the appropriate authority through which standards and requirements should be set. Consider it is not for the Council through the Local Development Plan to set a target which is aspirational and is without justification. Continue by stating the approach (of the Proposed Plan) is narrow and does not take into account other ways in which development can contribute to reducing greenhouse gas emissions. For example, the 'Development Considerations' for Proposed Plan housing site Hs1 seeks provision for a park and ride facility. (PP220 CALA Management Ltd)

Objects to the Proposed Plan because considers compliance with policy NRG 3 may be unduly and unreasonably onerous, appearing to require a full Standard Assessment Procedure (SAP). It is difficult to imagine a building subject to this policy also being subject to the 2007 Building Regulations. Confusingly, this policy restates Mandatory Standard 6.1 of the current 2015 Technical Handbook for buildings subject to the 2007 Building Regulations. (PP1542 Tynewater Community Council)

Objects to the Proposed Plan because there is no Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117], and having a policy specifically to interpret another policy seems unnecessarily confusing. (PP1543 Tynewater Community Council)

Section 6.4 Decentralised Energy

Recommends the 'NRG' policies are updated to confirm production of a localised Midlothian Heat Map and policy wording to require subsequent consideration of this heat map when determining location for new heat networks and/or opportunities for significant anchor development (with the potential to establish and/or connect to heat networks within the Plan area). Also recommends that production of this Heat Map is identified as a specific outcome within the Local Development Plan Action Programme. (PP1446 SEPA)

Policy NRG 5 Heat Supply Sources and Development with High Heat Demand; and Policy NRG 6 Community Heating

Support and commend both policy NRG 5 and exemplary policy NRG 6. (PP1444, PP1445 SEPA).

Objects to the Proposed Plan because policies NRG 5 and NRG 6 focus on implementation and do not address the strategic heat context, whereas paragraph 159 of [Scottish](#)

[Planning Policy](#) states "Local Development Plans should identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support their implementation". (PP376 Scottish Government)

Objects to the Proposed Plan because policy NRG 5 does not provide clarity on the co-location of development with heat demand with sources of heat, to adequately reflect the policy position in paragraph 158 of [Scottish Planning Policy](#) (PP374 Scottish Government)

Objects to the Proposed Plan because policy NRG 6, in the final paragraph, states support for community heating from committed development (policy STRAT 1) is not an objective of this policy, whereas [Scottish Planning Policy](#) paragraph 159 is clear local development plans should support development of heat networks in as many locations as possible. (PP375 Scottish Government)

Objects to the Proposed Plan because policy NRG 6 does not include criteria stating that community heating will only be required where there is a demonstrable ability of the system to reduce gross energy use compared to an individual building system. States heat loss from network pipes are significant. (PP1544 Tynewater Community Council)

Objects to the Proposed Plan because the 'NRG' policies don't specifically refer to SEPA's 'Thermal Treatment of Waste Guidelines 2014' [CD119]. (PP2690 SEPA)

Other

Midlothian Matters welcomes the environmental approach championed in policies NRG 1-8. (PP267 Midlothian Matters)

Modifications sought by those submitting representations:

Section 6.3 Energy Use and Low & Zero Carbon Technology

A rigorous policy setting out clear and effective controls on non-housing emissions. All planning applications - perhaps with exclusions for developments acknowledged to have low emissions - should be required to be accompanied by a sustainability appraisal accounting for the CO² and other greenhouse gas emissions from the development and set out how the development will contribute to Midlothian's efforts to meet its climate change obligations as set out in the Climate Change (Scotland) Act 2009 [CD118]. (PP32 Midlothian Green Party)

Policy NRG 3 Energy Use and Low & Zero-Carbon Generating Technology and NRG 4 Interpretation of Policy NRG 3

None specified. (PP1442, PP1443 SEPA)

Delete the phrase "and energy which is required supplied efficiently" in policy NRG 3 and replace "2007" in policy NRG 3 with "2015". (PP372 Scottish Government)

Delete criterion A 'committed development (policy STRAT1)' from policy NRG 4. (PP373 Scottish Government)

Relevant UK Government guidelines/policy paper should be acknowledged in the Local Development Plan and enforced. (PP565 Sara Cormack; PP547 Ruari Cormack; PP641,

PP1161 Bonnybridge and Lasswade Community Council)

The “2010 to 2015 government policy: energy efficiency in buildings” UK-wide policy paper must be acknowledged in the Local Development Plan and enforced:

<https://www.gov.uk/government/publications/2010-to-2015-government-policy-energy-efficiency-in-buildings/2010-to-2015-government-policy-energy-efficiency-in-buildings>

(PP2649, PP2650 Edward Angus, PP2846, PP2847 Aileen E Angus)

Replace policy NRG 3 with a policy which recognises and supports, but does not seek to exceed, Building Standards requirements on energy use and low and zero carbon technologies. (PP94 Homes for Scotland; PP314 Grange Estates (Newbattle) Ltd)

Delete the second paragraph of policy NRG 3. (PP220 CALA Management Ltd)

None specified. (PP1542, PP1543 Tynewater Community Council).

Section 6.4 Decentralised Energy

Requests the 'NRG' policies are updated to confirm production of a localised Midlothian Heat Map and policy wording to require subsequent consideration of this heat map when determining location for new heat networks and/or opportunities for significant anchor development (with the potential to establish and/or connect to heat networks within the Plan area). Also recommends that production of this Heat Map is identified as a specific outcome within the Local Development Plan Action Programme. (PP1446 SEPA)

Policy NRG 5 Heat Supply Sources and Development with High Heat Demand; and Policy NRG 6 Community Heating

None specified. (PP1444, PP1445 SEPA)

Suggests the scope of supplementary guidance identified on Community Heating in Table 7.1 of the Proposed Plan (page 166) could be widened to include: "Identifies where heat networks, heat storage and energy centres exist and policies to support their implementation." (PP376 Scottish Government)

In second paragraph of policy NRG 5, add "to be co-located with and" after "seek". (PP374 Scottish Government)

Requests removal the final paragraph of policy NRG 6, which reads: "Support for community heating from committed development (policy STRAT1) is not an objective of this policy". (PP375 Scottish Government)

Requests the proposed Plan include criteria stating that community heating will only be required where there is a demonstrable ability of the system to reduce gross energy use compared to an individual building system. Further information provided in the objection. (PP1544 Tynewater Community Council)

Requests reference is made in the Local Development Plan to the need for compliance with SEPA's 'Thermal Treatment of Waste Guidelines', e.g. "Development of thermal treatment plants will meet criteria set out in SEPA's Thermal Treatment of Waste Guidelines 2014" [CD119]. (PP2690 SEPA)

Other

None specified. (PP267 Midlothian Matters)

Summary of responses (including reasons) by planning authority:Context

Policies NRG 3 to NRG 6 provide a policy framework for mitigating greenhouse gases and improving energy efficiency. Policies NRG 3 and NRG 4 respond particularly to Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD118] as amended by Section 72 of the Climate Change (Scotland) Act 2009 [CD119] and the statutory requirement by this legislation for a low and/or zero carbon generating technology policy in the plan. Policies NRG 3 and NRG 4 seek to mitigate greenhouse gas emissions from buildings by reducing energy use and improving the efficiency of the supply energy. This is done through the incorporation and use in new developments of low and/or zero carbon generating technology or active energy efficiency measures. Policies NRG 5 and NRG 6 seek to promote the use of waste heat and community heating as a means of reducing greenhouse gases.

Section 6.3 Energy Use and Low & Zero Carbon Technology

It is incorrect to say that the Proposed Plan contains no non-housing greenhouse gas emissions standards. Policies NRG 3 and NRG 4 set a greenhouse gas emissions standard for heating and cooling in domestic and non-domestic buildings through the incorporation of low and/or zero carbon generating technology.

Quantitative standards for greenhouse gas emissions arising from industrial and commercial processes, from mineral extraction and otherwise, would be unenforceable and unnecessarily duplicate and unreasonably conflict with non-Planning controls, contrary to advice in Annex A to Circular 4/1998 The Use of Conditions in Planning Permissions [CD115].

The outcomes of greenhouse gas appraisal (Standard Assessment Procedure (SAP)) would be required for domestic and non-domestic properties the subject of Policies NRG 3 and NRG 4, consistent with Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117], as amended by Section 72 of the Climate Change (Scotland) Act 2009 [CD118]. The Council is not aware of any justification for extending the requirement for greenhouse gas appraisal beyond that to comply with Section 3F. The process emissions of particular concern to the objector would not reasonably fall within the scope of a planning policy requiring such an appraisal and would unreasonably conflict with non-Planning controls.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP32 Midlothian Green Party)

NRG 3 Energy Use and Low & Zero-Carbon Generating Technology and NRG 4 Interpretation of Policy NRG 3

The Council notes SEPA's support for policies NRG3 and NRG4 and requirements to include additional reductions in emissions greater than Building Regulations. (PP1442, PP1443 SEPA)

In relation to the phrase "and energy which is required supplied efficiently" in policy NRG 3, the Council agrees that it is neither clear what 'efficient supply' is nor how proposals would be assessed against this provision. The Council considers that deletion of the phrase has merit and therefore requests that the Reporter(s) make a judgement as to whether to make changes to the Midlothian Local Development Plan as a consequence of this representation.

In relation to replacing "2007" with "2015", the Council is aware that a 2015 Standard is now in place. Reference to the 2007 standard (Building Regulations) is simply to distinguish the requirement applying to the small number of buildings which, because of the length of time the building warrant to which they are subject has been undetermined, remain subject to the 2007 standard. In this regard, the Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP372 Scottish Government)

Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117], as amended by Section 72 of the Climate Change (Scotland) Act 2009 [CD118], does not preclude a policy (NRG 4) which identifies buildings exempted from the requirements of a Section 3F compliant policy (NRG 3); indeed, without an NRG 4 style policy, low and/or zero-carbon generating technology policy requirements would extend to buildings for which they are entirely inappropriate, such as those with no delivered energy requirements.

Paragraph 2.2.4 of the Proposed Plan states that delivery of committed sites is essential to the settlement strategy, and that work is already in progress to resolve related delivery issues. Retrospectively applying the requirements of policy NRG 3 to committed development already planned for has the potential to prejudice the viability of that development, contrary to the focus on delivery in Scottish Planning Policy.

Given the Scottish Government's concerns relating to the implementation and effectiveness of Section 3F (to be considered in preparing its revised Energy Strategy and third Report on Policies and Proposals (Sixth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 refers [CD116]) and those of the Council relating to viability, it is considered that extending Policy NRG 3 to cover committed development would be unreasonable at this time.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP373 Scottish Government)

Policies NRG 3 and NRG 4 deal with any tendency not to exceed the building regulations carbon dioxide emissions standard by requiring such an exceedence through incorporation of low and/or zero-carbon generating technologies. The UK Government guidance/policy paper referred to does not apply in Scotland. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP565 Sara Cormack; PP547 Ruari Cormack; PP641, PP642, PP1161 Bonnyrigg and Lasswade Community Council; PP2649, PP2650 Edward Angus, PP2846, PP2847 Aileen E Angus).

The UK Government guidance/policy paper referred to does not apply in Scotland. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP2649, PP2650 Edward Angus; PP2846, PP2847 Aileen E Angus)

The Sixth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 [CD117] recognises the role of Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117], as amended by the Climate Change (Scotland) Act 2009 [CD117], policies in delivering sustainable energy for building use. Paragraph 9.2 sixth annual report identifies two broad types of policy response that planning authorities can make to Section 3F. The first requires the proposed building to meet the building standards target emissions rate in part through the use of low and/or zero-carbon generating technologies. The second requires low and/or zero-carbon generating technologies to be used to exact emissions reductions beyond the target emissions rate (that in Building Standards). Paragraphs 9.4 – 9.6 state that previous annual reports have recognised that policies of the second type might emerge, and note that this has now happened in the case of two adopted local development plans. Policy NRG 3 is a further example of this second policy type.

The Council considers that insisting a proposed building incorporate low and/or zero-carbon generating technologies simply to meet the building standards target emissions rate cannot be the desired objective of Section 3F [CD117] as there are less expensive and more practicable ways of doing so. The Council considers the desired objective of, and principal justification for requiring low and/or zero-carbon generating technologies through Section 3F, must be to exact emissions reductions beyond the building standards target emissions rate. Had the Scottish Government some concern with the emergence of different Section 3F standards across the country, the Council would have expected this to be mentioned in the above annual report.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP94 Homes for Scotland; PP314 Grange Estates (Newbattle) Ltd)

The Council considers the second paragraph of policy NRG 3 is clear and unambiguous. In the case of the small number of buildings the subject of the 2007 building standards target emissions rate (i.e. those committed development sites identified in the Midlothian Local Plan (2008) [CD054] not having a planning consent or building warrant), incorporation of low and/or zero-carbon generating technologies is to be projected to contribute a greater than zero percentage reduction in greenhouse gas emissions beyond the building standards target emissions rate.

In the case of buildings the subject of subsequent building standards target emissions rates, incorporation of low and/or zero-carbon generating technologies is to be expected to contribute at least a 5% reduction in greenhouse gas emissions beyond the building standards target emissions rate. Given that the timescale for EU requirements for delivery of 'nearly zero energy' new buildings is by 2019/21, it is considered that the proposed reductions are not unreasonable at this time.

As stated above (in the Council's response to objections PP94; PP314), the Council considers the desired objective of, and principal justification for, requiring low and/or zero-carbon generating technologies through Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117], as amended by Section 72 of the Climate Change (Scotland) Act 2009 [CD118], is to secure exacting emissions reductions beyond the building standards target emissions rate. In the absence of any national Planning position on the level of such reductions, the Council has no alternative but to set its own level. Had the Scottish Government some concern with such approaches, one would have expected this to be mentioned in the The Sixth Annual Report on the Operation of Section 72 of the

Climate Change (Scotland) Act 2009 [CD118].

Bullet 'B' of policy NRG 4 recognises that there other ways in which development can contribute to reducing greenhouse gas emissions by supporting active energy efficiency measures (e.g. heat exchange recovery systems) where technical constraints preclude the incorporation of low and/or zero-carbon generating technologies.

If the second paragraph of policy NRG 3 were omitted from the Plan it would render it unlawful without replacement with another Section 3F compliant policy.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP220 CALA Management Ltd)

The Council does not consider that compliance with policy NRG 3 would be unduly or unreasonably onerous. The calculations required do not exceed the near identical ones in former, now defunct, Planning Advice Note 84 Reducing Carbon Emissions in New Development (2008).

Reference to the 2007 standard is simply to distinguish the requirement applying to the small number of buildings which, because of the length of time the building warrant to which they are subject has been undetermined, remain subject to the 2007 standard. This small number of sites are those sites committed in the Midlothian Local Plan (2008) [CD54] that do not have a planning consent or building warrant.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1542 Community Council)

Section 3F of the Town and Country Planning (Scotland) Act 1997 [CD117] was inserted by Section 72 of Climate Change (Scotland) Act 2009 [CD118]. The provisions in policy NRG 4 are separate from those in policy NRG 3 to avoid the latter departing from the very specific requirements of Section 3F. The Council has included policy NRG 4 to set out where exceptions can be made to policy NRG 3.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1543 Tynewater Community Council)

Section 6.4 Decentralised Energy

The Council considers that the proposed modifications have merit and therefore requests that Reporter(s) make a judgement on whether to make changes to the Midlothian Local Development Plan in respect of this representation (PP1446 SEPA).

Policy NRG 5 Heat Supply Sources and Development with High Heat Demand; and Policy NRG 6 Community Heating

The Council notes SEPA's support for policies NRG5 and NRG 6 and their comments regarding policy NRG 6 being an exemplary policy. (PP1444, PP1445 SEPA)

The Council considers that the proposed modifications have merit and therefore requests that Reporter(s) make a judgement on whether to make changes to the Midlothian Local

Development Plan in respect of this representation. (PP376 Scottish Government)

The Council considers that the proposed modification has merit and therefore requests that Reporter(s) make a judgement on whether to make changes to the Midlothian Local Development Plan in respect of this representation. (PP374 Scottish Government)

Paragraph 2.2.4 of the Proposed Plan states that delivery of committed sites is essential to the settlement strategy, and that work is already in progress to resolve related delivery issues. Retrospectively applying the requirements of policy NRG 6 to committed development already planned for has the potential to prejudice the viability of that development, contrary to the focus on delivery in [Scottish Planning Policy](#) and by the Scottish Government.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation (PP375 Scottish Government).

The Council considers that in the exceptional circumstances where this would arise, it could be considered as a possible departure from the policy.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1544 Tynewater Community Council).

The Council considers that compliance with SEPA's 'Thermal Treatment of Waste Guidelines' [CD119] is properly a matter for SEPA.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2690 SEPA)

Other

The Council notes the comments received welcoming the environmental approach championed in policies NRG 1-8. (PP267 Midlothian Matters)

Reporter's conclusions:

Context

1. Sections 6.3 and 6.4 of the proposed plan address energy use and decentralised heat, respectively, whilst proposed policies NRG 3 (energy use and low & zero-carbon technology), NRG 4 (interpretation of policy NRG 3), NRG 5 (heat supply sources and development with high heat demand) and NRG 6 (community heating) provide a framework within which the council seeks to mitigate greenhouse gas emissions and secure energy efficiency measures in new development. The reduction in carbon dioxide emissions is addressed in general terms in Issue 20 (renewable energy technologies, including wind energy).

Section 6.3: Energy use and low & zero-carbon technology

2. The Midlothian Green Party seeks a modification to the proposed plan that extends the standards of proposed policy NRG 3 to non-housing development, for example, business and industrial uses, haulage facilities and certain industrial processes. It also seeks the

introduction of a requirement for all planning applications to be accompanied by a sustainability appraisal; the purpose of which would be to describe the anticipated carbon dioxide and other greenhouse gas emissions and set out how the proposed development would contribute to the council's efforts to meet its climate change obligations in terms of the Climate Change (Scotland) Act 2009.

3. With regards to the scope of policies NRG 3 and NRG 4, the council contends that the policies set a greenhouse emissions standard for heating and cooling in domestic and non-domestic buildings through the introduction of low and/or zero-carbon generating technologies. I agree with the council that the application of the policy extends beyond the use of domestic buildings and conclude that no modifications are required to the text of section 6.3 or policies NRG 3 and NRG 4.

4. On the matter of sustainability appraisals, the council argues that there is no requirement for such an appraisal to accompany a planning application and that the emissions of concern to the Midlothian Green Party fall outwith the scope of planning policy. I also agree with the council on this matter and note that the Building Regulations include a requirement (Standard 6.1: Energy) to limit carbon dioxide emissions arising from new buildings and that a methodology is in place for assessing compliance with the emissions standard of the regulations against a target emissions rate. I find that this is a technical assessment of building performance that is appropriately considered within the scope of the building warrant process. Furthermore, it is not necessary to duplicate processes.

5. Finally, as concluded in Issue 1 (vision, aims and objectives), the provisions of the proposed plan, in tandem with those of the strategic development plan (SESplan), are considered sufficient to align with the climate change duties set out in the Climate Change (Scotland) Act 2009. As noted at paragraph 20 of Issue 1, the proposed plan includes a strategic aim to "respond robustly to the challenges of mitigating climate change and adapting to its impacts". The objectives, spatial strategy and policy provisions of the proposed plan then set out in more detail how climate change mitigation and adaption may occur in relation to planning processes. Accordingly, I conclude that no change to the proposed plan is required in response to this representation.

Policies NRG 3 and NRG 4

6. The principal purpose of policies NRG 3 and NRG 4 is to moderate the impact of development on the environment. Policy NRG 3 indicates that this is to be achieved, in part, through attention to development location and design and by limiting demand for energy through the use of low and/or zero-carbon generating technologies. It also sets out, in general terms, the level of reduction in greenhouse gas emissions required in new development when measured against the target emissions rate specified in the Building Regulations. Policy NRG 4 sets out the limitations and exceptions in the application of the policy including non-application of the requirements to committed sites. The council comments that it considers the requirements of the policies to be clear, unambiguous and not unduly or unreasonably onerous.

7. The Scottish Government seeks modifications to policy NRG 3 in order to bring it into conformity with Scottish Planning Policy (SPP), to add clarity and correct a reference to the 2007 Building Regulations. It also seeks a modification to policy NRG 4 to extend the application of policy NRG 3 to committed development sites.

8. Taking these matters in turn, the Scottish Government seeks the removal of the phrase "...and energy which is required supplied efficiently" from the first paragraph of the policy. The council acknowledges that the phrase is unclear and imprecise and does not contest its removal. I agree with the Scottish Government and the council that the policy should be modified for these reasons.

9. With regard to the other matters, the Scottish Government states that the relevant Building Regulations are those that came into force in 2015, and not the 2007 regulations cited in the policy. Accordingly, it suggests that the second paragraph of policy NRG 3 should be corrected to refer to the updated regulations. The council states that the reference to the 2007 regulations is intentional. It argues that they provide for a small number of sites which were first allocated in the adopted Midlothian Local Plan (2008) and which have yet to secure planning permission. When development proposals come forward for such sites the expectation of the council is that they will be assessed against the emission standards of the 2007 Building Regulations. By including reference to these regulations the council contends that it provides a distinction between the requirements that will be applied to such sites and to others promoted through the proposed plan.

10. The Building Regulations technical handbooks for domestic and non-domestic buildings are supported by a procedural handbook which provides a context for the Building (Scotland) Procedure Regulations 2004. Standard 7.1, which is the same in both handbooks, is mandatory and requires every building to be designed and constructed in such a way that the level of sustainability specified by Scottish Ministers in respect of carbon dioxide emissions is achieved. There is no provision within the defined limitations that allow buildings to be built to a lower level of sustainability to that specified by the Scottish Ministers.

11. In light of the foregoing, I agree with the Scottish Government that the policy should be modified to remove reference to the 2007 Building Regulations and that new development on committed development sites should be subject to these, and subsequent revisions of the regulations. As a consequence of this recommended modification, policy NRG 4 also requires to be modified by deleting clause 'A'.

12. CALA Management Ltd (CALA) contends that the second paragraph of policy NRG 3 should be removed in its entirety. CALA argues that; the source of 5% target is unclear and that it is illogical that a planning policy should seek to achieve 5% betterment in excess of the 2007 regulations when the 2015 regulations seek a betterment of 21.4%; that it is the remit of the Scottish Building Standards Agency to address zero-carbon/sustainability/renewable technologies at a national level; and that the approach of the policy is narrow and does not take into account other ways in which development can contribute to reducing greenhouse gas emissions. The Tynewater Community Council expresses similar concerns in its representation. The council argues that if the second paragraph of the policy was to be omitted from the proposed plan it would render it unlawful without a replacement policy that was compliant with Section 3F of the Town and Country Planning (Scotland) Act 1997.

13. I find that the second paragraph of policy NRG 3 is unclear. The origin of the 5% betterment target is also unclear. The technical handbook in relation to domestic buildings states that all new dwellings that meet or exceed the target emissions rate specified in section 6 (energy) of the handbook will achieve a 21% improvement on the 2010 standards (the benchmark level). This is the standard referred to by CALA in its representation and which came into force in October 2015. As suggested in the representation, at the time of

the proposed plan's preparation the extent of the 2015 betterment targets may not have been known and could explain the inclusion of the 5% betterment requirement.

14. With regard to the other concerns of CALA, the responsibilities of the Scottish Building Standards Agency were transferred to the Scottish Government in 2008. The minimum level of sustainability to be achieved in all new buildings in Scotland is set out in the technical handbooks for domestic and non-domestic buildings. There is, however, recognition within the handbooks that whilst it is not practicable at the present time to require every building to incorporate higher performance standards of further sustainability measures, developers may wish to exceed the minimum requirements and planning authorities may seek higher standards through a condition of planning permission.

15. I do not consider the scope of policy NRG 3 to be narrow, as suggested by CALA, and note that the first paragraph of the policy describes a number of considerations that could contribute to the mitigation of greenhouse gas emissions; considerations which I note are broader than the building regulations can include.

16. Homes for Scotland and Grange Estates (Newbattle) Ltd argue that the proposed plan through policy NRG 3 should not seek to exact standards higher than those stipulated in the building regulations and that even small changes to requirements can have a significant impact on build costs and development viability. The council, in response, believes that the desired objective of, and principal justification for, requiring low and/or zero-carbon generating technologies through Section 3F of the Town and Country Planning (Scotland) Act 1997 (as amended) must be to exact emission reductions beyond the building regulations target emissions rate.

17. On this matter, I note that Section 3F requires that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions arising from their use, while the technical handbooks state that levels of sustainability have been defined and must include low and/or zero-carbon generating technologies. I note that while the minimum requirements aim to achieve consistency between planning authorities, there is encouragement for more demanding sustainability standards to be achieved, but that this is through enhanced, and optional, upper levels defined in the technical handbooks.

18. Finally, representations on behalf Bonnyrigg and Lasswade Community Council and a number of individuals seek a modification to the proposed plan to include reference to the "2010-2015 government policy: energy efficiency in buildings" and its requirement to reduce carbon emissions from buildings. As the council correctly notes the policy document, published by the UK Government, does not apply in Scotland, where separate provision has been made, principally through revisions to the Building Regulations and associated technical handbooks. No modifications to the proposed plan are necessary in response to these representations.

Overall conclusions on policies NRG 3 and NRG 4

19. Overall, I find that if the proposed plan is to comply with the requirements of section 3F of the Act it needs to include policies requiring all new buildings to avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero-carbon generating technologies. At the present time the standard target is that set out in the 2015 Building Regulations. More demanding targets, while encouraged, cannot be used in the assessment of sustainability to meet the optional upper levels within the Building Regulations.

20. On this basis, I conclude that policy NRG 3 should remain part of the proposed plan but that it should be modified to provide the clarity sought by the Scottish Government and others. I also conclude that reference to the 5% betterment target be removed from the second paragraph and replaced by a statement that encourages more demanding sustainability targets to be met in new buildings where appropriate. Consequential modifications to paragraph 6.3.1 and policy NRG 4 are also required to provide context for a modified policy NRG 3 and in order to extend the requirements of policy NRG 3 to committed development sites, respectively.

Section 6.4: Decentralised energy

21. Paragraph 158 of SPP states that local development plans should use heat mapping to identify the potential for co-locating development with a high heat demand with sources of heat supply. The Scottish Government considers that policy NRG 5 should be modified to reflect the policy position of the SPP and include a reference to the co-location of development. The council agrees that policy NRG 5 should be modified to reflect accurately the requirements of SPP and to acknowledge the benefits of co-location. I also agree that the policy should be modified in order to bring it into conformity with SPP and to refer to the co-location of development, where this is feasible.

22. Paragraph 159 of SPP states that local development plans should identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support their implementation. The Scottish Government comments that whilst the proposed plan addresses the implementation of proposals, policies NRG 5 and NRG 6, fail to address the strategic heat context in Midlothian. It does, however, acknowledge that Table 7.1 of the proposed plan (pages 80 and 81) indicates the council's intention to prepare supplementary guidance that will identify sites and scenarios where the use of community heating is presumed. The Scottish Government suggests that the scope of the supplementary guidance could be widened to address this issue and reflected accordingly in Table 7.1 of the proposed plan. The council agrees that the scope and content of the supplementary could be widened as suggested. I also agree that such a modification would satisfy the requirements of SPP.

23. In relation to this matter, SEPA recommends that section 6.4 and the relevant 'NRG' policies should be updated in due course to confirm the production of a localised Midlothian heat map and the text amended to require subsequent consideration of the heat map when determining the location for new heat networks and/or opportunities for a significant anchor development. SEPA also recommends that the production of the heat map is identified as a specific outcome of a finalised action programme that will in due course accompany the proposed plan. Whilst the council agrees that there is merit in the modifications sought by SEPA, I note that a heat map for Midlothian has yet to be prepared. In this circumstance, I consider that it is appropriate to address this matter as part of the preparation of supplementary guidance, to which I refer in paragraph 20 above. The content of the action programme is a consideration beyond the scope of this examination and is a matter for the council.

24. The Scottish Government also considers that the requirements of policy NRG 6 should apply to committed development sites and therefore seeks a modification to the policy to delete the final sentence of the policy which states the "support for community heating from committed development sites (policy STRAT 1) is not an objective of this policy". The council does not consider it appropriate to retrospectively apply the requirements of the policy to committed development as to do so may prejudice the viability

of development.

25. I agree with the Scottish Government that where planning permission has yet to be approved on committed development sites proposals should be subject to the provisions of proposed policy NRG 6; not to do so would be contrary to the requirements of paragraph 159 of SPP. Furthermore, I note that this is the council's expectation at Shawfair; the core of which is comprised of committed development sites and where the provision of community heating in relation to their development is specifically referred to in policy IMP 2 (essential infrastructure required to enable development to take place) and Appendix 1D (essential infrastructure required to enable development committed development sites to be implemented). I conclude that policy NRG 6 should be modified in response to this representation.

26. The Tynewater Community Council contends that the criteria for the selection of a suitable heating system expressed in policy NRG 6 should include a demonstrable ability of the chosen community system to reduce gross energy use against an individual building system. The community council also comments that heat loss from heating network pipes can be significant. I consider that the provisions of proposed policy NRG 6 are sufficiently robust to address the concerns of the community council. In particular, I note that the policy includes a requirement for a developer to demonstrate justification for the choice of approach and heating systems, including how consideration of technical feasibility and financial viability has informed choices. I conclude that policy NRG 6 should not be modified in response to this representation.

27. Finally, SEPA comments that the proposed plan's 'NRG' policies do not specifically refer to its 'Thermal Treatment of Waste Guidelines (2013)'. Whilst the application of the guidelines is properly a matter for SEPA in dispensing advice as part of the development management process, I note that 'planning for zero waste' is addressed in paragraph 6.5.2 and the thermal treatment of waste in policy WAST 1 (new waste facilities). I also note that policy WAST 1 provides a link to the requirements of policies NRG 5 and NRG 6. Furthermore, encouraging sustainable energy use and waste management form part of the same topic chapter within the proposed plan. On this basis, I consider that there is a strong link between the topics without a need for a specific reference to the guidelines in the suite of 'NRG' policies.

Support for policies NRG 3-6

28. The expression of support by SEPA for policies NRG 3-6 is noted but does not require any further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Amending the first paragraph of policy NRG 3 (energy use and low & zero-carbon generating technology) on page 69 by deleting the words "and energy which is required supplied efficiently." from the end of the first sentence. The sentence would then read as follows:

"Through attention to location, development mix, phasing, site and building layout and adaptability of buildings to future use, demand for energy should be limited."

2. Amending paragraph 6.3.1 on page 69 by adding the following sentences after the second sentence:

“The policy requires all new buildings to meet or exceed the target emissions rate of the current Building Regulations (2015). It is recognised, however, that the Building Regulations will change during the lifetime of the Plan and likely to require higher greenhouse gas reductions over time.”

3. Deleting the second paragraph of policy NRG 3 (energy use and low & zero-carbon generating technology) on page 69 and replacing with the following:

“Each new building shall incorporate low and/or zero-carbon generating technology in order to meet the minimum carbon dioxide emission reduction target of the 2015, and any subsequent revision to, Building Regulations. The council encourages all proposals for new development to incorporate measures to achieve the higher levels of sustainability, as defined by the Building Regulations.”

4. Deleting clause ‘A’ from policy NRG 4 (interpretation of policy NRG 3) on page 69.

5. Amending the second paragraph of policy NRG 5 (heat supply sources and development with high heat demand) on page 70 by adding the words “to be co-located with” after the word “seek”. The beginning of the second paragraph would then read:

“Where technically feasible and financially viable, development with a high heat demand should seek to be co-located with and make use of heat supply sources where optimal in mitigating Midlothian’s territorial greenhouse gas emissions.”

6. Amending Table 7.1 (list of supplementary guidance and other planning guidance) on page 80 to add the following text to the beginning of ‘scope and content’ column in respect of Community Heating:

“Identifies where heat networks, heat storage and energy centres exist and policies to support their implementation. In addition, identifies...”

7. Deleting the final sentence of policy NRG 6 (community heating) on page 70.

Issue 22	Sustainable Waste Management	
Development plan reference:	Encouraging Sustainable Energy and Waste Management – Waste Management Section	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
778056 778056 778056 778056 778056 778056 778056 780183 778551	PP1447 PP1448 PP1449 PP1450 PP1451 PP1452 PP1453 PP1536 PP1545	SEPA SEPA SEPA SEPA SEPA SEPA SEPA Shawfair LLP Tynewater Community Council
Provision of the development plan to which the issue relates:	Section 6.5, Paragraph 6.5.1 – 6.5.4 including policies WAST 1, WAST 2, WAST 3, WAST 4, and WAST 5.	
Planning authority’s summary of the representation(s):		
<p><u>The need for waste facilities</u></p> <p>Objects to supporting text in paragraph 6.5.2. Considers that Scotland wide, not regional, capacity should be used to identify the need for waste facilities. Considers this does not accord with Scottish Planning Policy. (PP1447 SEPA)</p> <p><u>Policy WAST 1</u></p> <p>Objects to policy WAST 1, considers that new waste facilities should be supported on all designated employment sites and that this approach is in line with Scottish Planning Policy. (PP1448 SEPA)</p> <p><u>Impact of Millerhill on Shawfair</u></p> <p>Supports WAST2 but generally considers that there remains potential for occasional noise or odour nuisance and recommends that additional information is placed in the site requirements for new and committed development to advise applicants when preparing masterplans to leave as great a separation distance as possible between sensitive uses and Millerhill. (PP1449, PP1450 SEPA)</p> <p>Highlights concerns regarding emissions, design, materials, and loss of a landscaping bund on the western boundary of proposed Millerhill waste facility (policy WAST 2). Urges the Council to ensure that this committed recycling facility does not adversely affect the landscape fit of Shawfair. Considers the Local Development Plan should take fuller cognisance of impact of industrial processes on the new community at Shawfair. Considers that policy WAST 1 should be expanded to make reference to matters requiring attention in any further development of waste facilities to the south east of the committed</p>		

facility, including visual impacts, landscaping, odour, transport and access. (PP1536 Shawfair LLP)

Policy WAST3

Considers policy WAST 3 only appears to apply to Municipal Solid Waste and considers it unclear if this or any other policy seeks to control other commercially generated solid waste including inert construction waste. (PP1545 Tynewater Community Council)

Policy WAST5

Supports policy WAST 5, but recommends the provision of site waste management plans for significant developments to ensure adequate on-site management/minimisation during construction/operational phases. (PP1453 SEPA)

Support for policies WAST 3 and WAST 4

SEPA supports policies WAST 3 and WAST 4. (PP1451, PP1452 SEPA)

Modifications sought by those submitting representations:

The need for waste facilities

Change text in paragraph 6.5.2 to state that need for waste facilities should be based on Scotland wide, not regional capacity. (PP1447 SEPA)

Policy WAST 1

Amend policy WAST 1 to support waste facilities on all designated employment sites. (PP1448 SEPA)

Impact of Millerhill on Shawfair

Recommends that additional information is placed in the site requirements for new and committed development to advise applicants when preparing masterplans to leave as great a separation distance as possible between sensitive uses and Millerhill. (PP1449, PP1450 SEPA)

Expand policy WAST 1 to make reference to matters requiring attention in any further development of waste facilities to the south east of the committed Millerhill facility, including visual impacts, landscaping, odour, transport and access. (PP1536 Shawfair LLP)

WAST3

No modification stated. (PP1545 Tynewater Community Council)

WAST5

Recommends provision of site waste management plans for significant developments to ensure adequate on-site management/minimisation during construction/operational phases. (PP1453 SEPA)

Support for policies WAST 3 and WAST 4

No modifications sought. (PP1451, PP1452 SEPA)

Summary of responses (including reasons) by planning authority:Context

The land use planning system has a role to play in the sustainable management of waste. The EU Waste Framework Directive and Landfill Directives, incorporated into domestic law and practice, have had a dramatic effect on the way waste is handled nationwide.

A significant new Anaerobic Digester plant is about to commence operation at Millerhill, and a major new facility incorporating an energy from waste plant has full planning permission at the same site. These changes in waste management are reflected in the decline in the role for landfill. There are now no operational landfill sites in Midlothian and there appears to be little need for new landfill sites.

The Local Development Plan policies support the move to sustainable waste management, and include positive policies to allocate and safeguard sites, while protecting sensitive nearby uses from adverse environmental effects.

The need for waste facilities

Proximity is one of the underlying principles of the European Union Waste Framework Directive (2008/98/EC, CD029). Scottish Planning Policy recognises that proximity is an important goal, although tries to balance this objective against closing the gap in operational waste management capacity.

[Scottish Planning Policy](#) states that Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. Paragraph 182 states that while a significant shortfall of waste management exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more developed there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

The SESplan Waste Technical Note (CD100) contains a reference to revised capacity tables published by the Scottish Government in 2014. Although the data was published in 2014 (referred to in Table 2.3 of the Technical Note) it was correct to 2011 – so the evidence base is now 5 years out of date. The Table reveals a SESplan area capacity gap at 2011, of 605,000 tonnes additional capacity to manage source segregated recyclables and 225,000 tonnes to manage unsorted waste.

As the Zero Waste Plan (ZWP) (CD129) is implemented, more waste will be eliminated through the upper tiers of the waste hierarchy. The ZWP also anticipates that improvements to existing collection systems will cause more waste to flow through existing infrastructure. These factors should have caused the capacity gap to fall in the intervening 5 years, even without new infrastructure being commissioned.

In the SESplan area there was a pipeline of waste management projects (at June 2015) to

handle 925,000 tonnes of source segregated waste, and 710,000 tonnes of unsorted waste (CD100, tables 2.4 and 2.5 respectively). While not all of these schemes may proceed to fruition, there appears a healthy potential oversupply. Operators have invested significant sums in scheme design and environmental assessment, and the technical note does not contain speculative projects.

What is not known is if the healthy SESplan situation is replicated across Scotland. SEPA has not provided any evidence of whether there is a capacity gap at Scotland wide level in 2016, whether or not it is significant, nor an appreciation of its anticipated trajectory through the lifetime of the Local Development Plan.

The Council considers that proximity (on a regional basis) is a valid consideration in achieving sustainable waste management. This is also reflected in the intent of Scottish Planning Policy (paragraph 182). The Council considers that the supporting text in paragraph 6.5.2, in particular the last sentence, strikes the correct balance between consideration of national needs and proximity, and is sufficiently flexible to allow further information on the national progress of sustainable waste strategy to be taken into account.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1447 SEPA)

Policy WAST 1

Midlothian Council draws a distinction in its established economic land supply (Proposed Plan appendix 1B) between different types of economic use – either business use, general industrial use, storage and distribution use, or specialist uses such as biotechnology. In some cases multiple uses are permitted). This reflects either the physical situation of the sites (and the proximity of sensitive receptors) or the Council's aspirations for the site and the expected contribution of different uses to their marketability.

The Council considers that paragraph 185 of [Scottish Planning Policy](#) is not worded so strongly or inflexibly as to require a Local Development Plan's spatial strategy to accommodate the formation of waste management infrastructure on all of the established economic land supply. The Council considers that it is reasonable to draw a distinction between different types of employment site, and recognise that waste uses may have a negative impact on their overall marketability and development.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1448 SEPA)

Impact of Millerhill on Shawfair

The Millerhill waste developments have been progressing in parallel with the Local Development Plan, as it has been prepared. The Anaerobic Digester plant is now complete and about, at the time of writing, to commence operation. The residual waste treatment plant has detailed planning permission ([15/00285/DPP](#)).

These applications have been determined with the support of information from an Environmental Impact Assessment process and in consultation with Council Environmental Health colleagues and other agencies such as SEPA. The Council was aware of the proximity of the allocated Shawfair development (site h43) and the assessment has taken these potential additional sensitive receptors into account. Shawfair itself now has

planning permission and the first houses have commenced construction.

The new sites in the Shawfair area that the Council proposes to allocate (at Hs0 and Hs1) are all further away from the nearest sensitive receptor in h43. In the case of Hs0 (which is closer than Hs1), the intervening Shawfair Bing will provide additional screening. SEPA and the Council's Environmental Health, landscape and transport sections will be consulted in the assessment of these proposals.

There is an approved master plan and design guide for Shawfair which would also apply to the proposed sites mentioned above. The Council notes SEPA's representation in respect of advising applicants to leave as great a separation distance as possible between sensitive uses and Millerhill. SEPA and relevant bodies such as the Council's Environmental Health, landscape and transport sections will be consulted in the preparation of the briefs/masterplans. The Council does not consider further modifications to the plan in relation to these objections is necessary or justified.

In respect of the representation requiring reference to additional environmental factors in policy WAST 1, the Council considers that the catch-all reference in the 2nd paragraph of this policy to there being no adverse impact on sensitive uses is sufficient.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations. (PP1449, PP1450 SEPA; PP1536 Shawfair LLP)

WAST3

The Council considers that it is clear that the policy applies to all forms of landfill. The three tests, under headings A, B and C are solely applicable to Municipal Solid Waste, but the general presumption against (contained in the first paragraph) and the more detailed environmental assessment factors contained in the last paragraph of the policy are intended to apply to all forms of landfill.

The Council considers that the policy is clear, and therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1545 Tynewater Community Council)

WAST5

[Scottish Planning Policy](#) paragraph 192, in relation to development management considerations, states that planning authorities should consider requiring the preparation of site waste management plans for construction sites. Scottish Planning Policy stops short of requiring planning authorities to do this and leaves it to their discretion.

Midlothian Council considers that requiring the use of Site Waste Management Plans (SWMPs) through the land use planning system is not the most effective means of reducing waste. It is instructive to look at the experience of England where use of Site Waste Management Plans (SWMPs) was mandatory for large projects from 2008, and then repealed in 2013. CD017 contains the results of the UK Government consultation on the repeal of SWMPs: this concluded that the impact of repealing regulations requiring SWMPs for developments of contract value greater £300,000 would be minimal.

The construction industry is already incentivised to reuse materials and reduce waste through tax incentives (including landfill tax and aggregates levy). Many contractors will

use an SWMP type process as they find this best practice, but others will use adaptations of it or their own procedures as best fits their circumstances. The consultation found that more work is needed to reduce the amount of waste arising in the first instance, and that the design phase of construction is vital in achieving this aim. SWMPs tend to be produced after the design phase (CD017, page 12), and so only have a limited effect on reducing waste.

There is no requirement for development plans to require SWMPs for significant developments, and given the existing tax incentives to reduce waste and the view that they may not be the most effective approach articulated by the responsible bodies in the jurisdiction that formerly required them, the Council does not wish to push for the use of SWMPs through its Local Development Plan.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1453 SEPA)

Support for policies WAST 3 and WAST 4

The Council acknowledges SEPA's support. (PP1451, PP1452 SEPA)

Reporter's conclusions:

Support for policies WAST 3 and WAST 4

1. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expression of support for proposed policies WAST 3 (landfill) and WAST 4 (operational waste site safeguarding) offered by the Scottish Environment Protection Agency (SEPA) are acknowledged but do not require any further consideration.

The need for waste facilities

2. SEPA seeks a modification which recognises that the need for waste facilities should be considered at a national level, rather than solely within the boundaries of the Edinburgh and South East Scotland Strategic Development Plan (SESplan) area, as indicated in paragraph 6.5.2 of the proposed Midlothian Local Development Plan.

3. In the context of planning for zero waste, Scottish Planning Policy (2014) at paragraph 181 requires planning authorities to have regard to the annual update of required capacity for source segregated and unsorted waste, prepared by SEPA, and to be "mindful of the need to achieve the all-Scotland operational capacity". Furthermore, paragraph 182 notes that there is a significant shortfall of waste management infrastructure in Scotland and that emphasis should be placed on need over proximity. The paragraph continues by stating that the achievement of a sustainable strategy may involve waste crossing planning authority boundaries. Accordingly, in this regard, I agree that the proposed plan should be modified to bring it into line with Scottish Planning Policy by recognising that the need for waste facilities should be based on Scotland-wide not regional capacity.

Policy WAST 1: New waste facilities

4. A modification is also sought by SEPA to proposed policy WAST 1 (new waste

facilities), the effect of which would be to support the provision of new waste facilities on all designated employment sites. The policy, as proposed, while supporting the development of new waste facilities in principle on established waste management sites and on sites in the established economic land supply that are allocated for general industrial use, or for storage and distribution uses, or a combination of both, omits reference to sites allocated for business use in the proposed plan.

5. Scottish Planning Policy at paragraph 185 requires local development plans, in their spatial strategies, to make provision for new infrastructure (including waste), indicating that it can be accommodated on land designated for employment, industrial or storage and distribution uses; uses falling within classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 respectively. The council considers it reasonable to make a distinction between different types of employment site, recognising that waste facilities can have a negative impact on a site and its marketability. In this regard the council is keen to ensure that the cluster of 'bioscience' uses at The Bush is not compromised by the introduction of other uses. Furthermore, it believes, that the position of Scottish Planning Policy is not worded so strongly or inflexibly as to require the formation of waste management infrastructure on all sites within the established economic land supply.

6. As stated in advice issued by the Scottish Government, Planning and Waste Management Advice (2015), modern waste management infrastructure is designed and regulated to high standards and is similar to other industrial processes and, subject to detailed site specific considerations, can be considered appropriate for sites allocated for employment and industrial use (paragraph 20). It adds that existing operations and proposals for waste management development need not be viewed with concern if provisions are in place to ensure that they are well run (paragraph 39). Finally, the advice note states that the key to the delivery of infrastructure capacity is the provision of sufficient choice of locational options (paragraph 25). In this context, I agree that the policy WAST 1 should be modified to accord with paragraph 185 of Scottish Planning Policy, albeit with a qualification in respect of employment land allocated at The Bush.

7. In general terms, I do not consider that a modified policy WAST 1, that includes reference to employment sites, would inhibit the council's ability to consider the impact of proposed waste management facilities on existing and proposed sensitive uses, including those within The Bush bioscience cluster or other uses that are considered incompatible with neighbouring uses or would have a detrimental impact on the amenity of an area. Indeed, the second paragraph of proposed policy WAST 1 refers to the need for such considerations to be satisfied if proposals are to receive the support of the council. Furthermore, through proposed policy ECON 2 (The Bush bioscience cluster) the plan states that the council will not support non-research or bioscience manufacturing uses unless provided for within the Bush Framework Masterplan. Nonetheless, I recognise the economic importance, locally and nationally, attached to safeguarding the bioscience cluster of uses at The Bush and that this should be reflected in the wording of proposed policy WAST 1.

8. Finally on this matter, the last two sentences of paragraph 3.1.5 state that the council seeks to ensure that all new development does not damage or blight land uses which are established or supported by the proposed plan. The proposed plan notes that negative impacts can include those arising from the layout of development, its appearance, unacceptable traffic disturbance and noise. These concerns are reflected in proposed policy DEV 2 (protecting amenity within built-up areas) and acknowledged in the Planning

and Waste Management Advice note.

The impact of waste management facilities on Shawfair housing allocations

9. SEPA seeks modifications to the proposed plan to highlight the potential for occasional noise and odour nuisance associated with the operations of the waste management facility at Millerhill on future housing development. SEPA believes that reference to this, and the need to maintain as great a separation distance as possible between proposed housing and operational areas of the management, should be identified as a development consideration in the Danderhall/Shawfair settlement strategy.

10. The council, however, does not believe this to be necessary and cites the fact that the planning applications proposing the waste management facilities were supported by environmental information and the subject of consultation with statutory bodies, including SEPA. The applications were also prepared in the knowledge of housing proposals for the wider area, which are, and will be, guided by an approved masterplan.

11. I consider issues of noise, odour and the creation and maintenance of an appropriate separation distance between the waste management facilities at Millerhill and existing and proposed housing at Shawfair to be matters of detail to be taken into account as part of the development management and/or other regulatory processes. There is sufficient policy provision within the proposed plan to ensure that proposals are appropriately assessed in terms of their potential impacts and, if required, the provision of mitigation measures to address those impacts. I do not therefore consider it necessary to modify the proposed plan in respect of this representation.

Policy WAST 3: Landfill

12. A representation seeks a modification to proposed policy WAST 3 (landfill) to clarify that it applies to commercially generated solid waste, as well as municipal solid waste. The council argues that the policy is clear and that this is indeed the case. In this regard, I note that the first sentence of the policy states that there “is a presumption against new landfill development other than as part of a site restoration or flood prevention project”. It is also apparent that the tests that follow are solely applicable to municipal solid waste proposals. Accordingly, no modifications are required to the policy as proposed.

Policy WAST 5: Waste minimisation and recycling in new development

13. Finally, while supporting proposed policy WAST 5, SEPA recommends that in order to ensure adequate on-site management/minimisation of waste during construction and operation of development, significant development proposals should be accompanied by a site waste management plan. To do so, it believes, would help achieve Zero Waste Plan objectives.

14. In response the council argues that the need for the preparation of site waste management plans is not the most effective way of reducing waste, that the mandatory requirement for their preparation in England has been repealed and that the construction industry is already incentivised to reuse materials and reduce waste through the tax regime. On the basis of the evidence provided by the council and the discretion afforded by Scottish Planning Policy, paragraph 192, to planning authorities on this matter, I find the council's position to be reasonable and do not consider it necessary to modify the policy as proposed.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Replacing the sixth sentence of paragraph 6.5.2 on page 71 with:

“When considering the need for a waste management facility (for source segregated recyclables or unsorted waste) the council will have regard to Scotland wide operational waste capacity. The council will require proposals to be supported by regional capacity reports.”

2. Replacing the first part of the second paragraph of policy WAST 1 (new waste facilities) on page 71 with:

“With the exception of employment land allocated at The Bush Bioscience Cluster, the location of waste management facilities is supported at established waste management sites and on sites in the established economic land supply that are allocated for business, general industrial, or for storage and distribution uses, or a combination of these uses; ...”

Issue 23	General Delivery Issues	
Development plan reference:	Section 7 Delivering the Strategy.	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>908875 PP93 Homes for Scotland 909352 PP108 Network Rail 909415 PP158 Sara Gordon 907616 PP233 sportscotland 909735 PP269 Midlothian Matters 909734 PP282 Katherine Reid 909507 PP291 Scottish Enterprise 778604 PP316 Grange Estates (Newbattle) Ltd 908990 PP392 Scottish Government 754718 PP490 Newtongrange Community Council 780552 PP531 Walter Stone 907142 PP543 Mirabelle Maslin 908022 PP548 Ruari Cormack 921640 PP556 M A Faithfull 907464 PP594 Esk Valley Trust 779397 PP638 Bonnyrigg & Lasswade Community Council 908554 PP661 Margaret Montgomery 754719 PP902 Mayfield and Easthouses Community Council 779397 PP1159 Bonnyrigg & Lasswade Community Council 778853 PP1168 Taylor Wimpey UK Ltd/Hallam Land Management Ltd 922108 PP1551 Patricia Dimarco 922145 PP2416 Eskbank Amenity Society 908025 PP2733 Edward Angus 754767 PP2763 Eskbank Amenity Society 965285 PP2845 Aileen E Angus</p>		
Provision of the development plan to which the issue relates:	7.1 Implementation from 7.1.1-7.1.30 including policies IMP1 through to 5 covering new development, essential Infrastructure required to enable new development to take place, water and drainage, health centres and emergency services.	
Planning authority's summary of the representation(s):		
<p><u>Insufficient information given in the plan to estimate cost of developing sites</u></p> <p>Considers that there is insufficient information to estimate the cost of developing each site, which is essential for development appraisal purposes. Considers that a full set of detailed Supplementary Guidance be made available before the start of the LDP examination period to enable cost implications of IMP1 to be considered. Suggests that (in respect of development briefs referred to in IMP1), consideration should be given to working with developers, or allowing developers to bring forward their own masterplans and briefs. Viability should be an underlying consideration in briefs/masterplans, and current briefs/masterplans should be reviewed and assessed for viability, particularly where these relate to existing site allocations that are not making progress. (PP93 Homes for Scotland)</p>		

Expresses concern that there is no mention of Circular 3/2012 in the Implementation section. Considers there is insufficient information to calculate costs of developing sites identified in the Plan. Considers that a full set of detailed Supplementary Guidance should be made available before the start of the LDP examination period to enable the cost and viability implications of Policy IMP1 to be properly considered. Considers that Policy IMP1 is not helpful with regard to the range and scope of developer contributions, and absence of detail in respect of the scale of infrastructure, particularly Education and Transport as they apply to each site, is not compatible with a plan led system. Considers that MLDP provides no details of the scale of supporting infrastructure and this is contrary to SPP. (PP316 Grange Estates (Newbattle) Ltd)

Concerned that the plan does not make adequate provision for increased growth

Considers that there are insufficient community facilities, shops, employment opportunities, and public transport connections in Penicuik for the current population. (PP158 Sara Gordon)

Welcomes policies IMP 4 and 5 and section 7.1.12 regarding additional medical and education facilities, but expresses concern that new provision lags growth and that are significant problems now in terms of primary school capacity and GP surgeries. Considers that amenities availability should be stabilised before new development is accepted. (PP269 Midlothian Matters)

Expresses concern at impact of population growth on health care, and other services, and questions how this can be accommodated. (PP282 Katherine Reid)

Stresses importance of children attending local primary school. States that current Newtongrange Primary School has insufficient capacity and will need to be expanded to meet the needs of proposed new housing, and plans should be included to replace the school. (PP490 Newtongrange Community Council)

Considers that transport infrastructure is already inadequate and does not consider that adequate mitigation measures have been taken, particularly in A7 corridor. Considers that recent new schools at Lasswade/Dalkeith High have required extensions shortly after opening, so reducing the efficiency of the school compared to its original design, and questions whether plans for Newbattle have capacity to cater for additional pupils from planned house building. Refers to problems with access to GP practices, and expresses concern that problem is not understood or addressed. (PP531 Walter Stone)

States that there are problems accessing health facilities in Roslin, and that the village has a small library which is difficult to extend, an inadequate community facility, and limited/threatened retail/PO facilities. Considers also that infrastructure is inadequate, particularly A701, and that proposed A701 realignment would not assist. Does not consider that developer contributions could pay for this road, or if they were insisted upon by Council, this would prevent development taking place. (PP543 Mirabelle Maslin)

Considers that Council has not correctly interpreted the scale of growth, and so proper conclusions on infrastructure and public services cannot be drawn. Wishes a detailed/costed infrastructure plan to be included in the MLDP - considers that deficiencies in public services will emerge without this. Refers to concerns raised in Neighbourhood Planning process over health provision. Notes date of the LTS, and considers that an updated transport appraisal is required. (PP548 Ruari Cormack)

States that infrastructure is under strain, and considers that new houses are being planned without consideration of medical, schools and transport capacity. (PP556 M A Faithfull)

Expresses concern over congestion and asks that further action is taken to ensure that transport infrastructure anticipates future housing development. Considers that a system whereby developers endow community development funds to sustain community benefits over time is requisite. (PP594 John Oldham)

Other than for school provision, considers there is no overall infrastructure plan in the Proposed Plan. Considers an infrastructure plan is needed to consider and articulate the detailed requirements for significant growth in housing development in Midlothian. Considers lack of infrastructure provision will result in coalescence, inadequate road capacity and road safety, inadequate health care, recreation and public services. States there are no costings or financial implications of the Local Development Plan provided or details of capital expenditure to support increased infrastructure facilities. Refers to an expected pro-rata cost to the Council of an increased population. Considers new housing should be "future proofed" with modern facilities (e.g. fast broadband and smart metering) and access to renewable energy or community energy. New housing developments should have traffic impact assessments with solutions to minimise congestion and keep toxic emissions at a low level, and prioritising pedestrian and cycling corridors. (PP638, PP1159 Bonnyrigg and Lasswade Community Council; PP2733 Edward Angus; PP2845 Aileen E Angus)

Considers that there is a problem in providing infrastructure and services for new housing, particularly where these services are not in the control of the Council (such as health). Points to problems with surgeries being overstretched and asks what can be done to mitigate the problem. (PP661 Margaret Montgomery)

Considers that key issue for Mayfield and Easthouses settlement area is lack of funding from developer contributions for local infrastructure, education, amenities and town centre improvements. Considers that Mayfield and Easthouses is a poorer part of the County and that the plan is therefore an important opportunity for the area. Notes that Mayfield and Easthouses occupy little coverage in the plan, but considers that future projects covering wider area will benefit community. States that financial contributions will only be forthcoming if developers complete their projects, so leading to monies only becoming available at the end - or partially completed projects. Notes level of unbuilt houses from previous plans, and potential developer contributions for amenities locked up with them. Believes that Mayfield and Easthouses do not have the requisite amenities for a community of its size. (PP902 Mayfield and Easthouses Community Council)

Considers facilities need to grow in line with population increases. Refers to Dalkeith Medical Practice closing to new patients and states this represents poor planning. (PP1551 Patricia Dimarco)

Believe insufficient consideration is being given to the necessary funding and provision of infrastructure required to support the level of development, and consequent population increase, identified in the Proposed Plan. This includes schools, medical facilities and public services. Considers this fact is being ignored and glossed over by developers, council officials and politicians in the development of the Proposed Plan and negotiations on development. Understands insufficient money will be raised from either government or council tax to pay for the necessary infrastructure for the new development. (PP2416, PP2763 Eskbank Amenity Society)

Other matters

Observes that LDP includes specific reference about where improvements to railway infrastructure/stations may be required over the life of the plan. (PP108 Network Rail)

Refers to guidance Sport Scotland has produced for schools sports provision, advises that this guidance is used and expresses desire for early engagement in relation to new school development. (PP233 sportscotland)

Policy IMP1/IMP2 and related implementation references in settlement statements and Action Plan.

Considers that the requirement to contribute towards the provision of infrastructure can restrict economic development from being brought forward as it may deter investors or encourage alternative sites where such contribution may not be required or be less. These comments may be particularly relevant in terms of economic development within the Bio-science allocations of The Bush, and especially the Life Sciences Enterprise Area where developer contribution requirements may be counter-productive to other forms of assistance offered to investors within that area. (PP291 Scottish Enterprise)

Considers that to reflect Circular 3/2012 and to allow for flexibility, references to Section 75 Agreements should be amended to legal agreements. (PP392 Scottish Government)

Supports the Proposed Plan's position set out in the final sentence of paragraph 7.1.22 (page 75) that delivery of the A701 Relief Road and A702 Link road will require contributions in the corridor (the A701 Corridor) from all committed, planned and windfall developments in this corridor, residential and non-residential, and the delivery of site Ec3 West Straiton is in particular dependent upon the relief road being implemented. (PP1168 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Modifications sought by those submitting representations:

Insufficient information given in the plan to estimate cost of developing sites

Wishes Supplementary Guidance be made available before the start of the LDP examination period. Wishes Council to consider working with developers on masterplans and briefs, or allowing developers to bring forward their own masterplans and briefs, where approach is supported by the developers involved. Seeks consideration of viability to be an underlying consideration in briefs/masterplans, and wishes current briefs/masterplans to be reviewed and assessed for viability, particularly where these relate to existing site allocations that are not making progress. (PP93 Homes for Scotland)

Seeks deletion of criterion in Policy IMP 1 that reads: 'B. contributions towards making good facility deficiencies resulting from, or exacerbated by, the new development (refer to section 7.1 and the Settlement Statements)'; Seeks amendment to criterion C in Policy IMP 1 to read as follows: 'C. affordable housing, (for sites allocated in the Midlothian Local Plan (2003), that do not yet benefit from planning permission, the requirement for the provision of 5% - 10% affordable housing units will remain)'. (PP316 Grange Estates (Newbattle) Ltd)

Concerned that the plan does not make adequate provision for increased growth

Seeks progress in respect of identified deficiencies prior to further house building. (PP158

Sara Gordon)

Welcomes policies IMP 4 and 5, but considers that amenity shortfalls should be addressed before further growth is accepted. (PP269 Midlothian Matters)

No modification specified. (PP316 Grange Estates (Newbattle) Ltd)

Seeks provision to replace Newtongrange Primary School, so that all children in community can attend it. (PP490 Newtongrange Community Council)

No modification specified. (PP531 Walter Stone)

Seeks no extension/further investment in Roslin Pavilion. Wishes plan to identify specific cycle/footpath projects. (PP543 Mirabelle Maslin)

Seeks inclusion of an infrastructure plan in the MLDP to address requirements arising from development strategy, and an updated transport appraisal. (PP548 Ruari Cormack)

Seeks suspension of MLDP so that these matters may be addressed. (PP556 M A Faithfull)

Wishes further action taken to ensure that transport infrastructure anticipates future housing development. Seeks a specific policy statement in plan so that developers are expected to endow community development funds to sustain community benefits over time. (PP594 John Oldham)

A detailed and fully costed Infrastructure Plan must accompany the Local Development Plan. The Local Development Plan must set out from where the extra required money to support the development will come. States that the Local Development Plan should set out how the extra required money to support the development will be apportioned across the 32 public service organisations currently providing vital services to the Midlothian Community. Requests new housing should be "future proofed" with modern facilities (e.g. fast broadband and smart metering) and access to renewable energy or community energy. New housing developments should have traffic impact assessments with solutions to minimise congestion and keep toxic emissions at a low level, and prioritise pedestrian and cycling corridors. (PP638, PP1159 Bonnyrigg and Lasswade Community Council; PP2733 Edward Angus; PP2845 Aileen E Angus)

No modification specified - but wishes Council to consider solution to problems facing health services as a result of new housing. (PP661 Margaret Montgomery)

Wishes Council to work with developers to ensure that funding to address local infrastructure, education, amenities and town centre improvements is made available timeously. (PP902 Mayfield and Easthouses Community Council)

Provision of facilities need to grow in line with population increases. (PP1551 Patricia Dimarco)

No modification specified. (PP2416, PP2763 Eskbank Amenity Society)

Other matters

None sought - support. (PP108 Network Rail)

No modification specified. (PP233 sportscotland)

Seeks further consideration of the necessity of developer contributions at The Bush and to ensure that all contributions are proportional to the development proposed, bearing in mind the economic benefits to be derived by that development. (PP291 Scottish Enterprise)

Seeks change in references to Section 75 Agreements (in the Implementation section of the Settlement Statements, under the heading 'Requirements') to be amended to legal agreements. (PP392 Scottish Government)

No modification specified. (PP1168 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Summary of responses (including reasons) by planning authority:

Context

The implementation section seeks to reinforce the importance placed on the successful delivery of planned development and associated infrastructure & facilities, highlights the important role the proposed Action Programme will have in this respect and emphasises the importance of co-operation and collaboration between the public, private sectors and, in some cases the third sector, to ensure sufficient resources are secured in order to deliver the spatial strategy of the plan.

The plan (and Action Programme) also seeks to provide an early indication of the nature of infrastructure and facility requirements, programming and the mechanism to secure. While the settlement statements identify the requirements in context, additional detail (including cost information and breakdown) will be progressed through supplementary guidance and updates to/reviews of the Action Programme as supported in [SPP](#) and the draft Planning Delivery Advice: Housing and Infrastructure (CD022, paragraph 113).

Insufficient information given in the plan to estimate cost of developing sites

Government circular 6/2013 Development Planning provides guidance on the form and content of development plans and for Supplementary Guidance (SG) particularly what is appropriate to include in SG and when it should be prepared either alongside the LDP or subsequently.

The Council considers that the implementation section provides an appropriate level of detail regarding the necessary infrastructure and facilities at this stage of the process. It also considers that the section and the policies give early notice to developers of the nature and scale of these requirements as well as the possible mechanisms that may be used to ensure provision. The Council considers that information relating to detailed costs is more appropriate to include in Supplementary Guidance (SG) or the Action Programme which can be updated more quickly and easily to respond to changing circumstances. The Council acknowledges that it has not been possible (due to internal resource issues) to bring forward replacement draft SG on developer contributions alongside the proposed plan but that it is its intention to do so as a priority following the submission of the plan to Scottish Ministers and, if possible, before conclusion of the Examination process or as part

of it. The Council is mindful of the emphasis Ministers place on progressing the adoption of LDPs as quickly as possible and appreciate that the new regulations governing the preparation of SG would potentially delay the submission and the Examination process if it was to be prepared alongside the LDP. At its meeting of 17 May 2016 the Council agreed not to make any modifications to the plan in response to representations received partly because of the added delays that would be introduced into the process as a result but also because in cases where the Council considers there is merit in supporting a change to the plan, guidance allows Councils to highlight these cases in the relevant schedule 4 and allow the Reporter to come to an appropriate judgement on the matter. (paragraph 87 [Planning Series Circular 6/2013: Development Planning](#)).

The existing Supplementary Planning Guidance (SPG) on Developer Contributions (CD103) was prepared for the allocations in the extant local plan but does include generic cost information which, subject to adjustments for price indexation, could be used as a basis to undertake initial appraisal work on the proposed sites until the guidance is updated with new SG. The SPG includes cost information in respect of:

- school extensions (1, 2 or 3 stream), per individual pupil place and individual classroom provision at primary and secondary levels;
- denominational provision (a standard unit cost);
- Borders Rail;
- Community facilities (floorspace cost); and
- Town centre improvements (fixed cost)

Associated documents published alongside the proposed plan (such as the transport appraisal into the LDP and various topic based technical notes) also provide additional information to assist and inform the development appraisal process. The transport technical note includes the initial assessment work carried out by Wardell Armstrong in respect of the A701 relief road and A702 link (CD127) which also gives an indication of likely costs of both a single and dual carriageway solution. It is not always possible to know all the details and all the costs at the proposed plan stage and indeed some of the infrastructure costs are governed by third party agencies and standards outwith the control of the Council such as Transport Scotland and Scottish water. However each of these agencies publishes its standards and guidance for developers and those making the representations to the plan are aware of this. Likewise at the planning application stage the outturn application numbers for any given site may differ (sometimes significantly) from that envisaged when the plan was prepared thus requiring a re-assessment and possibly additional work to clarify the exact nature of infrastructure and facilities required and the cost of these requirements.

Policy IMP1 is intended to be a general policy applicable to all new development whether planned or windfall sites which sets out the broad principal of need, the mechanism to ensure delivery and the issues or requirements to be addressed in considering the development of a site. In many cases the provision relates to a specific policy or existing standards. The wording of policy IMP1 states that “Development briefs or masterplans will be prepared by the Council in conjunction with prospective developers.....” the Council does not consider that this would preclude or prevent developers from bringing forward their own briefs or masterplans or to work with the Council and to offer up possible options or solutions as mentioned by the representor in their submission.

The Council considers the provisions of the plan provide a sufficient level of information for developers to make informed assumptions and undertake initial site appraisals. It is also

consistent with Government guidance on the matter (paragraphs 137-139 [Planning Series Circular 6/2013: Development Planning](#))

The proposed Action Programme also provides an indication of the likely requirements and timing of provision (which could be subject to further change depending on the outcome of the Examination). The Council submits that it is the very purpose of SG to contain and provide further information or more detail in respect of how the policies or proposals in the plan will be implemented.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP93 Homes for Scotland; PP316 Grange Estates (Newbattle) Ltd)

Concerned that the plan does not make adequate provision for increased growth

The Council has set out the implementation requirements for new development in policies IMP1 and IMP2 and in the Settlement Statements (Section 8) following consultation with the relevant Key Agencies and service providers and on the outcomes of the transport appraisal into the impact of the proposed plan. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework for developer contributions towards necessary infrastructure and facilities. The Council considers that the provisions of the policies and the requirements set out in the settlement statements are sufficient to accommodate the planned growth and mitigate the impact on local services and infrastructure.

As the education authority Council has assessed the capacity and needs of primary and secondary education and the necessary mitigation measures outlined in the plan, in paragraph 7.1.12 and in the tables in the settlement statements. While the public perception in some areas may be that schools are not operating effectively because no sooner are they opened then they are having to be extended, this is not the case. The Council is aware of the impact of growth on schools, particularly given the recent increase in pupil product from 0.27 to 0.44 but is actively planning to accommodate this.

In respect of transport matters the Council undertook transport modelling work on the committed development sites (policy STRAT1) and a transport appraisal of allocated sites in the proposed plan (consistent with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG)). The transport appraisal identified appropriate interventions that would mitigate capacity issues on parts of the local road network (particularly the A701) and enable the council to not only manage future road capacity and traffic generation issues (CD120 Pages 64-66, MLDP Final Transport Option Appraisal) but also to deliver on many of its transport strategy objectives in respect of active travel, public transport and pedestrian/road safety. Access to public transport and/or local services was considered in the selection of sites, as set out in the Development Sites Assessment Technical Note (CD020, pages 3-4).

In respect of the health services issues raised the Council has not had any approach from the NHS to expand or relocate community health services in some settlements. The plan is quite clear that given the scale of growth proposed that this may change at some point in the future and policy IMP4 reflects this position.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP158 Sara Gordon; PP269

Midlothian Matters; PP316 Grange Estates (Newbattle) Ltd; PP490 Newtongrange Community Council; PP531 Walter Stone; PP543 Mirabelle Maslin; PP548 Ruari Cormack; PP556 M A Faithfull; PP594 John Oldham; PP638, PP1159 Bonnybridge & Lasswade Community Council; PP661 Margaret Montgomery; PP902 Mayfield and Easthouses Community Council; PP1551 Patricia Dimarco; PP2416, PP2763 Eskbank Amenity Society; PP2733 Edward Angus; PP2845 Aileen E Angus)

Other matters

The Council notes the comments by Network Rail, sportsscotland and Taylor Wimpey, and considers that no change to the plan are necessary in light of these. (PP108 Network Rail; PP233 sportsscotland; PP1168 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

The Council appreciates that the cumulative impact of developer contributions can affect the viability of development and has considered this in drafting the plan. The Council also acknowledges that the principal contribution of non residential development schemes are the jobs they create and the wider socio-economic impact this has on communities. However, the Council also acknowledges (and has been consistent in this respect) that where a proposed development gives rise to the need for new infrastructure or facilities in an area that it should make a proportionate contribution to the cost of or the provision of that infrastructure. Where there is a concern about the viability of a proposal because of developer contribution requirements the existing supplementary guidance (CD130, page 17 paragraphs 69 to 74) includes exemption clauses and if requested to do so the Council would reasonably consider such a request. However in the case of the bio-science developments at Easter Bush, the proposed A701 realignment and A702 link is not only necessary to deliver the development strategy of this whole corridor but it is essential in order to enable future investment at this location and in this specialist economic sector to take place. In this context the Council considers it reasonable that all proposed and windfall development in the A701 corridor contributes to essential infrastructure.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representations. (PP291 Scottish Enterprise)

The Council does not feel that the proposed change to the terminology is necessary given that the majority of developer contributions are sought by way of Section 75 agreement. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP392 Scottish Government)

Reporter's conclusions:

Supplementary guidance

1. In Issue 34 (process, consultation ect.) I conclude that the list of supplementary guidance referred to in the proposed Midlothian Local Development Plan is appropriate and reasonable; that there is no requirement for the supplementary guidance to be produced ahead of, or in tandem with, the proposed plan; and that there is no justification to bring matters to be the subject of supplementary guidance into the proposed plan as the broad principles are suitably established within the plan.

2. Scottish Planning Policy (2014) states that development plans should identify infrastructure needs and have a sharp focus on delivery (particularly through use of the action programme). Scottish Government circular 3/2012 on 'planning obligations and

good neighbour agreements' suggests that in drafting development plans "broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the SDP [strategic development plan] or LDP [local development plan], where they will have been subject to scrutiny at examination. Methods and exact levels of contributions should be included in statutory supplementary guidance". This advice aligns with the provisions of Scottish Government circular 6/2013 on 'development planning' (also discussed in detail in Issue 34) which details that suitable topics for supplementary guidance include "exact levels of developer contributions or methodologies for their calculation".

3. The introductory paragraphs to section 7 on "implementation" in the proposed plan provide the reasoned justification for proposed five IMP policies which seek, where appropriate, relevant developer contributions to enable the delivery of required infrastructure, amenities and services. The principal infrastructure requirements arising from the spatial strategy are outlined including those related to: education; community facilities; health and emergency services; transport; the green network; and water and drainage (see paragraph 7.1.4). In addition, the role of the action programme in delivering infrastructure in tandem with the provisions of the proposed plan is described; reference is made to supplementary guidance on developer contributions; and there is acknowledgement that some contributions, particularly with regard to windfall sites, are unknown but can be addressed at the planning application stage. The plan is therefore successful in providing the context for, and the range and scope of, developer contributions.

4. I also note that the information provided in the plan is supplemented by current contribution rates set out in the council's non-statutory supplementary planning guidance on developer contributions; studies into the costs of transport options (such as the A701 relief road costs); and generic information held by other bodies including Scottish Water and Transport Scotland. Having considered the above, I find that the section and policies on implementation follow government advice and are reasonable and appropriate in setting out the circumstances in which contributions would be sought. There is sufficient information available to allow development appraisal of sites; which will be enhanced once the supplementary guidance on developer contributions is published. No modifications to the proposed plan are required on this basis.

Development viability

5. Scottish Government circular 3/2012 highlights that "consideration should be given to the economic viability of proposals" when determining the scope and level of any required infrastructure (secured through a planning obligation). There is an acknowledgement in paragraph 7.1.7 of the proposed plan that Midlothian Council is "keen to ensure that neither the planning application process or the planning obligation process act, in any way, as an impediment to the delivery of development". The council is therefore aware of viability in relation to seeking developer contributions. I also note that the council's current non-statutory planning guidance on developer contributions includes exemption clauses where viability is an issue – these clauses may be carried forward into the forthcoming supplementary guidance on developer contributions. Having considered the above, I find no reason to make an explicit reference to "viability" within proposed policy IMP 1 (new development) in relation to masterplans and development briefs as requested by Homes for Scotland.

Masterplans and development briefs

6. Proposed policy IMP 1 (new development) states that “development briefs or masterplans will be prepared by the council in conjunction with prospective developers for all allocated housing sites”. This statement would not preclude a site owner or developer from producing its own brief or masterplan which, where appropriate, could be endorsed by the council. No change to the policy is required to allow this to occur.

Criteria B and C of policy IMP 1

7. Grange Estates (Newbattle) Limited suggest the deletion of criterion B of proposed policy IMP 1. Criterion B requires “contributions towards making good facility deficiencies resulting from, or exacerbated by, the new development (refer to section 7.1 and the Settlement Statements)”. I do not agree with Grange Estates that this is a “catchall statement”. It is caveated by reference to the reasoned justification and settlement statements which (as highlighted in the conclusions above) prescribe, where possible, the circumstances in which contributions would be sought and the range/scope of those contributions. I find that the provisions of criterion B are fair and reasonable when read in the full context of the proposed plan, which will be further supplemented by the content of the developer contributions supplementary guidance in due course. Criterion B of policy IMP 1 should remain in the plan.

8. Grange Estates also suggest amending criterion C of policy IMP 1 to refer to a reduced affordable housing requirement (5 to 10%) for committed sites allocated in the Midlothian Local Plan 2003. This matter is also addressed in Issue 5 (affordable and specialist housing).

9. Criterion C requires the appropriate provision of affordable housing and refers to section 3.2 of the proposed plan which deals with providing housing choices and includes policy DEV 3 (affordable and specialist housing). Policy DEV 3, and supporting paragraph 3.2.6, clarify that 25% affordable housing will be sought on all sites that do not have extant planning consent. In other words, all new housing proposals are required, unless otherwise justified, to provide the full affordable housing contribution. I appreciate that development appraisal of a site may have been compiled on the basis of past affordable housing requirements. However, as outlined in paragraph 5 above (and supported by policy DEV 3), the viability of a scheme may provide sufficient justification to reduce the 25% affordable housing requirement. I consider that in light of the housing need (see also Issues 3 and 5 of this report) that this approach is fair and reasonable. In support of this finding I note that Scottish Planning Policy supports a contribution of up to 25% of housing sites to come forward as affordable housing (paragraph 129) – amending the affordable housing requirements in line with government policy over that previously required in the Midlothian Local Plan 2003 is therefore justifiable. No modification to criterion C is necessary.

Provision for increased growth

10. Scottish Planning Policy provides a statement on what development plans should provide including setting out a spatial strategy “which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved” (paragraph 30). It also confirms that “action programmes should be actively used to drive delivery of planned developments; to align stakeholders, phasing, financing and infrastructure investment over the long term” (paragraph 31).

11. Following the provisions of section 16(6) of the Town and Country Planning (Scotland) Act 1997 (as amended), the proposed Midlothian Local Development Plan must be consistent with the provisions of the SESplan strategic development plan, which sets out a sustainable pattern of growth for the region. The proposed plan has provided a spatial strategy which aims, amongst others, to meet the growth requirements of SESplan by directing development to existing communities; protecting Midlothian's assets; and delivering required infrastructure as early as possible (see section 1.2 of the plan – The Vision). The council has acknowledged in its response to the unresolved matters raised to the proposed plan that meeting the strategic development plan requirements will be challenging. This challenge is also noted within the SESplan document.

12. In facing the SESplan requirements the council has liaised/consulted with key agencies and service sector providers throughout the preparation of the proposed local development plan. Appraisal of the transport impacts has also been undertaken at various stages of the plan's preparation by transport professionals in consultation with Transport Scotland (this matter is discussed further in Issues 6 and 7 of this report). In response to the needs and capabilities of various sectors (taking into account proposed levels and location of growth) the proposed plan sets out through section 7 (delivering the strategy), and through the various settlement strategies, the infrastructure requirements to allow development to proceed including education needs; community facilities; water and drainage; and health and emergency services. Therefore, the plan provides a clear indication of what is required to land owners, developers and local communities.

13. In its further written information response to Issue 3 (requirement for new development) the council provided responses from National Health Service (NHS) providers throughout the authority; described the consultation process with the NHS; and outlined some actions taking place to address health provision in Midlothian, including building new practices (Newtongrange and Shawfair); extending practices (Loanhead and Danderhall); and developing a programme to coordinate action to respond to current pressures. Proposed local development plan policy IMP 4 (health centres) would support the development of new or expanded health centre facilities; and policy IMP 1 (new development) would allow, in some circumstances, contributions towards health care provision if required (as supported by forthcoming supplementary guidance on developer contributions).

14. Similarly, the council's further written response to Issue 3 described the consultation and engagement with the education authority in relation to addressing education needs. As I outlined in Issue 3, the situation regarding education is fluid as pupil generation has increased beyond initial forecasts. Consequently, the council has advised that a revised solution for education is required to meet the SESplan housing requirement, including new or expanded facilities in Bonnyrigg; Dalkeith; Mayfield; Gorebridge; and the A701 corridor. However, there is sufficient provision with proposed policy IMP 1 and the settlement statements to secure education requirements as required.

15. I also note that, as required by national policy, to support the proposed plan and its implementation the council's accompanying action programme sets out the infrastructure requirements; timescales for implementation; and mechanisms for delivery. In addition, masterplans and development briefs to be prepared for many sites through policy IMP 1 will address issues of access, provision of public transport, and the provision and location of facilities.

16. I appreciate the level of community concern in relation to the impact of development

on community services, shops, facilities, employment opportunities, schooling, health care provision, and transport infrastructure. However, in consideration of the above conclusions, I find that there is sufficient provision within the proposed plan, and accompanying action programme (and future masterplans/development briefs and supplementary guidance) to ensure that satisfactory infrastructure is delivered to meet future growth.

17. The proposed plan presents no impediment to any planning obligations or agreements required to provide infrastructure including the provision for community input and/or a method of drawing on funding over time if deemed necessary, fair and appropriate. A specific policy statement to allow this to occur is not required.

Other matters

18. I note the concerns of Scottish Enterprise in relation to the viability of development at Easter Bush (particularly related to bio-science) and the requirement for developer contributions. However, with reference to my findings in paragraph 5 above, I find that there are sufficient provisions in the proposed plan and national guidance to support any justifiable exemptions to developer contribution requirements. This stance is further supported by current non-statutory planning guidance on developer contributions and could form part of the forthcoming supplementary guidance on the same topic. I find that these provisions are adequate without the need to modify the proposed plan.

19. Many developer contributions referred to in the proposed plan (particularly in the settlement statements) were secured by the use of a section 75 agreement. Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) now refers to “planning obligations” not “agreements”. Other mechanisms can be used to secure developer contributions including payment/implementation at the planning application stage; the use of planning conditions; and the use of other pieces of statute including those related to transport and local government in Scotland. Proposed policies IMP 1 and IMP 2 refer to developer contributions without a specific mechanism for their security being prescribed. Therefore, I find references to developer contributions throughout the proposed plan reasonable to capture any mechanism necessary (including obligations) to secure contributions. The references to “agreements” are correct as they were signed under a previous legislative description. No modification to the proposed plan is therefore required to modify the terminology used.

General comments

20. The representations from various parties’ including Taylor Wimpey UK Limited & Hallam Land Management Limited, Network Rail and Sportscotland do not raise unresolved matters but note references within the plan of interest and a desire to continue to engage in future plan-making / developments. The remit of the examination is to address unresolved matters to the proposed plan. Consequently, these points are noted but do not require further investigation.

Reporter’s recommendations:

No modifications.

Issue 24	Policies - IMP1, IMP2, IMP3, IMP4 and IMP5																									
Development plan reference:	Section 7 Delivering the Strategy	Reporter: Andrew Sikes																								
Body or person(s) submitting a representation raising the issue (including reference number):																										
<table border="0"> <tr><td>909352</td><td>PP106</td><td>Network Rail</td></tr> <tr><td>770249</td><td>PP147</td><td>Gladman Developments</td></tr> <tr><td>909814</td><td>PP218</td><td>CALA Managment Ltd</td></tr> <tr><td>778604</td><td>PP318</td><td>Grange Estates (Newbattle) Ltd</td></tr> <tr><td>778604</td><td>PP319</td><td>Grange Estates (Newbattle) Ltd</td></tr> <tr><td>754882</td><td>PP928</td><td>Melville Golf Centre</td></tr> <tr><td>778581</td><td>PP1388</td><td>Hallam Land Management</td></tr> <tr><td>778056</td><td>PP1455</td><td>SEPA</td></tr> </table>			909352	PP106	Network Rail	770249	PP147	Gladman Developments	909814	PP218	CALA Managment Ltd	778604	PP318	Grange Estates (Newbattle) Ltd	778604	PP319	Grange Estates (Newbattle) Ltd	754882	PP928	Melville Golf Centre	778581	PP1388	Hallam Land Management	778056	PP1455	SEPA
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778604	PP319	Grange Estates (Newbattle) Ltd																								
754882	PP928	Melville Golf Centre																								
778581	PP1388	Hallam Land Management																								
778056	PP1455	SEPA																								
Provision of the development plan to which the issue relates:	Section 7.1 Implementation, including Policy IMP1 New Development; Policy IMP2 Essential Infrastructure Required to Enable New Development to Take Place; Policy IMP3 Water and Drainage; Policy IMP4 Health Centres and Policy IMP5 Emergency Services																									
Planning authority's summary of the representation(s):																										
<p><u>Policy IMP1</u></p> <p>Considers that IMP1 should include specific reference to developer contributions toward rail infrastructure, including station facilities where required as a consequence of new development. (PP106 Network Rail)</p> <p>Supports principle of using developer contributions to deliver development strategy where justified but concerned that lack of progress in terms of Supplementary Guidance, (particularly for Developer Contributions) could be an impediment to delivery. Considers that the IMP1 requirement for development briefs/masterplans to be prepared by the Council for all allocated housing sites should be removed as it does not add any value beyond the development management process and adds potential for delay. (PP147 Gladman Developments)</p> <p>Opposes IMP1 in respect of Criterion N requiring a proportion of net building costs towards Percent for Art and Areas of Improved Quality. Considers that it is not justified and does not reflect site costs. An alternative approach is suggested which refers to 1% of net building costs, and states that account will be taken of the cost of developing sites including essential infrastructure to be provided by the developer. (PP218 CALA Managment Ltd)</p> <p>Considers that requirement under IMP1 for development briefs/masterplans to be prepared in conjunction with prospective developers for all allocated housing sites should be removed. Believes that this will not add value above the DM process in conjunction with other policies in the plan, and inappropriate application of the policy will lead to failure to deliver the development strategy as identified infrastructure can only be delivered once sites consented/S75 in place. (PP928 Melville Golf Centre)</p>																										

States policy IMP1 sets out an extensive list of potential contributions that the Council may require as a result of new development. Outlines Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out national policy on the use of planning obligations to secure developer contributions. Identifies the five tests in Circular 3/2012 that apply to the use of planning obligations. Also identifies the requirements of Circular 3/2012 on the use of planning obligations set out in paragraphs 18, 20, 21 and 24. States Circular 3/2012 requires planning authorities have due regard to the impact of planning obligations on development viability and cash flow. Considers it essential the Council takes development viability and cash flow into account as required by the Circular to ensure development can proceed without unnecessary delay, and ensure the wider socio-economic benefits of development can be delivered. States policy IMP1 does not refer to the tests of Circular 3/2012 and the policy needs modification to demonstrate compliance with Circular 3/2012. (PP1388 Hallam Land Management)

Policy IMP2

Considers that policy IMP2 should be clarified to ensure that development is not prevented in advance of the infrastructure listed being delivered - for much of the identified infrastructure development will commence in advance of delivery. Inappropriate application of this policy will lead to a failure to deliver the development strategy, as the infrastructure identified can only be funded and delivered once development is consented and legal agreements are in place. (PP147 Gladman Developments)

Policy IMP3

SEPA considers Policy IMP3 will help ensure new development in Midlothian will be compliant with the: Water Environment and Water Services (Scotland) Act 2003; Flood Risk Management (Scotland) Act 2009; and Climate Change (Scotland) Act 2009. As written considers the policy sets a framework to ensure new developments are informed by the need to reduce and avoid flood risk (on and off site), will protect the water environment (on and off site) and will ensure the health and well being of individuals and communities by safeguarding them from flood risk, protecting their drinking water. Refers to the possibility of development delivered in the later phases of the delivery of a site being exposed to factors not considered in a flood risk assessment. Also states that SUDs can be difficult to deliver if a site is being developed by multiple developers. Consider this needs to be addressed in the Action Programme and SEPA is willing to be identified in the heading "Responsible/Involvement" of the Action Programme. States the Council may like to consider preparing supplementary guidance on providing applicants with options for implementing policy IMP3. (PP1455 SEPA)

Policy IMP4

Objects to Policy IMP 4: considers that health centres are a matter for the NHS. Pressure on such facilities is caused by increased population not a direct result of additional housebuilding. Provision for such facilities is already made from central funding and taxation and should not be a requirement of new housebuilding. Considers that policy is not supported by the policy tests of Circular 2/2012. (PP318 Grange Estates (Newbattle) Ltd)

Policy IMP5

Objects to Policy IMP5. States that the provision emergency service facilities is centrally

funded from Government. Pressure on such facilities caused by increased population is not a direct result of additional housebuilding. Provision for such facilities is already made from central funding and should not be a requirement of new housebuilding. States that policy is not supported by the policy tests of Circular 2/2012. (PP319 Grange Estates (Newbattle) Ltd)

Modifications sought by those submitting representations:

Policy IMP1

Seeks amendment to first bullet point of IMP1 to read A. essential infrastructure, including transport capacity enhancements , required to enable the new development to take place (refer to sections 4.5 and 7.1 and the Settlement Statements). (PP106 Network Rail)

Seeks removal of IMP1 requirement for development briefs/ masterplans to be prepared by Council in conjunction with developers. Seeks clarification of IMP2 to ensure that it is not used inappropriately as a way to prevent development in advance of the infrastructure listed being delivered. (PP147 Gladman Developments)

Seeks change to second sentence of the final paragraph of Policy IMP1 to state: "A proportion of the net building costs (ideally 1%)....." AND seeks addition of sentence to end of final paragraph stating: "Account will be taken of the cost of developing sites including essential infrastructure which is to be provided by the developer." (PP218 CALA Management Ltd)

Seeks removal of requirement under IMP1 for development briefs/masterplans to be prepared in conjunction with prospective developers for all allocated housing sites. (PP928 Melville Golf Centre)

Requests policy IMP1 be modified as follows: First paragraph, line two, In between the words "sought" and "to ensure that," insert "in accord with the provisions of Circular 3/2012". Insert the following text as a new paragraph at the end of policy IMP1: "The Council will only seek developer contributions where in accord with the provisions of Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. Delivery of infrastructure and payment of financial contributions can be phased to ensure that development viability is maintained." (PP1388 Hallam Land Management)

Policy IMP2

Seeks clarification of IMP2 to ensure that it is not used inappropriately as a way to prevent development in advance of the infrastructure listed being delivered. (PP147 Gladman Developments)

Policy IMP3

No change to policy IMP3. Refers to the possibility of development delivered in the later phases of the delivery of a site being exposed to factors not considered in a flood risk assessment. Also states that SUDs can be difficult to deliver if a site is being developed by multiple developers. Consider this needs to be addressed in the Action Programme and SEPA is willing to be identified in the heading "Responsible/Involvement" of the Action Programme. States the Council may like to consider preparing supplementary guidance on providing applicants with options for implementing policy IMP3. (PP1455 SEPA)

Policy IMP4

Seeks deletion of policy IMP4. (PP318 Grange Estates (Newbattle) Ltd)

Policy IMP5

Seeks deletion of policy IMP5. (PP319 Grange Estates (Newbattle) Ltd)

Summary of responses (including reasons) by planning authority:

Policy IMP1

Policy IMP2 identifies essential infrastructure requirements including developer contributions towards Borders Rail. The policy also refers to the settlement statements to identify which sites are expected to contribute. Furthermore criterion E of policy IMP1 makes provision for contributions towards public transport, which might encompass rail based projects, and again makes reference to the settlement statements, which set out requirements for specific sites. The Council considers that an explicit reference in policy IMP1 is therefore unnecessary and request that the Reporter(s) make no modification to the plan in respect of this representation. (PP106 Network Rail)

Policies IMP1 and IMP2

Policy IMP1 has been carried forward from the 2008 MLP and is considered fit for purpose. Likewise policy IMP2 has been carried over but updated with the necessary infrastructure requirements arising from the planned growth in the proposed plan. The implementation policies from the 2008 plan were subject to a pre-adoption statement, required by the Report of Inquiry for the 2008 plan, which sought to provide clarity on detailed matters. The Implementation section takes full cognisance of the Circular and the Council considers that the policies are consistent with the principles in it. (PP147 Gladman Developments, PP928 Melville Golf Centre)

Policy IMP3

Support for policy IMP3 is noted. The Council considers that the concerns regarding phasing and provision of SUDs can be addressed either in updates to the Action Programme, through the masterplans or the Quality of Place Supplementary Guidance. The Council considers that no modifications to the plan are necessary in light of this representation. (PP1455 SEPA)

Policy IMP4 and IMP5

While it is accepted that the delivery of these services are the responsibility of other bodies, the increase in population caused by housebuilding is likely to result in the need for additional facilities which will require land. The Council considers that policies IMP4 and IMP5 do not seek contributions towards health facilities or emergency services, but rather provides policy support for such development should it be required. It is therefore requested that the Reporter(s) make no modifications to the plan in respect of these representations. (PP318; PP319 Grange Estates (Newbattle) Ltd)

Reporter's conclusions:Context

1. The proposed Midlothian Local Development Plan at paragraph 7.1.3 states that the scale of committed development and new allocations throughout Midlothian is such that it will require significant investment in new infrastructure to ensure that it is properly planned and deliverable over the plan period. It also notes, at paragraph 7.1.6, that the council alone cannot fund the level investment required and that it will require the co-operation of, and collaboration with, public bodies and the private sector, among others. To this end, the council supports the use of developer contributions to assist in the delivery of the proposed plan's development strategy where a proposal would give rise to a defined need. The delivery of essential infrastructure considered necessary to support new development is guided by the action programme that accompanies the proposed plan and statutory supplementary guidance on developer contributions.

2. Site specific requirements for committed development and proposed allocations are set out in a series of settlement statements within the proposed plan. I deal with unresolved representations in respect of these requirements in Issue 26 (site specific delivery). Below I consider unresolved representations to the content and format of proposed policies IMP 1 (new development), IMP 2 (essential infrastructure required to enable new development to take place), IMP 3 (water and drainage), IMP 4 (health centres), and IMP 5 (emergency services).

Policy IMP 1: New Development*Transport infrastructure*

3. Network Rail seeks a modification to proposed policy IMP 1 that would allow developer contributions to be sought for qualitative improvements to rail infrastructure and/or station facilities where required as a direct consequence of proposed development. This, it argues, could be achieved by adding the words "capacity enhancements" after "transport" to policy criterion 'A'. The council disagrees as the provision to secure developer contributions towards public transport is addressed in criterion 'E', which could encompass rail based projects. In addition, proposed policy IMP 2 and the settlement statements make reference to specific rail infrastructure requirements where relevant.

4. I agree with the council that it is not necessary for criterion 'A' of policy IMP 1 to make specific reference to rail infrastructure in order to secure contributions towards its provision and improvement. I interpret the reference to "transport" in criterion 'A' to mean transport in all its forms. If, however, criterion 'E' is to apply equally to all forms of public transport I consider that this should be explicit. In any event, I consider that the provisions of criterion 'B' would be sufficient to secure 'transport capacity enhancements' that may be required as a result of new development. Nevertheless, in the interests of clarity I conclude that criterion 'E' of the policy should be modified.

Preparation of development briefs and masterplans

5. Representations by Gladman Developments and Melville Golf Centre also seek a modification to the proposed policy that removes the requirement for development briefs and/or masterplans to be prepared for all allocated sites by the council in conjunction with developers; the concern being that they do not add value to the planning process beyond

that which would be achieved through the normal development management process. It is also argued that their preparation could potentially introduce delay and harm the delivery of the proposed plan's development strategy. The council does not accept that the policy should be modified.

6. I consider that the preparation of development briefs for significant sites, of which there are a number in the proposed plan, is an effective way to convey how the plan's planning and design policies should be applied. Similarly, masterplans are helpful in setting out how a site or a series of sites should be developed, including a description of the urban form that is sought. The settlement statements of the proposed plan indicate where the preparation of a development brief or masterplan will be required and the policy describes the issues that they will be required to address. The proposed plan's design-led approach to the development of allocated sites is consistent with Scottish Planning Policy and the principle that planning should take every opportunity to create high quality places.

7. I do not agree that the preparation of development briefs or masterplans would hinder or frustrate the delivery of the plan's development strategy. The requirement for their preparation has been signalled through the proposed plan and it is open to interested parties to engage with the council at an early stage in the development management process. Accordingly, I conclude that the policy should not be modified in response to these representations.

Percentage for art

8. CALA Management Ltd seeks a modification to criterion 'N' of policy IMP 1 which clarifies the basis on which contributions towards the provision of 'artwork' would be pursued. The proposed policy requires that a proportion of the capital costs of a development (ideally 1%) is set aside for the commissioning of new artworks, whereas the representation seeks a contribution based on net building costs – in this scenario, the capital cost is the total cost of a development prior to deductions, for example, the purchase of land, buildings and construction. The net cost is the cost after accounting for those deductions. The representation also argues that account should be taken of the cost of developing sites, including essential infrastructure which is to be provided by the developer.

9. I agree that a contribution for public art based on 1% of the capital costs of a development, particularly where a developer is required to provide essential infrastructure, could be regarded as considerable. A contribution based on net building costs, would appear to be a more reasonable and measured approach, particularly given scale of development proposed in some locations and the level of investment required to provide new infrastructure to ensure that sites are properly planned and delivered over the plan period. I agree that the policy should be modified.

Circular 3/2012: planning obligations and good neighbour agreements

10. Finally, a modification to the policy is sought by Hallam Land Management that ensures that development contributions sought are secured in conformity of the tests set out in Scottish Government Circular 3/2012 (planning obligations and good neighbour agreements) and that the delivery of infrastructure and the payment of financial contributions can be phased. The council argues that the implementation policies of the proposed plan have been prepared in full cognisance of the circular and considers them to be consistent with its principles.

11. Planning authorities are required to promote obligations in compliance with the tests of Circular 3/2012 and as such I do not consider it necessary for the policy to make specific reference to it. With regard to financial contributions and the phasing of infrastructure, I note that provisions for appropriate developer funding and the proper phasing of development are addressed in proposed policy IMP 2 and therefore do not consider it necessary to modify the policy in this respect.

Policy IMP 2: Essential infrastructure required to enable new development to take place

Application of the policy

12. Gladman Developments seeks a modification to the wording of policy IMP 2 to ensure that it will not be applied inappropriately to prevent development taking place in advance of the infrastructure listed in the policy being delivered.

13. Paragraph 7.1.7 of the proposed plan states that the council is keen to ensure that neither the planning application nor the planning obligation process act, in any way, as an impediment to the delivery of development. This intent is reflected in the terms of policy IMP 2 which provides for flexibility in the provision of infrastructure, its phasing and funding. I am also mindful of the expectations set out in Circular 3/2012 which require planning authorities to consider the economic viability of proposals, alongside options for phasing or the staging of payments, when concluding planning agreements, of which the council cognisant. As such, I am satisfied that the policy is sufficiently robust to address a range of eventualities that may arise when seeking to secure developer contributions towards the provision of infrastructure. In any event, the onus on the council, as planning authority, and the tests that planning obligations must satisfy are clearly expressed in the circular. Accordingly, I do not agree that the policy should be no modified as sought.

Structure of the policy

14. A representation by ORS plc, a summary of which is contained in Issue 26 (site specific delivery), seeks the removal of text and the list of essential infrastructure identified within each of the strategic development areas after criterion 'C' of policy IMP 2. The representation argues that the policy does not make clear that within each of the respective strategic development areas a given site will not be required to contribute to the listed essential infrastructure. The council contends that the first paragraph of the policy clearly states that the infrastructure requirements are set out in the settlement statements, that is, on a site by site basis.

15. I agree that the policy as proposed could potentially be misinterpreted as requiring a developer to contribute to all of the essential infrastructure items listed within each strategic development area. However, a modification to the preamble preceding the list of essential infrastructure requirements to clarify that this is not the intention of the policy would remedy the concern of ORS plc.

16. I would add, criterion 'A' of the policy contains conditions to ensure that only contributions to the essential infrastructure considered necessary for a development to proceed will be sought, that is, "the essential infrastructure including roads and schools required by the development either on-site or off-site, in order for it to proceed," (underlining my emphasis). The essential infrastructure requirements that follow for each strategic development area indicate the mitigation which will be required but does not compel a developer of a site to contribute in whole or part to all of the items listed. The

settlement statements provide more detail on the essential infrastructure requirements, as will the action programme and supplementary guidance in due course. Save for the recommended modification referred to in paragraph 15 above, I conclude that the policy should remain in the plan as proposed.

Policies IMP 4 Health Centres and IMP 5 Emergency Services

17. Grange Estates (Newbattle) Ltd seeks the removal policies IMP 4 (health centres) and IMP 5 (emergency services) from the proposed plan on the basis that they address matters which are for others to consider and make appropriate provision. The representation argues that the funding for such facilities is not a matter for local authorities and the requirement for developers to contribute to their provision is not supported by the tests of Circular 3/2012.

18. The council acknowledges that the provision of facilities to support health care and the emergency services is the responsibility of others and states that policies IMP 4 and IMP 5 are not intended as a means to secure developer contributions towards their delivery. The council’s position on this matter is set out in paragraphs 7.1.19 and 7.1.20, which note its intention to assist service providers to identify suitable sites to expand or replace facilities where this is considered to be necessary following formal service reviews.

19. I am satisfied that the context and purpose of policies IMP 4 and IMP 5 are suitably set out in the proposed plan and that they are not intended as a means to secure developer contributions towards the provision of facilities for health care and emergency services. The policies are an expression of support and commitment to assist services providers in securing suitable sites and facilities where a need has been identified. Accordingly, I do not agree that the policy should be no modified as sought.

Supporting representation

20. The expression of support for policy IMP 3 by the Scottish Environment Protection Agency is noted but does not require any further consideration.

Reporter’s recommendations:

Modify the proposed local development by:

1. Amending policy IMP 1 (new development) on page 77 criterion ‘E’ to read “connections to all forms of public transport services (including financial support for services), bus stops and shelters, rail stations and associated car parks...”

2. Replacing the second sentence of the final paragraph of policy IMP 1 (new development) on page 77 with the following:

“A proportion of the net building costs (ideally 1%) should be set aside for commissioning new works by an artist, craftsperson or designer. Such a contribution can be in the form of, for example, sculpture, murals, tiling, paving design, stained glass or textiles. Account will also be taken of the cost of developing sites, including essential infrastructure which is to be provided by a developer.”

3. Amending the paragraph that follows criterion ‘C’ of policy IMP 2 (essential infrastructure required to enable new development to take place) on page 78 to read:

“The following essential infrastructure requirements (in addition to those items of committed infrastructure listed in appendices 1C and 1D) have been identified to mitigate the impact of the local development plan’s development strategy. A developer may be required to contribute to one or more of these infrastructure requirements.”

Issue 25	Action Programme	
Development plan reference:	Section 7.1 Implementation	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>770249 PP149 Gladman Developments 780480 PP188 Scottish Water 908990 PP387 Scottish Government 908990 PP388 Scottish Government 908990 PP389 Scottish Government 908990 PP391 Scottish Government 778967 PP1106 Taylor Wimpey East Scotland 778853 PP1169 Taylor Wimpey UK Ltd/Hallam Land Management Ltd 778853 PP1170 Taylor Wimpey UK Ltd/Hallam Land Management Ltd 754735 PP2875 Scottish Natural Heritage 754735 PP2876 Scottish Natural Heritage</p>		
Provision of the development plan to which the issue relates:	Section 7.1 Implementation – Action Programme, Resources & infrastructure requirements, Policies IMP1 and IMP2	
Planning authority’s summary of the representation(s):		
<p><u>Timescales/Programming</u></p> <p>Considers that Action Programme timescales are inconsistent internally and with the overall delivery strategy of the Proposed Plan. Considers that Action Programme targets for residential development are not supported by the Council's approach to the additional infrastructure required and Supplementary Guidance. (PP149 Gladman Developments)</p> <p><u>Water & Drainage Infrastructure</u></p> <p>Confirms that most of the comments made at the Main Issues Report stage in connection with water and drainage infrastructure requirements have been reflected in the Proposed Action Programme. Suggests additional, minor word changes to a small number of the housing and economic sites. (PP188 Scottish Water)</p> <p><u>Transport Appraisal</u></p> <p>Considers that the transport appraisal undertaken by the Council is not reflected in the Action Programme. (PP387 Scottish Government)</p> <p><u>Sheriffhall Roundabout</u></p> <p>Objects to reference to Sheriffhall grade separation in the Action Programme. (PP388 Scottish Government)</p>		

Site Hs1 Access Strategy

States that the access strategy has not been agreed with Transport Scotland. Considers that insufficient justification for link road between the A68/A720 and B66415/Old Craighall Road has been made (in terms of SPP paragraph 278), and wishes reference to this removed from Action Programme. (PP389 Scottish Government)

Cross Boundary Transport Study

Seeks clarification over references in the Action Programme to the cross boundary transport study. (PP391 Scottish Government)

Implementing the plan

Wish to maintain their objection to the Draft Action Programme to retain flexibility on the start date of development of site Hs12, particularly in relation to the start of the identified longer term safeguard for site Hs12. This would result in site Hs12 finishing in 2023/2024 and the commencement of the safeguard in 2024/2025. (PP1106 Taylor Wimpey East Scotland)

Notes the Action Programme, an integral part of the Local Development Plan, acknowledges that while the Council and other public agencies have a role in facilitating and delivering parts of the plan, much will be dependent on the development industry and market forces. Taylor Wimpey and Hallam Land Management accept the need for education contributions, but would wish to clarify/confirm these would be subject to negotiation/review as part of a planning application Section 75 planning obligation between the developers and the Council. Taylor Wimpey and Hallam Land Management are committed to assisting in the delivery of the A701 Relief Road and will work with the Council and other landowners to bring this forward as soon as possible. (PP1169, PP1170 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Policy IMP1 and IMP2

Considers there are inconsistencies in requirements between different parts of proposed plan: considers that settlement statements and development considerations should be reviewed and modified to accurately reflect policies IMP1, IMP2 and the proposed Action Programme, and this would also assist in achieving greater conformity with SPP, paragraph 275. Notes relationship between Green Network SG and Developer Contributions. Wishes to be added to the Action Programme as a partner in preparation of Quality of Place SG. Supports role of green networks in IMP1, and wishes to discuss SG (which will provide detail of IMP1) at appropriate time. (PP2875, PP2876 Scottish Natural Heritage)

Modifications sought by those submitting representations:Timescales/Programming

Seeks changes to Action Programme, with greater detail and clearer/faster timescales given to production of Supplementary Guidance and the delivery of infrastructure which is identified as essential to the development strategy. (PP149 Gladman Developments)

Water & Drainage Infrastructure

Suggest the following changes:

- HS1 Newton Farm statement from “Early contact with SW required” to “Early contact with SW is highly recommended”
- HS2 Larkfield West statement from “Early contact with SW required” to “Early contact with SW is highly recommended”
- HS7 Redheugh West statement from “Agreement with Seafield WWTW PFI contractor to connect required as site outwith PFI contract area” to “a drainage impact assessment may be required to assess impact on network. Early discussions with Scottish Water are highly recommended”
- HS10 Dalhousie Mains statement from “Early contact with SW required” to “Early contact with SW is highly recommended”
- HS12 Hopefield Farm 2 statement from “Existing sewers and combined sewage overflows in this area which may require diversion or built around. Early contact with SW required”. There is no infrastructure within this proposed site.
- Hs16 Seafield Road & Hs17 Pentlands Plants statements from “a drainage impact assessment required to assess impact on network. Water impact Assessment required to assess impact on network” to “Water and Drainage Impact Assessments may be required to assess impact of development on the network”.
- HS18 Roslin Institute & HS19 Roslin Expansion statements to add “may be” required to assess impact on network.
- AHs2 Burghlee statement from “Water Impact Assessment required to assess impact on network” to “Further investigations are required to assess impact on network”.
- Ec3 West Straiton statement - wishes the Council to refer to the amendment for AHs2 in considering action plan statement.
- Ec4 Ashgrove North statement - wishes Council to refer to the amendment for AHs2 in considering action plan statement.
- Ec5 Oatslie expansion statement - wishes Council to refer to the amendment for AHs2 in considering action plan statement.
- Bt1 Easter Bush North statement from “Early contact with SW required” to “Early contact with SW is highly recommended”.
- Bt3 Technopole North West statement from “As above” to “there is critical infrastructure in this area, early contact with SW is highly recommended”.

Note that recent communications from Scottish Water also advised that, approvals for all connections to Seafield WWTW will be made through Scottish Water and not via the PFI contractor. (PP188 Scottish Water)

Transport Appraisal

Seeks no change to the plan but seeks changes to the Action Programme to reflect transport appraisal interventions. (PP387 Scottish Government)

Sheriffhall Roundabout

Seeks no change to the plan but seeks removal of references to Sheriffhall grade separation in the Action Programme or clarification over delivery. (PP388 Scottish Government)

Site Hs1 Access Strategy

Seeks removal from Action Programme of references to Newton Farm site requiring a new connection between A68/A720 and B66415/Old Craighall Road. (PP389 Scottish Government)

Cross Boundary Transport Study

Seeks no change to the plan though seeks clarification over references to the cross boundary transport study in the action programme. (PP391 Scottish Government)

Implementing the plan

Wish to maintain their objection to the Draft Action Programme to retain flexibility on the start date of development of site Hs12, particularly in relation to the start of the identified longer term safeguard for site Hs12. This would result in site Hs12 finishing in 2023/2024 and the commencement of the safeguard in 2024/2025. (PP1106 Taylor Wimpey East Scotland)

Request the Council accepts developers will not necessarily be able to fund significant infrastructure upfront, and that commercial reality has to be considered when assessing the overall section 75 obligation commitments/contributions. States that in taking a site forward it is critical the overall viability of the project is not prejudiced by overly restrictive financial contributions.

Taylor Wimpey accepts the need for education contributions, but would wish to clarify/confirm these would be subject to negotiation/review as part of a planning application Section 75 planning obligation between the developers and the Council. Considers the Council needs to be flexible in prioritising its demands for developer contributions, particularly in respect of contributions towards the proposed A701 Relief Road. Request the Local Development Plan provides recognition that the delivery of a first phase of development on site Hs16, unaffected by the safeguarded route of the A701 Relief Road, is not prevented from coming forward in advance of delivery of the new road. Request a foot note is inserted confirming this point. (PP1169, PP1170 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Policy IMP1 and IMP2

No modification sought to IMP1, but wishes settlement statements and development considerations reviewed to remove inconsistencies. (PP2875, PP2876 Scottish Natural Heritage)

Summary of responses (including reasons) by planning authority:

Context

Local Development Plan authorities are required to prepare Action programmes setting out how the authority intends to implement the policies and proposals of the Local Development Plan ((S21 Planning etc. (Scotland) Act 2006 and regulation 25 and 26, Town and Country Planning 9Development Planning) (Scotland) Regulations 2008).

The Council published the Midlothian Local Development Plan Proposed Action

Programme along with the Proposed Plan in May 2015. It sets out:

- The actions required to implement each of the Plan's policies and proposals;
- The responsible authority to carry out the action;
- The housing/economic land allocations & indicative phasing over the plan period ;
- Proposed Supplementary Guidance;
- Infrastructure requirements and indicative timescale for delivery.

During the representation period the Council encouraged comments on the provisions of the Proposed Action Programme. Given the relationship with the Proposed Plan the Council considered it appropriate, particularly where the matters raised also related to the implementation section and/or other policies of the Proposed Plan.

Timescales/Programming

The Council acknowledges that given the passage of time between publishing the proposed plan, the Examination being held and the outcome of the Examination that the plan, and by default the Action Programme may be subject of further change. The programming identified in the Action Programme was aligned with the current housing land audit at that point in time – HLA 2014.

Notwithstanding the above caveat the Council does not agree with the representor's point of view therefore the Council requests that the Reporter(s) makes no change to the Proposed Action Programme as a consequence of this representation. (PP149 Gladman Developments)

Water & Drainage Infrastructure

The Council will review and update the Action Programme following the outcome of the Examination. As part of this process the Council would liaise with the necessary Key Agencies and partners to confirm the final infrastructure requirements for the allocated sites. The Council considers that the suggested changes made in this representation are relatively minor in nature and can be accommodated as part of this review process. (PP188 Scottish Water)

Transport Appraisal

The Council does not agree with the suggestion made in the representation. Reference to the transport appraisal is included in the policy actions section of the Proposed Action Programme (CD139, page 9, TRAN2 entry) as well as reference to the transport infrastructure requirements in section 6, pages 32-40. Reference is also made to safeguarding transport schemes agreed as part of national (NPF) or regional (SDP) plans. The Council therefore requests that the Reporter (s) makes no change to the Proposed Action Programme as a consequence of this representation. (PP387 Scottish Government)

Sheriffhall Roundabout

The impact of development on the strategic road network is recognised and addressed in the approved Strategic Development Plan for South East Scotland.

Paragraph 120 of the SDP states that:

“LDPs should make provision for the priority strategic interventions detailed in figure 2 (strategic infrastructure) and the accompanying Action Programme”.

Policy 9-Infrastructure reinforces this statement.

The upgrading of Sheriffhall roundabout (and other junctions on the A720) is identified as a specific intervention in figure 2 of the SDP and in the Action Programme (CD140, action 34, page 11). The Council considers that including reference to the grade separation of Sheriffhall in the Proposed Plan and Action Programme is consistent with the SDP and the appropriate references are included in the Proposed Action Programme.

The Council also considers that the transport appraisal does acknowledge the impact of local development on the trunk road network at paragraphs 2.6.1 and 2.6.2 of the transport appraisal (CD121). Indeed the same paragraph highlighted in the representation goes on to say:

“...”The delivery of this scheme, however, is anticipated to have significant positive impacts in terms of supporting the MLDP and, therefore, Midlothian Council will continue to support it through the SESplan cross boundary project.”

The proposal to grade separate Sheriffhall was initially included in the Midlothian Local Plan 2003 and the Shawfair Local Plan 2003 and has been rolled forward into the current Midlothian Local Plan 2008. In respect of the comments on funding, each of these plans includes a requirement for developer contributions towards the cost of the proposal and the Council has already collected contributions in respect of development at Shawfair. Now that house building has started in Shawfair the Council anticipates that this process will continue. In addition the SESplan partner authorities are currently part of a prospective City Deal funding bid which amongst other things will seek to accelerate growth throughout the Edinburgh City region by forward funding infrastructure projects, including roads. The Council will review the funding situation following the outcome of the Examination.

The Council therefore requests that the Reporter (s) makes no change to the Proposed Action Programme as a consequence of this representation. (PP388 Scottish Government)

Site Hs1 Access Strategy

The principle of a road link from the A68/A720 City bypass was first identified in and supported through the Shawfair Local Plan in 2003 and subsequently carried forward as a safeguarded commitment in the Midlothian Local Plan in 2008 (CD054, paragraph 3.4.17, policy TRAN4). The link was 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.

Paragraph 120 of the SDP states that:

“LDPs should make provision for the priority strategic interventions detailed in figure 2 (strategic infrastructure) and the accompanying Action Programme”.

Policy 9-Infrastructure reinforces this statement. The road link is identified as a specific intervention in the SDP Action Programme (CD140, action 41, page 13). The link is also

related to other strategic transport interventions including the potential of a new park and ride site north of A68/A720 junction in Midlothian (action 38) and the delivery of the Orbital Bus Route (action 33). These two interventions are also listed in figure 2 of the SDP in support of policy 9.

The transport appraisal of the proposed plan (CD121) identified the link as a potential solution and assessed it against the Council's transport and planning objectives. It was included in the final report as one of a number of appropriate transport interventions to be taken forward as part of the development strategy of the proposed plan. Its delivery will support and assist the implementation Shawfair which represents major housing land release in the South East of Edinburgh and will promote accelerated economic growth.

The Proposed Action Programme lists the developer and Transport Scotland as lead partners therefore the onus in the first instance is on these parties to discuss and agree the details of how this link will be provided.

The Council considers that the access proposals for site Hs1 have sufficient justification, are consistent with the Strategic Development Plan (SDP) for South East Scotland and paragraph 278 of Scottish Planning Policy and should not be removed from the Proposed Action Programme.

The Council therefore requests that the Reporter (s) makes no change to the Proposed Action Programme as a consequence of this representation. (PP389 Scottish Government)

Cross Boundary Transport Study

While the Action Programme is subject to review (at least every two years) and could be updated to reflect changed circumstances, the Council considered that it was reasonable to make interested parties aware that the study is ongoing and to provide early warning of the potential for additional transport infrastructure requirements. As a partner to the cross boundary study the Council is aware of some of the likely hot spots to emerge from the ongoing work. In identifying which sites may be subject to any such requirements the Council considered proximity to the strategic road network and the potential development capacity of the sites.

The Council therefore requests that the Reporter (s) makes no change to the Proposed Action Programme as a consequence of this representation. (PP391 Scottish Government)

Implementing the plan

The Council acknowledges the comments made in respect of linkages between the Action Programme and the development plan and the comments in respect negotiating section 75 planning obligations. The Action Programme reflects the infrastructure requirements for all the allocated sites set out in the proposed plan and it also includes an indicative phasing programme in terms of when the infrastructure may be required.

The infrastructure requirements identified in the Action Programme are essential to deliver the development strategy. The principles and process for negotiating section 75 planning obligations is set out in current supplementary planning guidance which reflects Government policy on the matter (CD103). The guidance advocates, amongst other things that any contributions should comply with the tests set out in the Circular ([Circular 3/2012: Planning Obligations and Good Neighbour Agreements](#)). All planning obligation agreements are voluntary agreements therefore the Council contends that the whole

process is one to be negotiated.

The Council therefore requests that the Reporter (s) makes no change to the Proposed Action Programme as a consequence of these representations. (PP1169 & PP1170 Taylor Wimpey UK Ltd & Hallam Land Management Ltd)

Policies IMP1 & IMP2

The Council notes the observations made in respect of suggested inconsistencies between settlement statements and the requirements of policies IMP1 and IMP2 but is not satisfied there are inconsistencies and perhaps the issue is one of interpretation. The Council intends to undertake a review and final proof of the Action Programme following the outcome of the Examination and consider it appropriate to liaise with Scottish Natural Heritage at this time prior to final approval, adoption and publication.

The Council therefore requests that the Reporter (s) makes no change to the Proposed Action Programme as a consequence of these representations. (PP2875, PP2876 Scottish Natural Heritage)

Reporter’s conclusions:

Action programme

1. The Town and Country Planning (Scotland) Act 1997 (as amended) refers to the “examination of the local development plan” at section 19. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 states at regulation 21 that the examination is to assess “issues raised in unresolved representations” in relation to the proposed plan. In addition, Scottish Government Planning Circular 6/2013 on Development Planning confirms at paragraph 105 that “examinations are intended as the principal means of independently examining any unresolved issues arising from representations on proposed strategic development plans and local development plans”. The circular also confirms at paragraph 117 that “Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the proposed plan”.
2. The legislation, regulation and advice from Scottish Government are clear that the examination is to be limited to unresolved representations to the proposed plan. Therefore, concerns raised about the content of the accompanying proposed action programme are beyond the scope of this examination.
3. However, I note that the council has agreed to make requisite changes to the action programme following the adoption of the local development plan; and is willing to engage with stakeholders (including Scottish Natural Heritage) in the production and content of this document.

Developer contributions

4. Matters raised in unresolved representations to the proposed implementation policies of the proposed local development plan are discussed in Issue 23 (general delivery issues) and Issue 24 (policies IMP1-IMP5) of this report.
5. However, with respect to the comments from Taylor Wimpey and Hallam Land

Management, I note that paragraph 7.1.7 of the proposed plan states that “the council acknowledges the role and contribution that the private sector has made, and continues to make, towards delivering development in Midlothian and is keen to ensure that neither the planning application process or the planning obligation process act, in any way, as an impediment to the delivery of development”. In addition, the council’s supplementary planning guidance on developer contributions (adopted 2012) also acknowledges the issue of viability and re-assessment of requirements at paragraph 41 – a provision which would likely be carried forward into the proposed supplementary guidance on developer contributions. Furthermore, the tests of Scottish Government Planning Circular 3/2012 on ‘Planning Obligations and Good Neighbour Agreements’ (including scale and kind; and reasonableness) would apply when assessing the viability of a proposal at the application stage. Therefore, I find that there is sufficient provision to allow for negotiation on developer contribution requirements where reasonably justified.

Inconsistencies

6. Any inconsistencies between the requirements of the proposed plan and the action programme could be resolved following the adoption of the proposed plan with requisite amendments to the action programme. And, the need for, and provision of, cycling access and facilities, and ease of access and safety for pedestrian movement could be suitably reviewed at the application stage. I find that no changes to the proposed plan are required in relation to the points raised by Scottish Natural Heritage.

Reporter’s recommendations:

No modifications.

Issue 26	Site Specific Delivery	
Development plan reference:	Delivering the Strategy	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>905267 909814 778604 778604 778604 778604 778604 778604 778604 778668 777280 966852 966852 778967 906297 778056 778056 778056 780183 778604 778604 778604</p>	<p>PP133 PP217 PP317 PP321 PP324 PP325 PP329 PP333 PP358 PP1056 PP1101 PP1102 PP1106 PP1414 PP1458 PP1459 PP1460 PP1538 PP2815 PP2820 PP2821</p>	<p>Rosewell Development Trust CALA Management Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Biotechnology & Bioscience Research Council (BBSRC) Oakridge Property ORS plc ORS plc Taylor Wimpey East Scotland Ian Barr SEPA SEPA SEPA Shawfair LLP Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd</p>
Provision of the development plan to which the issue relates:	Section 7 Implementation and Section 8 Settlement Statements (8.1, 8.2 & 8.3) – infrastructure and facility requirements.	
Planning authority’s summary of the representation(s):		
<p><u>Rosewell</u></p> <p>Sets out background and purpose of hub requirement. Seeks specific reference to the Community Hub promoted by Rosewell Community Development Trust (RCDT) so that it can be included as a development contribution requirement. Also considers that settlement statement in LDP contains errors viz. incorrectly stated that Rosewell Steading being developed as part of Rosewell Mains/Gorton Road development, and Whitehill House incorrectly stated to be B listed (when it is A listed). (PP133 Rosewell Development Trust)</p> <p><u>Shawfair sites HS0 and Hs1</u></p> <p>Wishes reference to new housing allocations at Shawfair (Hs0/Hs1) contributing to the facilities and infrastructure identified in the masterplan and planning agreement to be deleted - considers there is no reason why new allocations should bear cost of these items that are already agreed, and that the need for them does not arise from the new developments. (PP217 CALA Management Ltd)</p>		

Transport requirements

Considers that MLDP should define scope of the A7 Urbanisation scheme in respect of Policy IMP2. Objects to the inclusion of Borders Rail within Policy IMP2 (Shawfair and A7/ A68/ Borders Rail Corridor) and wishes its deletion from the bullet list - considers that as the project is fully funded there can be no need arising from new development which would impact upon the operation of this project and the delivery of new housing will benefit the Borders Rail project rather than adversely impacting upon it. Considers that requirement is not supported by the policy tests of Circular 3/2012. (PP317 Grange Estates (Newbattle) Ltd)

Considers that there is no justification to seek contribution from new development for Borders Rail. States that there is no impact arising from new development on the line, the line was all but complete (at the time the representation was submitted), and the requirement is not supported by Circular 3/2012. (PP321 Grange Estates (Newbattle) Ltd)

Objects to Borders Rail including Eskbank station and related car park being included as developer requirement for sites Hs10 and Hs11. Considers that A7 urbanisation scheme requirements should be clarified. (PP324 Grange Estates (Newbattle) Ltd)

Requests policy IMP2 is changed to remove the need for the Roslin Institute site Hs18 to make financial contributions towards the A701 Relief Road/A702 Link due to the site's negligible or reduced traffic impact on the A701 corridor due to the closure of the Roslin Institute and the traffic flows that were associated with it. Consider the closure of the Institute and replacement with residential development would reduce traffic volumes significantly and acknowledgment that a number of people who previously worked at the Roslin Institute site will now work at its new relocated site at Easter Bush, but consider Easter Bush is closer to the A702 strategic road network and is better served by public transport. Considers that developer obligations to make financial contributions toward the A701 Relief Road and A702 Link may fail the tests in Circular 3/2012 Planning Obligations. Consider as site Hs18 already benefits from Planning Permission in Principle consent from August 2014, the site should not be required to meet the requirements of a policy (policy IMP2) that was not a significant material consideration in the determination of the planning application. Consider the requirement for contributions should not have been in the heads of terms for the section 75 agreement as the relief road and requirement for financial contributions had only been in the Main Issues Report, an early stage of the emerging plan, and had not been subject to significant consultation. Refers to the Council's report on the Planning Permission in Principle highlighting the brownfield nature of the site and the importance of the Roslin Institute to the Midlothian and Scottish economies, which outweighed concerns regarding to granting permission prior to adoption of the Local Development Plan and the policy position of the Midlothian Local Plan 2008. Consider it is not appropriate to require a financial contribution from site Hs18 toward the A701 Relief Road and A702 Link as the application for planning permission in principle was approved at a stage when any financial contribution from the emerging policy framework was not a significant material consideration to pursue. (PP358 Biotechnology & Bioscience Research Council (BBSRC))

Objects to the requirement for site Hs12 (Hopefield Extension) to contribute to the Borders Railway. States Bonnyrigg is not a settlement identified in the Borders Rail section of the Developer Contributions Supplementary Guidance (March 2012) prepared in support the Midlothian Local Plan (2008). (PP1106 Taylor Wimpey East Scotland)

Committed Development – Sites h34, h35, h38 and h49

Considers that planning brief and developer requirements should be reconsidered in respect of committed sites h34, h35, h38 and h49: does not consider the need for a new distributor road/upgrading of B6482 is justified, nor a new primary school (asserts that discussions with Council confirm this is no longer required). Also considers that capacity of sites should be reconsidered in light of decisions to allow more houses on parts of committed sites Q/U. Considers that Implementation policy requirements should be reconsidered with regard to necessity and Planning Circular 3/2012. States that the rights of the tenant farmer are a burden on most of these committed sites, and raises implications for viability. Suggests that committed development site might be suitable for superstore (addressed as part of Issue no.8). (PP325 Grange Estates (Newbattle) Ltd)

In respect of table 8.13 Mayfield/Easthouses implementation requirements for h38 and h49, objects to references to: Borders Rail, Upgrading of B6482 (Blackcot to Gowkshill); Distributor road (Bogwood Road to B6482); New primary school at South Mayfield; and Affordable Housing (other than 5%-10% requirement in accordance with the original policy requirement at 2003). (PP329 Grange Estates (Newbattle) Ltd)

In respect of table 8.15 – Newtongrange implementation requirements for h38, objects to the inclusion of: Upgrading of B6482 (Blackcot to Gowkshill); Mayfield to Lingerwood distributor road (Bogwood Road to B6482); new primary school at South Mayfield; and, affordable Housing (other than 5%-10% requirement in accordance with the original policy requirement at 2003). (PP333 Grange Estates (Newbattle) Ltd)

Considers that the requirement for a new distributor road requires to be justified by means of a Transportation Assessment. This should not be considered a requirement of the development without such justification. Also considers that Council needs to provide certainty with regards the infrastructure requirements for committed development site h34 - believes that elements of the Brief and the infrastructure requirements are no longer required or relevant. States that requirement for a single primary school on the site is no longer a requirement as there is confirmed capacity within Mayfield PS to accommodate up to 600 houses on site. Other IMP policy requirements, such as (i) the upgrading of the B6482 and (ii) the provision of a Distributor Road (Bogwood to B6482), require to be reviewed having regard to their necessity to serve the development itself and in line with Planning Circular 3/2012: Planning Agreements. (PP2815 Grange Estates (Newbattle) Ltd)

Wishes removal of safeguarding for new primary school within site h38 South Mayfield - considers that case for additional primary school has not been made. (PP2820 Grange Estates (Newbattle) Ltd)

Objects to text in Table 8.14 relating to sites h34 and h35. Amongst other matters, representor's proposed new text for h35 deletes mention of enhancements to local roads. (PP2821 Grange Estates (Newbattle) Ltd)

Rosslynlee Hospital Site AHs1

Oakridge Property objects to proposed developer contribution requirements for site AHs1 Rosslynlee Hospital set out in Table 8.22 of the Proposed Plan. States any contribution sought by the Council must comply with each of the five tests set out in Circular 3/2012 Planning Obligations and Good Neighbour Agreements. The five tests are identified in the objection. States paragraphs 2 and 22 of Circular 3/2013 require due regard is given to the

economic viability of proposals and in particular development cash flow. Continues that the Council is aware that new build housing is required to finance the restoration of the listed building, and that developer contributions will have a significant adverse effect on the viability of the proposal. States while policy DEV3 Affordable and Specialist Housing gives scope for flexibility in affordable housing provision, there is no such mechanism in the Proposed Plan for flexibility in other contributions sought. Oakridge Properties agrees education contributions are appropriate. State green network links will be provided through the development and access improvements and water and drainage and infrastructure will be provided as necessary. Considers contributions to the Borders Rail have no direct link to the proposal and would fail the tests of Circular 3/2012. Considers the requirement for these contributions does not comply with the tests set out in Circular 3/2012, and that the requirement for cross-border strategic transport infrastructure also needs to demonstrate compliance with Circular 3/2012. (PP1056 Oakridge Property)

Redheugh Site Hs7

Objects to policy IMP2 after criterion C as it does not make it clear that an individual site will not be liable for all of the essential requirements identified in the Strategic Development Area relevant to that site, e.g. site Hs7 Redheugh West will not be liable for contributions towards a new primary school in Bonnyrigg. While appreciating the hook in the first paragraph of policy IMP2, consider simply listing the requirements serves no policy purpose. Redheugh Station Understand a Redheugh Station is not in the programme of the appropriate body responsible for its delivery. Therefore consider it inappropriate to list the station as an essential requirement as part of policy IMP2. (PP1101 ORS plc)

Supports allocation at Hs7 Redheugh West Phase 2. Considers that site is effective and deliverable and refers to submission of PPP application for committed h50 site. Considers that programming of 200 units by 2024 is reasonable and achievable, and that the site meets criteria of PAN 2/2010. Considers the benefits of the site include proximity to transport, services, employment, and green network potential. Redheugh Station Understands that Redheugh Station is not in the programme of the appropriate body responsible for its delivery. Therefore considers it inappropriate to list the station as a requirement table 8.18 Gorebridge Implementation Requirements (in section 8.2.58) of the Gorebridge Settlement Statement (pages 117-118). Table 8.18, page 118, "Transportation" Objects to the wording of the first row of table 8.18 dealing with rail requirements - considers it ambiguous. Sets out how sites Hs7 Redheugh West and h50 Redheugh/Prestonholm are contributing to Borders Rail and Gorebridge station and car parking. Table 8.18, page 118, "Green Network/Landscaping" Content for requirements for "Allotments/space for Community Growing" identified in this part of table 8.18 to remain, but wishes clarification that this development can be planned within the masterplan that will inform the prospective planning application, and the overall new Redheugh community. (PP1102 ORS plc).

Proposed New Site

Raises concerns regarding education provision in relation to housing development at Bonnyrigg. Seeks additional housing to the south of the Hopefield committed development site (h28) in order to provide developer contributions towards a new school and providing links between the proposed sites at Dalhousie South (Hs11) and Hopefield Extension (Hs12). Considers that this would reduce pressure on existing schools and that the site is of a similar character to Hs11 as it has natural boundaries and no neighbours. (PP1414 Ian Barr).

Water Environment and Flood Risk

Site specific comments in respect of flood risk. SEPA supports LDP requiring FRA in respect of sites Hs0, Hs1, Hs7, Hs10, Hs12, Hs16, Ec2, Bt1, Bt2, AHs1. Objects to a number of sites unless the LDP incorporates a requirement for FRA: Hs3, Hs19, Hs20, Bt3, AHs3, AHs4, AHs5. Identifies surface water flooding as a consideration at some sites, and states that imperative to ensure development not at risk of flood or causing risk elsewhere. Considers that where FRA a requirement it should take into account Surface Water Flooding, and developer requirements should address water environment matters. Lists sites at risk of surface water flooding, and in respect of Hs3, Hs19, Hs20, Bt3, AHs3, and AHs4 states that SEPA objects unless a requirement to the need for FRA is adopted. Further detail set out in respect of flood risk in respect of sites Hs0, Hs1, Hs3, Ec2, Bt1, AHs1, AHs3, AHs4, AHs5. (PP1458 SEPA)

Site specific water environment comments. Supports requirements of PP in respect of buffer strips for Hs7, Hs10, Hs12, Hs16, Hs19, Ec4, Bt1, Bt2; watercourse restoration in respect of Hs10, Hs12, Hs16; and enhanced SUDS in respect of Hs11, Hs16, Ec1 and AHs2. Provides additional recommendations for consideration in respect of sites Hs1, Hs3, Hs14, AHs2 and AHs3 (details set out pages 23-31 of SEPA's submission). Wishes impacts on groundwater where there are ground instability issues to be taken into account, and notes importance of and legislative position regarding SUDS. (PP1459 SEPA)

Recommends that consideration is had to past uses when bringing forward sites Hs7, Hs11, Hs18, Hs19, Ec1, Ec3 and AHs5. (PP1460 SEPA)

Supporting Representation

Accepts the essential infrastructure requirements for the Shawfair area identified in Policy IMP 2. (PP1538 Shawfair LLP)

Modifications sought by those submitting representations:

Rosewell

Seeks specific reference to the Community Hub promoted by RCDT so that it can be included as a development contribution requirement. Also seeks changes to settlement statement text in respect of means by which Rosewell Steading will be developed and listing status of Whitehill House. (PP133 Rosewell Development Trust)

Shawfair sites HS0 and Hs1

Seeks removal of para 7.17 in LDP and associated reference in the Action Programme, where it refers to provision of "Town centre, sport/recreation and community facilities as per Shawfair Masterplan." (PP217 CALA Management Ltd)

Transport Requirements

Seeks MLDP to define the scope of the A7 Urbanisation scheme in respect of Policy IMP2; and delete Borders Rail from the IMP2 bullet list. (PP317 Grange Estates (Newbattle) Ltd)
Seeks deletion of text in paragraph 8.2.7 reading 'All new MLDP development within Dalkeith will provide a contribution towards Borders Rail'. (PP321 Grange Estates (Newbattle) Ltd)

Seeks deletion of reference to Borders Railway, including Eskbank station and related car park from Table 8.11 Bonnyrigg, Lasswade and Poltonhall Implementation Requirements. Considers that A7 urbanisation scheme requirements should be clarified. (PP324 Grange Estates (Newbattle) Ltd)

Amend policy IMP2 so that developer obligations for the A701 Relief Road from site Hs18 Roslin Institute are not required. (PP358 Biotechnology & Bioscience Research Council (BBSRC))

Remove the requirement for site Hs12 (Hopefield Extension) to contribute to the Borders Railway. (PP1106 Taylor Wimpey East Scotland)

Committed Development - Sites h34, h35, h38 and h49

Changes in implementation requirements and briefs to remove requirement for new distributor road/upgrading of B6482, and new primary school, and to allow more houses on committed sites h34, h35, h38 and h49. (PP325 Grange Estates (Newbattle) Ltd)

Seeks removal of following developer requirements in respect of development in Mayfield/Easthouses: Borders Rail, Upgrading of B6482 (Blackcot to Gowkshill); Distributor road (Bogwood Road to B6482); New primary school at South Mayfield; and, Affordable Housing (other than 5%-10% requirement in accordance with the original policy requirement at 2003). (PP329 Grange Estates (Newbattle) Ltd)

In respect of developer requirements relating to Newtongrange (particularly h38) seeks deletion of following: Upgrading of B6482 (Blackcot to Gowkshill); Mayfield to Lingerwood distributor road (Bogwood Road to B6482); New primary school at South Mayfield; and, Affordable Housing. (PP333 Grange Estates (Newbattle) Ltd)

Seeks removal of requirement for new distributor road, upgrading of B6482 and provision of new primary school in association with committed site h43 (PP2815 Grange Estates (Newbattle) Ltd).

Seeks removal of safeguarding for new primary school within site h38 South Mayfield, with consequential changes for delivering the strategy section and related appendix 1C. (PP2820 Grange Estates (Newbattle) Ltd).

Seeks new text in relation to sites h34 and h35 in table 8.14, viz: 'h34 East Newtongrange - Site allocated in MLP 2003 (site Q); part of site under construction, with early phases complete. The restrictions on capacity, ground conditions, the tenant farmer and the development requirements have contributed to the difficulty in bringing forward a development. There is a need for a committed effort to resolve these difficulties to ensure housing is delivered on this site (and neighbouring committed land) to contribute to housing land requirements. The previous Brief for the site requires to be revised or replaced. Furthermore a review of the sites capacity is required given the higher densities and numbers achieved on the Cruden and Persimmon consents now under construction. This is likely to lead to an increase in numbers which will contribute to housing land requirements. It is important that development of those parts of the site adjacent to Newtongrange respect the distinctive character of the miners' rows, in terms of layout and building materials. The site is adjacent to Mayfield Industrial Estate and the housing development will require the inclusion of suitable screening/ landscaping to address noise and amenity issues. Proposes new text for committee site h35 Lingerwood, which deletes

mention of enhancements to local roads. (PP2821 Grange Estates (Newbattle) Ltd)

Rosslynlee Hospital Site AHs1

In Table 8.22 of the Proposed Plan delete site reference AHs1 from the first and fourth rows of the column headed "Relevant Site". Considers the requirement for these contributions does not comply with the tests set out in Circular 3/2012. (PP1056 Oakridge Property)

Redheugh Site Hs7

Consider policy IMP2 would be clearer if it simply directed readers to the respective settlement statements. Request the text of policy IMP2 is deleted after criterion C. Request the reference to Redheugh station be deleted from policy IMP2. (PP1101 ORS plc)

Request the reference to Redheugh station be deleted from Table 8.18 pages (pages 117-118) of the Gorebridge Settlement Statement. Table 8.18, page 118, "Green Network/Landscaping" After "community growing" insert "as per planning consent/masterplans/section 75 agreement)". (PP1102 ORS plc)

Proposed New Site

Seeks additional housing on committed Hopefield site in order to provide for additional educational needs. (PP1414 Ian Barr)

Water Environment and Flood Risk – Various Sites

Objects to a number of sites unless the LDP incorporates a requirement for FRA: Hs3, Hs19, Hs20, Bt3, AHs3, AHs4, AHs5. Wishes surface water flooding to be addressed to ensure development not at risk of flood or causing risk elsewhere, and in respect of Hs3, Hs19, Hs20, Bt3, AHs3, and AHs4 states that SEPA objects unless a requirement to the need for FRA is adopted. Wishes to ensure that where FRA a requirement it should take into account Surface Water Flooding. (PP1458 SEPA)

Additional water environment measures in respect of sites Hs1, Hs3, Hs14, AHs2 and AHs3. (PP1459 SEPA)

No modifications sought. (PP1460 SEPA)

Supporting Representation

No modifications sought. (PP1538 Shawfair LLP)

Summary of responses (including reasons) by planning authority:

Context

The implementation and settlement statement sections of the proposed plan seek to set out the infrastructure and facility requirements necessary to deliver the development strategy of the plan. Section 7 covers planned and windfall development and sets out the nature of the requirements and how the Council intends to secure that provision.

Existing supplementary planning guidance provides more detailed information regarding committed allocations from the 2003 and 2008 Midlothian Local Plans. This guidance will be revised to include requirements associated with the sites in the proposed plan following the outcome of the Examination.

Rosewell

In most settlements subject to planned growth the Council has secured developer contributions and accommodated community facilities via its school replacement programme. However, the proposed phased extension to the school is unlikely to accommodate any community space until later phases so options are limited. The current Midlothian Local Plan (CD054) has a requirement for a community facility in Rosewell and the current supplementary planning guidance (CD103, page 31) includes two possible options:

- the redevelopment of the Council owned pavilion at the park; or
- supporting the development trust in promoting a new facility on the site of the former Rosewell Steading.

Paragraph 7.1.16 of the proposed plan indicates support in principle for developer contributions being identified to support this project but subject to a satisfactory business case being prepared and a funding package for the project being agreed. Notwithstanding previous meetings with representatives of the trust this information has not been forthcoming. Without it, it is difficult for the Council to determine the best and most practical option and have any certainty that the proposed hub can be delivered. However in requesting that a specific reference to the Community Hub project be made in the in the plan the representor has highlighted an omission from the plan in respect of the requirement for a community facility in Rosewell. The Council considers that this is an honest omission from the plan as throughout the plan the references indicate this requirement. Section 2.2 and policy STRAT1 refers to the need for the early implementation of committed sites in the established housing land supply and related infrastructure and facilities, paragraph 7.1.16 refers to the requirement for a community facility in Rosewell and indicates in principle support as referred above, and as part of the key issues and planning objectives in the Rosewell settlement statement the plan cites insufficient facilities to support the expanding village as a key issue facing the village and supporting improvements to education and community facilities as part of a growing community as a key planning objective. Unfortunately this has not been translated into a specific implementation requirement in table 8.22 of the settlement statement.

As a result of a drafting error the reference to developer contributions from site Hs14 for a community facility in table 8.22 of the proposed plan was mistakenly omitted. The Council therefore request that the Reporter(s) include a recommendation to amend the plan to this effect in respect of this representation but not specifically for the development of the community hub proposed by the development trust unless the above requirements are met and appropriate conditions issued. (PP133 Rosewell Development Trust)

The Council considers the reference to errors in paragraph 8.2.60 is a misinterpretation. Read in conjunction with the preceding paragraph the Plan puts into context how the Whitehill and Rosewell Mains sites came about. They are both required to contribute to community facilities (from Villages and Rural Areas Local Plan) and now that the long standing committed site has come to the market, it will contribute to that facility. The plan is not saying that the steading redevelopment is physically part of the Rosewell Mains site.

In respect of the reference to Whitehill House being a grade “B” listed building the Council acknowledges that this is a mistake and it should in fact be grade “A” and are content for the Reporter to change the plan in this respect of this representation. (PP133 Rosewell Development Trust)

Shawfair sites HS0 and Hs1

The sites are located within the South East Edinburgh Strategic Development Area covering what was the now superseded Shawfair Local Plan boundary. As such the Council considers these sites to be an extension to the new settlement of Shawfair. The proposed allocations will increase the overall number of houses proposed in Shawfair by an additional 830 units. If the associated safeguarded sites are supported following Examination this number could increase by a further 420 units. In any case additional housing sites over and above the original Shawfair allocation will give rise to an increase in the population of the town and create additional demands on infrastructure, services and facilities, particularly in respect of schools. The Council considers therefore that they should make an appropriate contribution to the necessary infrastructure and facilities required to deliver the new town and as agreed in the signed Shawfair S75 agreement.

Shawfair is a major new development which, when allocated in 2003 was predicated on the reintroduction of Borders Rail. The line is now operational and the fact that the station is located at the heart of where the proposed town centre will be highlights the fact that the proposed new town is genuinely a sustainable development. Notwithstanding the representors comments about contributing to the Shawfair infrastructure requirements the provisions of the Waverley Railway (Scotland) Act 2006 (CD145, section 39) permits the relevant planning authorities (Scottish Borders Council, Midlothian Council and City of Edinburgh Council) to enter into a S75 legal agreement to seek contributions to the railway even after it is open for public use. In the case of the proposed sites the Council has clearly signalled its intention to seek contributions to the reinstatement costs of Borders Rail.

The Council therefore requests that the Reporter(s) does not make changes to the plan in respect of this representation. (PP217 CALA Management Ltd)

Transport Requirements

Grange Estates (Newbattle) Ltd and Taylor Wimpey East Scotland both submitted representations in respect of developer contribution requirements towards Borders Rail. The committed housing sites allocated in the A7/A68 Strategic Development Area are all predicated on the reintroduction of the railway and its delivery has made it possible to support additional growth in this corridor through the proposed plan. Where possible the Council has sought to allocate new sites in the proposed plan within proximity of the Borders Rail stations. Both the current and proposed plans take a consistent position on this matter and are clear that planned and windfall development will be required to contribute to Borders Rail and this approach is in line with Circular 3/2012.

The current Developer Contributions Supplementary Guidance (2012) will be updated (following the submission of the plan to Scottish Ministers) and will carry forward the principle from the current Midlothian Local Plan (MLP) 2008 that all allocated sites in the A7/A68 Borders Rail corridor will contribute to the cost of the railway. The Council considers that this approach is consistent with and is supported by section 39 of the Waverley Railway (Scotland) Act (CD145) which allows the Council (as a relevant Borders

Rail planning authority) to seek developer contributions towards the railway even after it is open for public use.

The proposed A7 urbanisation project covers a stretch of the A7 from Hardengreen roundabout (A7/B6392) to the Gilmerton Road roundabout (A7/A772/B6392) and seeks to address some of the Council's sustainable travel objectives in terms of reprioritising road space to support active travel and the integration of different modes of transport as set out in paragraph 4.5.4 and policy TRAN1 of the proposed plan. The Council considers that it would be more appropriate to address this issue through the updated and revised Developer Contributions Supplementary Guidance where more detail information about the scope, detail, design and cost of the project can and will be presented.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP317, PP321, PP324, PP1106 Taylor Wimpey East Scotland)

Transport modelling of committed development in the A701 corridor (CD127) indicated that the A701 is at capacity and that some level of intervention would be necessary if the proposed development strategy for this corridor was to be successfully delivered. The Transport Appraisal of the proposed plan (CD121 and associated stage reports CD122-126) assessed the impact of the proposed plan and identified an intervention that would meet the planning and transport objectives and allow the development strategy to be delivered. The A701 relief road will provide a bypass for the section of A701 between Straiton and the junction with the A703 and facilitate new road space on the A701 to develop active travel and public transport enhancements hitherto not possible. The A702 link will provide new and improved access to the Bush and connect the A701 relief road with the A702. The proposal provides a new connection to the trunk road network at the A702 and a revised junction at Straiton/A720 which together could potentially assist traffic flows through the junction at Hillend (A702/A703/A720).

Given the significance of the capacity issues the proposed plan is clear that all residential, non residential and windfall development will be required to contribute to the delivery of the road. The Council is also clear that the proposal will be required in advance of the proposed sites being developed. The proposal is currently part of the Edinburgh and South East Scotland City Deal bid.

In light of the modelling work and the transport appraisal and option assessment the Council does not accept the arguments put forward in respect of reduced impact on the road network, compliance with Circular 3/2012, the PPP decision of 2014, the brownfield status of the proposed site or the importance of the bio science sector as factors outweighing the need to deliver the new road.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP358 Biotechnology & Bioscience Research Council (BBSRC))

Committed Development - Sites h34, h35, h38 and h49

Grange Estates (Newbattle) Ltd have submitted a number of representations in respect of the planning brief, transport and education requirements in respect of the committed development sites h34, h35 and h38 from the Midlothian Local Plan 2003 and site h49 from the Midlothian Local Plan 2008.

A planning brief was prepared and approved in April 2005 (CD072) but not published. It covered sites h34, h35 and h38 and addressed site design and development requirements including the infrastructure requirements as set out in the 2003 plan and referred to by the representor in their submission. Site h49 was subsequently added following a Public Local Inquiry into the MLP 2008. It was considered that the allocation of this site would not only consolidate the housing land supply but also support the delivery of the infrastructure requirements associated with the committed sites.

The Council considers these sites to be effective and have carried them forward in the Proposed MLDP as a key part of the development strategy addressed by Policy STRAT1 Committed Development. To date two planning consents have been issued for 130 units on part of site h34 ([Application 07/00002/FUL](#)) and 60 units on site h38 ([Application 12/00339/DPP](#)). An application for the remainder of the site was submitted by the representor ([Application 08/00515/FUL](#)) but was subsequently refused. The remaining undeveloped capacity of the four sites (h34, h35, h38 and h49) amounts to 675 units.

The Council is aware that ground conditions on parts of site h38 are likely to be challenging but the site investigation report submitted as part application number 08/005/FUL did not suggest that this would be an impediment to delivering the road infrastructure requirements. Unless or until such information is forthcoming the Council considers these requirements as highlighted in the plan (and in the brief) remain valid given the scale of the undeveloped allocations (in the order of 675 units) and the opportunity these routes will provide in terms of improved circulation and accessibility for vehicles and pedestrians.

Likewise the development of the remainder of site h34 and h38, together with h35 and h49 would require a new school to be provided. There is insufficient capacity in primary schools within the Mayfield area to accommodate the likely pupil product from this level of development. The Council does not accept that it has advised to the contrary as suggested in the representation. In order to implement parts of site h34 and h38 the developers behind the two planning applications referred to above negotiated an alternative education solution and made developer contributions to additional provision at Mayfield Primary School. This approach is not possible for the scale of likely development that remains to be built out from these sites.

In terms of the reference to development viability the plan recognises this matter in paragraph 7.1.7 and clearly states that it is keen to ensure that ...” neither the planning application process or planning obligation process act, in any way as an impediment to the delivery of development.” The existing supplementary planning guidance on developer contributions (CD103) also addresses viability issues. Paragraph 41 of the guidance provides developers the opportunity to bring to the attention of the Council any issues they consider materially affects the viability of their proposal and for the Council to consider these issues and come to a conclusion. The request for the Council to review the capacities of the sites would add weight to the Council’s argument that a new school would still be required but in any case development density is an issue that could be demonstrated and agreed through a planning application without the need to amend the plan. Equally the provision of a food retail unit on part of any of the sites could be appropriately dealt with via a planning application. To date the Council has not sought to retrofit new infrastructure requirements on committed housing sites. However, if the proposal exceeds the number of houses identified in the development plan and those extra units give rise to additional infrastructure then it would be at the discretion of the Council in this case to determine if the current proportion of affordable housing (25%) should apply to the additional units.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP325, PP329, PP333, PP2815, PP2820, PP2821 Grange Estates (Newbattle) Ltd)

Rosslynlee Hospital Site AHs1

The plan makes provision for additional housing development opportunities (CD112, paragraphs 2.3.10 and 2.3.11, Policy STRAT4 and appendix 3c). Rosslynlee Hospital is one such site. However, because of the nature of these sites the plan also acknowledges that they are likely to be subject of some degree of development uncertainties so the contribution from these sites is not guaranteed during the plan period. They are therefore not relied upon as part of the required housing land allocations but should they be developed, the resulting housing units will nevertheless be contribute to meeting the SESplan housing need.

Rosslynlee is the largest of the opportunity sites with between 120 and 300 identified in the plan. Higher capacity is subject to road access concerns being satisfactorily addressed. A pre-application consultation was submitted in April 2016 for a residential development and complementary land uses at the hospital (16/00266/PAC) and one for a proposed change of use, alterations, extensions and partial demolition of the former hospital and associated new build development and infrastructure (16/00267/PAC)

The Council considers that the infrastructure and facility requirements identified in the plan are consistent with the policy tests of Circular 3/2012. Policy DEV3 provides some flexibility in terms of how affordable housing provision is made, not about what is required or how much. With the exception of the green network contributions (which will be subject of negotiation and agreement with the Council) the other infrastructure requirements are a consequence of the scale of development being proposed. In terms of the reference to development viability the plan recognises this matter in paragraph 7.1.7 and clearly states that it is keen to ensure that ...” neither the planning application process or planning obligation process act, in any way as an impediment to the delivery of development.” The existing supplementary planning guidance on developer contributions (CD103) also addresses viability issues. Paragraph 41 of the guidance provides developers the opportunity to bring to the attention of the Council any issues they consider materially affects the viability of their proposal and for the Council to consider these issues and come to a conclusion. The Council will continue to apply the requirements of Circular 3/2012 fairly where a need arises due to development.

In response to the comments regarding Borders Rail the current Developer Contributions Supplementary Guidance (2012) will be updated (following the submission of the plan to Scottish Ministers) and will carry forward the principle from the current Midlothian Local Plan (MLP) 2008 that all allocated sites in the A7/A68 Borders Rail corridor will contribute to the cost of the railway. The Council considers that this approach is consistent with and is supported by section 39 of the Waverley Railway (Scotland) Act (CD145) which allows the Council (as a relevant Borders Rail planning authority) to seek developer contributions towards the railway even after it is open for public use. The Council also considers that its approach is not uncommon and has parallels with the Edinburgh Trams project and Cross Rail in London.

In respect of possible cross boundary transport requirements the plan is providing an early warning of the potential for additional transport requirements (CD112, paragraph 4.5.8 and table 8.22) subject to the outcome of the SESplan cross boundary transport study. It will

be SESplan's responsibility to develop an appropriate mechanism for identifying and apportioning any cross boundary transport contributions arising from the study and to ensure that mechanism and the requirements themselves meet the tests of circular 3/2012.

In its response to the representation from Rosewell Community Development Trust (PP133) the Council highlighted that as a result of a drafting error the reference to developer contributions from site Hs14 for a community facility in table 8.20 and 8.22 of the proposed plan was mistakenly omitted. This requirement would also apply to sites AHs1. The Council therefore request that the Reporter(s) include a recommendation to amend the plan to this effect for this representation in table 8.21 and 8.22 in table.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of any other matters identified in this representation. (PP1056 Oakridge Property)

Redheugh Site Hs7

Policy IMP2 sets out the essential infrastructure requirements to enable new development to take place. While the infrastructure is listed by strategic development area and Council wide headings within the policy, the policy clearly states at the beginning that infrastructure requirements are set out in the settlement statements i.e. on a site by site basis.

The MLP 2008 makes reference to the consideration of reserving a rail halt at Redheugh (CD112, paragraph 3.2.20). An initial technical study was carried out by Scott Wilson consultants confirming the feasibility of providing a station at this location which would comply with Network Rail's technical standards as set out in their Design Manual for Roads and Bridges. The initial housing allocation at Redheugh has been carried forward into the proposed plan as a committed development as part of STRAT1. The Action Programme accompanying the approved Strategic Development Plan for South East Scotland includes an action (CD000, action 71) to deliver a Redheugh rail station. Policy 9 of the Strategic Development Plan (2013) requires that Local Development Plans to include policy guidance and safeguard land to deliver the infrastructure requirements identified in figure 2 of the SDP ([Strategic Development Plan for South East Scotland](#)) and in the accompanying Action Programme. The Council considers that the proposed plan is consistent with the SDP on this matter.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1101 ORS plc)

The Council notes the support for the allocation and proposed phasing of Hs7 Redheugh West phase 2 but does not agree that the wording of the requirement in the first row of table 8.18 of the plan is ambiguous. The Council acknowledges and confirms that the requirement for the provision allotments/space for community growing will, along with all the other requirements identified in table 8.18 relating to sites h50 and Hs7, be addressed through the masterplan as referenced in table 8.16 (h50).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1102 ORS plc)

Proposed New Site

The Council acknowledges the comments made in the representation about education

capacity in Bonnyrigg and notes the suggestion of an additional new site to raise additional developer contributions to mitigate these capacity issues. However, the suggested site has not been subject to the site assessment process but would result in the loss of more green belt and prime agricultural land than is currently proposed. The Council is satisfied that the sites identified in the proposed plan represent a reasonable balance between maximising existing infrastructure and mitigating the impact of new development. It considers that the education infrastructure requirements associated with the Bonnyrigg sites will address any capacity issues.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP1414 Ian Barr)

Water Environment and Flood Risk – Various Sites

The Council notes the comments made by SEPA in respect of Flood Risk Assessment (FRA) requirements, surface water flooding issues and general water environment matters.

The Council has identified a number of sites where Flood Risk Assessment (FRA) is required. Paragraph 5.1.27 of the proposed plan contains a statement that ‘...the Council, on receipt of further advice may determine that FRA is necessary at other locations.’ It is content that the flood risk policy (ENV 9) and required masterplan/planning brief process will adequately address this matter. The plan reflects the Council’s commitment to preparing masterplans/planning briefs for all allocated housing sites under policy IMP1. In tandem with the production of planning briefs for the proposed housing sites the development management process provides a further opportunity for SEPA to comment on applications and the Council to carry out its planning function with regard to reducing flood risk. The Council is aware of and acknowledges SEPA’s concern for FRA to be carried out at sites Hs3, Hs19, Hs20, Bt3, AHs3, AHs4 and AHs5.

In respect of the comment that it is ‘imperative that development is not at risk of flooding or increases the risk of flooding elsewhere’ the Council considers that this is addressed directly by Policy ENV9. The Schedule 4 for Flooding and the Water Environment (Issue 16) considers these matters in further detail.

In respect of the suggestion to take account of surface water flooding issues in FRAs the Council would take advice from SEPA on the scope of a particular FRA, and from other Council service sections at the planning application stage. The Council does not consider it appropriate to be more prescriptive in the LDP. The Supplementary Guidance on Flooding and the Water Environment is also an opportunity to set out more detail on the best procedures for avoiding flood risk as well as the content and scope of FRAs.

The Council notes the comments regarding the additional recommendations in respect of the water environment as they relate to sites Hs1, Hs3, Hs14, AHs2, and AHs3 but considers these comments are addressed by the overarching Water Environment policy ENV10, the forthcoming SG on Flooding and the Water Environment, as well as the commitment to planning briefs/masterplans. These will provide an adequate framework to secure or enhance the water environment

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1458, PP1459, PP1460 SEPA)

Supporting Representation

The Council acknowledges the supporting statement from submitted by Shawfair LLP in respect of infrastructure provision. (PP1538 Shawfair LLP)

Reporter's conclusions:

Context

1. The rationale and means to secure the essential infrastructure required to support new development is described in chapter 7 (delivering the strategy) and policies (IMP 1-5) of the Midlothian Local Development Plan. The site specific requirements for each site are set out in a series of settlement statements within the proposed plan. I address below site specific delivery matters which are the subject of unresolved representations. The expressions of support for proposed sites are noted but do not require any further consideration.

Rosewell

2. The Rosewell Development Trust seeks modifications to the plan that acknowledge its proposals to develop a community hub in the village. Moreover, it argues that financial contributions should be sought from new residential development proposals in Rosewell towards its provision and that this should be reflected in the proposed plan. It also highlights two errors in the settlement statement, the first in paragraph 8.2.60 and the second in Table 8.19 (relating to committed site h69). I address these matters below.

Community hub

3. The proposal to develop a community facility in Rosewell is longstanding and is a feature of the current adopted Midlothian Local Plan (2008) and supplementary planning guidance on developer contributions. The proposed plan at paragraph 7.1.16, under the heading 'community facilities', refers to the development of a community hub in Rosewell and the council's continued support in principle to secure developer contributions towards its provision. Not unreasonably, this statement is qualified and is dependent upon a satisfactory business case being prepared and a funding package for the project being agreed. The draft action programme, which accompanies the proposed plan, indicates that a contribution towards the provision of the community hub will be required as part of the development of housing site Hs14 (Rosewell North), subject to the aforementioned qualifications. The council notes that reference to community facilities and the requirement for new development to contribute to its provision has been omitted in error from Table 8.22 (Rosewell implementation requirements) of the proposed plan. The council will, however, have the opportunity to rectify this omission as a non-material change to the proposed plan prior to its adoption.

4. At paragraph 7.1.4, in the context of the planned growth of settlements, the proposed plan identifies community facilities as a principal infrastructure requirement; and this is reflected in proposed policies IMP 1 (new development) and IMP 2 (essential infrastructure required to enable new development to take place). Within this context, paragraph 8.2.60 of the Rosewell settlement statement refers to the development of a community hub at Rosewell Steading. It is this reference that implies that the proposal is being delivered as part of the Rosewell Mains development (committed housing site h22). In fact, the boundaries of housing site h22 and that on which it is intended to develop the community

hub are contiguous. However, for the purposes of clarity, I agree that the beginning of the third sentence of the paragraph should be modified to note that the sites adjoin one another.

5. In light of the established need for a community facility in Rosewell, I also agree that Table 8.22 should be modified to reflect this requirement and that the development of site Hs14 should contribute to this provision.

Whitehill House

6. The council acknowledges that the proposed plan incorrectly refers to Whitehill House as being a category 'B' listed building. It is a category 'A' listed building. Accordingly, the commentary of Table 8.19 of the proposed plan should be modified to correct this error.

Shawfair

Housing sites Hs0: Cauldcoats and Hs1: Newton Farm

7. The representation from CALA Management Ltd seeks the deletion of proposed plan paragraph 7.1.17 on the basis that the essential infrastructure required to support the delivery of the new settlement of Shawfair has already been agreed. The need for such infrastructure, it argues, does not arise from new development. The representation also seeks the deletion of the associated provisions from the draft action programme in respect of site Hs1, that is, reference to the provision of "town centre, sport/recreational and community facilities as per the Shawfair Masterplan". The same provisions also apply to proposed housing site Hs0 (Cauldcoats) and, therefore, my conclusions on site Hs1 are equally pertinent to site Hs0.

8. The proposed housing sites at Cauldcoats and Newton Farm lie within the South East Edinburgh Strategic Development Area (SDA). The suitability of the area to accommodate growth is based on its good public transport accessibility, of which the Sheriffhall Park and Ride, Borders Rail and Shawfair station are key elements. The proposed plan promotes Shawfair as a sustainable community which in time will be supported by a range of facilities and services, principally located within a new town centre, and from which future residents of committed development sites and proposed housing sites will derive benefit. As such, I consider it to be reasonable that new development, over and above that originally planned for at Shawfair, should contribute to the provision of these and other essential infrastructure that is identified in Table 8.4 (Danderhall / Shawfair implementation requirements). Accordingly, I conclude that paragraph 7.1.17 should remain in the proposed plan and that the developer(s) of site Hs1 should contribute towards the provision of essential infrastructure identified in Table 8.4.

9. With regard to the council's ability to seek financial contributions towards the provision of the Borders Railway, despite the fact that it is now operational, this is provided for in the Waverley Railway (Scotland) Act 2006. This matter is addressed further in paragraph 10 below. Other matters relating to site Hs1 are dealt with in responses to Issue 24 (policies IMP 1-5) and Issue 27 (South East Edinburgh Danderhall and Shawfair).

TRANSPORT*Borders Rail*

10. Section 39 (planning agreements) of the Waverley Railway (Scotland) Act 2006 permits Midlothian Council, along with the City of Edinburgh and Scottish Borders councils, to enter into legal agreements to secure the payment of developer contributions towards the cost of providing the authorised works or any development relating to, supporting or otherwise connected with the authorised works, for example, stations and car parks. The ability to seek contributions may not extend beyond 30 years after its opening or the sums secured exceed the total cost of the project. The proposed plan through the relevant settlement statements and proposed policies IMP 1 and IMP 2 signal the council's intention to seek financial contributions where it considers it appropriate to do so, including development on sites Hs0, Hs1, Hs10, Hs11, AHs1 and committed sites within the A7/A68/Borders Rail SDA. The council considers its approach, also described in supplementary planning guidance on developer contributions prepared in 2012, to be consistent with Scottish Government Circular 3/2012 (planning obligations and good neighbour agreements).

11. Borders Rail is a feature of the strategic development plan for Edinburgh and South East Scotland (SESplan) spatial strategy and integral to the development strategies of the current Midlothian Local Plan and the proposed plan. Indeed, the scale and extent of the development opportunities promoted throughout the South East Edinburgh (Shawfair) and A7/A68/Borders Rail SDA's are predicated on their proximity to the railway line, and access to the wider public transport network, with the intent that they develop as sustainable communities. This aspiration is articulated clearly in the proposed plan.

12. In light of the above, I consider that proposed sites Hs0 and Hs1 at Shawfair, Hs10 and Hs11 at Bonnyrigg and AHs1 Rosslynlee should contribute to the Borders Rail project, as too should committed development sites within the two aforementioned SDAs. Furthermore, the costs of the line, as it relates to Midlothian are known and the council's supplementary guidance on developer contributions, although due to be updated, indicates in general terms the scale of the contributions to be sought. Overall, I find the council's approach to be consistent with the policy tests of Circular 3/2012 (planning obligations and good neighbour agreements). In any event, the provisions of the Waverley Railway (Scotland) Act 2006 allow the council to seek and secure developer contributions towards meeting the costs of the railway line, even after its opening for public use.

13. Accordingly, references to Borders Rail in the relevant settlement statements and tables setting out transport implementation requirements should remain in the proposed plan, namely: tables 8.4 (Danderhall/Shawfair), 8.8 (Dalkeith/Eskbank), 8.11 (Bonnyrigg/Lasswade/Poltonhall), 8.13 (Mayfield/Easthouses), 8.18 (Gorebridge) and 8.22 (Rosewell).

14. Matters relating to Borders Rail within the context of proposed policy IMP 2 (essential infrastructure required to make new development to take place) are addressed in Issue 24 (policies IMP 1-5).

A7 Urbanisation Initiative

15. A representation considers that the proposed plan should contain a definition of the A7 Urbanisation Initiative in order that its impacts on development interests can be assessed. The council considers that details of the initiative are better set out, in due

course, in an updated developer contributions supplementary guidance note.

16. The council refers to the initiative in the context of sustainable travel and the reprioritisation of road space to support active travel. In this regard, I note that paragraph 4.5.4 of the proposed plan, and policy TRAN 1 (sustainable travel), consider in general terms such matters and that Table 5.2 (strategic green networks connections) and Figure 5.2 (strategic green network) list and indicate, non-definitively, the extent of the A7 urbanisation initiative, respectively. Moreover, and specifically, the initiative is identified in proposed policy TRAN 2 (transport network interventions), as an intervention to be undertaken on the strategic transport network, in relevant settlement statements; and in the proposed action programme that accompanies the proposed plan.

17. I consider that within the context of a local development plan, the council adequately describes the framework within which the A7 urbanisation initiative, and other sustainable travel measures, will be brought forward. The purposes of such measures are expressed in paragraphs 4.5.4 and 4.5.5 of the plan. I agree with the council that it is appropriate to address the details of the urbanisation initiative through the preparation of supplementary guidance, the scope, detail and design of which will be better informed through the confirmation of development opportunities identified in the proposed plan. I find this approach to be consistent with Scottish Government Circular 6/2013 (development planning). Furthermore, a draft version of the supplementary guidance will require to be made available for public comment at which point those with an interest in this matter will have an opportunity to contribute to and inform the final version of the guidance. On this basis, I do not agree that modifications to the proposed plan in respect of the A7 Urbanisation Initiative are required.

A701 Relief Road

18. Unresolved representations with regard to the proposed A701 Relief Road are addressed in Issue 6 (improving transport connectivity) and Issue 7 (site E3 and A701 Relief Road). The application of proposed policy IMP 2 (essential infrastructure to enable development to take place) and site specific matters in relation to proposed site Hs18 (Roslin Institute) are addressed in Issue 24 and Issue 30 (A701 corridor strategic development area – Roslin), respectively. The matter that I address below considers whether or not the proposed residential development of site Hs18 should attract a financial contribution towards the provision of the A701 Relief Road / A702 Link road project.

19. Biotechnology and Bioscience Research Council argue that the residential development of site Hs18 will have a negligible impact on the operation of the A701, as the traffic generated by that development will be less than that associated with its former use by the Roslin Institute. It is also argued that the requirement to contribute to the provision of the relief road may fail the tests of Scottish Government Circular 3/2012 (planning obligations and good neighbour agreements) and should not have been included in the 'heads of terms' of the legal agreement that accompanies the planning permission given that the proposals of the proposed plan were at an early stage at that time. The council takes the contrary view and points to the outcome of transport modelling exercises of committed and proposed developments that indicate that the A701 would operate at its capacity were all committed sites developed and that transport interventions will be necessary if the development strategy for the A701 Corridor is to be successfully delivered.

20. As I note in my conclusions to Issue 30, at paragraph 26, that the principle of residential development on the site has been established through the grant of a planning

permission in principle and a legal agreement is in place to secure financial contributions towards the provision of essential infrastructure to address the impacts of the development, including transport infrastructure. The decision of the council to grant of planning permission in principle and the conclusion of the legal agreement post-date the submission of the representation to the council and the proposed plan for examination.

21. The council has undertaken transport modelling and option appraisals to assess the impact of the development opportunities promoted by the proposed plan, including proposed site Hs18. In short, these have shown the road network and associated key junctions to be congested, that the A701 to be at capacity once all committed developments have been built-out and that strategic interventions to the transport network are required if the scale of new housing and economic development promoted by the proposed plan in the A701 Corridor is to be delivered. It is in this context that the realignment of the A701 is promoted and I acknowledge its importance to the delivery of the development strategy of the proposed plan. Put simply, the council argues that without some form of improvement the A701 would not be able to accommodate the traffic generated by new development, including that on site Hs18, active travel and public transport enhancements without detriment. In order to secure the delivery of the A701 Relief Road and A702 Link the proposed plan requires all new development in A701 Corridor to contribute to its provision in order to serve expanding communities and support business growth.

22. I find that the proposed A701 strategic transport intervention to be one that is necessary if the potential of development opportunities promoted by the proposed plan are to be realised, including that on proposed site Hs18. The intervention is a key element of the proposed plan's development strategy and from which a number of sustainable travel initiatives will flow. It can therefore be described as having a planning purpose. Moreover, in light of the council's transport modelling exercises, it is not unreasonable to assume that the residential development of the former Roslin Institute site will add to the demands placed upon the A701, and particularly its junctions with the B7003 and B7006, despite the change in the use of the land and anticipated reduced transport impacts.

23. I note the arguments set out in the representation regarding the Institutes location at Easter Bush and its improved access to public transport and the wider transport network. Nevertheless, the site is located within the A701 corridor and, in addition to that arising from site Hs18, the operations of the Institute would continue to impact upon it. I therefore attach little weight to the argument that the development of site Hs18 will have a negligible impact on the A701.

24. With regard to the level of developer contribution sought towards the provision of essential infrastructure and the necessity for such to be secured through a planning obligation, I note that proposed policy IMP 2 includes measures to ensure that contributions are proportionate and, given the location and nature of the infrastructure required, in this instance pursuance through a planning obligation would be appropriate. Accordingly, I consider that the requirement for site Hs18 to contribute to the A701 Relief Road / A702 Link is consistent with the tests of Scottish Government Circular 3/2012.

25. Finally, I also note that planning permission in principle was granted in August 2016 for residential development on site Hs18 following the conclusion of a legal agreement to secure financial contributions towards the provision of essential infrastructure. Until that time it was open to the council to refuse planning permission had it not been possible to conclude that agreement. I can only presume that given that planning permission has now

been granted that agreement between the council and the landowner on an appropriate level of contribution towards transport infrastructure has been reached.

26. As I conclude above, development of the site would result in impacts on the transport network and, therefore, it is reasonable for the council to seek a financial contribution, related to the scale and impact of the proposed development, to the interventions considered necessary. On this basis, I do not agree that the proposed plan should be modified in response to this representation.

Newtongrange/Mayfield

Committed housing sites h34, h35, h38 and h49

27. The promotion of land south of Westfield Road, Mayfield immediately beyond site h38 as an additional housing site is considered at paragraphs 59-62 in Issue 31 (A7/A68/Borders Rail corridor – other settlements) where I conclude that the site should not be included in the proposed plan. The matters raised in the representation from Grange Estates (Newbattle) Ltd with regard to affordable housing and retail provision are dealt with in Issue 5 (affordable housing and specialist housing) and Issue 8 (town centres and retail), respectively. A separate representation from Mr Barr contains a comment on the provision of a landscape tree belt along the north-east boundary of site Hs10 (Dalhousie Mains, Bonnyrigg), this matter is dealt with in Issue 32 (A7/A68/Borders Rail Corridor – Bonnyrigg).

28. The representations lodged on behalf of Grange Estates (Newbattle) Ltd seek clarity from the council on the provision of transport and education infrastructure to support the delivery of committed development sites h34, h35, h38 and h49. In the absence of such it is argued there can be no justification in seeking financial contributions towards the infrastructure identified in the relevant settlement statements, namely tables 8.13 and 8.15 of the proposed plan. Furthermore, it is considered that the planning brief prepared in 2005 is no longer fit for purpose and should be reviewed. This final point, plus others, is addressed in Issue 2 (committed development).

29. The council notes that progress in bringing the sites forward for development has stalled but does not consider that difficult ground conditions to be an impediment to their development or the delivery of the required distributor roads. In the absence of information that suggests otherwise the council considers the identified requirements to be necessary. Furthermore, the development of sites h34 and h38, together with h35 and h49, give rise to the need for a new school due capacity constraints in existing schools. The council argues that the scale of development that has yet to come forward cannot be addressed by creating additional teaching accommodation at existing schools, as has been the case in the past.

30. Although the planning brief was prepared some time ago, I consider that the rationale for the provision of the distributor roads remains valid, particularly given the scale of scale of development proposed and the need to connect and integrate new development with the existing communities of Mayfield and Gowkshill. The proposed plan proposals map and settlement statement maps show non-definitively the line of the proposed roads, whilst paragraph 7.5 and Figure 7 of the planning brief suggest some flexibility in the route of the road as it passes through site h38 to connect with Bogwood Road. Despite reference to difficult ground conditions there is no evidence before me that suggests that the provision of the roads it is not possible or would undermine the viability of developing the sites.

Other aspects of the planning brief are largely shaped by the landform of the area and the desire to create strong landscape boundaries and to keep higher ground free of development, considerations that are as relevant today as when the brief was first prepared.

31. I note that the council has undertaken additional transport modelling of committed development sites promoted in the Midlothian Local Plan 2008 as part of its preparation of the proposed plan and that this has informed the transport network intervention set out in policy TRAN 2 (transport network interventions), including interventions required in connection with committed development. Among the interventions listed are the B6482 Bryans Road to Gowkshill Link and the south Mayfield distributor; the local distributor roads referred to in the representation.

32. I am satisfied that the council has assessed the transportation impacts of the committed development sites and has the evidence to demonstrate that the local distributor roads are required. What has yet to be resolved, however, is their final alignment and design and I consider that these matters are best addressed through the development management process. Accordingly, I conclude that paragraph 8.2.27, the commentary of Table 8.12, the transport requirements in respect of sites h38 and h49 in Table 8.13, and the settlement statement map should remain as proposed by the council, as indeed should the proposals map in respect of this matter. Likewise, with regard to sites h34 and h35, and tables 8.14 and 8.15, Newtongrange committed development and implementation requirements, respectively.

33. With regard to education infrastructure, the contention in the representation that there is sufficient capacity at Mayfield primary school to serve new development is not supported by firm evidence to demonstrate that this is indeed the case. Financial contributions to the creation of additional space at the school to accommodate children from the relatively small amount of development that has taken place to-date appears, on the face of it, to be an appropriate response to the matter. Overall, I am inclined to agree with the council that given the scale of the development that has yet to come forward it is unlikely that educational demand can be accommodated locally within the existing schools estate, despite some capacity existing at present. I note, however, in paragraph 8.2.39 of the proposed plan, the council's commitment to keep this matter under review, notwithstanding the provisional safeguarding of land within site h38.

34. Overall, I conclude that committed development sites h38 and h49 should contribute to the provision of new education infrastructure to serve South Mayfield, as described in the proposed plan and, on confirmation of the council's preferred option that sites h34 and h35 should also contribute if required to do so. Accordingly, the proposed plan should not be modified in response to representations on this matter.

Rosslynlee Hospital

Addition housing development opportunity - AHs1

35. I deal with representations made in respect of the proposed allocation of land at the former Rosslynlee Hospital for residential purposes paragraphs 33-37 in Issue 31 (A7/A68/ Borders Rail Corridor – other settlements) where I conclude that the site should remain in the proposed plan as an additional housing development opportunity.

36. With regard to Borders Rail, my conclusions on this matter are set out in

paragraphs 12-15 above; suffice to say that an appropriate level financial contribution to this or any other initiative, in the context of other contributions that may be sought and their consequences on the economic viability of a proposal, will be established through the consideration of future planning applications, supporting appraisals and negotiations. This matter is acknowledged in paragraph 7.1.7 of the proposed plan and in current council supplementary guidance on developer contributions at paragraph 41. I therefore consider there to be sufficient flexibility in the provisions of the proposed plan, principally through the application of proposed policy IMP 2, and supporting supplementary planning guidance, for this matter to be dealt with fairly, reasonably and in accord with the tests of Scottish Government Circular 3/2012.

37. The provisions described above apply equally to financial contributions that may be sought in respect of other cross-boundary transport infrastructure requirements, as indicated in proposed policy TRAN 2 (transport network interventions). Accordingly, the requirement for site AHs1 to contribute to the relevant transport interventions, as set out in Table 8.22, should remain as proposed. Consequently, I do not agree that it is only the provisions of proposed policy DEV 3 (affordable and specialist housing) that provides for flexibility in its application.

38. Finally, the council indicates in its response that it has omitted reference to the need for the developer of site AHs1 to contribute to the provision of community facilities in Rosewell. In this instance, I do not consider that such a requirement would be appropriate; as the former hospital site is located approximately 3.2 kilometres (2 miles) from the centre of Rosewell; its development, and the scale of development envisaged, is likely to give rise to a range of on-site community facilities that could potentially be viable alternative uses of one or more of the presently redundant listed buildings. Furthermore, unlike proposal Hs14 (Rosewell North), the requirement is not a feature of the draft action programme that accompanies the proposed plan.

Gorebridge

Sites h50 (Redheugh/Prestonholm) and Hs7 (Redheugh West – Phase 2)

39. I deal with matters relating to proposed policy IMP 2 in Issue 24 (policies IMP 1-5). With regard to other matters, the representation from ORS plc argues that site Hs7 should not be required to contribute to the provision of a new railway station and car park at Redheugh, as it is not programmed for construction by the appropriate body responsible for its delivery. In addition, the representation seeks a modification to the wording of the commentary contained in Table 8.17 with regard to the provision of allotments.

40. The council states that the prospect of a rail station to serve a new community at Redheugh/Prestonholm is highlighted in the adopted Midlothian Local Plan (2008). It also states that the strategic development plan (SESplan) identifies the Borders railway line as strategic infrastructure necessary to deliver the development strategy. Moreover, the potential for a new station at Redheugh is recognised in SESplan at paragraph 76, and included in the SESplan Action Programme (2015) as action 60. Policy 9 (infrastructure) of SESplan requires local development plans to pursue the delivery of infrastructure through developer contributions, among other means, particularly the strategic infrastructure identified in the SESplan and its Action Programme.

41. With regard to the proposed local development plan, the Gorebridge settlement statement map indicates non-definitively the preferred location for a rail station at

Redheugh. The commentary of Table 8.16 notes that the development of committed development site h50 should include a reservation for the future provision of a rail station, should this be practical/deliverable. The requirement for the infrastructure is also specifically referred to in proposed policies TRAN 2 and IMP 2.

42. The expectation of the extant development plan, and the proposed local development plan, is that the scale of development envisaged at Redheugh/Prestonholm, and its longer term expansion, will assist in creating a critical mass to help fund new infrastructure. The contribution of sites h50 and Hs7 to the housing land requirement up to 2024 is such that I consider this to be a reasonable expectation and, while agreement has yet to be reached with Transport Scotland on the delivery of the rail station, there is every prospect that it will be within the life time of the proposed plan given its inclusion in the SESplan Action Programme. Furthermore, the provisions of the Waverley Railway (Scotland) Act 2006 allow the council to seek and secure developer contributions towards meeting the costs of the railway line and associated development for a period not extending beyond 30 years, even after its opening for public use. Accordingly, I do not agree that the proposed plan should be modified as sought by the representation.

43. Neither do I consider Table 8.18 to be ambiguous in respect of transport contributions to Borders Rail. The table indicates that the contributions secured will assist in meeting the costs of providing the railway line and associated development, in this instance, stations and car parks at Gorebridge and Redheugh.

44. Finally, the requirement for the masterplan to consider the provision of allotments / community growing grounds as part of the wider development of site h50 is identified in tables 8.16 and 8.18 and requires no further clarification.

BONNYRIGG

Additional housing land

45. A representation suggests that additional land should be allocated for housing to the south of Bonnyrigg and that its development could generate developer contributions to support a new school upon part of it and, in so doing, lessen the burden on existing schools. This matter is dealt with in Issue 32 (A7/A68/Borders rail Strategic development Area – Bonnyrigg) at paragraph 17.

Water environment and flood risk

46. The Scottish Environment Protection Agency identifies a number of proposed development opportunity sites which, it argues, the proposed plan should state require the preparation of a flood risk assessment. It adds that where a flood risk assessment is required it should take into account surface water flooding and more broadly the impacts of development on the wider water environment. In response, the council states that it has identified allocated sites where there is a need for flood risk assessments to be undertaken. Furthermore, paragraph 5.1.27 of the proposed plan indicates that on receipt of advice the council may also require flood risk assessments to be undertaken on sites in other locations.

47. There is no disagreement between the council and the Scottish Environmental Protection Agency that flood risk assessments will be required in respect of the development of sites Hs0 (Cauldcoats), Hs1 (Newton Farm), Hs7 (Redheugh West –

Phase 2), Hs10 (Dalhousie Mains, Bonnyrigg), Hs12 (Hopefield Farm 2, Bonnyrigg), Hs16 (Seafield Road, Bilston), Ec2 (Salter's Park Extension, Dalkeith), Bt1 (Easter Bush North), Bt2 (Easter Bush South) and AHs1 (Rosslynlee, by Rosewell). Reference to this requirement can be found in each of the relevant settlement statements and table commentaries.

48. With regard to those sites where the proposed plan does not indicate that a flood risk assessment will be required, namely sites: Hs3 (Larkfield South West, Eskbank), Hs19 (Roslin Expansion), Hs20 (Auchendinny), Bt3 (Technopole North West), AHs3 (Belwood Crescent, Penicuik), AHs4 (Pomathorn Mill, Penicuik) and AHs5 (Wellington School, by Howgate), the council argues that the provisions of proposed policies ENV 9 (flooding) and ENV 10 (water environment), supplementary guidance on 'Flooding and the Water Environment', and its commitment to prepare planning briefs and masterplans would provide an adequate framework within which to secure and enhance the water environment. My conclusions with regard to each are set out in turn below.

Hs3 Larkfield South West

49. I deal with the potential for flooding at site Hs3 in Issue 31 (A7/A68/Borders Rail corridor strategic development area – other settlements) where I conclude that the site should remain in the proposed plan without modification. At paragraph 13 of issue 31 I note that while the Scottish Environment Protection Agency, at the time of lodging its representation to the proposed plan, did not object to the principle of residential development on the site it did recommend that a flood risk assessment be undertaken as part of the preparation of a planning application promoting its development. Since then, planning permission in principle has been granted for the residential development of the site (Scottish Government Planning and Environmental Appeals Division reference PPA-290-2030). In his decision notice, at paragraph 27, the reporter notes that the Scottish Environment Protection Agency raised no objections to the proposed development of the site on flood risk grounds. On this basis, I am satisfied that the matter of flood risk has been adequately addressed and that the commentary of Table 8.6 (Dalkeith/Eskbank housing allocations) with regard to this matter should not be modified.

Hs19 Roslin Expansion

50. I deal with the potential for flooding at site Hs19 briefly in Issue 30 (A701 Strategic Development Area – Roslin). At paragraph 22 of Issue 30 I note that the council's revised environmental report assesses the site to be acceptable in terms of flood risk. I also comment that concerns regarding flood risk and surface-water run-off could be further addressed through the assessment of planning applications. Furthermore, I am satisfied that the provisions of modified policy ENV 9 (flooding) allow the council to require a flood risk assessment to be undertaken in relation to the proposed development of a site should this be prove to be necessary. Accordingly, I conclude that table 8.33 (Roslin housing allocations) should not be modified in response to this representation.

Hs20 Auchendinny

51. I deal with the potential for flooding at site Hs20 briefly in Issue 28 (A701 corridor strategic development area – Bilston, Loanhead and Auchendinny etc). The representation of the Scottish Environmental Protection Agency on this matter indicates that a small watercourse runs along the western boundary of the site and at the south eastern corner a small watercourse enters a culvert which is likely to be culverted beneath the site. At

paragraph 62 of Issue 28, I note that to address concerns of flooding as a consequence of surface-water run-off, the council and the Scottish Environmental Protection Agency indicate that it will be necessary for prospective developers of the site to prepare a flood risk assessment. This requirement, however, is not reflected in the commentary of Table 8.37 (Penicuik/Auchendinny housing allocations). I conclude that in respect of proposed site Hs20 the commentary of Table 8.37 should be modified to indicate that a flood risk assessment will be required.

Bt3 Technopole North West

52. The representation on behalf of the Scottish Environmental Protection Agency highlights that fact that there is no mention of the need for a flood risk assessment to be undertaken in respect of proposed biotechnology site Bt3, which it considers to be at risk of surface-water flooding. I note that commentary of Table 8.30 (Bilston Biotechnology etc. allocations) with regards to proposal sites Bt1 (Easter Bush North) and Bt2 (Easter Bush South) includes the requirement for a flood risk assessment to be undertaken, as does that with regards to committed sites b6, b7, b8 and b9, also located within The Bush Bioscience Cluster. Given that the majority of the land allocated for biotechnology and other knowledge based industries within the cluster is subject to this requirement, and that a risk of surface-water flooding has been highlighted, it would seem appropriate to indicate that this will also be a requirement in respect of the development of site Bt3. I therefore conclude that Table 8.30 should be modified to reflect this requirement.

Additional housing development opportunities AHs3, AHs4 and AHs5

53. The Scottish Environmental Protection Agency representation indicates that at each of the three additional housing development opportunity sites there is a risk of flooding and that their future development should be informed by flood risk assessments. The response details the watercourses and their locations. I note that with regard to sites AHs3 and AHs4 the revised environmental report records in part the concerns of the Scottish Environmental Protection Agency. Despite the provisions of modified policy ENV 9 (flooding) I consider that it would be prudent to highlight the need for flood risk assessments to be undertaken. I conclude that Table 8.38 Penicuik/Auchendinny Additional Housing Development Opportunities should be modified to reflect this requirement.

Additional water environment recommendations

54. The Scottish Environmental Protection Agency representation also includes recommendations for consideration in respect of sites Hs1, Hs3, Hs14, AHs2 and AHs3 as they come forward for development. I consider that, in this instance, the provisions of the proposed plan, supplementary guidance, and consultation arrangements with statutory consultees during the preparation and assessment of planning applications will be sufficient to address the matters raised in the representation. Modifications to the proposed plan with respect to this matter will therefore not be necessary.

Co-location

55. The Scottish Environmental Protection Agency representation also includes recommendations for consideration with regard to sites that are co-located with current or formerly regulated sites, namely sites Hs7, Hs11, Hs18, Hs19, Ec1, Ec3 and AHs5. I note that the representation simply advises that as sites are brought forward for development

consideration is given to their current or past uses and the impact they could have on their future development. Again, I consider that the provisions of the proposed plan, in particular proposed policy ENV 16 (vacant, derelict and contaminated land) will be sufficient to address the matters raised in the representation. Modifications to the proposed plan with respect to this matter will therefore not be necessary.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Amending the beginning of the third sentence of paragraph 8.2.60 on page 120 by replacing the words "As part of this development" with "Adjoining this site,"
2. Amending Table 8.19: Rosewell Committed Development, site reference h69 on page 122 to read "Conversion of A-listed Whitehill House"
3. Amending Table 8.22: Rosewell Implementation Requirements on page 124 under 'Other Requirements' and 'Relevant Site' by adding reference to 'Community facilities' and 'ALL', respectively
4. Amending Table 8.37: Penicuik/Auchendinny Housing Allocations (proposed site Hs20, Auchendinny) on page 148 by adding the sentence "A flood risk assessment will be required." at the end of the commentary.
5. Amending Table 8.30: Bilston Biotechnology/Knowledge-based Industries/Research Allocations (proposed site Bt3, Technopole North West) on page 137 by adding the sentence "A flood risk assessment will be required." at the end of the commentary.
6. Amending Table 8.38: Penicuik/Auchendinny Additional Housing Development Opportunities (proposed site AHs3, Belwood Crescent, Penicuik) on page 149 by adding the sentence "A flood risk assessment will be required." at the end of the commentary.
7. Amending Table 8.38: Penicuik/Auchendinny Additional Housing Development Opportunities (proposed site AHs4, Pomathorn Mill, by Penicuik) on page 149 by adding the sentence "A flood risk assessment will be required." at the end of the commentary.
8. Amending Table 8.38: Penicuik/Auchendinny Additional Housing Development Opportunities (proposed site AHs5, Wellington School, by Howgate) on page 149 by adding the sentence "A flood risk assessment will be required." at the end of the commentary.

Issue 27	South East Edinburgh (Danderhall & Shawfair)	
Development plan reference:	Section 2 - The Strategy for Sustainable Growth and Section 8 – Settlement Statements.	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>907759 PP72 Buccleuch Property Group 757873 PP137 Omnivale Ltd 780480 PP185 Scottish Water 909814 PP216 CALA Management Ltd 966540 PP296 Paladin Ventures Ltd 908990 PP384 Scottish Government 909875 PP447 Robin Mason 770110 PP499 A Nicholas Cowan 909875 PP553 Robin Mason 908035 PP595 Wellington Farm Ltd 754728 PP907 Historic Scotland 778977 PP942 Mary Fawdry 778977 PP945 Mary Fawdry 826479 PP1032 Edinburgh and Lothian Green Network 780183 PP1531 Shawfair LLP 754735 PP2883 Scottish Natural Heritage 754735 PP2884 Scottish Natural Heritage 780480 PP2904 Scottish Water</p>		
Provision of the development plan to which the issue relates:	Section 2.3: Requirement for New Development; STRAT3 Strategic Housing Land Allocations; Section 8.1 South East Edinburgh (Shawfair) Strategic Development	
Planning authority's summary of the representation(s):		
<p><u>Sheriffhall Mains</u></p> <p>Considers that land at Sheriffhall Mains should be allocated for residential use, as part of the South East Edinburgh Development Area. Refers to Council's assessment of site for LDP MIR for employment use: considers that some of these findings also support use of site for residential use, viz. good accessibility, minimal impact upon biodiversity and landscape (albeit mitigation measure will be required for landscape), good energy efficiency and avoidance of peatland. While in the greenbelt, the site is brownfield land. Considers that development of the farm steading, yard and surrounding paddocks would provide housing land within a well contained, brownfield site, in accordance with the Scottish Planning Policy. This would contribute towards the housing land supply requirement and it is submitted that this land is preferable to the release of further greenfield sites within the South East Edinburgh SDA. (PP72 Buccleuch Property Group)</p> <p><u>North Danderhall (h44)</u></p> <p>Requests adjustment to south-eastern end of allocated site h44 to facilitate its development. Refers to client's ownership of the allocated land to the north-west. Provides</p>		

indicative plan for development of land, stating that vehicle access could be taken across northern end of Edmonstone Terrace with foot/cycle links to area designated for community facilities in the proposals map. Refers to proximity to schools and other facilities. States that site is a good one for residential development, with facilities nearby. States that allocation of land would enable earlier delivery of approximately 12-14 units on part of the committed development allocation, and further development of committed site h44 could take place by an extension of the access road serving the Omnivale site. Considers that extension would enable a foot/cycle link to be created towards Edmonstone Road. States that boundary would form logical boundary to define settlement and would not materially harm provision of leisure/community area on land to east of h44. (PP137 Omnivale Ltd)

Newton Farm (Hs1)

Welcomes allocation of site Hs1, but considers that site could take more units than indicated in MLDP. Lists merits of sites and considers that it is effective and can be delivered in the short term. Refers to detail design process which finds site has capacity of 617 homes (c. 480 in MLDP), with land for primary school, distributor road, park and ride, allotments/ open space, with structural landscaping and appropriate consideration of the relationship with Newton House designed landscape. Considers that this larger development will lead to more efficient use of the single stream capacity of the new primary school. A completion schedule (based on planning application being lodged in July 2015) is provided. Wishes reference to Phase 1 and 2 being subject of masterplan and developer contributions agreement amended so that it is clear that a joint Phase 1 and 2 developer contribution is not sought as it will not be possible to seek contributions from an unallocated site (Phase 2). Implementation, general matters: considers that clarification is required on circumstances where developer contributions are sought. Seeks preparation of draft Developer Contributions SG, so that it may be considered alongside the LDP. Wishes references to public art contributions changed from 1% of capital cost to ideally 1% of net building costs, with account taken of cost of developing sites. Concerns expressed at policy NRG3 - seeks deletion. Considers approach too narrow, beyond role of LDP, and unclear in terms of whether it relates to betterment over 2007 or 2015 regulations. Implementation, site specific matters: agreeable to transfer of land for A68 Park and Ride to the delivering agency but wishes clarification in LDP that need does not arise from Hs1, and so this development should be responsible for funding. Considers that development will have mitigating impact on Sheriffhall junction, and any contribution should be proportionate and reflect this. Does not support Borders Rail reference without more detail and recommends that this is provided in draft SG for comment. Wishes reference to Hs1 contributing to wider Shawfair infrastructure requirements in respect of community/leisure/recreation facilities and infrastructure clarified or (unless it directly relates to Hs1 allocation/ or not already to be funded by Shawfair allocation) deleted - considers that there is no reason for new allocations to bear costs of facilities whose need is already agreed in relation to Shawfair. Does not support sport/recreation/community facilities reference without more detail and recommends that this is provided in draft SG for comment. Objects to reference in plan and Action Programme to district heating/CHP; considers that market not regulated and supplies cannot be guaranteed, that system is not viable for density of development proposed at Hs1, and that imposing a single supplier on Hs1 is anti-competitive and impinges on consumer choice. Considers that plan does not allocate the land necessary to access the distributor road. (PP216 CALA Management Ltd)

States that the access strategy has not been agreed with Transport Scotland. Considers that insufficient justification for link road between the A68/A720 and B66415/Old Craighall Road has been made (in terms of SPP paragraph 278). (PP384 Scottish Government)

Supports allocation of Hs1, but suggests that consideration is given to bringing forward phase 2, so that it is capable (at least in part - 220 units) of being developed prior to 2024. Considers that this would help maintain generous supply, as well as allow the development to be planned in the manner most likely to ensure effectiveness and best use of the infrastructure. States that this would allow the masterplanning exercise to be carried out in a free flowing manner, avoiding artificial constraints. Considers this approach better from an Environmental Assessment aspect, as well as allowing proper consideration of landscape, transport and allocation of land for allotments. Considers that allocation of both phases will allow developer contributions to be shared in a realistic way across the whole site. States that Wellington are prepared to make site available on phase 2 land for a two stream primary school - considers that placing the school on phase 2 site is likely to ensure impacts upon Newton Farm (including designed landscape and proximity of listed buildings) can be taken into account in the masterplanning process. If suggested approach raises concerns, these could be addressed by phasing conditions which would allow for assessment of contributions prior to 2024. Wishes to ensure that phase 2 is facilitated by ensuring that road/footpath links and services from phase 1 are taken right up to the boundary with phase. This requirement would be supported by appropriate conditions or planning agreements. (PP595 Wellington Farm Ltd)

Considers that allocation of site Hs1 does not accord with policy STRAT2 and B, will lead to loss of prime agricultural land which is also valuable open space, and will lead to joining Midlothian with Musselburgh, especially when considered alongside the latter's expansion. (PP447 Robin Mason)

Considers that Appendix 2 of the Environmental Report finds that development of site Hs1 is unacceptable in terms of a number of negative attributes (viz. loss of prime agricultural, greenfield and greenbelt land, landscape/cultural heritage impact, and accessibility). Concern at loss of prime agricultural land and implications for food supply, and loss of potential for locking up greenhouse gases. Considers that unacceptable coalescence will result from development at Hs1, together with the committed Shawfair site and development on the East Lothian Council side of boundary at sites PREF-M1-3 behind and around Old Craighall and Monkton House. (PP553 Robin Mason)

Objects to site Hs1, Newton Farm. Considers that site is unsuitable for housing due to former mining operations and associated stability/drainage matters. Refers to two mineshafts in vicinity of Newton House, 19th century mining at Wellington Farm, and 20th century extraction from Woolmet and Monktonhall leading to subsidence in locality, with flooding at Newton House, and on B6415 between Wellington Farm and Newton Farm Cottages. Considers that site is unsuitable for development as it will lead to loss of Class 1 prime agricultural land. States benefits to nation of using this land instead for horticultural purposes, and believes it is wasteful and short sighted to lose one of Scotland's few areas of class 1 agricultural land. (PP499 A Nicholas Cowan)

Objects to site Hs1. Considers that it will lead to coalescence between Shawfair and Old Craighall/ Musselburgh. Resulting suburban sprawl is contrary to Green Belt objectives. Considers it is short-sighted to lose prime agricultural land, when there are plentiful brownfield sites as yet undeveloped - productive Green Belt should not be used when there is anywhere else to build. Expresses concern that this is driven by needs of developers and their demands for cheap to develop sites.

Objection primarily directed towards site Hs1, but more generally considers that approach of building on prime agricultural land and Green Belt is not justified when there are plentiful

but unused brownfield opportunities available in the area. (PP942, PP945 Mary Fawdry)

Wishes additional text added in respect of Hs1 Newton Farm, for example “There is a large sewer mains transecting the site from East to West. Where there is Scottish Water infrastructure within the vicinity of the proposed sites, the developer should contact Scottish Water at the earliest opportunity to discuss what protective measures or possible re-routing of any infrastructure needs to take place”. (PP185, PP2904 Scottish Water)

Notes that Hs1 is located within the boundary of an Inventory Garden and Designed Landscape. Wishes LDP to make reference to the potential for direct impacts on this designation. (PP907 Historic Scotland Heritage Management Directorate)

Cauldcoats (Hs0)

Supports allocation of site at Cauldcoats Farm. Adduces the benefits of site and refers to the planning application for 650 units. States that master plan has been submitted to meet the requirements of Scottish Planning Policy, Designing Places and PAN83. Considers that allocation is compliant with SDP spatial strategy and its 2014 Supplementary Planning Guidance on Housing Land. Considers that allocation will be integrated into Shawfair and will assist in providing essential infrastructure, green network proposals and defining a clearer Green Belt boundary. Considers that allocation will assist Midlothian Council to meet its objectives whilst maintaining heritage of the area. States that site is well placed with respect to Millerhill and to contribute to renewable energy/waste management objectives. States that site is unconstrained and meets Circular 2/2010 effectiveness criteria. Refers to RFA representation on the Local Development Plan Proposed Action Programme [not part of this representation] and states that Paladin Ventures has offered obligations in respect of The Wisp, rehabilitation of Niddrie Bing, educational and affordable housing contributions. (PP296 Paladin Ventures Ltd)

Notes change in status at Hs0 from Reasonable Alternative in MIR to allocated site in Proposed Plan. States that Development Considerations for this site should be modified to require further structural landscaping at Niddrie Bing, to accommodate site in landscape; and to set requirements for design and connections between Hs0 and the South East Wedge Park and to proposals included in Edinburgh's 2nd Proposed Plan. Also wishes reference to provision of cycle/footpaths to be strengthened, to accord better with IMP1 (Parts G/H) and SPP paragraph 275. Refers to further guidance in SNH response to plan app reference 14/00910/PPP. (PP2883 Scottish Natural Heritage)

Multiple Sites

Provides extract from Edinburgh Green Belt Review 2008 Stage 2 Landscape Character Area 46 description and states that in relation to sites Hs0, Hs1 and Ec1, the LCA recommended that these areas remain in the Green Belt with no landscape capacity for development. Considers that this conclusion applies to all the sites proposed for development in this area (Hs0, Hs2, Ec1, e26). Considers that retention of rural setting and foreground views of city is particularly important given other urbanizing features and proposed works in area. Notes that these sites are in green belt and asks if policy ENV1 will be ignored. Notes that these sites are in prime agricultural land and asks if policy ENV4 will be ignored. Considers that parts of Hs1 phase 2 will be at EMR risk from power lines. Notes that Newton House and its curtilage walls are B listed and asks if ENV22 will be ignored. Notes that parts of Hs1 and Ec1 are close to busy roads with excessive pollution and traffic noise, asks how ENV17 will be addressed. Notes possibility of

allocations in adjoining ELC territory, and CEC proposals for development to north - considers cumulative impacts will destroy green belt and prime agricultural land in area and vitiate prospects of effective strategic green network in area. (PP1032 Edinburgh and Lothian Green Network)

Considers that Council should ensure that development principles of allocations Hs0/Hs1 are closely linked and integrated, where appropriate with those set out in Shawfair masterplan and associated documents, so that better outcomes are achieved. Seeks changes in the supporting text of the settlement statement to record that the S75 for Shawfair now signed. (PP1531 Shawfair LLP)

SNH considers that an area development framework should be set out as a requirement for Hs1, Hs0, and Ec1. Considers that Proposed Plan is unclear on relationship between City of Edinburgh and Midlothian allocations and respective contributions. Believes that this approach is supported by emerging 2nd SDP MIR. (PP2884 Scottish Natural Heritage)

Modifications sought by those submitting representations:

Sherrifhall Mains

Seeks allocation of land at Sheriffhall Mains for residential use. (PP72 Buccleuch Property Group)

North Danderhall (h44)

Seeks adjustment of settlement boundary at site h44 in locality of Edmonstone Terrace. (PP137 Omnivale Ltd)

Newton Farm (Hs1)

Seeks revision of capacity to 617 homes, with land for primary school, distributor road, park and ride, allotments/open space, structural landscaping and space around Newton House designed landscape.

Seeks amendment of reference to Phase 1 and 2 being subject of masterplan and developer contributions agreement.

Seeks clarification on circumstances where developer contributions are sought.

Seeks preparation of draft Developer Contributions SG, so that it may be considered alongside the LDP.

Wishes references to public art contributions changed from 1% of capital cost to ideally 1% of net building costs, with account taken of cost of developing sites.

Seeks deletion of policy NRG3.

Seeks clarification in LDP that A68 Park and Ride need does not arise from Hs1, and so Hs1 development should not be responsible for funding, and that any contribution to Sheriffhall junction will be proportionate.

Does not support Borders Rail or sport/recreation/community facilities references without more detail. Wishes reference to Hs1 contributing to wider Shawfair infrastructure

requirements to be clarified/deleted.

Seeks removal of reference in plan and Action Programme to district heating/CHP.

Seeks allocation of additional land in locality to access the distributor road. (PP216 CALA Management Ltd)

Seeks removal of references to Newton Farm site requiring a new connection between A68/A720 and B66415/Old Craighall Road, including from Action Programme. (PP384 Scottish Government)

Seeks amendment so that capacity of 700 units at Hs1 is identified for development prior to 2024, with consequent changes to text and appendices. Seeks text to facilitate links between phases 1 and 2, by requiring these to be brought up to the boundaries, to be regulated by use of conditions/planning agreements. (PP595 Wellington Farm Ltd)

No changes to the proposed plan suggested. (PP447, PP553 Robin Mason)

Seeks deletion of site Hs.1 (PP499 A Nicholas Cowan; PP942, PP945 Mary Fawdry)

Wishes additional text added to draw attention to large mains sewer transecting site from east to west. (PP185, PP2904 Scottish Water)

Seeks reference to the potential for direct impacts on Inventory Garden and Designed Landscape designation, in connection with site Hs1. (PP907 Historic Scotland Heritage Management Directorate)

Cauldcoats (Hs0)

No changes to the proposed plan suggested. (PP296 Paladin Ventures Ltd)

Hs0, wishes additional references to require further structural landscaping at Niddrie Bing, to accommodate site in landscape; to set requirements for design and connections between Hs0 and the South East Wedge Park and to proposals included in Edinburgh's 2nd Proposed Plan; and to strengthen the references to provision of cycle/footpaths. (PP2883 Scottish Natural Heritage)

Multiple Sites

Seeks deletion of Hs1 and Ec1 and a masterplan for Hs0 to ensure high quality of landscape design to maintain a rural impression through substantial areas of greenspace/ woodland, including connections with existing permanent green spaces. (PP1032 Edinburgh and Lothian Green Network)

Seeks inclusion of supporting text for allocations at Hs0 and Hs1 to ensure an integrated approach to the development of these sites with the existing Shawfair allocations (h43). Seeks changes in text to record that the S75 for Shawfair now signed. (PP1531 Shawfair LLP)

A requirement for an area development framework should be set out for Hs1, Hs0, and Ec1, also looking at cross-boundary relationships. (PP2884 Scottish Natural Heritage)

Summary of responses (including reasons) by planning authority:Context

Danderhall and the proposed new settlement of Shawfair form the Midlothian part of the South East Edinburgh strategic development area identified in SESplan SDP1 (CD111). The plan identifies two committed sites in Danderhall (h44 and h45) and the new settlement of Shawfair (h43) and two proposed housing sites Hs0 and Hs1. In total the committed and proposed sites represent a total of 4,820 houses. If sites Hs 0 and Hs1 are approved they have the potential to expand and provide additional housing land beyond 2024 by means of the safeguarded sites identified adjacent to them. This would increase the overall housing land supply by another 420 houses or thereby to 5,240.

A start on the planned new settlement at Shawfair was delayed by the global financial crisis but is now underway with the first new houses being built at Millerhill (Mctaggart & Mickel), the site at Danderhall h45 has planning consent and Borders Rail is operational. Along with the station and car park a significant number of connecting roads have been built as part of the Borders Rail project which is a real boost to the early release of programmed phases of the new town.

Along with Shawfair LLP the Council is actively pursuing the development of a district heating system and seeking to identify the final site for a dedicated high school for Shawfair and Danderhall area. The [web site](#) set up to market Shawfair can certainly claim that the new settlement will be a genuine sustainable location and “lifestyle choice” of place to live.

Sheriffhall Mains

The proposed sites at Newton Farm (Hs1) and Cauldcoats (Hs0) together meet the SESplan housing requirement for the South East Edinburgh Strategic Development Area. In addition each site has the potential to be extended (to provide an extra 420 houses) and as such are identified as safeguarded sites to maintain the housing land supply beyond the plan period of 2024. The site (45.6 Ha) was initially assessed as a potential economic site because of its relationship to Shawfair Business park and proximity to the bypass, however, the Council opted to allocate a smaller economic site (Ec1) which it felt consolidated the economic potential at Shawfair Business Park. It is not clear what size of site is being promoted and therefore what output it may contribute to the overall land requirement in this strategic development area. Equally, without a site boundary it is difficult to assess whether it would compare favourably with Hs1 as an appropriate extension to Shawfair. In any case the proposed allocations comfortably meet the SESplan housing land requirements for the plan period and beyond.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP72 Buccleuch Property Group)

North Danderhall (h44)

Access issues in respect of this site will be considered at the planning application stage and in line with Shawfair masterplan and design guide principles. The Council is not aware of any particular access difficulties with this site and does not consider the need for additional land and would be keen to keep a buffer between the housing site and the proposed economic development site. In light of road safety and traffic flow concerns, this

allocation has been drafted so as to presume against development with the access proposed. There is nothing in the representation that justifies departing from this position.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP137 Omnivale Ltd)

Newton Farm (Hs1)

The Council considers the capacity referred to in the Proposed Plan is appropriate given the extent and nature of heritage interests on and in proximity to the site, the land take likely to be required for the distributor road, and the extent of landscaping likely to be required. The Council considers that the capacities identified in the Proposed Proposed Plan for phases 1 and 2 of Hs1 (480 and 220 respectively) will make most efficient use of the site and be adequate to support the requirement for a single stream primary school only. The plan makes it clear that the development of phase 1 and 2 will be subject of a masterplan which will determine the final layout, design and density of the site.

The Council considers that the Implementation policies of the Proposed Plan (p.76-79), associated settlement statement (Tables 8.2 and 8.4, p.84-87) and forthcoming supplementary guidance on developer contributions will collectively provide sufficient clarity and control in relation to the expected contributions from phase 1 and phase 2. The Council considers that the plan provides sufficient guidance to developers as to the nature of infrastructure and facility requirements and are mindful that the section 75 legal agreement setting out the requirements for Shawfair has been concluded. This will provide additional guidance for developers through negotiation with the Council. The Council intends to begin the revision of supplementary planning guidance on developer contributions after the submission of the proposed plan to Scottish Ministers and hope to publish new Supplementary Guidance following the outcome of the Examination and once the plan has been adopted in line with circular 6/2013.

Cala Management's detailed representations in relation to Policy NRG3 and NRG4 are dealt with in the relevant Schedule 4.

Density notwithstanding, the Council considers that the proximity of Hs1 to waste heat generating uses at Millerhill should render community heating viable, and that such a requirement is consistent with advice in [the Scottish Planning Policy](#).

The Council considers that any argument that the distributor road must fall outwith the allocation can be dealt with as a potential departure from the development plan.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP216 CALA Management Ltd)

The Council considers that the access proposals for site Hs1 are consistent with the Strategic Development Plan (SDP) for South East Scotland and paragraph 278 of Scottish Planning Policy.

The principle of a road link from the A68/A720 City bypass was first identified in and supported through the Shawfair Local Plan in 2003 and subsequently carried forward as a safeguarded commitment in the Midlothian Local Plan in 2008 (CD054, paragraph 3.4.17, policy TRAN4). The link was 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.

Paragraph 120 of the SDP states that “*LDPs should make provision for the priority strategic interventions detailed in figure 2 (strategic infrastructure) and the accompanying Action Programme*”. Policy 9-Infrastructure reinforces this statement. The road link is identified as a specific intervention in the SDP Action Programme (CD140, action 41, page 13). The link is also related to other strategic transport interventions including the potential of a new park and ride site north of A68/A720 junction in Midlothian (action 38) and the delivery of the Orbital Bus Route (action 33). These two interventions are also listed in figure 2 of the SDP in support of policy 9. Given the status of the link in the current development plan the Council was satisfied that the principle had been established and that the focus of negotiations with Transport Scotland would be on delivery. The Action programme lists the developer and Transport Scotland as lead partners therefore the onus in the first instance is on these parties to discuss and agree the details of how this link will be provided.

The Council acknowledges that the proposed plan does not provide such context for the proposed intervention but it has been considered in the past and remains part of the approved development plan requirements for this area and is consistent with the SDP. The transport appraisal of the proposed plan (CD121) identified the link as a potential solution and assessed it against the Council’s transport and planning objectives. It was included in the final report as one of a number of appropriate transport interventions to be taken forward as part of the development strategy of the proposed plan. Its delivery will support and assist the implementation Shawfair which represents major housing land release in the South East of Edinburgh and will promote accelerated economic growth. In this respect the Council considers that it is consistent with paragraph 278 of SPP.

The ongoing cross boundary transport study is due to report shortly. It will identify key transport hot spots along the City bypass and potential solutions. In tandem a SESplan cross boundary working group is considering guidance on, and an appropriate mechanism to identify and collect developer contributions towards implementing these solutions. The Council is also aware of the proposed City Deal for Edinburgh and South East Scotland and its progress to a negotiation stage. Amongst other things the proposal will include a series of infrastructure projects aimed at removing constraints to development and accelerating economic growth. Transport Scotland are party to that bid and the City bypass and its junctions are being actively considered in this context.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP384 – Scottish Government)

The Council does not consider Phase 2 of Hs1 is necessary to meet housing land requirements. Paragraph 2.3.9 of the Proposed Plan explains that the Action Programme will provide the opportunity to reassess the adequacy of the effective housing land requirement, and might support the early development of land identified for longer term growth.

The Council considers that the Implementation policies of the Proposed Plan (p.76-79), associated settlement statement (Tables 8.2 and 8.4, p.84-87) and forthcoming supplementary guidance on developer contributions can ensure the comprehensive planning of the area; and an efficient, effective and economic use of resources.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation (PP595 Wellington Farm Ltd)

Hs1 does not conflict with Policy STRAT 2 as the latter relates to windfall housing sites and not strategic housing land allocations (Policy STRAT 3).

The Council's approach to identifying sites is in line with paragraph 40 of the [Scottish Planning Policy](#), which states '*considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.*' It is also consistent with the Green Belt aims expressed in paragraphs 49-50 of the Scottish Planning Policy, including: '*directing development to the most appropriate locations ...*' and '*In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.*' Given the scale of development required to be accommodated, it is considered that allocating Green Belt prime agricultural land for new development, such as is the case with Hs1, is unavoidable if other factors such as accessibility are to be taken into account and the most sustainable pattern of development achieved.

Any suggestion that land designated as Green Belt should never be developed would be a mischaracterisation of its purpose, it being a well established principle that the Green Belt is there to inform the long term settlement strategy. The rationale for each proposed Green Belt release is set out the Green Belt Technical Note (CD030).

The Assessment of Development Sites in the Revised Environmental Report (CD 020) acknowledges that there is peatland on site Hs1. Given the scale of development required to be accommodated, it is considered that allocating peatland for new development, such as is the case with Hs1, is sometimes unavoidable if other factors such as accessibility are to be taken into account and the most sustainable pattern of development achieved.

Food supply is addressed in relation to representations in issue 14 - Prime Agricultural Land & Peat and Carbon Rich Soils.

It is envisaged that Hs1 would develop, read and function in conjunction with the development sites mentioned, as a single community, and therefore not raise any significant coalescence concerns.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP447, PP553 Robin Mason)

The Council considers ground stability is a due diligence matter for the developer. Hs1 has been subject to Strategic Flood Risk Assessment (CD102).

In relation to flooding, comments have been received from the Scottish Environment Protection Agency in relation to the Proposed Plan, and more particularly the proposed sites (PP1459). While the Council does not support all of the modifications sought, Policy ENV 9 and Settlement Statement requirements in para. 8.1.9/p.85 require flood risk and drainage impact assessments in respect of Hs1. SEPA's advice was also sought during the site assessment process (CD020, page 7), to ensure that sites at an unacceptable risk of flooding were not allocated. Consequently, it is considered that flooding in respect of Hs1 has been addressed appropriately.

Food supply and the loss of prime agricultural land are addressed above and in relation to representations in issue 14 - Prime Agricultural Land & Peat and Carbon Rich Soils.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP499 A Nicholas Cowan)

Matters raised are addressed above and in relation to representations in issue 14 -Prime Agricultural Land & Peat and Carbon Rich Soils. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representation.s (PP942,PP945 Mary Fawdry)

The additional text requested is considered unnecessary, the matters raised being part of the developer's due diligence. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations (PP185, PP2904 Scottish Water).

The Council considers that the modification sought has merit and therefore requests that the Reporter(s) make a judgement as to whether to make changes to the Midlothian Local Development Plan as a consequence of this representation. (PP907 Historic Scotland Heritage Management Directorate)

Cauldcoats (Hs0)

Noted. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP296 Paladin Ventures Ltd)

The Council considers that the Implementation policies of the Proposed Plan (p.76-79), associated settlement statement (Table 8.2, p.84) addresses Scottish Natural Heritage's concerns sufficiently. The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP2883 Scottish Natural Heritage)

Multiple Sites

The Green Belt Technical Note (CD030) sets out the justifications for release of Green Belt land for development. Policies ENV1 and ENV4 do not relate to the development provided for by these allocations.

Any potential effects on the psychological well-being of occupiers from perceived EMR risks are expected to be avoided through the masterplanning process.

Policy ENV 22 will be relevant to consideration of impacts on Newton House in so far as it does not prejudice delivery of Hs1. Policy ENV 17 provides for any mitigation required in light of air quality concerns.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of this representation. (PP1032 Edinburgh and Lothian Green Network)

The Council considers that the Implementation policies of the Proposed Plan (p.76-79), associated settlement statement (Tables 8.2 and 8.4, p.84-87) and forthcoming supplementary guidance on developer contributions address the concerns raised. The

Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP1531 Shawfair LLP; PP2884 Scottish Natural Heritage)

Reporter's conclusions:

North Danderhall (h44)

1. Omnivale Ltd request an extension to the south-east boundary of site h44 to facilitate the development of the site. It is suggested that the amendment would: increase the number of houses that could be delivered on the site by 12 to 14 units; improve pedestrian, cycle and vehicular access by using Edmonston Terrace in addition to the proposed site access; and create a stronger boundary to the urban edge.
2. The conclusion of Issue 3 (requirement for new development – housing strategy) is that the housing land supply is sufficient to meet and exceed the housing land requirement, without the need to find additional housing land at this time. In any case, I note that the Shawfair Masterplan (as indicated at paragraph 8.1.7 of the proposed local development plan) includes a central 'green' corridor on which the proposed extension of site h44 would encroach.
3. At my site inspection I noted that the south-east boundary to site h44 cuts across an open field, and does not follow any notable features, resulting in a weak urban boundary at present. However, this boundary would likely be strengthened through the provisions of the Shawfair Masterplan and those of the proposed local development plan including policy DEV 7 (landscaping in new development) which requires trees belts along countryside edges. Therefore, I do not find that extending the boundary of the site would necessarily create a stronger urban edge.
4. With regard to access, the indicative layout submitted by Omnivale Ltd, shows a proposed footpath/cycleway. However, this could be created without the need to amend the site boundary. As for vehicular access, the council has advised, and I agree, that it is not necessary to access the site from Edmonstone Terrace and that access to the site should be in accordance with the Shawfair masterplan and design guide principles. I therefore find that the boundary of site h44 should remain unchanged.

Cauldcoats (Hs0)

5. Scottish Natural Heritage request that the development considerations for site Hs0 should include a requirement for further structural landscaping to accommodate the Niddrie Bing within the landscape. At my site inspection I viewed Niddrie Bing and agree with Scottish Natural Heritage that, as a result of the differences in levels across the site, it should be appropriately accommodated into the landscape as part of the development of the site. I therefore find an amendment to the proposed plan is required.
6. Scottish Natural Heritage identify the importance of the relationship of the site with the South-East Wedge Park and to other proposals within the City of Edinburgh. Scottish Natural Heritage request that this close relationship should be more fully reflected within the development considerations for site Hs0. Midlothian and Lothian Green Network also express concern regarding the landscape impact of the site.
7. The development considerations for site Hs0, and table 8.4 Danderhall/ Shawfair

implementation requirements, clearly identify that development of the site will need to take account of its location adjacent to the boundary of the City of Edinburgh. The proposed plan identifies the need for cross-boundary strategic transport, landscaping, and inclusion of suitable footpath and cycle links between facilities. In addition, it clearly identifies the requirement for a masterplan to be prepared for the site. I find that the proposed plan includes an appropriate level of guidance to inform this master-planning exercise in response to the concerns raised. Therefore, no modifications are required in response to these representations.

Newton Farm (Hs1)

8. Based on a detailed design process CALA Management Ltd request that the site capacity of site Hs1 should be increased from 480 houses to 617 homes. It is suggested that the lower capacity, as defined within the proposed plan, would not sustain the proposed primary school. The council has confirmed that the development of the site would be subject of a masterplan to determine the final layout, design and density of the site. With regard to the primary school, the council as Education Authority has not indicated that there is a need for additional housing to support the primary school. Any issue with developer contributions could also be determined at the planning application stage if the level of housing could not support development of the new school. In addition, the site capacity is only indicative at this stage and could be revised at the masterplan/ application stage. Policy IMP 1 (new development), requires development briefs or masterplans to be prepared by the council, in conjunction with prospective developers for all allocated sites. I therefore find that the proposed allocation of 480 homes for site Hs1 is reasonable.

9. With regard to the phasing of the site, CALA Management Ltd request an amendment to ensure the proposed plan is clear that phase 2 relates to land to the west of Hs1, which is identified as a longer-term housing allocation and continues to form part of the green belt. CALA Management Ltd state that it is not possible for phase 1 to be the subject of any joint developer contributions agreement with phase 2. I agree, that as currently worded, there could be a suggestion that there is a requirement for a joint agreement between phase 1 and 2 which would not be possible due to the programming to deliver housing on the sites. I therefore find that an amendment to the proposed plan is required to ensure clarity.

10. CALA Management Ltd express concern that settlement statements section of the proposed plan does not reflect the Government Circular on planning obligations, which states that developer contributions can only be required where they arise from a deficit in provision caused by the proposed development. I agree with the council that policies within the proposed plan, policies IMP 1 and IMP 2 (essential infrastructure required to enable new development), address the issue of when developer contributions will be sought. I therefore find that no amendment is required in response to this matter.

11. CALA Management Ltd also request an amendment to the proposed plan to ensure clarity regarding the park and ride facility that is proposed to be located within site Hs1. Concern is expressed that the allocation, in isolation, cannot be held responsible for the delivery of a park and ride facility and that the requirement does not arise from the development. Similarly, CALA Management Ltd express concern that the contribution from the Hs1 site to the Shawfair junction upgrade will be proportionate. Whilst I note the concerns, policy TRAN 2 (transport network interventions) is clear that the proposed park and ride facility at Newton Farm and the Shawfair junction upgrade are required in

connection with the delivery of the development strategy of the proposed plan. This matter is addressed within Issue 6 (improving transport connectivity) and Issue 24 (policies – IMP 1-IMP 5). I therefore find that no amendment is required in response to these matters.

12. CALA Management Ltd state that they cannot support the reference within the development considerations section of Hs1 to contributions towards Borders Rail. Policy IMP 2 identifies Borders Rail as one of the essential infrastructure requirements to mitigate the impact of the development strategy of the proposed plan. This matter is addressed within Issue 26 (site specific delivery).

13. With regard to provision of community, leisure, recreation, sport facilities and other infrastructure, CALA Management Ltd identify that there is a need for clarity of what infrastructure is being referred to as being required in relation to site Hs1. In addition, that it is considered there is no reason why new housing allocations identified in the proposed plan should be required to bear any cost in relation to infrastructure and facilities which has already been agreed in relation to Shawfair. As explained in paragraph 8 above, policies IMP 1 and IMP 2 address the issue of when developer contributions will be sought as part of the planning application process. I therefore find that no amendment is required in response to these matters.

14. The objections raised by CALA Management Ltd in respect of:

- Level of land allocation required to accommodate access to the distributor road.
- District/ community heating are addressed within Issue 21 (building design, energy efficiency and community heating).
- Public art is addressed within Issue 24.
- Energy use is addressed within Issue 21.

15. The objections raised by the Scottish Government regarding the proposed new link road between the A68/A720 and B66415/Old Craighall Road is addressed within Issue 6. In relation to the distributor road, the proposals map illustrates the indicative line of the road. As suggested by the council, any relocation of the road outwith the site, as raised by CALA Management Ltd, could be suitably considered at planning application stage.

16. Wellington Farms Ltd request that the whole of the Hs1 site should be allocated for development as one phase for 700 houses to be delivered during the plan period to 2024. This approach would allow, amongst other things: effective master planning; land to be made available for the provision of the two-stream primary school which is needed for the development to proceed; and developer contributions. As explained in paragraph 2, the conclusion of Issue 3 is that the housing land supply is sufficient to meet and exceed the housing land requirement, without the need to find additional land at this time. In addition, the agreed 2016 housing land audit includes programmed completions for this site delivering between 45 and 60 houses per year to 2023 with 290 houses anticipated beyond 2023. Consequently, it would be unreasonable to allocate 700 houses to be built by 2024 in the proposed plan. I therefore find that no amendment is required in response to this representation.

17. A number of representations seek removal of site Hs1 from the proposed plan, for the following reasons:

- The site should remain in the green belt.
- Land stability issues as a result of historic mining activities.

- It comprises high quality agricultural land and should therefore be used for horticultural development.
- Coalescence.

18. Paragraph 50 of Scottish Planning Policy (2014) requires that, in developing a spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt. The Midlothian Local Development Plan Main Issues Report; the accompanying Development Sites Assessment Technical Note; the Revised Environmental Report; and the Green Belt Technical Note, clearly set out the importance the council has attached to safeguarding the green belt and greenfield sites and the approach to the assessment of other sites. Whilst I acknowledge the concerns expressed, I also note the requirements for substantial landscaping and green planting across the Shawfair area. I therefore agree with the findings of the council reports and consider that the function of the green belt in this location would be sustained, despite the allocation of site Hs1. The approach therefore accords with the requirements of Scottish Planning Policy. Therefore, no amendments are necessary in response to the representations.

19. With regard to land stability issues, these matters will be addressed during the assessment of any subsequent planning application. The wider issue regarding the loss of agricultural land is addressed in Issue 14 (prime agricultural farmland and peat and carbon rich soils). The matter regarding coalescence was considered in the council's Development Sites Assessment Technical Note and the Revised Environmental Report. As a result, the proposed plan identifies the need for woodland perimeter planting to mitigate coalescence. As a result of these requirements, I agree with the council that coalescence would be mitigated. I therefore find no amendments are necessary in response to these representations.

20. Scottish Water request that reference is made within the development considerations for site Hs1 that a large sewer crosses the site and that the developer should contact Scottish Water to discuss protective measures or re-routing of infrastructure needs to take place. As this matter would be addressed through the assessment of a planning application, I find that no amendments are therefore required.

21. Both Historic Environment Scotland and Scottish Natural Heritage highlight that site Hs1 is located within the boundary of an Inventory Garden and Designed Landscape and request that the proposed plan makes reference to the potential for direct impacts on this designation. Paragraph 148 of Scottish Planning Policy requires planning authorities to protect and where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes. Whilst policy ENV 20 (nationally important gardens and designed landscapes) of the proposed plan does not support development which would harm the character, appearance and/or setting of a designed landscape, I find that the reference to the designed landscape that covers part of site Hs1, to be confusing. I therefore find that an amendment is required to ensure clarity.

Additional site at Sheriffhall Mains

22. Buccleuch Property Group proposes an additional site to be allocated for residential development as part of the South-East Edinburgh Strategic Development Area. The site comprises a redundant farm steading, yard and surrounding paddocks at Sheriffhall Mains. Development of the steading would re-use brownfield land; and development could be designed to integrate with its green belt and agricultural surroundings. However, the site is

relatively isolated from other development being surrounded by farmland which itself is enclosed by the Borders Railway and the A6106 road to the west; railway sidings to the north; and the A720 by-pass to the east and south-east. In addition, the development of paddocks would result in the loss of green belt and prime agricultural land. Given the relatively small size of the site, it could not be considered to be an alternative to proposed local development plan housing sites Hs0 (Cauldcoats) or Hs1 (Newton Farm). Furthermore, the conclusion of Issue 3 (requirement for new development – housing strategy) is that the housing land supply is sufficient to meet and exceed the housing land requirement, without the need to find additional land at this time. An application to redevelop the site could be brought forward outside the plan preparation process using the provisions of paragraph 5.1.4 of the proposed plan (which states that “proposals for the conversion of redundant non-residential buildings and for replacement dwellings in the Green Belt may be acceptable subject to satisfying the matters set out in the Development in the Countryside and Green Belt Supplementary Guidance”). I therefore find that no amendments are required in response to this representation.

Relationships across the wider Shawfair area

23. Shawfair LLP requests that the development principles for site allocations Hs0 and Hs1 are closely linked and integrated, where appropriate, with those set out in the Shawfair masterplan. Whilst paragraph 8.1.4 of the proposed plan identifies a need to ensure development is linked to the wider Shawfair area, to ensure clarity and consistency this should also be referred to within the development considerations sections of allocations Hs0 and Hs1. An amendment to the proposed plan is therefore required to address this matter.

24. Scottish Natural Heritage request that an area development framework should be prepared to clearly set out the development considerations for allocations Hs0, Hs1 and Ec1 as the area is a key cross-boundary area of change. As explained in paragraph 2, I find that the proposed plan contains a sufficient level of detail to ensure that the subsequent masterplans for sites Hs0, Hs1 and Ec1 are effective and consider cross-boundary relationships. I therefore find that no amendment is required in response to this representation.

Supportive comments

25. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Amend the first sentence of the second paragraph to the development considerations section of Hs0 (Cauldcoats) on page 84 by adding “and appropriate landscaping” following “rehabilitation/decontamination” .
2. Replacing “agreement” at the end of the first sentence of the second paragraph of the Hs1 (Newton Farm) housing allocation on page 85 with “agreements”.
3. Deleting “the setting of” from the first sentence of the development considerations

section of Hs1 (Newton Farm) on page 85.

4. Adding the following text to the end of the first sentence of the development considerations section of Hs0 (Cauldcoats) on page 84:

“and its relationship with the new settlement of Shawfair.”

5. Adding the following text after the first comma in the first sentence of the development considerations section of Hs1 (Newton Farm) on page 85:

“its relationship with the new settlement of Shawfair,”

Issue 28	A701 Corridor Strategic Development Area – Bilston, Loanhead & Auchendinny etc																																																																																																										
Development plan reference:	The Strategy for Sustainable Growth Settlement Statements	Reporter: Andrew Sikes																																																																																																									
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909741	PP163	Jimi Wills
909749	PP165	Karen Wills
909591	PP249	Jeffries
909868	PP294	Heather Stewart
909900	PP461	Stephen Goss
921242	PP555	Nicholas Temperley
921261	PP561	Emma Greig
779316	PP574	Maria Ahlberg
908028	PP584	Graham Watson
921302	PP585	Ruth Hamilton
921303	PP586	Andrew Ewart
921305	PP587	Maria Mitchell
921307	PP774	Douglas Martin
921308	PP775	Katherine Bruce
921310	PP777	Campbell Macaulay
921312	PP778	Tracey Murphy
921313	PP784	Lynn Mellon
921325	PP790	Derek Dickerson
921422	PP797	Ellie Geen
921330	PP800	Norma Walker
921332	PP803	T Henry
921334	PP805	Mr Cursiter
921335	PP806	Mrs Cursiter
921944	PP809	Louise Moncrieff
921921	PP811	Jocelyn Gray
921928	PP813	Ruairi Gray
776109	PP815	Nelson Gray
921938	PP817	Steven Higginson
921912	PP818	Joanne Palmer
921897	PP819	Avril Bryan
921903	PP821	Alan Bryan
909238	PP822	Neil MacDonald
921881	PP824	Aileen Palmer
773991	PP833	Alison Whiteford
776517	PP835	Shiraz Newall-Watson
921379	PP838	Tim Newall-Watson
921385	PP842	Simone Meddle
921389	PP845	SD Bain
921409	PP848	Kate Wilkinson
921412	PP850	Rowan Watkins
921415	PP853	David Naismith
921416	PP854	Heather Bennet
921424	PP856	Janet Cleland
777017	PP1051	Miller Developments and Avant Homes
921242	PP1198	Nicholas Temperley
922130	PP1399	Douglas Bald
922131	PP1400	Johanne Notman
773991	PP2327	Alison Whiteford
761132	PP2663	Jon Harman
778585	PP2678	Claire Houston
922121	PP2722	C Daniels

Provision of the development plan to which the issue relates:	<p>Section 2.3 - Requirement for New Development including policies STRAT3 and STRAT4</p> <p>Section 8.3: A701 Corridor Strategic Development areas:</p> <ul style="list-style-type: none"> - Loanhead/Straiton Settlement Statement (paragraphs 8.3.1 – 8.3.13); - Bilston Settlement Statement (paragraphs 8.3.14 – 8.3.23); - Penicuik/Auchendinny Settlement Statement (paragraphs 8.3.34 – 8.3.47)
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Planning authority’s summary of the representation(s):

Loanhead – Objections to proposed site AHs2 Burghlee

Objects to proposed allocation AHs2 Burghlee for the following reasons:

- Ground conditions are uncertain due to historic mining in the area/Advice has not been sought on ground conditions/contamination from building standards and environmental health
- The Council’s own assessment raises strong environmental concerns given location of former mine
- Although the land is regarded as brownfield due to dereliction in 1989, it is considered that the site has since regenerated into woodland with a wide range of wildlife
- Concern regarding emissions resulting from former tip site
- Park Avenue is not a suitable access road due to its narrowness
- Concern at loss of archaeology
- Impact on the setting of the Bilston Viaduct
- Loss of wildlife with no known assessment undertaken/close proximity to SSSI
- Loss of agricultural land undermines aims to buy locally and reduce carbon footprint/loss of tenant farm
- Loss of recreation/amenity area for local residents
- Along with West Straiton, this represents a significant increase in the size of Loanhead
- Lack of services such as police, schools and health service
- Site is surplus to requirements of SDP
- There are brownfield sites in Leith that could be developed instead of this site
- Encourages coalescence between settlements in the A701 corridor and Edinburgh

(PP420 Mary Clapperton; PP663 Thomas Mason; PP690 W A Tierney; PP920 Ross Laird; PP1104 Patricia McArthur; PP1215 Kirsteen Rawcliffe; PP1548 Morag Wilson; PP2392 Lyndsaye Bain; PP2707 Andrew Pritchard; PP2721 C Daniels)

Loanhead – Other comments on proposed site AHs2 Burghlee

Supports identification of proposed Burghlee site (AHs2). Considers that development of the site for residential most appropriate use; provides opportunities for enhanced access to the countryside and linking to existing path networks; SPP recommends re-use of previously developed land; outlines findings of 2006 ground condition report saying that historical mining works would not preclude development for residential; reports done on former tip, drainage and utility services; landownership/tenancy a matter between tenant and landowner, i.e. not an unusual situation; considers that site is deliverable over plan period; updated site investigation will be commissioned and junction improvement to be agreed with Council. (PP136 Omnivale Ltd)

Seeks change to text in the Loanhead Settlement Statement regarding water & drainage impact assessments for committed sites in Loanhead (h54: Ashgrove and e33: Ashgrove). (PP177 Scottish Water)

Seeks inclusion of Burghlee Bing by amending the boundary of the proposed Burghlee site (AHs2). Considers that most of the site is flat other than the 15m high tip; tip adjoins site and may contain recoverable materials such as fire clay; supported by policy ENV16; will assist in decontamination of land that has been derelict for over three decades; removal of bing will benefit landscape; would maximise developer contributions while improving existing walkways; will improve viability of site and support facilities in Loanhead. (PP1196 Hargreaves Production)

Comments on site Additional Housing Opportunity AHs2 Burghlee, Loanhead: Site is located just north of the Roslin Inventory historic Battlefield and the potential impact on its landscape context should be considered in taking the site forward. Welcome that this is noted in the Proposed Plan. (PP2687 Historic Scotland Heritage Management Directorate)

Loanhead – Ashgrove

Objects to the non-allocation of the Ashgrove North site in Loanhead. Considers that: the context of the site adjoining existing/proposed development means that the site makes no meaningful contribution towards the green belt (cites Loanview Holdings and Burdiehouse appeal); site is highly sustainable being located near the City Bypass on frequent bus route; that SPP states that green belt is not necessary for most settlements and that it should be used as a tool for identifying most sustainable development for longer-term development; site is capable of delivering a high quality housing scheme; site is effective in respect of PAN 2/2010; site has wholly defensible boundaries which can be reinforced, including to safeguard Straiton Pond; accords with SDP policy 7; scale and length of A701 improvement necessitates higher value land uses such as residential. Suggests change in roundabout junction on A701 as part of scheme to improve access to Ashgrove North site. Considers that this site could be included in addition to existing due to supposed shortfall: on the basis of annual completions to date and the figures in HLA 2014, there is considered to be a 1,286 unit shortfall; does not consider that the LDP sites should be considered as these will not come forward prior to plan adoption' considers that HLA 2014 optimistic on phasing on a number of sites, reducing supply by further 159. (PP399 Straiton Park Ltd)

Loanhead – West Straiton

Objects to prospect of housing at West Straiton site (Ec3). Considers that site is affected by traffic noise and cut off from the nearest community by the A701; residents (especially children) will have no safe means of getting to shops, schools and other facilities (without a car); no assessment of value of site as an open area with view from A701 to Pentland Hills. (PP2725 Mirabelle Maslin)

Bilston – Supportive of proposed allocations

Supports the proposed allocation at Pentland Plants (Hs17). Considers that the site is brownfield that benefits from existing services; site is well located for access to public transport on A701; bounded by residential development to north and south; would assist in meeting 5 year effective housing land supply; would allow for release of further land which is marketable for housing; logical expansion to planned residential sites; and considers that site meets requirements of SPP and SDP. (PP11 Pentland Plants)

Barton Willmore for Taylor Wimpey and Hallam Land Supports allocation of site Hs16. Considers that the land safeguarded for further development as an extension to Hs16 (also part of Taylor Wimpey interests) could come forward in medium term, in accordance with the development strategy, and that this should be part of the strategy of the LDP. Considers this approach is justified in view of delays in delivery of sites from previous plans and in view of forthcoming SDP2. States that there is logic in identifying the full extent of the land controlled by TW/Hallam Land, to ensure greater flexibility for site masterplanning, addressing the accommodation of the A701 relief road, and enabling delivery of landscape mitigation measures. In terms of the Strategy for Sustainable Growth, wishes more proactive approach to weeding out sites which have not and are unlikely to deliver, with more favourable consideration for sites able to come forward in the short and medium term. Supports actions identified in page 7 of Proposed Plan to address any perceived shortfall in housing land, notes potential for more jobs in A701 corridor, and cites importance of linking job and housing creation in same area. (PP1172 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

While supportive of proposed Seafield Road site (Hs16), seeks amendment of boundary to include all of landholdings and for long term opportunity aspect of the site to be included in the allocation. Feels that the additional land could come forward in the medium term and would assist in implementing the strategy, particularly the A701 improvement, which would help create jobs at the Bush. With regards to including additional landholdings, it is felt that this would allow for additional flexibility in masterplanning, addressing accommodating the A701 road and delivery of landscape measures. (PP1173 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Taylor Wimpey and Hallam Land Management support the allocation of site Hs16 Seafield Road. State the site is owned/controlled by them, is able to come forward for development in the short to medium term, and complies with the development strategy of the Local Development Plan. Highlight that Taylor Wimpey and Hallam Land Management control a further 5 ha. of land on the north eastern edge of the part of Hs16 safeguarded for longer term development. Considers this area compliments site Hs16 and gives greater flexibility for master planning of the area and the route of the A701 Relief Road. Consider this extra 5 ha well located in terms of public transport and facilities in the A701 Corridor. (PP2819 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Bilston – Objects to proposed allocations

Objects to the proposed allocations Hs16 Seafield Road and Hs17 Pentland Plants for the following reasons:

- Scale of development is disproportionate
- Loss of Green Belt counter to findings of 2008 Green Belt Study
- Impact on the Pentland Hills
- Lack of local facilities/education capacity would not cope with scale of development
- Previous Inquiry Report stated that site Hs16 was too open
- Coalescence
- Aging population requires smaller units
- Poor access to public transport
- Pentland Plants is an important meeting point/focus for community and use should be retained as such
- Hs17 would adversely affect privacy and natural light to properties at Cameron Gardens
- Incorrect to say Hs16 is an extension to Bilston when it is located in Damhead CC

area

- Proposed plan exceeds Housing Land Requirement in SDP, therefore sites not needed
- Scored poorly in site assessment process
- Part of site is at risk from flooding
- Previous use for landfill on part of site with risk of emissions and pollution to water table
- Adverse affect on non-scheduled archaeological sites
- Should be a requirement for expansion/improvement of Roslin Health Centre
- Development should occur on brownfield land in the first instance, which could be made easier by reducing infrastructure contributions
- Council have compromised assessment by allowing gap in landscaping at committed site h56 and approving higher density

(PP59 Alan James; PP90 Ailsa Carlisle; PP243 Alan Cowan; PP343 Buchanan; PP1034 Edinburgh and Lothian Green Network; PP1061 Damhead and District Community Council; PP1563 Andrew Pritchard; PP2422, PP2423 Lynn mcfadyen; PP2720 C Daniels)

Bilston – SNH comments

Seeks inclusion of requirement for an area framework for Hs16: Seafield Road, Bilston in the Settlement Statement section of the plan. Considers that a co-ordinated development framework in light of West Straiton and A701 realignment proposals is needed in order to safeguard resources in this corridor. (PP2881 Scottish Natural Heritage)

Seeks inclusion of requirement for an area framework for Hs17: Pentland Plants, in the Settlement Statement section of the plan. Considers that a co-ordinated development framework in light of West Straiton and A701 realignment proposals is needed in order to safeguard resources in this corridor. (PP2882 Scottish Natural Heritage)

Auchendinny – Objections to site Hs20 Auchendinny

The following representors object to the proposed Hs20 Auchendinny site for the following reasons:

- Loss of Green Belt
- Loss of Prime Agricultural Land/sites should be located on brownfield rather than productive agricultural land
- Impact on River Valleys/Visibility of the site would adversely affect the neighbouring Special Landscape Area
- Impact on the adjoining nature conservation site
- Scale of proposal is disproportionate to the size of the village
- Site is not required as the proposed plan exceeds the Housing Land Requirement
- Development will result in coalescence
- Lack of community facilities
- Lack of public transport
- Loss of light/overlooking due to higher elevation of the site
- Loss of views for some residents
- Impact of increased traffic on the character of the village
- Allocated sites in Penciuik should be completed before allocating more land for housing
- Potential detriment to Old Woodhouselea Castle
- Council approving housing to increase council tax revenue

- Loss of access to the countryside
- GP surgery already over capacity
- Risk of water run-off flooding the existing properties
- Contrary to aims of Central Scotland Green Network (CSGN)

(PP3 Jon Harman; PP40 Peter Keightley; PP63 Barbara Rast; PP163 Jimi Wills; PP165 Karen Wills; PP249 Jeffries; PP294 Heather Stewart; PP461 Dr Stephen Goss; PP555 Nicholas Temperley; PP561 Emma Greig; PP574 Maria Ahlberg; PP584 Graham Watson; PP585 Ruth Hamilton; PP586 Andrew Ewart; PP587 Maria Mitchell; PP774 Douglas Martin; PP775 Katherine Bruce; PP777 Campbell Macaulay; PP778 Tracey Murphy; PP784 Lynn Mellon; PP790 Derek Dickerson; PP797 Ellie Geen; PP800 Norma Walker; PP803 T Henry; PP805 Mr Cursiter; PP806 Mrs Cursiter; PP809 Louise Moncrieff; PP811 Jocelyn Gray; PP813 Ruairi Gray; PP815 Nelson Gray; PP817 Steven Higginson; PP818 Joanne Palmer; PP819 Avril Bryan; PP821 Alan Bryan; PP822 Neil MacDonald; PP824 Aileen Palmer; PP833 Alison Whiteford; PP835 Shiraz Newall-Watson; PP838 Tim Newall-Watson; PP842 Simone Meddle; PP845 SD Bain; PP848 Kate Wilkinson; PP850 Rowan Watkins; PP853 David Naismith; PP854 Heather Bennet; PP856 Janet Cleland; PP1198 Nicholas Temperley; PP1399 Douglas Bald; PP1400 Johanne Notman; PP2327 Alison Whiteford; PP2663 Jon Harman; PP2678 Claire Houston; PP2722 C Daniels)

Auchendinny – Supportive of site Hs20 Auchendinny

Supports to the proposed Auchendinny site (Hs20). Notes developer contributions requirements and policy IMP1 will work with Council to agree key planning and design principles upon which the development will be based. (PP1051 Miller Developments and Avant Homes)

Modifications sought by those submitting representations:

Loanhead – Site AHs2 Burghlee

Seeks removal of proposed Burghlee site (AHs2) from the plan. (PP420 Mary Clapperton, PP663 Thomas Mason, PP690 W A Tierney, PP1215 Kirsteen Rawcliffe, PP1548 Morag Wilson, PP2392 Lyndsaye Bain)

Delete committed (unspecified) and proposed (assumed to be Additional Housing Opportunity AHs2 Burghlee) housing sites at Loanhead. (PP920 Ross Laird)

Seeks the removal of the proposed Burghlee site (AHs2) from the proposed plan. (PP1104 Patricia McArthur)

Delete Additional Housing Opportunity Site AHs2 Burghlee, Loanhead. (PP2707 Andrew Pritchard)

Seeks removal of proposed Burghlee site (AHs2). If developed, should be done in a way that enhances health/recreational benefits rather than reducing them. (PP2721 C Daniels)

Loanhead – Other comments on proposed site AHs2 Burghlee

Propose no change to the plan. (PP136 Omnivale Ltd)

Seeks change from “Water and drainage impact assessments and a flood risk assessment will be required ” to “Water and drainage impact assessments and a flood risk assessment

may be required" in Table 8.23 Loanhead/Straiton Committed Development (pg. 129). (PP177 Scottish Water)

Seeks inclusion of Burghlee Bing by amending the boundary of the proposed Burghlee site (AHs2). (PP1196 Hargreaves Production)

Historic Scotland has no unresolved issues on the Proposed Plan. No changes sought, only informal commentary is provided. (PP2687 Scotland Heritage Management Directorate)

Loanhead – Ashgrove

Seeks removal of green belt from Ashgrove North and allocation as housing site rather than economic. (PP399 Straiton Park Ltd)

Loanhead – West Straiton

Seeks deletion of proposed West Straiton site (Ec3) from the plan. (PP2725 Mirabelle Maslin)

Bilston – Supportive of proposed allocations

No change to plan proposed. (PP11 Pentland Plants)

Wishes area indicated for long term growth near site Hs16, as well as other land under control of Taylor Wimpey and Hallam Land to be part of Hs16 allocation, to allow it to be masterplanned as one unit and to encourage its early delivery. (PP1172 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Seeks amendment of boundary of proposed Seafield Road site (Hs16) to include all of landholdings and for long term opportunity aspect of the site to be included in the allocation. (PP1173 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Request the Local Development Plan provides recognition that the delivery of a first phase of development on site Hs16, unaffected by the safeguarded route of the A701 Relief Road, is not prevented from coming forward in advance of delivery of the new road. Request reference is made in the plan to this point. Promotes a change to the route of the A701 Relief Road that the objector considers will bring more value to site Hs16, and thereby assist with the delivery of the relief road. Requests the site boundary of site Hs16 be revisited as per the submission made by Taylor Wimpey and Hallam Land Management. Highlight that Taylor Wimpey and Hallam Land Management control a further 5 ha. of land on the north eastern edge of the part of Hs16 safeguarded for longer term development. Considers this area compliments site Hs16 and gives greater flexibility for master planning of the area and the route of the A701 Relief Road. Consider this extra 5 ha well located in terms of public transport and facilities in the A701 Corridor. (PP2819 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Bilston – Objects to proposed allocations

Brownfield sites should be considered before greenfield and development in Bilston should not occur for a decade, to allow for recent Seafield Road development to be assimilated into the community. (PP59 Alan James)

Seeks removal of the proposed Seafield Road site (Hs16). (PP90 Ailsa Carlisle)

Site Hs17 should not be for residential rather retained as a developed social facility. (PP243 Alan Cowan)

Seeks removal of proposed Seafield Road site (Hs12) and retention of designation as Green Belt. Should the development go ahead the density should be reduced, the tip part of the site left undeveloped and considerable landscaping/open space provided and provision for local food growing made. (PP343 Buchanan)

Seek deletion of proposed Seafield Road allocation (Hs16) and suggests whether there may be limited capacity for development along the north-west boundary of site Hs17. (PP1034 Edinburgh and Lothian Green Network)

Seeks removal of the proposed Seafield Road site (Hs16), with more focus being given to the development of brownfield land. (PP1061 Damhead and District Community Council)

Delete sites Hs16 Seafield Road, Bilston and Hs17 Pentland Plants, by Bilston and retain Green Belt status. (PP1563 Andrew Pritchard)

Delete site Hs16 Seafield Road, Bilston and retain Green Belt status. (PP2422 Lynn Mcfadyen)

Delete site Hs17 Pentland Plants, Bilston and retain existing uses. (PP2423 Lynn Mcfadyen)

Seeks removal of the proposed Seafield Road and Pentland Plants sites (Hs16 and Hs17) from the plan. (PP2720 C Daniels)

Bilston – SNH comments

Seeks inclusion of requirement for an area framework for Hs16: Seafield Road, Bilston in the Settlement Statement section of the plan. (PP2881 Scottish Natural Heritage)

Seeks inclusion of requirement for an area framework for Hs17: Pentland Plants, in the Settlement Statement section of the plan. (PP2882 Scottish Natural Heritage)

Auchendinny

Development should be substantially reduced in size and a 200m Green Belt buffer corridor introduced to the south-west edge to protect the designated landscape and nature conservation interests. (PP3 Jon Harman)

Provision should instead be made in Penicuik, which has the infrastructure and facilities Auchendinny lacks. A proportionate, properly integrated, development of up to about 50 houses would be in keeping with the attractive rural setting. (PP40 Peter Keightley)

Provision should instead be made in Penicuik, which has the infrastructure and facilities Auchendinny lacks. A proportionate, properly integrated, small scale development would be in keeping with the attractive rural setting. (PP63 Barbara Rast)

This plan should detail proposed access to the village, and there should be an associated

strategy for public transport and for supporting current community projects. (PP163 Jimi Wills)

No change specified. (PP165 Karen Wills, PP294 Heather Stewart, PP461 Stephen Goss, PP585 Ruth Hamilton, PP586 Andrew Ewart, PP587 Maria Mitchell, PP778 Tracey Murphy, PP784 Lynn Mellon, PP790 Derek Dickerson, PP800 Norma Walker, PP803 T Henry, PP809 Louise Moncrieff, PP818 Joanne Palmer, PP819 Avril Bryan, PP821 Alan Bryan, PP822 Neil MacDonald, PP824 Aileen Palmer, PP845 SD Bain, PP854 Heather Bennet, PP1198 Nicholas Temperley, PP2327 Alison Whiteford).

Reduction in the number houses to protect the identity of the village; Relocation of the proposed primary school. (PP249 Jeffries)

Delete allocation. (PP555 Nicholas Temperley, PP805 Mr Cursiter, PP806 Mrs Cursiter, PP833 Alison Whiteford, PP850 Rowan Watkins, PP856 Janet Cleland).

Allocation should be reduced significantly and restricted to land at the top of the village, above the community centre. (PP561 Emma Greig)

Delete site Hs19 Roslin Expansion, retaining its Green Belt status, and allocate land at Auchendinny golf driving range instead to help make the numbers proposed on site Hs19. This could be done in association with increasing the proposed housing numbers at Additional Housing Opportunity site AHs1 Former Rosslynlee Hospital. (PP574 Maria Ahlberg)

The houses would be better placed nearer shops, employment and good bus routes. If any houses have to be built in Auchendinny, number should be restricted to a maximum of 100 units, and sited to the north of the site, close to the community centre and Council houses. (PP584 Graham Watson)

Limit to 100 houses to the north of the Glencorse Centre, thereby avoiding extra traffic cutting through Auchendinny to and from Peebles. (PP774 Douglas Martin)

Housing should be further up the hill and away from existing farmland. If there must be such a vast development, there should be increased public transport links and space for small local businesses to be set up. It is not clear what is to be built where. This should be clearer so that local residents can suggest modifications to minimise impact. (PP775 Katherine Bruce)

Delete allocation, any further housing to be located nearer retail parks. (PP777 Campbell Macaulay)

A much smaller allocation, with no building on woodland; in-keeping with the village, its sense of place and lovely views. Environmental impact on natural heritage is taken into account. (PP797 Ellie Geen)

Require completion of presently allocated but undeveloped sites in Penicuik. Allocate additional suitable sites within Penicuik where the facilities to support such development exist. Penicuik is a more sustainable location, in keeping with the Plan's strategic objectives. (PP811 Jocelyn Gray)

Require completion of presently allocated but undeveloped sites in Penicuik. Allocate

additional suitable sites within Penicuik where the facilities to support such development exist. Penicuik is a more sustainable location, in keeping with the Plan's strategic objectives. (PP813 Ruairi Gray)

Require completion of presently allocated but undeveloped sites in Penicuik. Allocate additional suitable sites within Penicuik where the facilities to support such development exist. Penicuik is a more sustainable location, in keeping with the Plan's strategic objectives. (PP815 Nelson Gray)

Objects to the Proposed Plan because this proposal would bring the area down. Would like to keep Auchendinny as a village and not turn it into a town. (PP817 Steven Higginson)

Reduce size of allocation as shown; and Alter/adjust location of primary school. (PP835 Shiraz Newall-Watson)

If development must proceed, reduce scale of proposal. (PP838 Tim Newall-Watson)

Consider brownfield sites; and Build fewer homes here, in tandem with enhanced infrastructure/services/amenities. (PP842 Simone Meddle)

Size/scale of proposal should be reduced; Denser development; and Not on woodland/agricultural land. (PP848 Kate Wilkinson)

Delete allocation. Otherwise, primary school should go to top of village. (PP853 David Naismith)

Delete allocation in favour of other brownfield sites (PP1399 Douglas Bald)

Delete allocation in favour of other brownfield sites (PP1400 Johanne Notman)

Delete site Hs20 Auchendinny and retain current land use planning status. Also states the development should be substantially reduced in size and a 200 metre Green Belt buffer corridor introduced to the south west edge (assumed to mean of the site) to protect the designated landscape and conservation areas. (PP2663 Jon Harman)

Don't develop at Auchendinny. Delete proposed site Hs20 Auchendinny. (PP2678 Claire Houston)

Seeks removal of proposed Auchendinny site (Hs20). (PP2722 C Daniels)

Auchendinny – Supportive of site Hs20 Auchendinny

No modifications specified. (PP1051 Miller Developments and Avant Homes)

Summary of responses (including reasons) by planning authority:

Loanhead – Objections to proposed site AHs2 Burghlee

Policy Context

The proposed site AHs2 Burghlee is identified in the proposed plan under the auspices of policy STRAT4 Additional Housing Development Opportunities (page 7-8). The plan makes

clear in the supporting text (paragraphs 2.3.10-2.3.11) that these sites are subject of constraint and will only be supported if the constraints identified in appendix 3c can be overcome. The sites may not be developed over the plan period and for that reason are not relied upon to meet the strategic housing land requirements.

Infrastructure requirements are outlined in policies IMP1 New Development (criterion A), IMP2 Essential Infrastructure Required to Enable New Development to Take Place (particularly the first paragraph), STRAT4 and the Settlement Statements. In relation to AHs2 Burghlee, Table 8.26 of the proposed plan (page 130) establishes the requirements a developer would have to meet in order for its development to be successful. Paragraph 8.3.3 also has some site specific text in relation to development constraints, safeguarding open space and incorporate in planting and landscaping.

Ground conditions are uncertain due to historic mining in the area/Advice has not been sought on ground conditions/contamination from building standards and environmental health

The Loanhead Settlement Statement states that '*There are issues relating to ground conditions and contamination that need to be clarified and resolved*' (Table 8.26). Should any prospective developer be unable to identify the risks involved in relation to ground conditions or suitable mitigation measures, such a proposal would be contrary to the plan (see Policy Context above) and therefore unlikely to be granted consent. Advice was sought from Environmental Health, whose comments are listed in the Sites Assessment Technical Note (CD020, page 47, listed as LD3).

The Council's own assessment raises strong environmental concerns given location of former mine

The Loanhead Settlement Statement states that '*There are issues relating to ground conditions and contamination that need to be clarified and resolved*' (Table 8.26). Should any prospective developer be unable to identify the risks involved in relation to contamination or suitable mitigation measures, such a proposal would be contrary to the plan (see Policy Context above) and therefore unlikely to be granted consent.

Although the land is regarded as brownfield due to dereliction in 1989, it is considered that the site has since regenerated into woodland with a wide range of wildlife

Much of the woodland referred to is excluded from the site boundary with reference to '*Extensive existing vegetation along its southern boundaries should largely be retained as providing a valuable transitional zone to countryside.*' (Table 8.26) The Council considers that given that the site was only vacated within the last 30 years with no other uses, it is reasonable to regard it as brownfield.

Concern regarding emissions resulting from former tip site

The Loanhead Settlement Statement states that '*There are issues relating to ground conditions and contamination that need to be clarified and resolved*' (Table 8.26). Should any prospective developer be unable to identify the risks involved in relation to contamination or suitable mitigation measures, such a proposal would be contrary to the plan (see Policy Context above) and therefore unlikely to be granted consent.

Park Avenue is not a suitable access road due to its narrowness

The Loanhead Settlement Statement states ‘*However, the issue of access will need to be resolved, particularly by increasing the visibility splay at The Loan.*’ (Table 8.26). Should any proposal come forward which does not address the access problems associated with this site, such a proposal would be contrary to the plan (see Policy Context above) and therefore unlikely to be granted consent.

Concern at loss of archaeology

The site does not have any known archaeological features which would impede development. Any new development would be subject to ENV24-25 (page 63) of the plan in the event that the Council’s Archaeological advisors raise concerns. In relation to the Battle of Roslin site, potential impacts on this are addressed in the settlement statement (Table 8.26) and would be subject to policy ENV21 (page 61).

Impact on the setting of the Bilston Viaduct

The Council considers that any impact on the setting of Bilston Viaduct from the development of this site would be marginal and concerns have not been raised by Historic Environment Scotland on this matter.

Loss of wildlife with no known assessment undertaken/close proximity to SSSI

The potential effect of development on proposed sites on biodiversity designations, habitats and protected species were considered in the process of site selection (Site Assessment Technical Note, pages 3-4, CD020). All of the sites, with the exception of a handful of very small sites, were subject to a biodiversity assessment either by the Council’s Biodiversity Officer or by The Wildlife Information Centre. These assessments looked at the potential adverse impact of development on locally known species and habitats as well as opportunities for enhancement.

The comments on site AHs2 are included in the Site Assessment Technical Note (page 46, listed as site LD3) which states that the southern part of the site consisted of Broad Leaf Woodland. Consequently this area was excluded from the allocation and possible impacts addressed in the settlement statement, which says ‘*Extensive vegetation along its southern boundaries should largely be retained as providing valuable transitional zone to the countryside.*’ No concerns were raised in relation to the proximity of the Bilston Glen SSSI. It is therefore considered that biodiversity matters have been handled appropriately.

Loss of agricultural land undermines aims to buy locally and reduce carbon footprint/loss of tenant farm

It is considered that Midlothian has a significant quantity of agricultural land and that the loss of the farm at Burghlee would not significantly reduce this. Given the lack of the brownfield sites in Midlothian and the requirement for a large housing land requirement, it is unavoidable that some agricultural land will be included in the sites proposed for allocation.

Loss of recreation/amenity area for local residents

The Loanhead Settlement Statement states ‘*The masterplan for the site will need to safeguard open space and incorporate planting and landscaping where appropriate, and*

could support further improvements to Burghlee Park.' (paragraph 8.3.3). Should any proposal come forward which does not address this site, such a proposal would be contrary to the plan (see Policy Context above) and therefore unlikely to be granted consent.

Along with West Straiton, this represents a significant increase in the size of Loanhead

While the concerns about the growth of Loanhead are noted, it is considered that there is no guarantee that site AHs2 will be developed due to the constraints outlined. Furthermore, the number of households deliverable on this site would not be a significant increase compared to the 2,929 that Loanhead currently has (CD001).

Lack of services such as police, schools and health service

The Council has set out the implementation requirements for new development in Loanhead in Table 8.27 (page 131). Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

Site is surplus to requirements of SDP

As stated above and in the proposed plan, it is accepted that sites identified under policy STRAT4 are not required to meet the housing land requirement as the constraints they face results in their delivery being uncertain. However, should a number of the sites allocated under policy STRAT3 not be delivered within the life of the plan, there is a possibility that Midlothian's housing land supply will be found to be not effective. Identifying sites under policy STRAT4 allows for some flexibility in the housing land supply (as completions from these will still count towards the housing requirement) while identifying potential brownfield sites for development that could not otherwise be included in the housing land supply due to the risk of them not being deliverable. The effectiveness of the housing land supply is reviewed annually through the housing land audit process and any requirement for additional measures to address any deficiency would be carried forward via the Action Programme.

There are brownfield sites in Leith that could be developed instead of this site

The Strategic Development Plan for South East Scotland ([SDP](#)) and the associated Supplementary Guidance on Housing Land sets the Housing Land Requirement for each local authority area within the city region, including for Midlothian and Edinburgh City Councils. The Housing Land Requirement for the period 2009-2019 for Midlothian is set at 8,080 while that for City of Edinburgh is 22,300 (Table 3.1, page 5). Midlothian Council is not able to reallocate it's requirement to City of Edinburgh while the City's considerable requirement is likely to result in any brownfield opportunities to be identified and developed independently of and in addition to development in Midlothian.

Encourages coalescence between settlements in the A701 corridor and Edinburgh

While it is accepted that the sites in the proposed plan reduces the distance between Loanhead and Roslin, it is not considered that this is of such an extent as to constitute coalescence. The approximate distance to Roslin at the closest point would be over 2,000m. Furthermore, it is considered unlikely that development would occur south of site

AHs2 due to the listing of that land in the *Inventory of Historic Battlefields*.

Conclusion

The Council considers that the matters raised by those representations objecting to the inclusion of site AHs2 Burghlee have been taken into consideration in the course of drafting the plan or addressed above.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of these representations (PP59 Alan James; PP90 Ailsa Carlisle; PP243 Alan Cowan; PP343 Buchanan; PP1034 Edinburgh and Lothian Green Network; PP1061 Damhead and District Community Council; PP1563 Andrew Pritchard; PP2422, PP2423 Lynn mcfadyen; PP2720 C Daniels)

Loanhead – Other comments on proposed site AHs2 Burghlee

Support for site is noted. The Council is of the view that no modifications to the plan are necessary in light of this representation. (PP136 Omnivale Ltd)

Table 8.27 (page 130-131) establishes the requirements for each of the sites proposed for Loanhead. This includes an entry under 'Other Requirement' which says '*Water and drainage infrastructure (as required)*' for all of the sites. The Council therefore considers that the text change sought by Scottish Water is unnecessary and requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP177 Scottish Water)

As site AHs2 has a number of potential constraints relating to ground conditions, contaminated land and access, for delivery purposes it is considered undesirable to include land within the site that has a high probability of being contaminated. The land in question (to the south of AHs2) already has a footpath through it and forms and already planted southern boundary for the site. Furthermore it is not clear how including this land would maximise developer contributions.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP1196 Hargreaves Production)

Historic Environment Scotland's comments on the Battle of Roslin are noted and, as suggested, the settlement statement makes clear the need to consider any possible impact on its setting should AHs2 be developed.

The Council is of the view that no modifications to the plan are necessary in light of this representation. (PP2687 Historic Scotland Heritage Management Directorate)

Loanhead – Ashgrove

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's housing allocation are handled in Issue 3 - Requirement for New Development - Housing Strategy. It is therefore considered that the proposed site at Ashgrove North (designated as Ec3 in the proposed plan) is unnecessary to meet the housing land requirement.

The Council therefore requests that the Reporter(s) make no change to the Proposed Plan in respect of this representation. (PP399 Straiton Park Ltd)

Bilston – Objects to the proposed allocations

Policy Context

The proposed sites Hs16 Seafield Road and Hs17 Pentland Plants are identified in the proposed plan under policy STRAT3 Strategic Housing Land Allocations (pages 6-7). The plan makes clear in the supporting text (paragraphs 2.3.4-2.3.10) that these sites are relied upon as part of the housing land requirements set by the Strategic Development Plan for the period up to 2024. A number of large sites (see paragraph 2.3.7) are not expected to be fully delivered by 2024 and therefore include sites which are for longer term development, which includes Hs16 Seafield Road

The infrastructure requirements are set out in policies IMP1 New Development and IMP2 Essential Infrastructure Required to Enable New Development to Take Place and specific requirements outlined in the Settlement Statements. In relation to these two sites, Table 8.29 of the proposed plan (pages 135-136) establishes the requirements a developer would have to meet in order for its development to be successful.

Scale of development is disproportionate

As stated above, sites Hs 16 and Hs17 are proposed for allocation in order to meet the housing land requirement set by the SDP. At the site assessment process, the Council found that there was lack of sites in A701 corridor to choose from. While it is accepted that these sites represent a significant expansion to Bilston, it is considered that this scale of development was unavoidable in the context of the housing land requirements.

Loss of Green Belt counter to findings of 2008 Green Belt Study

The Councils approach to identifying sites is in line with paragraph 40 of the SPP, which states '*considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.*' Given the scale of development the MLDP is required to accommodate and the location of main settlements in Midlothian at the northern end of the county, the Council could not avoid consideration of green belt locations for housing development. This is exacerbated by the lack of brownfield/urban sites available in these settlements though the proposed plan has tried to allocate such sites such as Hs15 Edgefield Road, Loanhead and Hs22 Kirkhill Road, Penicuik where possible.

It is considered that the Council's approach to reallocating Green Belt land for housing development is in accordance with SPP, with paragraphs 49-50 setting out the aims of the Green Belt including:

'directing development to the most appropriate locations..'; and

'In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.'

Any suggestion that land designated as Green Belt should never be developed would be a mischaracterisation of its purpose, with older guidance going back decades taking a similar

stance that the Green Belt is to help form a long term settlement strategy. The rationale for each Green Belt release was outlined in the Green Belt Technical Note, produced at the same time as the Main Issues Report (CD043), with the proposed site Hs16 at Bilston being outlined on page 13. It is considered that this and the text in the settlement statements for each site demonstrates that the implications of removing these sites from the Green Belt has been carefully considered and that appropriate mitigating measures have been set out in the proposed plan.

Impact on the Pentland Hills

At it's closest point, site Hs16 is approximately 1km away from the Pentland Hills Regional Park at it's closest point, therefore there is considered to be little direct impact from this proposal. It is accepted that there may be some affect on wider views from the Pentlands, and mitigation measures for this are outlined in Table 8.29.

Lack of local facilities/education capacity would not cope with scale of development

The Council has set out the implementation requirements for new development in Bilston in Table 8.31 (page 137). Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

Previous Inquiry Report stated that site Hs16 was too open

The Bilston Settlement Statement makes clear the requirement for a landscape framework (Table 8.29). It states that *'The site will require significant landscaping to minimise the impact on the setting of Bilston and wider views to the Pentland Hills. An extensive woodland framework is required including a 30m woodland belt along the northern part of the western edge (along A703), along the north-western and along part of the north-eastern boundary. Existing planting strips should be retained and enhanced.'* It is therefore considered that the proposed plan makes adequate provision for mitigating any potential landscape impact.

Coalescence

Given that the sites are located at the north-west site of Bilston, in the opposite direction from the nearby settlements of Loanhead and Roslin, it is not accepted that there is a coalescence risk from these proposals.

Aging population requires smaller units

While it is recognised that this is an increasingly important demographic issue, it is not considered that removing site Hs20 from the plan will assist in addressing it. The plan makes reference to meeting the needs of an aging population in paragraph 3.2.5 and the Supplementary Guidance on Affordable Housing will address *'the potential for special needs housing and housing adaptable for occupier's future needs to contribute towards meeting the affordable housing requirement.'* (paragraph 3.2.7, also referred to in Table 7.1)

Poor access to public transport

The sites are located in close proximity to the A701 which has a very high frequency of bus services to a wide range of locations. While not all of site Hs16 is within the 400m walking distance outlined in Annex B of PAN75 (CD137) there are less frequent services along the A703. Furthermore the scale of development could provide incentive for the bus companies to redirect routes through Bilston.

Pentland Plants is an important meeting point/focus for the community and use should be retained as such

Given that Pentland Plants is a private business, it is not considered practical for the Council to compel the land owner to provide a community facility instead of housing. As stated in the plan (paragraph 8.3.18) Bilston will be getting a new primary school as a result of the committed development and recently built schools in Midlothian have provided facilities that the local communities can make use of.

Hs17 would adversely affect privacy and natural light to properties at Cameron Gardens

The development of these sites will be subject to the design policies in the plan such as DEV5-7 (pages 16-18). While some of the details are to be outlined in forthcoming Supplementary Guidance, distances are given in the equivalent policy in the adopted Local Plan for safeguarding privacy and natural light (see CD054, pages 140-145, policy DP2, section 5c.) It is considered that the properties on the proposed sites would be of such a distance from those at Cameron Gardens as to be unlikely to breach these standards (or similar ones in the forthcoming SG) given the length of the existing gardens and the landscape being planted around this new development.

Incorrect to say Hs16 is an extension to Bilston when it is located in Damhead CC area

Given that the proposed sites adjoin the settlement of Bilston, it is considered that it is appropriate to consider the proposed allocations and extensions to it.

Proposed plan exceeds Housing Land Requirement in SDP, therefore sites not needed

It is accepted that the proposed allocations in the A701 Corridor exceed the 750 figure listed in Table 2.3 in the proposed plan. However, should a number of the sites allocated under policy STRAT3 not be delivered within the life of the plan, there is a possibility that Midlothian's housing land supply will be found to be not effective. The inclusion of some flexibility in the overall housing land supply in this corridor is considered a prudent approach given that the A701 allocations rely on the delivery of a number of large sites such as Hs16, Hs19 Roslin Extension and Hs20 Auchendinny.

Scored poorly in site assessment process

Neither of these sites scored poorly in the site assessment process (CD020, pages 39-43). Of the 13 criteria applied, Hs16 had a negative assessment on loss of Green Belt, greenfield versus brownfield land and loss of prime agricultural land, all of which are dealt with elsewhere in this Schedule 4. A further 3 criteria had a tentative assessment, relating to landscaping and flooding, for which the proposed plan makes provision for mitigating measures, as covered elsewhere.

In relation to site Hs17, only 2 criteria had a negative assessment, loss of Green Belt and prime agricultural land. As previously mentioned, this is covered elsewhere in this Schedule 4.

Part of site at risk from flooding

The Bilston Settlement Statement addresses the issue of flooding (table 8.29) by saying 'Flood risk assessment will be required. SEPA requests that the site includes enhanced SUDS and a buffer strip to the watercourse.'

Previous use for landfill on part of site with risk of emissions and pollution to water table

The Bilston Settlement Statement refers to the former tip site by saying 'There are ground conditions issues, principally associated with former landfill operations which will need to be clarified and the impact of development assessed... The main open space could be located on the former landfill site.' It will be a matter for a prospective developer to demonstrate the extent of any problem and any remedial measures required as condition for gaining planning consent.

Adverse affect on non-scheduled archaeological sites

As stated in the settlement statement, the Council has sought advice on archaeology and there are undesignated remains within the development area. Any application submitted on development of the site would therefore be likely to be subject to policies ENV24-25.

Should be a requirement for expansion/improvement of Roslin Health Centre

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan, however no comment was received by the Council. As the local health board, they have not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care.

Development should occur on brownfield land in the first instance, which could be made easier by reducing infrastructure contributions

The Councils approach to identifying sites is in line with paragraph 40 of the SPP, which states 'considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.' Given the scale of development the MLDP is required to accommodate and the location of main settlements in Midlothian at the northern end of the area, consideration of allocating agricultural land for new development is unfortunately unavoidable. Where possible, brownfield and urban sites have been proposed for allocation (including Hs4 Thornybank East, Dalkeith; Hs5 Thornybank North, Dalkeith; Hs13 Polton Street, Bonnyrigg; Hs15 Edgefield Road, Loanhead; Hs17 Pentland Plants, by Bilston; Hs21 Eastfield Farm Road, Penicuik; Hs22 Kirkhill Road, Penicuik and all of the Additional Housing Development Opportunities).

With regards to developer contributions these can only be sought where the development gives rise to a demonstrable need for infrastructure and/or facilities such as schools and roads. Removing requirements in order to promote brownfield development would result in the Council having to meet any additional infrastructure requirements and costs.

Council have compromised assessment by allowing gap in landscaping at committed site h56 and approving higher density

The site plan of the the approved development for site h56 does not have a gap in the landscaping treatment (planning application reference - 13/00328/DPP).

Conclusion

The Council considers that the matters raised by those representations objecting to the inclusion of sites Hs16 Seafield Road and Hs17 Pentland Plants have been taken into consideration in the course of drafting the plan or addressed above. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP3 Jon Harman; PP40 Peter Keightley; PP63 Barbara Rast; PP163 Jimi Wills; PP165 Karen Wills; PP249 Jeffries; PP294 Heather Stewart; PP461 Dr Stephen Goss; PP555 Nicholas Temperley; PP561 Emma Greig; PP574 Maria Ahlberg; PP584 Graham Watson; PP585 Ruth Hamilton; PP586 Andrew Ewart; PP587 Maria Mitchell; PP774 Douglas Martin; PP775 Katherine Bruce; PP777 Campbell Macaulay; PP778 Tracey Murphy; PP784 Lynn Mellon; PP790 Derek Dickerson; PP797 Ellie Geen; PP800 Norma Walker; PP803 T Henry; PP805 Mr Cursiter; PP806 Mrs Cursiter; PP809 Louise Moncrieff; PP811 Jocelyn Gray; PP813 Ruairi Gray; PP815 Nelson Gray; PP817 Steven Higginson; PP818 Joanne Palmer; PP819 Avril Bryan; PP821 Alan Bryan; PP822 Neil MacDonald; PP824 Aileen Palmer; PP833 Alison Whiteford; PP835 Shiraz Newall-Watson; PP838 Tim Newall-Watson; PP842 Simone Meddle; PP845 SD Bain; PP848 Kate Wilkinson; PP850 Rowan Watkins; PP853 David Naismith; PP854 Heather Bennet; PP856 Janet Cleland; PP1198 Nicholas Temperley; PP1399 Douglas Bald; PP1400 Johanne Notman; PP2327 Alison Whiteford; PP2663 Jon Harman; PP2678 Claire Houston; PP2722 C Daniels)

Bilston – SNH comments

Policy IMP1 (afeter the list of criteria) states that development briefs or masterplans will be prepared by the Council in conjunction with prospective developers for all housing sites. The Council does not consider that a separate requirement for each site is necessary.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP2881, PP2882 Scottish Natural Heritage)

Bilston – Supportive of proposed allocations

The support for the proposed site Hs17 Pentland Plants is noted. The Council is of the view that no modifications to the plan are necessary in light of this representation. (PP11 Pentland Plants)

The support for the proposed site Hs16 Seafield Road is noted. In relation to the proposal to allocate the longer term safeguarding within Hs16, the Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council’s housing allocation are handled in the Requirement for New Development - Housing Strategy Schedule 4. Furthermore, the plan makes provision for land identified for longer term safeguarding being brought forward if necessary in paragraph 2.3.9 (page 7)

and that masterplanning should be possible for both Hs16 and the safeguarding.

The land the representor seeks to include in Hs16 would result in the proposed A701 Relief Road having a staggered junction where it meets the A703 in relation to the junction with the proposed link with the A702. The Council considers that this would be undesirable from a road safety perspective and may undermine the effectiveness of the scheme. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1172, PP1173, PP2819 Taylor Wimpey UK Ltd and Hallam Land Management Ltd)

Auchendinny

Policy Context

The proposed site Hs20 Auchendinny is identified in the proposed plan under policy STRAT3 Strategic Housing Land Allocations (pages 6-7). The plan makes clear in the supporting text (paragraphs 2.3.4-2.3.10) that these sites are relied upon as part of the housing land requirements set by the Strategic Development Plan for the period up to 2024.

The infrastructure requirements are set out in policies IMP1 New Development and IMP2 Essential Infrastructure Required to Enable New Development to Take Place and specific requirements outlined in the Settlement Statements. In relation to this site, Table 8.37 of the proposed plan (page 148) establishes the requirements a developer would have to meet in order for its development to be successful.

Loss of Green Belt

Proposed site Hs20 is not located in the Green Belt in the 2008 Midlothian Local Plan (CD054, Inset Map 4) or in previous iterations of the plan.

Loss of Prime Agricultural Land/sites should be located on brownfield rather than productive agricultural land

The Councils approach to identifying sites is in line with paragraph 40 of the SPP, which states '*considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.*' The scale of development the MLDP is required to accommodate and the location of main settlements in Midlothian at the northern end of the area, the Council could not avoid consideration of agricultural land for housing development. Where possible, brownfield and urban sites have been proposed for allocation (including Hs4 Thornybank East, Dalkeith; Hs5 Thornybank North, Dalkeith; Hs13 Polton Street, Bonnyrigg; Hs15 Edgefield Road, Loanhead; Hs17 Pentland Plants, by Bilston; Hs21 Eastfield Farm Road, Penicuik; Hs22 Kirkhill Road, Penicuik and all of the Additional Housing Development Opportunities).

Impact on River Valleys/Visibility of the site would adversely affect the neighbouring Special Landscape Area

Site Hs20 did not get an adverse score with regard in the Site Assessment process (CD020, pages 38-39) but did get a tentative result with some commentary relating to the southern part of the site being more visible from the river valley. The proposed plan addresses this by stating '*There will be a requirement for substantial boundary planting to*

minimise the impact of development on the North Esk Valley.' (Table 8.37, page 148) The text goes on to outline further landscape requirements designed to minimise the impact on the landscape.

Impact on the neighbouring nature conservation site

The potential effect of development on proposed sites on biodiversity designations, habitats and protected species were considered in the process of site selection (Site Assessment Technical Note, pages 3-4, CD020). All of the sites, with the exception of a handful of very small sites, underwent a biodiversity assessment either by the Council's Biodiversity Officer or by The Wildlife Information Centre. These assessments looked at the potential harm development as a site could do to locally known species and habitats as well as opportunities for enhancement. Site Hs20 received a positive assessment with regard to biodiversity in the process (CD020, pages 38-39). Consequently, it is considered that biodiversity matters have been handled appropriately.

Scale of proposal is disproportionate to the size of the village

As stated above, site Hs20 is proposed for allocation in order to meet the housing land requirement set by the SDP. At the site assessment stage, the Council found that there was lack of sites in A701 corridor to choose from. While it is accepted that these sites represent a significant expansion to Auchendinny, it is considered that this scale of development was unavoidable in the context of the housing land requirements.

Site is not required as the proposed plan exceeds the Housing Land Requirement

It is accepted that the proposed allocations in the A701 Corridor exceed the 750 figure listed in Table 2.3 in the proposed plan. However, should a number of the sites allocated under policy STRAT3 not be delivered within the life of the plan, there is a possibility that Midlothian's housing land supply will be found to be not effective. This is considered a prudent approach given that the A701 allocations rely on the delivery of a number of large sites such as Hs16 Seafield Road, Hs19 Roslin Extension and Hs20 Auchendinny.

Development will result in coalescence

While it is accepted that the gap between Auchendinny and Roslin would be reduced by the development of Hs20, the council is of the view that this would not constitute a serious issue with regard to coalescence. Much of the remaining gap would consist of the former Oatslie Landfill Site which ceased operation in 2010 and it is unlikely that this land would be suitable for development in the foreseeable future due to gas emissions.

Lack of community facilities

The Council has set out the implementation requirements for new development in Auchendinny in Table 8.39 (page 137). Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

Lack of public transport

While site Hs20 did score negatively with regard to public transport in the site assessment process (CD020, pages 37-38), it also included the following note:

'The existing services, while perhaps not poor, are limited in terms of not providing an evening service.'

The scale of development proposed would offer potential to help support existing, and may perhaps promote further services. The distance to bus stops on the A701, while outwith national planning guidance distance set out in PAN75, it may not be an unreasonable distance for some citizens to travel to walk access a wider range of services.'

Loss of light/overlooking due to higher elevation of the site

The development of these sites will be subject to the design policies in the plan such as DEV5-7 (pages 16-18). Provisions are made in these policies to ensure that loss of light and overlooking to existing properties is minimised. It should also be noted that the site boundary does not necessarily

Loss of views for some residents

Development of the proposed site at Auchendinny will be subject to policies DEV5-7 in the Proposed Plan (pages 15-18) which should ensure that they will be of a high quality design and therefore minimise any concerns about loss of amenity for adjoining properties. Any suggestion that the development of these sites would reduce house values is not considered to be a material consideration in making planning decisions.

Impact of increased traffic on the character of the village

It is expected that the principle access for site Hs20 will be to the north of Auchendinny, due to the difficulty with different ground levels to the south, though the details need to be assessed in preparing the brief/masterplan. In this event any northbound traffic will likely avoid travelling through the village itself.

Allocated sites in Penicuik should be completed before allocating more land for housing

In order to meet the Housing Land Requirement set by the SDP, it is necessary that both committed and proposed sites are capable of being developed within the plan period, as outlined in paragraph 2.3.4.

Potential detriment to Old Woodhouselea Castle

While Historic Scotland's submission to the plan does have comments on elements of the spatial strategy, no mention has been made with regard to site Hs20. Given that Old Woodhouselea Castle is a Scheduled Monument, the Council would have expected an objection if Historic Scotland had concerns about the impact the development of Hs20 would on its setting.

Council approving housing to increase council tax revenue

As stated above, the development outlined in the plan is required to meet the housing land

requirement set by the SDP. Should the Council not allocate land, such as Hs20, it is likely that house builders will submit planning applications and appeal on the basis that the housing land supply is insufficient, as has happened already.

Loss of access to the countryside

The distance from the existing built area of Auchendinny to the eastern edge of site Hs20 is approximately 400-450m (depending on where the measurements are taken from). The Council considers that this represents a reasonable level of access to the countryside.

GP surgery already over capacity

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan, however no comment was received by the Council. As the local health board, they have not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care.

Risk of water run-off flooding existing properties

Policy ENV9 requires that a Flood Risk Assessment is undertaken in areas that are medium-to-high flood risk. SEPA have indicated that an FRA will be required for site Hs20.

Contrary to aims of Central Scotland Green Network (CSGN)

The plan seeks to enhance the Central Scotland Green Network through the development of site Hs20, with the settlement statement saying '*The development should take advantage of its location adjacent to the valley, and include appropriate links where possible as a contribution to the green networks in this location.*' (Table 8.37)

Conclusion

The Council considers that the matters raised by those representations objecting to the inclusion of site Hs20 Auchendinny have been taken into consideration in the course of drafting the plan or addressed above. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP3 Jon Harman; PP40 Peter Keightley; PP63 Barbara Rast; PP163 Jimi Wills; PP165 Karen Wills; PP249 Jeffries; PP294 Heather Stewart; PP461 Dr Stephen Goss; PP555 Nicholas Temperley; PP561 Emma Greig; PP574 Maria Ahlberg; PP584 Graham Watson; PP585 Ruth Hamilton; PP586 Andrew Ewart; PP587 Maria Mitchell; PP774 Douglas Martin; PP775 Katherine Bruce; PP777 Campbell Macaulay; PP778 Tracey Murphy; PP784 Lynn Mellon; PP790 Derek Dickerson; PP797 Ellie Geen; PP800 Norma Walker; PP803 T Henry; PP805 Mr Cursiter; PP806 Mrs Cursiter; PP809 Louise Moncrieff; PP811 Jocelyn Gray; PP813 Ruairi Gray; PP815 Nelson Gray; PP817 Steven Higginson; PP818 Joanne Palmer; PP819 Avril Bryan; PP821 Alan Bryan; PP822 Neil MacDonald; PP824 Aileen Palmer; PP833 Alison Whiteford; PP835 Shiraz Newall-Watson; PP838 Tim Newall-Watson; PP842 Simone Meddle; PP845 SD Bain; PP848 Kate Wilkinson; PP850 Rowan Watkins; PP853 David Naismith; PP854 Heather Bennet; PP856 Janet Cleland; PP1198 Nicholas Temperley; PP1399 Douglas Bald; PP1400 Johanne Notman; PP2327 Alison Whiteford; PP2663 Jon Harman; PP2678 Claire Houston; PP2722 C Daniels)

Auchendinny – Supportive of site Hs20 Auchendinny

The support for the proposed site Hs20 Auchendinny is noted. The Council is of the view that no modifications to the plan are necessary in light of this representation. (PP1051 Miller Developments and Avant Homes)

Reporter's conclusions:A701 Strategic Development Area: Policy context

1. The housing requirement is set out in SESplan. The supporting Supplementary Guidance: Housing Land (2014) identifies the requirement for each council area including Midlothian. There is statutory requirement for the local development plan to demonstrate consistency with SESplan. In this context the proposed plan is required to identify a corresponding supply of housing land which should be effective or capable of becoming effective over the course of the plan period.
2. These matters are assessed in more detail in the consideration of Issue 3 (requirement for new development). Suffice to say that it is recognised that there is not a significant resource of brownfield land at the council's disposal and consequently, given the extent of the housing requirement, this has led to the consideration of land currently designated green belt, green field and/or agricultural land to meet this requirement.
3. SESplan identifies the A701 Corridor as one of the Strategic Development Areas within the Midlothian/Borders Sub Regional Area, where there is a need to deliver substantial housing and economic development proposals on new and committed sites. Accommodating such growth, it recognises, has raised issues of coalescence and maintenance of community identity. These are recurring issues to be found in representations to the proposed housing and employment use allocations throughout the A701 Corridor.
4. With regard to economic growth in Midlothian, in addition to developments at the Bush Estate, SESplan states that this will be achieved through the expansion of committed economic locations, including the committed employment location at Ashgrove, Loanhead.
5. In developing a spatial strategy paragraph 50 of Scottish Planning Policy (2014) states that planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt. SESplan, through paragraph 129, recognises that the green belt around Edinburgh may need to be modified to implement the provisions of its strategy which requires development, among others, in the A701 Corridor (Midlothian). At paragraph 130 SESplan states that planning authorities should seek to minimise the loss of land from the green belt whilst balancing the need to achieve sustainability objectives. Where green belt land is required to achieve the strategy, it notes, that effort should be made to minimise the impact on green belt objectives and secure long-term boundaries. In this regard, I find that the council's broad approach to identifying development sites within the A701 Corridor to be consistent with Scottish Planning Policy and SESplan.
6. Paragraph 80 of Scottish Planning Policy seeks to protect prime agricultural land but recognises that the loss of such land may be justified as a component of a settlement strategy. Given the extent of prime agricultural land in Midlothian, and that this is mostly located around the principal settlements in the north of the area, I accept that some prime

agricultural land will be lost to development, particularly if the housing requirement is to be met in full within the strategic development area.

7. The sites at Bilston (Hs16 and Hs17) and Ashgrove, Loanhead (Ec4) presently form part of the green belt and are promoted in the proposed plan for housing development and employment uses, respectively. While that at Auchendinny (Hs20), also promoted for housing development, is designated as 'countryside'. The sites at Bilston and Auchendinny are also classed as prime agricultural land. The site at Burghlee (AHs2) lies within the urban area of Loanhead. The council's responses to representations lodged in respect of these sites is that identified constraints can be addressed and appropriately mitigated and that their inclusion is justified to meet strategic housing land requirements. I consider each of the sites in turn below.

LOANHEAD

Proposal AHs2: Burghlee

8. The site lies within the settlement boundary of Loanhead and, in part, is allocated for business use in the adopted Midlothian Local Plan (2008). The proposed local development plan promotes the existing business use land and, additionally, land further to the east as an 'additional housing development opportunity' under the terms of proposed policy STRAT 4; that is, sites which are subject to development uncertainties. Accordingly, the proposed plan makes clear that the site is not relied upon to meet plan-wide housing requirements. The council adds, however, that should the site be developed the resulting housing would nevertheless contribute to meeting SESplan requirements. The site extends to approximately 13.4 hectares and has an estimated capacity of 175 dwellings.

Ground conditions and 'brownfield' land

9. The present day semi-rural appearance and agricultural use of the site belie the legacies of past coal mining and landfill operations at Burghlee. The supporting text to the proposal notes that ground condition and contamination issues associated with these past uses need to be resolved before the site can be developed for housing purposes. For these reasons, and despite a level of land reclamation and restoration, the site has been previously developed and, therefore, I agree that the site is correctly regarded as being 'brownfield' land.

10. I note that preliminary site investigations conclude that the past industrial uses on and adjacent to the site would not prohibit its development for housing. Whilst more detailed site investigations are required to understand the full extent of site constraints and how they might be addressed, I consider that Table 8.26 of the proposed plan adequately describes those constraints and the investigations required to be undertaken by prospective developers. Furthermore, as the council notes, if such matters are not appropriately addressed in development proposals planning permission is unlikely to be granted.

Burghlee Bing

11. A representation seeks the inclusion of Burghlee Bing within the AHs2 allocation. The council explains that the area in question forms part of a broad area of dense woodland lying to the south-east of the proposed allocation and which forms an edge to Loanhead and the green belt beyond. Historical maps note the use of the site as a refuse tip and the

council refers to the high probability of the land being contaminated, which could hinder the delivery of future development on the allocated site. In the circumstances, despite known constraints associated with proposal AHs2, I consider it reasonable to exclude the site from the proposed allocation for the reasons advanced by the council and therefore that the proposed plan should remain unchanged in this respect. The site of the bing, however, is located within the settlement boundary of Loanhead and should further information on contamination and suitable remedial measures become known, it could be considered for housing development through proposed policy STRAT 2 (windfall housing sites).

Vehicular access

12. Vehicular access to the site is constrained by the narrowness of Park Avenue and the poor visibility in both directions at its junction with The Loan. The landowner has identified a possible solution incorporating land also in its ownership along the western edge of Park Avenue which would allow it to be widened. The need to address these matters is highlighted in the supporting text and I have no reason to doubt that it is possible to design a suitable access and junction to serve the site.

Archaeology and the setting of Bilston Viaduct

13. Historic Environment Scotland is content with the commentary provided in the proposed plan with regard to the archaeological potential of the site. Furthermore, I consider that the terms of proposed plan policies ENV 24 (other important archaeological or historic sites) and ENV 25 (site assessment, evaluation and recording) would provide the required protection to ensure that archaeological remains are preserved or appropriately excavated and recorded, if considered appropriate.

14. Bilston Viaduct is a category 'A' listed building located immediately to the south-east of the proposed housing site. The viaduct spans the Bilston Burn which runs through a densely wooded valley in this location and which in effect screens the viaduct from view from within the site. Representations suggest that development at Burghlee could have an adverse impact on the setting of the viaduct. However, I agree with the council that development would likely have little or no effect on the setting of the listed structure. This matter would be addressed at the planning application stage through proposed policy ENV 22 (listed buildings). I note the absence of any concern on this matter from Historic Environment Scotland.

Nature conservation interests

15. The dense woodland areas to the south of the site are excluded from the proposed housing allocation. The supporting text to the proposal explicitly states that the extensive woodland along the sites southern boundary should largely be retained and is of value. I am satisfied that the boundaries of the site have been drawn so as to avoid any adverse effects on the nature conservation interests of the area, including the Bilston Glen Site of Special Scientific Interest.

16. The site is not prime agricultural land. Moreover, the site lies within the settlement boundary of Loanhead and separated from the countryside beyond by dense woodland. As indicated above, I agree with the council that the majority of the site is 'brownfield' and that, in light of the wider housing requirements, it is reasonable to consider such land for development in advance of others which could potentially undermine green belt, environmental or other objectives.

Loss of amenity

17. The site is bound by Westfield and Burghlee parks to the north and the woodlands of Bilston Glen to the east and south. Memorial Park lies a short distance to the north. If developed for housing purposes, the proposed plan requires the provision of open space and environmental improvements to meet the needs of future residents and the creation of pedestrian links to the existing parks and woodlands. As such, I do not believe that development would result in a loss of recreational opportunity or amenity for existing residents, as suggested by some in representations.

Spatial strategy and access to local services and facilities

18. Representations argue that the site should not be promoted for housing development given that the council has allocated sufficient land elsewhere to meet the housing requirement for the plan area. Others suggest that there is brownfield land in Edinburgh that could be developed instead of that at Burghlee. While these matters are addressed in general terms at paragraphs 1 to 5 above, I note that, as provided for by Scottish Planning Policy, SESplan states that local development plans may identify other opportunities for growth in the longer term, in this instance beyond 2024. The confirmation of such sites, it adds, will be subject to the conclusions of a future review of the plan. Also, the council correctly notes that sufficient land to meet its housing land requirement, as set out in Table 3.1 of SESplan Housing Land Supplementary Guidance (2014), must be found within Midlothian if the proposed plan is to conform to SESplan. Accordingly, despite development uncertainties, the council's approach in identifying proposal AHs2 is consistent with Scottish Planning Policy and SESplan. I find that no modifications are required to the proposed plan in relation to this matter.

19. A number of representations highlight the lack of local service provision to support new development in the area. In this regard, Table 8.27 and the proposed plan sets out the requirements necessary to support development on the site while policies IMP 1 (new development), IMP 2 (essential infrastructure required to enable development to take place) and, in time, supplementary guidance, will provide a framework to secure contributions to their provision. As such, I agree that an adequate framework will be in place to secure necessary contributions and ensure that development can be supported without unacceptable impacts on existing local services and infrastructure. Consequently, no modifications are required to the proposed plan to address this matter.

20. Representations also raise concerns regarding the extent of new development being promoted in Loanhead and West Straiton, including that proposed at Burghlee. While the extent of new development under construction and in prospect throughout the A701 Corridor Strategic Development Area may cumulatively be regarded as being significant, I do not consider that the level of development promoted in Loanhead to be so with it mostly being contained within its existing settlement boundaries. Neither do I consider the estimated capacity of the Burghlee site to be excessive or to represent a significant increase in the number households in Loanhead. The proposed development of land at West Straiton, as part of the 'Midlothian Gateway' initiative, is essentially an employment use allocation in a location to which the proposed plan directs further growth and its promotion as such is consistent with the spatial strategy of the SESplan. Accordingly, no modifications are required to the proposed plan with regard to this matter.

Coalescence

21. Finally, concern has been expressed that the development of the site could result in the coalescence of Loanhead and Roslin, which at its closest lies approximately two kilometres to the south. However, as noted above, the allocated site at Burghlee lies within the existing settlement boundary of Loanhead and is bound along its southern edge by the extensive woodlands of Bilston Glen and a raised area of restored ground. Moreover, the land immediately to the south is variously designated; green belt, prime agricultural land, countryside and open space and forms part of an historic battlefield site that is included on the Inventory of Historic Battlefields.

22. The council acknowledges that in some cases there is the potential for proposals of the plan to result in the coalescence of settlements and the loss of their individual identities. To address this issue, proposed policy DEV 1 (community identity and coalescence) states that development will not be permitted which would result in the physical or visual coalescence of neighbouring communities unless mitigation measures are proposed which maintain visual separation and protect community identity. In respect of proposal AHs2, and Hs18 and Hs19 on the north side of Roslin (which I deal with in Issue 30 of this report), I note that there are a set of measures described in Tables 8.26 and 8.33 to avoid coalescence and mitigate the impact of growth. In addition, the protection afforded the land by proposed policies ENV 1 (protection of the green belt), ENV 4 (prime agricultural land), RD 1 (development in the countryside) and DEV 8 (open spaces – outside settlements) should ensure that the coalescence of Loanhead and Roslin would be prevented.

AHs2 conclusion

23. Overall, I conclude that site AHs2 should remain in the proposed plan as an ‘additional housing development opportunity’.

Proposal Ec4: Ashgrove North

24. Representations commenting on the provision of economic land and housing supplies in Midlothian are considered in Issue 2 (committed development), Issue 3 (requirement for new development), and Issue 33 (economic sites). The matters addressed below relate to the suitability of the site to accommodate employment uses and housing, or a combination of both, and its green belt designation.

25. Scottish Planning Policy states that local development plans should allocate a range of sites for business uses (paragraph 101), and that development which would generate significant freight movements should be located on sites accessible to the strategic road network, among other locations (paragraph 104). With regard to achieving economic growth in Midlothian, SESplan supports the expansion of the committed employment location at Ashgrove, Loanhead. Accordingly, the proposed plan allocates additional employment land at Ashgrove North as an extension to that which exists at Ashgrove Industrial Estate and which would also supplement the established supply within the A701 Corridor.

26. In locational terms, I consider proposal Ec4 to be consistent with Scottish Planning Policy and SESplan; it provides for both business and general industrial uses, can be regarded as an extension to a committed employment location, and is located so as to take advantage of and access to the strategic road network. Furthermore, extending to 11.5 hectares, the site would make a significant contribution to meeting the 15 hectares of

additional employment use land in the A701 Corridor sought by SESplan.

27. A representation seeks the allocation of the site for mixed use development to include between 250-275 residential units and two hectares of class 4 employment uses. The residential component is promoted by interested parties on the basis of there being a shortfall in the housing land supply and compensatory employment land being provided on neighbouring vacant land. However, as found in Issue 3 (requirement for new development) there is no shortfall in the housing land supply. I also find that the allocation of site Ec4 would make a significant contribution to meeting the SESplan requirement for 15 hectares of employment land in the A701 Corridor. The suggestion that employment uses proposed at Ashgrove North be directed to vacant land already allocated elsewhere for that purpose would fail to address SESplan's specific requirement to identify additional land for such purposes.

28. With regard to the loss of green belt land to development, the Edinburgh Green Belt Study (2008) concludes that the landscape character of the area in which proposal Ec4 is located is one that is visually contained and able to accommodate development. Within this context, the council believes, and I agree, that the impacts of development on the landscape, including the neighbouring Straiton Pond, can be mitigated without undermining green belt objectives. Proposed plan Table 8.25, the accompanying settlement statement map and proposed action programme set out the development considerations and actions required, including the preparation of a master plan and the need for a 30 metre woodland belt along the site's boundary with the City Bypass, to secure an acceptable development. In addition to the development considerations described, I consider that regard should also be had to the elevated nature of the site and the potential impact that future business and/or industrial buildings could have on near and distant views, particularly when travelling west along the Edgefield relief road. Accordingly, these considerations should be highlighted in Table 8.25. Overall, however, I conclude that proposal Ec4 should remain in the proposed plan.

BILSTON

Proposal Hs16: Seafield Road

29. The site is identified as lying within the green belt, as prime agricultural land and as forming part of a broad 'protection of the countryside' policy designation in the current local plan of 2008. The proposed plan promotes the site as a strategic housing allocation with an estimated capacity of 350 dwellings. The supporting text notes that the site is relied upon to meet strategic housing land requirements. It also sets out development considerations and notes that there are known ground condition issues associated with former landfill operations and that these will need to be investigated and the impact on proposed development assessed.

30. A longer term safeguard for a further 200 dwellings is identified on the Proposals Map immediately to the north-west of the site and bound by the proposed A701 relief road. The proposed plan indicates the possible future development of the site will be a matter for a subsequent local development plan to consider. The site lies immediately adjacent to site h56: Seafield Road East, which is presently under construction, and Hs17: Pentland Plants.

Loss of green belt and impact on landscape character

31. An assessment of the landscape surrounding Bilston and its capacity to accommodate

development was undertaken as part of the Edinburgh Green Belt Study (2008). The rationale for the council's proposal to realign the green belt boundary in this location is described in a main issues report technical note on the green belt, and its assessment of the site in appendix 2 of its revised environmental report of the proposed local development plan.

32. Damhead and District Community Council note that the council's revised environmental report and Development Sites Assessment incorrectly record the site as lying outwith the green belt. This, it argues, has undermined the council's assessment of the site and its suitability to accommodate development. Representations also note that the Edinburgh Green Belt Study recommended that there was only limited landscape capacity for development at Bilston; land on which new housing is presently being built (h56). The study noted that development in this location could be associated with the existing settlement and would limit impact on the setting to the Pentland Hills and on the wider more intact rural landscape to the west.

33. I have reviewed the relevant documents and find that the council has correctly noted that the site presently forms part of the designated green belt, indicating that development would have significant adverse effects on the site. In the case of proposal Hs16 the revised environmental report concludes that development would have a significant adverse impact on the green belt and on prime agricultural land. I conclude, therefore, that the council has correctly identified the constraints and undertaken a reasonable assessment of the site in relation to this matter.

34. Despite the development of new housing north of Seafield Road (h56), I consider that the land to the north and west of Bilston retains the qualities identified in the Green Belt Study, that is, an area that plays an important role in providing a relatively uncluttered rural foreground to the Pentland Hills from the east. Since the publication of the study in 2008 there has been an increasing demand for new housing in Midlothian, some of which is attributable to there being insufficient capacity within Edinburgh to meet the demands that arise there. In addition, SESplan places specific, and challenging, requirements on this local development plan in terms of identifying sufficient land to meet housing and employment use needs within the A701 Corridor, which it recognises may require green belt boundaries to be modified if the strategy of the plan is to be implemented.

35. Within this significantly changed context, and despite the findings of the site assessment, I consider that it is appropriate and necessary to review the boundaries of the green belt in this location if sufficient land to meet development needs is to be identified. While matters relating to the green belt are addressed in Issue 12, I find that in relation to this matter the proposed A701 relief road, required to address long-standing transport issues, together with extensive tree belts, could provide a strong defensible realigned green belt boundary and in so doing negate pressure for any further development beyond.

Modification to the proposed Hs16 allocation boundaries

36. A representation from Taylor Wimpey and Hallam Land Management Limited, who have control over the site, seek a modification to the proposed plan that would see the safeguard for future housing development lying immediately to the north included within the Hs16 allocation. It is argued that to do so would allow greater flexibility for site master planning, address the accommodation of the A701 relief road and enable the delivery of landscape mitigation measures. It is also argued that the site could be delivered in the medium term, in accordance with the development strategy. A further representation also

refers, in the same terms, to an additional 5 hectare of land on the north-east edge of Hs16 safeguard for longer term development.

37. The council considers that it has allocated sufficient land to meet SESplan housing requirements and, furthermore, that the proposed plan allows for sites safeguarded for longer term development to be brought forward if necessary. With this in mind, and despite the containment of both sites within the inner alignment of the proposed relief road, neither site has been assessed nor the line of the relief road fixed. In these circumstances, I consider that it would be inappropriate to modify the boundaries of the proposed Hs16 allocation and, as indicated in Table 8.29, this will be a matter for a subsequent local development plan to address.

Coalescence

38. The Green Belt Study recognised the importance of maintaining a separation between Bilston and Loanhead in order to preserve the distinction between the two settlements, particularly as experienced when travelling along the A701. To a large extent I find that distinction has been eroded as a consequence of recent development at Cameron Gardens (site h56). Despite the provision of open space and development being set back from the A701, development fills the gap between Bilston, the residential caravan site and the commercial buildings of Pentland Plants. I consider that the development of Hs16 (and Hs17) will not erode the gap between Bilston and Loanhead any further. Indeed, through appropriate landscaping the distinction between the settlements could be reinforced, as suggested in the settlement statement and map. The inclusion of the Pentland Studios proposal to the north of Bilston would also require a landscaping scheme. This would likely ensure that character and identity of Bilston/Loanhead/Straiton were maintained.

Prime agricultural land

39. The site is classed as prime agricultural land, although I note that the environmental report suggests that as a result of past landfill operations some parts of the site may no longer be so. The council argues, and I accept, that the extent of housing land that it is required to identify in the A701 Strategic Development Area has led to the unavoidable consideration of such land if the housing land requirement is to be met.

Scale of proposed development

40. Concerns expressed in representations argue that the scale of the development proposed is disproportionate when compared to that of the existing settlement. Whilst an acceptable level of development will ultimately be established through the preparation of a master plan and the assessment of a planning application, I consider that it would help address the potential impact of development on the local and wider landscape, and allay local concerns, for the proposed plan to state more clearly how the site could be developed to satisfy these concerns and those described in Table 8.29; this could be achieved by amending the text in the table.

41. With regard to the provision of local facilities, infrastructure, health services and access to public transport, Table 8.31 and proposed plan sets out the requirements necessary to support development on the site while proposed policies IMP 1, IMP 2 and, in time, supplementary guidance, will provide a framework to secure contributions to their provision. I agree with the council that while there is a high frequency of public transport services on the A701, the scale of development proposed could lead to bus operators

adding to or redirecting services to meet demand generated by new development, particularly if addressed at the outset of the master planning exercise. On the matter of health services, the proposed plan notes that there is capacity at present in all GP practices that serve the area.

42. Overall, I agree that in due course an adequate framework will be in place to secure necessary contributions, ensure that development can be supported without unacceptable impacts on existing local services and infrastructure and deliver good access to public transport services.

Other matters and proposal Hs16 conclusion

43. Representations also raise concerns regarding flood risk, ground conditions, land contamination and archaeology. These are all matters referred to in Table 8.29 of the settlement statement and addressed by proposed policies; principally policies ENV 9 (flooding), ENV 10 (water environment), ENV 16 (vacant, derelict and contaminated land), ENV 24, ENV 25 and IMP 1, IMP 2 and IMP 3, respectively. I am satisfied that the proposed plan makes adequate provision to require such matters to be investigated and addressed. Furthermore, as the council notes, if such matters are not appropriately addressed in development proposals, planning permission is unlikely to be granted.

44. Overall, I conclude that proposal Hs16 should remain in the proposed plan, subject to my recommendations below.

Proposal Hs17: Pentland Plants

45. Although operating as commercial garden centre and wood products business, and extensively covered by buildings, the site is shown as forming part of the green belt and as lying within a 'protection of the countryside' policy designation in the current local plan. Land lying to the south of the access road is also identified as being prime agricultural land. These designations, appropriate in the context of past local plans (of 2003 and 2008), are now anomalous given the extent, purpose and appearance of the buildings that occupy the site today.

46. The proposed plan removes the site from the green belt and promotes the site as a strategic housing allocation with an estimated capacity of 75 dwellings. The supporting text notes that: the site is relied upon to meet strategic housing land requirements; states that redevelopment should take account of its relationship with site's h56 and Hs16; and that vehicular access is considered to be inadequate without improvement. The council regard the site as 'brownfield'.

47. Many of the representations comment on the merits of proposal Hs17 alongside those for Hs16 and raise similar concerns. For the most part my findings on the loss of green belt and prime agricultural, coalescence and the provision of local services, apply equally to Hs17 as they do Hs16. With regard to the proposal to remove the site from the green belt, I consider such a proposal to be entirely consistent with Scottish Planning Policy, which states that the spatial form of the green belt should be appropriate to its location and that consideration should be given to excluding major businesses and industrial operations, among other uses. Accordingly, in light of site's use, I agree that the site can be regarded as 'brownfield' and that is appropriate to remove it from the green belt.

48. With regard to specific concerns relating to the redevelopment of the site the issue of

coalescence is perhaps the most pertinent. The redevelopment of the site does, however, present the opportunity to recreate a degree of separation and distinctiveness between the Bilston and Loanhead through the retention and enhancement of existing vegetation and appropriate woodland planting, particularly along the north-west and south-east edges. The settlement statement appropriately highlights the importance of the site's relationship with site's h56 and Hs16 in developing proposals for the site. The inclusion of the Pentland Studios proposal to the north of Bilston would also require a landscaping scheme. This would likely ensure that character and identity of Bilston/Loanhead/Straiton were maintained.

Other matters and proposal Hs17 conclusion

49. As for the potential adverse impact of development on the amenity of residents of Cameron Gardens, the council correctly points to the provisions of its existing local plan and those of the proposed plan, in particular design policies DEV 5-7 to address such concerns. I have no reason to doubt that such policies would be applied in order to protect, or indeed improve, the amenity of existing residents.

50. Overall, I am satisfied that the site can be successfully developed and conclude that the site should remain in the proposed plan.

AUCHENDINNY

Proposal Hs20: Auchendinny

51. The site is identified as lying within a broad 'protection of the countryside' policy designation and as prime agricultural land in the current local plan. The proposed plan promotes the site as a strategic housing allocation with capacity for 350 houses; 335 of which are expected to be built up to 2024. The supporting text notes that the site is relied upon to meet strategic housing land requirements. It also sets out development considerations, including the requirement to take account of the impact of development on Auchendinny village and the hamlet of Old Woodhouselee through sympathetic layout, landscaping, open space and densities.

Green belt, prime agricultural land, landscape and nature conservation

52. Representations highlight concerns regarding the loss of green belt, prime agricultural land and the adverse impact that the proposed development would have on the surrounding landscape and its nature conservation interests.

53. With regard to these matters, I note firstly that the site is not designated as green belt in the adopted Midlothian Local Plan (2008). Secondly, as I indicate above, if the housing requirement is to be met within the A701 Corridor, there is a need to review previous designations to accommodate the level of growth as set out in SESplan and Supplementary Guidance on Housing Land. The council has demonstrated that it has considered and allocated a number of brownfield and urban sites for housing purposes within the area and that it has had regard to other factors, such as the need to maintain the green belt and promote a pattern of development that is accessible and sustainable, before allocating prime agricultural land for development. Thirdly, the proposed plan requires the preparation of a master plan to guide the development of the site and has set out the principal considerations in settlement statement Table 8.37 and accompanying map, including the requirement to retain and enhance landscape features, nature conservation

interests and access to the wider countryside.

Scale of proposed development

54. Table 8.37 indicates that the site has the capacity to accommodate 350 dwellings. Concerns expressed in representations argue that the scale of the development proposed is disproportionate when compared to the size of the village, which comprises approximately 50 dwellings, and the adjoining hamlet of Old Woodhouselee. Whilst the development of the site would represent a substantial expansion of Auchendinny, its promotion through the proposed plan would allow its development to be co-ordinated, in particular, its phasing and provision of infrastructure, including public transport and landscaping. The site is also well located to advantage of existing infrastructure along the A701 Corridor. Moreover, its development would make a significant contribution to the SESplan housing requirement.

55. Whilst an acceptable level of development will ultimately be established through the preparation of a master plan and the assessment through the development management process, I consider that it would help allay local concerns for the proposed plan to state more clearly how the site could be developed to satisfy these concerns and to address the considerations set out in Table 8.37; this could be achieved by amending the text in the table.

56. I concur with the council that the scale of development proposed has the potential to deliver improved community facilities and public transport provision. These matters are specifically referred to in the proposed action plan and I consider that the suite of implementation policies and supplementary guidance will provide a framework to secure their provision. With regard to the provision of primary health care facilities, the proposed plan notes that there is capacity at present in all GP practices that serve the area. Furthermore, the council notes that NHS Lothian has not indicated any difficulties in the meeting needs of future residents as a consequence of the development proposed. Accordingly, no modifications are required to address this and other matters referred to above.

The contribution of the site to meeting housing requirements

57. This matter is addressed under Issue 3. Suffice to say that the council in allocating in the A701 Corridor has had regard to the requirements of SESplan; to the provisions of Scottish Planning Policy where a need to maintain a 5-year effective land supply is expressed. The council acknowledges that it has allocated sites that could realise more than the 750 dwellings in the A701 Corridor, as described in Table 2.3 of the proposed plan. It argues that it has done so to take account of the possibility that some sites may not come forward for development within the currency of the proposed plan and to avoid the prospect of a shortfall in the housing land supply. It considers such an approach to be prudent, as do I, given the reliance on a number of large sites to meet the housing requirement.

Coalescence

58. As I note in paragraph 22 above, proposed policy DEV 1 establishes a presumption against development which would result in the physical or visual coalescence of neighbouring communities unless mitigation measures are proposed which maintain visual separation and protect community identity. Table 8.37 describes those measures required at Auchendinny, while tables 8.32 and 8.34 do likewise in respect of sites e34 (Oatslie, by

Roslin) and Ec5 (Oatslie expansion, by Roslin), located to the south west of Roslin.

59. In addition, the land lying immediately to the north of proposal Hs20 and Roslin is designated; green belt, prime agricultural land, as forming part of a river valley, countryside, and open space, each of which establish a presumption against inappropriate development. Moreover, much of the land was formerly used as a landfill site rendering it unsuitable for development. Accordingly, I consider that the physical characteristics of the land and the remaining distance between settlements, together with the protection afforded the land by the policy designations of the proposed plan, namely policies ENV 1 (protection of the green belt), ENV 4 (prime agricultural land), ENV 8 (protection of river valleys), RD 1 (development in the countryside), and DEV 8 (open spaces), should ensure that the coalescence of Auchendinny and Roslin would be prevented.

Amenity

60. The impact of proposed development on the amenity of local residents is a matter of detailed design and layout and I do not believe that concerns of this nature constitute a fundamental shortcoming of the site. As the council notes, the provisions of proposed policies DEV 5-7 allow matters of loss of light, overlooking and other impacts on amenity to be addressed in the assessment of a planning application. The loss of a view is not usually a planning consideration. As such, no modifications are required to the proposed plan to address this matter.

Traffic

61. Matters of access and wider transport impacts are rightly issues to be addressed through the preparation of a master plan and the assessment at the development management stage. I consider that it is appropriate at this stage for the proposed plan to indicate broadly how the site might be accessed and to identify other transport considerations, as described in Table 8.37, the settlement statement map and proposed action programme. No modifications are required in relation to this matter.

Other matters and proposal Hs20 conclusion

62. To address the concerns flooding as a consequence of surface-water run-off, the Scottish Environmental Protection Agency and the council have indicated that it will be necessary for prospective developers to prepare a Flood Risk Assessment. This matter is also addressed by policy ENV 9 (flooding) and supporting paragraphs. No modifications are required in relation to this matter.

63. Overall, I conclude that proposal Hs20 should remain in the proposed plan, subject to my recommendations below.

Supportive comments

64. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, expressions of support from landowners and those with an interest in all sites addressed above are noted but do not require further consideration.

Reporter's recommendations:

Modify the proposed local development plan by:

1. Adding the following sentence to Table 8.25 (proposal Ec4, Ashgrove North) after the sixth sentence on page 129:

“Regard should also be had to the elevated nature of the site and the potential impact of new development on views, particularly when travelling west along the Edgefield relief road.”

2. Adding the following sentence after the first sentence of Table 8.29 (proposal Hs16, Seafield Road) on page 135:

“The masterplan for the site should draw upon the sustainable place-making and design policies of this Plan and the supplementary guidance ‘Quality of Place’.”

3. Adding the following text to end of the eighth sentence of Table 8.29 (proposal Hs16, Seafield Road) on page 135:

“..., while the provision of other areas of green space could contribute to maintaining outward views to the west of the Pentland Hills.”

4. Adding the following sentence after the first sentence of Table 8.37 (proposal Hs20, Auchendinny) on page 148:

“In this regard consideration should be had to the sustainable place-making and design policies of this Plan and to supplementary guidance ‘Quality of Place’.”

5. Adding the following sentence after the fifth sentence of Table 8.37 (proposal Hs20, Auchendinny) on page 148:

“The provision of green spaces, with appropriate planting, adjacent to existing properties could help retain a degree of separation and distinction between the village and new development.”

Issue 29	A701 Corridor Strategic Development Area – Penicuik	
Development plan reference:	The Strategy for Sustainable Growth. Settlement Statements.	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>908830 909348 909526 909528 909251 909365 909365 909657 909251 909251 909251 909251 909251 909415 909736 909813 909823 909825 907616 909231 909231 909876 909477 909605 783100 921263 921691 921271 921233 921234 921235 921236 921237 921309 921311 921309 921311 921314 921326 921328 778982 921815 921851</p>	<p>PP52 PP107 PP117 PP118 PP127 PP131 PP132 PP135 PP138 PP139 PP140 PP141 PP143 PP157 PP161 PP200 PP202 PP215 PP241 PP253 PP254 PP334 PP436 PP454 PP486 PP563 PP570 PP571 PP597 PP598 PP599 PP600 PP601 PP623 PP627 PP628 PP629 PP630 PP635 PP636 PP664 PP669 PP686</p>	<p>Marianne Keith Kenny Loraine Mr & Mrs Lyall Mr & Mrs Traynor Eric Blackmore Adrian FitzGerald Adrian FitzGerald Neighbours of Belwood Crescent Eric Blackmore Eric Blackmore Eric Blackmore Eric Blackmore Eric Blackmore Sara Gordon Nicola Gibb Carlene Gibson Douglas Gibson Rikki Scott sportsotland Howgate Community Council Howgate Community Council Patricia FitzGerald Louisa Russell Jane Tallents Ann Steadman J McDonald Douglas Mauchline Philip Drummond Michael Boal Catherine Boal Lauren Boal Liam Boal Gemma Boal Graham Young Margarita Young Graham Young Margarita Young Jonathan Young Pauline Cunningham Grant Duffus Elizabeth Quigley Penicuik Tennis Club (petitioners) Peter Perfect</p>

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921949	PP687	L Kulasuriya
921951	PP688	Jamie Campbell
921954	PP689	H Campbell
921995	PP691	Frances MacAndrew
921996	PP692	Rojda Koese
921427	PP710	David Chambers
921445	PP711	Samantha Murray
921447	PP712	Robert M Walley
921329	PP713	David Cunningham
921329	PP714	David Cunningham
921448	PP715	Lynne Phillips
921331	PP717	W Cunningham
921331	PP718	W Cunningham
921450	PP720	Paul Crosbie
921333	PP721	Mark Cunningham
921333	PP722	Mark Cunningham
921452	PP726	Greg Tashjian
921454	PP727	Ailsa McCreath
921455	PP728	Katrina McDonald
921456	PP729	Robert Ross
921457	PP731	Ann Jack
921524	PP733	Elizabeth Ross
906131	PP734	Caroline Wylie
921524	PP735	Elizabeth Ross
906131	PP736	Caroline Wylie
921545	PP737	Nicola Porter
921458	PP738	Laurie Burns
921545	PP739	Nicola Porter
921459	PP740	Michael Rigg
921552	PP741	Judith Clyne
921552	PP742	Judith Clyne
921548	PP743	Ann Johnstone
921548	PP744	Ann Johnstone
921428	PP745	Margaret Chambers
921428	PP746	Margaret Chambers
921580	PP747	Susan Maxwell
921580	PP748	Susan Maxwell
921584	PP749	William McGinley
921584	PP750	William McGinley
921585	PP751	Rosie Turbitt
921585	PP752	Rosie Turbitt
921587	PP753	Paul Glynn
921587	PP754	Paul Glynn
921593	PP755	Ian Johnstone
921593	PP756	Ian Johnstone
921595	PP757	Stuart Robertson
921595	PP758	Stuart Robertson
921600	PP759	Kirsty Wardhaugh
921606	PP760	Eddie Haratty
921606	PP761	Eddie Haratty
921600	PP762	Kirsty Wardhaugh
921607	PP763	Craig Marchbank

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921607	PP764	Craig Marchbank
921607	PP765	Craig Marchbank
921610	PP767	Robert A C Rankine
921627	PP768	Connie Gibb
921627	PP769	Connie Gibb
921461	PP770	Jennifer Melrose
921642	PP771	Michael Wylie
921642	PP772	Michael Wylie
921462	PP773	Joyce Burns
921661	PP776	Jessica Witney
921547	PP779	Paul Glasgow
921646	PP780	Aimee King
921650	PP781	William Watson
921650	PP782	William Watson
921549	PP783	Lorna Glasgow
921653	PP785	CCU McCulloch
921551	PP786	Norman Williamson
921554	PP788	Nicola Moffat
921639	PP789	Georgia Wylie
921557	PP791	Lynsey Valentine
921559	PP792	Ashley Beattie
908670	PP793	Tennis Scotland
908670	PP794	Tennis Scotland
921560	PP795	Sandra Vick
921561	PP798	Joanna Fox
921631	PP799	Malcolm Wright
921634	PP801	Elizabeth Wright
921564	PP802	Diane Watson
921565	PP804	Chrstitina Begg
921566	PP808	A Begg
909238	PP816	Neil MacDonald
921620	PP820	Linda James
921655	PP823	R MacGregor
921655	PP825	R MacGregor
921657	PP826	Hugh Wilson
921657	PP827	Hugh Wilson
921666	PP829	Daniel Couper
921720	PP830	Claire Witney
921720	PP831	Claire Witney
921729	PP832	Ross Johnston
921735	PP834	Bette Kerr
921744	PP836	Pippa Johnston
921748	PP837	David Wardhaugh
921754	PP839	Morag Horne
921759	PP841	Jack Rice
921762	PP844	Matthew Witney
921766	PP846	Morag McGinley
921766	PP847	Morag McGinley
921774	PP849	Lucy Danes
921777	PP851	Rachel Crease
921777	PP852	Rachel Crease
921989	PP874	M Danes

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921774	PP875	Lucy Danes
921990	PP877	Yvonne Tobyn
921793	PP878	Jake Perry
921791	PP879	Alistair Hart
921789	PP880	Karen O'Hanlon
921784	PP881	Amber Lavin
921780	PP882	John Wardhaugh
921997	PP891	Douglas Fail
921997	PP892	Douglas Fail
921567	PP894	Alan J. Porter
921570	PP895	Yilang Li
921572	PP896	Colin Johnstone
921575	PP897	Karolina Kvol
921579	PP898	Krzysztof Kvol
921588	PP950	Stewart Watson
921592	PP952	Scott Bennett
921594	PP954	Ross Aitken
921598	PP955	Iain Clark
921603	PP957	Fiona McKinnon
921608	PP959	Derek Cartor
921612	PP961	Dawn Cartor
921615	PP962	Andy Turnbull
921617	PP963	Jean Grosland
921302	PP964	Ruth Hamilton
921584	PP972	William McGinley
921618	PP973	Lynne Turnbull
921621	PP974	Elizabeth Semple
921623	PP975	Alan Rice
921626	PP976	Richard Moffat
921628	PP996	Alan Pow
921633	PP997	Andy Law
921635	PP998	Lynsey Livingstone
921641	PP999	Isobel Thomson
921643	PP1000	David Clinkscale
921645	PP1001	Ruby McAdam
921648	PP1002	John McAdam
921652	PP1003	F Syme
921654	PP1005	Ann Scott
921656	PP1006	Anne Melville
921672	PP1007	G Imrie
921674	PP1008	G Woodhouse
921677	PP1009	Alan F E Benson
921680	PP1010	Sam Johnstone
921681	PP1011	Wendy Collins
921717	PP1012	Jane Whitehorn
921718	PP1022	Thomas Davies
921724	PP1023	Marie McKinnie
921725	PP1024	Lorraine Keith
921730	PP1025	Colena Cotter
921736	PP1026	Alexander Wylie
921741	PP1027	Tom Wylie
921743	PP1028	Eveline Lovell

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921749	PP1029	Sandra Finlayson
921751	PP1030	Holly Gibb
921755	PP1035	Simon Rennie
921760	PP1036	Gordon R. Archibald
921765	PP1038	Andrew McIlwhan
921769	PP1040	James Livingstone
921775	PP1042	Nicola Keenan
921776	PP1046	Neil Anderson
921779	PP1048	Lynne Harrower
921807	PP1049	Vicki Middleton
921810	PP1050	Leanne Naismith
921812	PP1053	Richard Naismith
908605	PP1079	Des O'hanlon
921312	PP1086	Tracey Murphy
921415	PP1088	David Naismith
921816	PP1090	Joanne Petit
921819	PP1093	Angela Naismith
921820	PP1094	Samantha Craig
921823	PP1100	Gordon Couper
921824	PP1103	M Hetherington
921827	PP1107	H McCarlie
921829	PP1110	Penicuik Cricket Club
921834	PP1112	Fiona Dunbar
921836	PP1113	Jay Brown
921839	PP1115	Lynda Murphy
921840	PP1117	Natasha Russell
921843	PP1119	Kirsty MacKenzie
921845	PP1123	Ian Clyde
921848	PP1125	Rudi Gerstenberger
921852	PP1127	A Bruce
921857	PP1129	Paul Spiers
921859	PP1130	Brian Hayes
921863	PP1131	Scott Baird
921866	PP1133	Brian Christie
921868	PP1139	Lynne Wylie
921871	PP1140	James Paterson
921872	PP1141	RB MacGregor
921874	PP1142	Margaret MacGregor
921877	PP1143	Sara Davidson
921878	PP1144	Gillian Wilson
921883	PP1145	Elizabeth Davidson
921885	PP1146	Paul Taylor
921887	PP1147	Richard Witney
921891	PP1148	Harry Stone
921892	PP1149	Iain Semple
921895	PP1150	Ian Woodyer
921898	PP1151	Tom MacKenzie
921902	PP1152	Abby Wighton
921904	PP1153	Max McGinley
921906	PP1154	Kenny Spiers
921909	PP1155	Connor Kerr
921922	PP1156	Vanessa Torquemada

921926	PP1157	Hazel Rice
779411	PP1174	Ian Holmes
921930	PP1175	Allan Sinton
921932	PP1176	Susan Perry
921934	PP1177	Laura Alcroft
921937	PP1178	Dawn Neil
921939	PP1179	Campbell McLeod
921941	PP1180	Charlie Dewar
921943	PP1181	Lucy Bravey
921945	PP1182	Christine Clyde
921946	PP1183	Caroline Wardhaugh
921992	PP1184	H Tobyn
921993	PP1185	Jennifer De Lima
921994	PP1186	Gordon Bee
921635	PP1316	Lynsey Livingstone
779441	PP1625	Jon Grounell
921815	PP2329	Penicuik Tennis Club (petitioners)
928090	PP2396	Callum Witney
928092	PP2397	Krzysztof Laskiewkz
921601	PP2419	Ross Laird
921326	PP2701	Pauline Cunningham
921328	PP2724	Grant Duffus
778417	PP2785	Celia Hobbs
921869	PP2840	Alan Robertson
968472	PP2859	Danes
Provision of the development plan to which the issue relates:	Section 2.3 - Requirement for New Development including policies STRAT3 (Hs22), STRAT4 (AHs3, AHs4, AHs5)	
	Section 8.3: A701 Corridor Strategic Development Areas Penicuik Settlement Statement, paragraphs 8.3.34-8.3.47.	
Planning authority's summary of the representation(s):		
<u>Site Hs22 Kirkhill Road</u>		
Objects to proposed site at Kirkhill Road (Hs22). Raises concerns regarding the loss of the courts used by Penicuik Tennis Club.		
Some of the representors raise the following supplementary grounds for objection:		
<ul style="list-style-type: none"> • Lack of sports facilities in Penicuik and loss of squash courts; • Need for a diverse range of sports facilities, and refers to growth and popularity of tennis; • Need for tennis courts in Penicuik; • This is the only all year tennis club in Midlothian; • Loss of tennis court provision would be to the detriment of sport and physical activity uptake, health and well-being; • As there are no other court facilities in the town, their removal would be at odds with the Government's objective of increasing participation in sport and physical activity; • Facility useful in supporting Midlothian Active Schools Programme; • Loss of the wider local green/play space of which the tennis courts are a part and road safety implications of children having to cross a main road to get to the park to 		

play;

- Access from Eskhill, opposite the cricket ground, would be dangerous;
- Plan is not specific about the height of housing proposed.

(PP486 Ann Steadman; PP563 J McDonald ; PP597 Michael Boal; PP598 Catherine Boal; PP599 Lauren Boal; PP600 Liam Boal; PP601 Gemma Boal; PP710 David Chambers; PP711 Samantha Murray; PP712 Robert M Walley; PP715 Lynne Phillips; PP720 Paul Crosbie; PP726 Greg Tashjian; PP727 Ailsa McCreath; PP728 Katrina McDonald; PP729 Robert Ross; PP731 Ann Jack; PP735 Elizabeth Ross; PP736 Caroline Wylie; PP737 Nicola Porter; PP738 Laurie Burns; PP740 Michael Rigg; PP741 Judith Clyne; PP743 Ann Johnstone; PP749 William McGinley; PP751 Rosie Turbitt; PP753 Paul Glynn; PP755 Ian Johnstone; PP757 Stuart Robertson; PP759 Kirsty Wardhaugh; PP769 Connie Gibb; PP770 Jennifer Melrose; PP771 Michael Wylie; PP772 Michael Wylie; PP773 Joyce Burns; PP776 Jessica Witney; PP779 Paul Glasgow; PP780 Aimee King; PP783 Lorna Glasgow; PP785 CCU McCulloch; PP786 Norman Williamson; PP788 Nicola Moffat; PP791 Lynsey Valentine; PP792 Ashley Beattie; PP795 Sandra Vick; PP798 Joanna Fox; PP802 Diane Watson; PP804 Chrstitina Begg; PP808 A. Begg; PP820 Linda James; PP823 R MacGregor; PP829 Daniel Couper; PP841 Jack Rice; PP844 Matthew Witney; PP846 Morag McGinley; PP851 Rachel Crease; PP894 Alan J Porter; PP895 Yilang Li; PP896 Colin Johnstone; PP897 Karolina Kvol; PP898 Krzysztof Kvol; PP950 Stewart Watson; PP952 Scott Bennett; PP954 Ross Aitken; PP955 Iain Clark; PP957 Fiona McKinnon; PP959 Derek Cartor; PP961 Dawn Cartor; PP962 Andy Turnbull; PP963 Jean Grosland; PP964 Ruth Hamilton; PP972 William McGinley; PP973 Lynne Turnbull; PP974 Elizabeth Semple; PP975 Alan Rice; PP976 Richard Moffat; PP996 Alan Pow; PP997 Andy Law; PP998 Lynsey Livingstone; PP999 Isobel Thomson; PP1000 David Clinkscale; PP1001 Ruby McAdam; PP1002 John McAdam; PP1003 F Syme; PP1005 Ann Scott; PP1006 Anne Melville; PP1007 G Imrie; PP1008 G. Woodhouse; PP1009 Alan F E Benson; PP1010 Sam Johnstone; PP1011 Wendy Collins; PP1012 Jane Whitehorn; PP1022 Thomas Davies; PP1023 Marie McKinnie; PP1024 Lorraine Keith; PP1025 Colena Cotter; PP1026 Alexander Wylie; PP1027 Tom Wylie; PP1028 Eveline Lovell; PP1029 Sandra Finlayson; PP1030 Holly Gibb; PP1035 Simon Rennie; PP1036 Gordon R Archibald; PP1038 Andrew McIlwhan; PP1040 James Livingstone; PP1042 Nicola Keenan; PP1046 Neil Anderson; PP1048 Lynne Harrower; PP1049 Vicki Middleton; PP1050 Leanne Naismith; PP1053 Richard Naismith; PP1079 Des O'hanlon; PP1086 Tracey Murphy; PP1088 David Naismith; PP1090 Joanne Petit; PP1093 Angela Naismith; PP1094 Samantha Craig; PP1100 Gordon Couper; PP1103 M. Hetherington; PP1107 H. McCarlie; PP1110 Penicuik Cricket Club; PP1112 Fiona Dunbar; PP1113 Jay Brown; PP1115 Lynda Murphy; PP1117 Natasha Russell; PP1119 Kirsty MacKenzie; PP1123 Ian Clyde; PP1125 Rudi Gerstenberger; PP1127 A. Bruce; PP1129 Paul Spiers; PP1130 Brian Hayes; PP1131 Scott Baird; PP1133 Brian Christie; PP1139 Lynne Wylie; PP1140 James Paterson; PP1141 RB MacGregor; PP1142 Margaret MacGregor; PP1143 Sara Davidson; PP1144 Gillian Wilson; PP1145 Elizabeth Davidson; PP1146 Paul Taylor; PP1147 Richard Witney PP1148 Harry Stone; PP1149 Iain Semple; PP1150 Ian Woodyer; PP1151 Tom MacKenzie; PP1152 Abby Wighton; PP1153 Max McGinley; PP1154 Kenny Spiers; PP1155 Connor Kerr; PP1156 Vanessa Torquemada; PP1157 Hazel Rice; PP1174 Ian Holmes; PP1175 Allan Sinton; PP1176 Susan Perry; PP1177 Laura Alcroft; PP1178 Dawn Neil; PP1179 Campbell McLeod; PP1180 Charlie Dewar; PP1181 Lucy Bravey; PP1182 Christine Clyde; PP1183 Caroline Wardhaugh; PP1184 H Toby; PP1185 Jennifer De Lima; PP1186 Gordon Bee; PP2396 Callum Witney; PP2397 Krzysztof Laskiewkz; PP2419 Ross Laird)

Objects to proposed site at Kirkhill Road (Hs22). Raises concerns regarding the loss of the

courts used by Penicuik Tennis Club. Considers that sport can promote physical and mental well being, co-operation and teamwork, can alleviate stress and is good fun. To this end sporting facilities are a vital resource for the whole community and must be preserved and extended for the benefit of all. (PP733 Elizabeth Ross; PP734 Caroline Wylie; PP739 Nicola Porter; PP742 Judith Clyne; PP744 Ann Johnstone; PP745 Margaret Chambers; PP746 Margaret Chambers; PP747 Susan Maxwell; PP748 Susan Maxwell; PP750 William McGinley; PP752 Rosie Turbitt; PP754 Paul Glynn; PP756 Ian Johnstone; PP758 Stuart Robertson; PP760 Eddie Haratty; PP761 Eddie Haratty; PP762 Kirsty Wardhaugh; PP763 Craig Marchbank; PP764 Craig Marchbank; PP765 Craig Marchbank; PP767 Robert A C Rankine; PP768 Connie Gibb; PP781 William Watson; PP782 William Watson; PP789 Georgia Wylie; PP793 Tennis Scotland; PP794 Tennis Scotland; PP799 Malcolm Wright; PP801 Elizabeth Wright; PP825 R MacGregor; PP826 Hugh Wilson; PP827 Hugh Wilson; PP830 Claire Witney; PP831 Claire Witney; PP832 Ross Johnston; PP834 Bette Kerr; PP836 Pippa Johnston; PP837 David Wardhaugh; PP839 Morag Horne; PP847 Morag McGinley; PP849 Lucy Danes; PP852 Rachel Crease; PP874 M Danes; PP875 Lucy Danes; PP877 Yvonne Tobyn; PP878 Jake Perry; PP879 Alistair Hart; PP880 Karen O'Hanlon; PP881 Amber Lauin; PP882 John Wardhaugh; PP2859 Mrs Danes)

The members of Penicuik Tennis club object to the inclusion of the tennis courts as part of site Hs22 proposed for residential development. They raise concerns about the potential loss of the courts and the impact such a decision would have on encouraging young people to become more physically active and participate in sport. They emphasise the benefits of having the club including: The club is very popular - around 200 members since it was re-founded in 2012 (one of the highest club memberships in the East of Scotland) It is one of only two dedicated clubs in Midlothian - the other is in Dalkeith (30 minute drive); Tennis can be played as an individual or team sport - you only need two people for a game; The courts are used all year round - a mix of league matches, tournaments, lessons (some in partnership with the "Active Schools" initiative) and social events; Membership is open to anyone - fees are modest and allow members to access facilities at any time; It is a real community asset with a great deal of local support to maintain and develop the facility; The letters and petition referred to in the submission have been recorded separately. (PP669, PP2329 Penicuik Tennis Club (petitioners))

Objects to the loss of land that SportsScotland consider was last used as a playing field, to the loss of the tennis courts and in each case the lack of clarity over whether any alternative compensatory provision (as required by SPP, paragraph.226) at either Beeslack High School or the YMCA site at Queensway has been provided. (PP241 sportsotland)

Objects to the potential loss of recreational facilities if the site is developed for housing. Considers that Penicuik does not have sufficient recreational facilities for the projected population. Does not consider that the transfer of the Queensway Leisure Centre from the Council to the YMCA has promoted or enhanced leisure facilities in the town and is concerned that the Council and YMCA are more likely to sell off recreational assets than improve them. Considers that Penicuik needs a new public park and provision should be made at Mauricewood (the allocated housing site h26-Deanburn). (PP2840 Alan Robertson)

Site AHs3 Bellwood Crescent

Development will increase through traffic as well as construction traffic, compromise the safety of the existing cul-de-sac, a safe environment for children to play and be generally disruptive for existing residents. The recreational land (former play park maintained by

MoD) adjacent to houses 2 - 8 is heavily used by children and adults alike to play, socialise & walk their pets. Additional development will increase demand for play/recreational space, therefore concern expressed that the development may result in the loss of this space. (PP52 Marianne Keith; PP138 Eric Blackmore)

Bellwood Crescent is a narrow street with inadequate parking arrangements leading to a number of residents parking on the pavement. The development of the existing play park will remove the right of every child to live and play in a safe environment. 25 new houses will exacerbate existing traffic and parking problems (particularly during the construction period) as well as road safety issues, will result in the removal of trees and changes to the local landscape and will increase noise pollution. General concern expressed about the apparent lack of infrastructure to support all housing developments in Penicuik, particularly in respect of education and GP practices. (PP117 Traynor; PP118 Traynor)

Objects to site AHs3 as it contains a wild area well used by wildlife and to develop the site would be contradictory to criteria B of policy DEV 5 which expects development proposals to have regard to, inter alia, fostering and maintaining biodiversity. (PP127 Eric Blackmore)

Concerned that the existing play park area and group of garages at the end of the cul-de-sac are included in the proposed housing site and will be developed. The play area provides a safe place for children to play and the garage area provides a parking and turning facility for residents and visitors. Also consider the development of this site and these areas would have a general detrimental impact on the existing community. (PP135 Michelle Lyall)

The play park adjacent to house 2, 4, 6 and 8 Bellwood Crescent should be retained as open space for children in accordance with Policy DEV 6. (PP139 Eric Blackmore)

There are some existing trees along the boundary of the site and the A701, particularly next to house numbers 2, 4 and 6. More trees should be planted to create a 30 metre barrier. (PP140 Eric Blackmore)

Objects to the development of site AHs3 and the potential loss of play/sports space as a result. (PP141, PP143 Eric Blackmore)

Expresses concern that the proposal will result in the loss of the play park which provides a safe outdoor environment for children to play and is utilised by the whole community. The park area should be retained and improved. New development should be delivered in harmony with the communities that already exist. Does not consider the existing street is suitable for the additional traffic and parking requirements generated by the new development. There is only room for parking on one side of the road reducing the road to a single carriageway giving rise to safety concerns about access for emergency vehicles, winter road maintenance vehicles and construction traffic. Is disappointed at the lack of detail included in the plan and what residents have been asked to comment on. The neighbour notification process did not include all residents (not required under the rules) and the Council staff could not clarify what the proposal actually involves. This does not instil confidence that a major development like this will be carried out with the full transparency and consideration of those affected by it. General concern expressed about the apparent lack of infrastructure to support all housing developments in Penicuik, particularly in respect of education and GP practices. (PP157 Sara Gordon)

Concerned that the former play park provides the only safe outdoor place for children to

play and its loss would be to the detriment of the community; that development would result in a loss of valuable wildlife habitat, exacerbate parking problems; and construction traffic would cause significant disruption and inconvenience to existing residents. Also considers that proposed development would potentially block light into their property. (PP161 Nicola Gibb)

Has no objection to the principle of development on the adjoining field to the north of Bellwood Crescent but does consider it necessary to retain the parking/turning area at the end of the crescent and the adjoining (former) play park and woodlands in order to provide additional residents car parking; a safe play space for children to play; and to enhance the general amenity of the area. Also considers that an alternative construction access route be identified due to the general congestion caused in the existing street by parked cars. (PP200 Carlene Gibson; PP202 Dr Douglas Gibson)

Consideration should be given to preserving the parking/turning area at the end of the crescent and the adjoining (former) play park and woodlands in order to provide additional residents car parking; a safe play space for children to play; and to enhance the general amenity of the area. Also considers that an alternative construction access route be identified due to the general congestion caused in the existing street by parked cars. (PP215 Rikki Scott)

Objects to site AHs3 Bellwood Crescent, Penicuik and the loss of the play park. Considers the increase in traffic generated by the development would raise road safety issues locally for children and residents. The park is the only safe place in the area for kids to play without crossing busy roads. (PP571 Philip Drummond)

Objects to site AHs3. Is shocked that not all residents in the street were included in the neighbour notification process for the site and claims it was because the Council didn't want all the residents to complain. Concerned that the play park will be developed and remove the only safe place for children to play. The street is already overcrowded with parked vehicles and road safety issues will be exacerbated by additional traffic generated during construction of the site and by the residents of the new development once built. Considers environmental changes and noise pollution are other adverse effects of an ill-conceived proposal. (PP691 Frances MacAndrew; PP692 Rojda Koese)

Notes Policy IMP 1 provisions and maintains that the aspects set out in criteria A/F and H cannot be achieved for the existing residents of Belwood Crescent if site AHs3 is proceeded with. (PP891 Douglas Fail)

Objects to the proposed Belwood Crescent site (AHs3). Considers that the road layout is unsuitable for access to a new development and Council staff should visit the area at busy periods; concerns that road traffic would be hazardous for children playing and difficulty of construction traffic gaining access; residents unaware that MoD made decision to sell the land, who should have informed residents who were buying/improving properties in the area and MoD or Council should offer to buy private properties in Belwood Crescent should development go ahead. (PP892 Douglas Fail)

Site Ahs4 Pomathorn Mill

The existing building is not disused (as suggested by Cala Homes) and supports around 30 jobs across eight businesses. Expresses concern about the potential loss of these jobs/businesses (contrary to policy ECON 1) particularly when the site is not required to

meet the SESplan housing requirements. Raises concerns about the suitability of the access road to accommodate increased traffic, the road rises steeply and bends sharply in several places, the pavements are generally narrow and given the distance of the site from shops, public transport and schools, the potential for increased journeys would be significant. Cannot envisage how satisfactory road improvements can be implemented. (PP132 Adrian FitzGerald)

Notes that the site is a brownfield site currently supporting a variety of businesses. Stresses it is an "additional opportunity" and not required to meet the Council's strategic housing needs. Raises concerns about the suitability of the access road to accommodate increased traffic, the road constitutes a series of sharp bends and given the distance of the site from shops, public transport and schools, this would result in more car journeys, most likely along the most dangerous sections of the road. Most existing traffic generated by the site travels along the relatively straight section of the road to meet the A7026. Cannot envisage how satisfactory road improvements can be implemented. Also raises concerns about the impact of a significant housing development might have on services, particularly water supply. (PP253 Howgate Community Council)

Do not have any issue with current use of the site for existing businesses but is worried about the impact a proposed development of around 60 houses would have. Consider development would have a major landscape impact, would result in a significant increase in car based traffic using the winding section of Pomathorn Road and given that part of the site is disused it could potentially attract children to play, unsupervised in a dangerous environment. (PP334 Patricia FitzGerald)

Considers that Penicuik needs affordable commercial premises far more than houses and with 11 businesses supporting around 30 jobs the mill site is meeting such a need which in turn is contributing to the prospects of the local economy. Is concerned that redevelopment may force businesses to close or relocate out of the area completely. Is also concerned about the capacity of the road to safely accommodate the increased traffic generated by the proposal. Is also concerned about the lack of services and facilities in the area to support development (no public transport, shops or local school) as well as the road safety implications of increased traffic on the "B" class road and environmental impact of building so many houses so far from facilities. States that the Council has refused permission for a community bus service for Pomathorn because of the condition of the road. Considers the site offers a diversity of habitat for wild plants, shrubs, insects and wildlife and it would be an environmental disaster to bulldoze this and replace it with new houses with manicured lawns. Pomathorn Mill is the only remaining paper mill that has not been demolished or converted. It has been part of Penicuik's heritage for 60 years. (PP570 Douglas Mauchline)

Object to site AHs4 as it would displace several commercial tenants and the access road is quite unsuitable for a development of the proposed scale. (PP623 Graham Young; PP627 Margarita Young)

Raises concern about the suitability of the B6372 to cope with existing traffic let alone additional traffic generated by the proposed housing development. Considerable realignment would be required. (PP664 Elizabeth Quigley)

Raises concerns about the suitability of the local road to accommodate additional traffic, considers the pavement is too narrow to walk safely with a buggy and would not be suitable for wheelchair users. The area is a peaceful place for a variety of wildlife, including bats.

New development would disturb these habitats. Also considers that new development would introduce the potential for increased crime. (PP687 L Kulasuriya)

Raises a number of concerns including: the suitability of the local road to accommodate additional traffic - considers it a narrow and dangerous road; pedestrian access - the pavement is narrow and in some places is nonexistent; the lack of capacity in local schools and what provision will need to be made to accommodate additional children; the impact on wildlife habitats - considers the current wonderful array of wildlife will be displaced from their habitat by the proposed development. States that foxes are present in the area but do not pose a problem to residents but is concerned that with more rubbish generated by more houses their presence could become an issue; increased light pollution; public safety concerns relating to the development of a public path along the rear of existing houses; new development would attract crime and pose a risk to their children. (PP688 Jamie Campbell)

Raises a number of concerns including: The suitability of the local road to accommodate additional traffic - considers it unfit to accommodate potential traffic from an additional 50 houses (aware of numerous accidents due to careless driving) and not sure what improvements or where improvements could be made; Pedestrian access - the pavement is too narrow and not continuous to walk safely with a buggy and would not be suitable for wheelchair users; The impact on wildlife habitats and landscape - 50 houses will ruin the beautiful and peaceful landscape, the array of wildlife in the area will suffer and their habitat affected by being disturbed and/or displaced (including bats). The general country feel of the area will be lost; The proposed public footpath between the Mill and the rear of existing properties will attract strangers and possibly crime to the area. Would not feel safe letting children play in the garden on their own because of this; New development generally attracts the potential for increased crime to an area. Presently there is a rural, safe feeling in the community and people leave cars unlocked in the driveway and homes unlocked, whilst in. All this would change with the planned development; The lack of capacity in local schools and increased demand for places from the new housing. (PP689 H Campbell)

The current site supports a number of local companies who employ around 30 staff. Expresses concern about the potential loss and/or relocation of these jobs. Also considers that Pomathorn Road is in a state of disrepair, the footpath would need to be upgraded, there is no street lighting and there is no current or anticipated public transport. Considers the scale of development proposed is unacceptable for a rural location and observes that within less than a 5 mile radius (including the proposed development at Wellington) there is the potential for 120 new houses to be built in the countryside. This combined total is also unacceptable. There is an abundance of wildlife in the area and the mature trees in the area should be protected and preserved. (PP714 David Cunningham; PP718 W. Cunningham; PP722 Mark Cunningham; PP2701 Pauline Cunningham; PP2724 Grant Duffus)

Does not consider the site to be brownfield as there are businesses operating from the site, does not consider it sustainable to allocate housing development on economic land only to displace and relocate the businesses elsewhere. Concerned about the additional traffic generated (the local road network is not suitable for heavy traffic); the lack of a transport assessment and the traffic impact in Penicuik, Auchendinny and Howgate town centres. The site is remote from schools, shops and employment sites. It was not identified in the MIR; it sets a poor precedent for Penicuik extending south-east of the North Esk Valley into valued countryside/good arable land and it impacts on the biodiversity value and wildlife habitats in the protected river valley. (PP1625 Jon Grounsell)

Objects to the proposed Pomathorn Mill site (AHs4). Considers that the road is simply not suitable for development, with the lower section of the road being dangerous and difficult; terrain has already resulted in landslips with current traffic levels; development would result in ejection of businesses contrary to policy ECON1; does not consider 'additional opportunity' is justified under SDP. (PP2785 Celia Hobbs)

Site AHs5 Wellington School, by Howgate

Is neutral about the principle of developing site AHs5 and comments that its development was to be fully expected but is concerned that the plan does not require the closure of the single track access road connecting the school site to the A6094. This section of road is wholly unsuitable to support a development of this scale and, when it was open, an agreement was reached with the school that all school traffic accessed the site via the A701 for this very reason. (PP107 Kenny Loraine)

Acknowledges that some sympathetic but limited development of the school site (now that it is closed and obsolete) would prevent the site being abandoned and becoming an eyesore. Not aware of any significant traffic problems with the access road but considers some improvements would be desirable - one or two passing places. However, does not accept the case for additional development on the fields to the north of the site (low density rural housing sites - Policy RD 2) and considers this would lead to calls for similar developments on the other three sites in the area identified for low density rural housing. The Inquiry Reporter for the current local plan concluded that the development of more than two houses on these sites would be detrimental to the surrounding countryside. (PP131 Adrian FitzGerald)

Acknowledges that some limited development of the brownfield part of the school site could be considered but any increase in road traffic would require modest improvements to the current road. However, does not accept the case for additional development on the greenfield section of the site (the former playing fields to the school) or the fields to the north of the school. These sites are identified for low density rural housing sites to accommodate a maximum of two houses along with additional areas of nature conservation interest. Abandonment of this policy would result in a breach of Policy RD 1 and set an irresponsible precedent for other areas identified for low density rural housing. (PP254 Howgate Community Council)

Objects to proposed Wellington School site (site AHs5) and adjacent land to the north identified as a low density rural housing site by Policy RD 2. Consider that the access road is unable to deal with current traffic due to lack of passing places, blind corners and lack of footway, and that further development would make this worse. Appreciates reference to new access but feels that this will not help unless existing road is partially closed off. With specific reference to the land identified in RD 2, it is felt that development will spoil the scenery and landscape as well as having an adverse impact on wildlife, particularly at Milkhall Pond. (PP436 Louisa Russell)

Objects to the scale of development proposed at the Wellington School site and the neighbouring land identified in Policy RD 2. Consider that: The proposal contravenes the plan's own aims as well as Policy 7 of the SDP; The area is beautiful and unspoilt, the proposal would substantially alter its character; The land identified by RD2 is agricultural land and that recent management by landowner should not change this. To develop on this scale would contradict the aims of the Low Density Rural Housing Policy; Concerned about suitability of existing road (passing places, blind corners), notwithstanding the proposed

road changes, and the effect this will have on the high level of traffic using A701 during rush hour at present; The existing access road (U73) is part of a dedicated cycle route between Roslin Glen and Leadburn. Concerned about the impact that increased traffic from the development may have on cyclists' road safety; The likely use of car travel by new residents would contradict sustainability and climate change aims of the plan. There are no facilities or schools in the area and limited public transport; Concerned about the impact on biodiversity, particularly the effect on the Lead Burn, Milkhall Pond and local bird sightings such as nesting buzzards, a local Rookery, barn owls, woodpeckers, herons, Canadian Geese, goldfinches and sedge warblers. (PP454 Jane Tallents)

Objects to site AHs5 and the adjoining land to the north which forms part of the Wellington low density rural housing site, subject of Policy RD 2. Concerned about the scale of development proposed (around 120 houses including existing consents in the nearby area) and the capacity of the existing access road (Milkhall Road) and junctions onto the A701 and B6094 to cope with the increased traffic generated by the proposals. The land to the north of Milkhall Road is already allocated as a low density rural housing site (Policy RD 2) suitable for the development of no more than two houses and should be excluded from any future development. Considers the footprint of the old school could be used for low density housing (not 60 units as planned) and the grounds should be retained for agriculture/grazing. Raises concerns about appropriate drainage solutions. The existing water course in the field next to the A701 carries septic tank waste, garden drainage and run-off from the peat moor. New development would add to these problems and would require higher levels of maintenance. Also concerned about habitat and protected species. State they have discovered the presence of Palmate Newt at Firwoodlea and that SNH would be required to conduct a survey to ascertain the presence of the Great Crested Newt, a European protected species. (PP628 Graham Young; PP629 Margarita Young; PP630 Jonathan Young)

Objects to site AHs5 and the possible extension into the adjoining low density rural housing site. Acknowledges, in principle, the need to consider the redevelopment of the site but it should be in keeping with its rural location and take great cognisance of the environment to minimise the impact of development. Raises concerns about a number of issues regarding the allocation including: Scale of development - the development of between 50 to 60 units is not consistent with the rural nature of the site. Suggest the proposed capacity be scaled back and consideration given to redeveloping the brownfield element and protecting as much of the greenfield element of the site as possible, particularly the existing mature tree belt. An eco development focused on achieving high environmental value or similar could be a positive addition to the rural setting. A comparison reference is made to a recent housing development in the countryside at Roseview near Leadburn which is absolutely not in keeping with the rural location or the Council's policy on development in the countryside. Vehicular access - the existing access road (Milkhall Road) is single track from the A701 to the A6094 at the Howgate Inn. It has no formal passing places and vehicles have to use entrances to fields, private driveways or roadside verge to pass safely. The road is used by cars, farm vehicles, cyclists, horse riders, walkers, dog walkers and bird watchers. The junction with the A701 is affected by poor sight lines and a blind summit as you approach from the south. Vehicles travel at high speeds along this part of the A701 making it a dangerous junction to access. Equally, the left hand turn from the A6094 into Milkhall Road is hazardous and there have been a number of collisions. An increase in traffic will increase the risk of collisions. A new or upgraded road into the school site is needed to minimise traffic impact on the whole road and to reduce traffic noise but this should not be a through road. Amenities and Services - Range of concerns - no shop (nearest is Penicuik), limited bus service (half hourly service to be scaled back to hourly),

capacity issues at health centres and primary schools, poor street lighting and variable winter road maintenance - gritting and snow plough services. Considers general lack of local electricity services will lead to extra car journeys and increased traffic. The access road is not suitable for a major increase in traffic. Electricity, water supply and drainage connections are additional concerns. Electricity supply to the area is currently subject to regular power cuts, water supply is poor and residents suffer from low pressure, discolouration problems and regular disconnection. The majority of houses use septic tanks not mains drainage. The objector is connected to the Wellington School but concerned that system needs extensive upgrading. More development will put more pressure on all the infrastructure services and supply demands. Impact on the environment and wildlife conservation - site is surrounded by a significant mature tree belt which should be preserved. The area is also a rich, biodiverse habitat for a range of wildlife. Raises concerns about possible contamination to the Lead Burn (which runs behind the school site and into Milkhall Pond - a Scottish Wildlife Trust managed reservoir) and the potential adverse impact this would have on the reservoir, an important habitat for migratory birds. The name of the site - There are strong historical and cultural links associated with the name Wellington and any redevelopment of the site should retain this name. In addition the objector raises concerns about extending AHs5 into the Wellington low density rural housing site to the north of AHs5, including: Policy issues - the proposal to develop the Wellington low density rural housing site for additional housing development totally contradicts current planning policy. The extension of the Wellington site is not acceptable in any form. Considers the Council is using the proposal as a guise to facilitate and pursue building additional housing in the Midlothian area. Scale of development - In order to facilitate a new access road the combined number of houses on the school site and adjoining low density housing site could be upward of 80-100 houses. This is totally unacceptable. Light pollution - The new road would include footpaths and street lighting. This would have a negative visual impact on the Pentland Hills vista and at night, light pollution affecting views of the night sky. Impact on the environment and wildlife conservation - see comments relating to site AHs5 above. The quality and use of the land - Does not agree that the area is of poor agricultural quality. Considers land has been tended appropriately in the past but the current owners have allowed it to fall into a state of neglect and disrepair. Observes that the surrounding land is of much higher quality and considers that with a little time and effort the site could be restored to its original condition and would be viable for agricultural use. Proximity of housing development and view from objector's property - Very concerned about the impact the proposed additional development on the low density rural housing site would have on the objector's property and potential loss of views to Pentland Hills. (PP635 Pauline Cunningham; PP636 Grant Duffus)

Objects to site AHs5 and the possible extension into the adjoining low density rural housing site. Considers the proposed development completely inappropriate. The flora and fauna will be decimated (deer, weasels, buzzards, barn owls, swallows, stoats to mention a few) and uncertain about water and drainage connections. Also concerned why residents were not informed of the proposal in advance. (PP686 Peter Perfect)

Objects to site AHs5 and the possible extension into the adjoining low density rural housing site. Acknowledges, in principle, the need to consider the redevelopment of the site but it should be in keeping with its rural location and take great cognisance of the environment to minimise the impact of development. Raises concerns about a number of issues regarding the allocation including: Scale of development - the development of between 50 to 60 units is not consistent with the rural nature of the site. Suggest the proposed capacity be scaled back and consideration given to redeveloping the brownfield element and protecting as much of the greenfield element of the site as possible, particularly the existing mature tree

belt. An eco development focused on achieving high environmental value or similar could be a positive addition to the rural setting. A comparison reference is made to a recent housing development in the countryside at Roseview near Leadburn which is absolutely not in keeping with the rural location or the Council's policy on development in the countryside. Vehicular access - the existing access road (Milkhall Road) is single track from the A701 to the A6094 at the Howgate Inn. It has no formal passing places and vehicles have to use entrances to fields, private driveways or roadside verge to pass safely. The road is used by cars, farm vehicles, cyclists, horse riders, walkers, dog walkers and bird watchers. The junction with the A701 is affected by poor sight lines and a blind summit as you approach from the south. Vehicles travel at high speeds along this part of the A701 making it a dangerous junction to access. Equally the left hand turn from the A6094 into Milkhall Road is hazardous and there have been a number of collisions. An increase in traffic will increase the risk of collisions. A new or upgraded road into the school site is needed to minimise traffic impact on the whole road and to reduce traffic noise but this should not be a through road. Amenities and Services - Range of concerns - no shop (nearest is Penicuik), limited bus service (half hourly service to be scaled back to hourly), capacity issues at health centres and primary schools, poor street lighting and variable winter road maintenance - gritting and snow plough services. Considers general lack of local electricity services will lead to extra car journeys and increased traffic. The access road is not suitable for a major increase in traffic. Electricity, water supply and drainage connections are additional concerns. Electricity supply to the area is currently subject to regular power cuts, water supply is poor and residents suffer from low pressure, discolouration problems and regular disconnection. The majority of houses use septic tanks not mains drainage. The objector is connected to the Wellington School but concerned that system needs extensive upgrading. More development will put more pressure on all the infrastructure services and supply demands. Impact on the environment and wildlife conservation - site is surrounded by a significant mature tree belt which should be preserved. The area is also a rich biodiverse habitat for a range of wildlife. Raises concerns about possible contamination to the Lead Burn (which runs behind the school site and into Milkhall Pond - a Scottish Wildlife Trust managed reservoir) and the potential adverse impact this would have on the reservoir, an important habitat for migratory birds. The name of the site - There are strong historical and cultural links associated with the name Wellington and any redevelopment of the site should retain this name. In addition the objector raises concerns about extending AHs5 into the Wellington low density rural housing site to the north of AHs5, including: Policy issues - the proposal to develop the Wellington low density rural housing site for additional housing development totally contradicts current planning policy. The extension of the Wellington site is not acceptable in any form. Considers the Council is using the proposal as a guide to facilitate and pursue building additional housing in the Midlothian area. Scale of development - In order to facilitate a new access road the combined number of houses on the school site and adjoining low density housing site could be upward of 80-100 houses. This is totally unacceptable. Light pollution - The new road would include footpaths and street lighting. This would have a negative visual impact on the Pentland Hills vista and at night, light pollution affecting views of the night sky. Impact on the environment and wildlife conservation - see comments relating to site AHs5 above. The quality and use of the land - Does not agree that the area is of poor agricultural quality. Considers land has been tended appropriately in the past but the current owners have allowed it to fall into a state of neglect and disrepair. Observes that the surrounding land is of much higher quality and considers that with a little time and effort the site could be restored to its original condition and would be viable for agricultural use. Proximity of housing development and view from objector's property - Very concerned about the impact the proposed additional development on the low density rural housing site would have on the objector's property and potential

loss of views to Pentland Hills. (PP713 David Cunningham; PP717 W. Cunningham; PP721 Mark Cunningham)

Is concerned that there is no infrastructure (water, drainage, natural gas and strain on broadband) or amenities in the Wellington School/Leadburn area to support a development of the scale proposed. Considers access from the site to a fast and busy main road would be problematic and the increased volume of traffic generated by the development would be trying for existing residents. The site is in a rural location and the existing sporadic housing supports a rich and varied range of wildlife and flora. The proposed development would put a huge strain on this valuable amenity. Is also concerned that the development would result in the loss of the only playing field in the immediate area. (PP816 Neil MacDonald)

Modifications sought by those submitting representations:

Site Hs22 Kirkhill Road

The courts should be retained for use by Penicuik Tennis Club as the only all year tennis club in Midlothian. (PP486 Ann Steadman; PP563 J McDonald ; PP597 Michael Boal; PP598 Catherine Boal; PP599 Lauren Boal; PP600 Liam Boal; PP601 Gemma Boal; PP710 David Chambers; PP711 Samantha Murray; PP712 Robert M Walley; PP715 Lynne Phillips; PP720 Paul Crosbie; PP726 Greg Tashjian; PP727 Ailsa McCreath; PP728 Katrina McDonald; PP729 Robert Ross; PP731 Ann Jack; PP735 Elizabeth Ross; PP736 Caroline Wylie; PP737 Nicola Porter; PP738 Laurie Burns; PP740 Michael Rigg; PP741 Judith Clyne; PP743 Ann Johnstone; PP749 William McGinley; PP751 Rosie Turbitt; PP753 Paul Glynn; PP755 Ian Johnstone; PP757 Stuart Robertson; PP759 Kirsty Wardhaugh; PP769 Connie Gibb; PP770 Jennifer Melrose; PP771 Michael Wylie; PP772 Michael Wylie; PP773 Joyce Burns; PP776 Jessica Witney; PP779 Paul Glasgow; PP780 Aimee King; PP783 Lorna Glasgow; PP785 CCU McCulloch; PP786 Norman Williamson; PP788 Nicola Moffat; PP791 Lynsey Valentine; PP792 Ashley Beattie; PP795 Sandra Vick; PP798 Joanna Fox; PP802 Diane Watson; PP804 Chrstitina Begg; PP808 A. Begg; PP820 Linda James; PP823 R MacGregor; PP829 Daniel Couper; PP841 Jack Rice; PP844 Matthew Witney; PP846 Morag McGinley; PP851 Rachel Crease; PP894 Alan J Porter; PP895 Yilang Li; PP896 Colin Johnstone; PP897 Karolina Kvol; PP898 Krzysztof Kvol; PP950 Stewart Watson; PP952 Scott Bennett; PP954 Ross Aitken; PP955 Iain Clark; PP957 Fiona McKinnon; PP959 Derek Cartor; PP961 Dawn Cartor; PP962 Andy Turnbull; PP963 Jean Grosland; PP964 Ruth Hamilton; PP972 William McGinley; PP973 Lynne Turnbull; PP974 Elizabeth Semple; PP975 Alan Rice; PP976 Richard Moffat; PP996 Alan Pow; PP997 Andy Law; PP998 Lynsey Livingstone; PP999 Isobel Thomson; PP1000 David Clinkscale; PP1001 Ruby McAdam; PP1002 John McAdam; PP1003 F Syme; PP1005 Ann Scott; PP1006 Anne Melville; PP1007 G. Imrie; PP1008 G. Woodhouse; PP1009 Alan F. E. Benson; PP1010 Sam Johnstone; PP1011 Wendy Collins; PP1012 Jane Whitehorn; PP1022 Thomas Davies; PP1023 Marie McKinnie; PP1024 Lorraine Keith; PP1025 Colena Cotter; PP1026 Alexander Wylie; PP1027 Tom Wylie; PP1028 Eveline Lovell; PP1029 Sandra Finlayson; PP1030 Holly Gibb; PP1035 Simon Rennie; PP1036 Gordon R. Archibald; PP1038 Andrew McIlwhan; PP1040 James Livingstone; PP1042 Nicola Keenan; PP1046 Neil Anderson; PP1048 Lynne Harrower; PP1049 Vicki Middleton; PP1050 Leanne Naismith; PP1053 Richard Naismith; PP1079 Des O'hanlon; PP1086 Tracey Murphy; PP1088 David Naismith; PP1090 Joanne Petit; PP1093 Angela Naismith; PP1094 Samantha Craig; PP1100 Gordon Couper; PP1103 M. Hetherington; PP1107 H. McCarlie; PP1110 Penicuik Cricket Club; PP1112 Fiona Dunbar; PP1113 Jay Brown; PP1115 Lynda Murphy; PP1117 Natasha Russell; PP1119 Kirsty MacKenzie; PP1123 Ian Clyde; PP1125 Rudi Gerstenberger; PP1127 A Bruce; PP1129 Paul Spiers; PP1130 Brian Hayes; PP1131

Scott Baird; PP1133 Brian Christie; PP1139 Lynne Wylie; PP1140 James Paterson; PP1141 RB MacGregor; PP1142 Margaret MacGregor; PP1143 Sara Davidson; PP1144 Gillian Wilson; PP1145 Elizabeth Davidson; PP1146 Paul Taylor; PP1147 Richard Witney; PP1148 Harry Stone; PP1149 Iain Semple; PP1150 Ian Woodyer; PP1151 Tom MacKenzie; PP1152 Abby Wighton; PP1153 Max McGinley; PP1154 Kenny Spiers; PP1155 Connor Kerr; PP1156 Vanessa Torquemada; PP1157 Hazel Rice; PP1174 Ian Holmes; PP1175 Allan Sinton; PP1176 Susan Perry; PP1177 Laura Alcroft; PP1178 Dawn Neil; PP1179 Campbell McLeod; PP1180 Charlie Dewar; PP1181 Lucy Bravey; PP1182 Christine Clyde; PP1183 Caroline Wardhaugh; PP1184 H Tobyn; PP1185 Jennifer De Lima; PP1186 Gordon Bee; PP2396 Callum Witney; PP2397 Krzysztof Laskiewkz; PP2419 Ross Laird; PP733 Elizabeth Ross; PP734 Caroline Wylie; PP739 Nicola Porter; PP742 Judith Clyne; PP744 Ann Johnstone; PP745 Margaret Chambers; PP746 Margaret Chambers; PP747 Susan Maxwell; PP748 Susan Maxwell; PP750 William McGinley; PP752 Rosie Turbitt; PP754 Paul Glynn; PP756 Ian Johnstone; PP758 Stuart Robertson; PP760 Eddie Haratty; PP761 Eddie Haratty; PP762 Kirsty Wardhaugh; PP763 Craig Marchbank; PP764 Craig Marchbank; PP765 Craig Marchbank; PP767 Robert A C Rankine; PP768 Connie Gibb; PP781 William Watson; PP782 William Watson; PP789 Georgia Wylie; PP793 Tennis Scotland; PP794 Tennis Scotland; PP799 Malcolm Wright; PP801 Elizabeth Wright; PP825 R MacGregor; PP826 Hugh Wilson; PP827 Hugh Wilson; PP830 Claire Witney; PP831 Claire Witney; PP832 Ross Johnston; PP834 Bette Kerr; PP836 Pippa Johnston; PP837 David Wardhaugh; PP839 Morag Horne; PP847 Morag McGinley; PP849 Lucy Danes; PP852 Rachel Crease; PP874 M Danes; PP875 Lucy Danes; PP877 Yvonne Tobyn; PP878 Jake Perry; PP879 Alistair Hart; PP880 Karen O'Hanlon; PP881 Amber Lavin; PP882 John Wardhaugh; PP2859 Mrs Danes; PP669, PP2329 Penicuik Tennis Club (petitioners))

Seeking clarification about the lawful use of the grassed area within the site as a sports pitch and if so, if any compensation has been made and if not then this should be a requirement if the site is to be developed, in accordance with SPP paragraph 226. Likewise, any development of the tennis courts site will be subject to the same requirement; however, if no development is to take place on the tennis courts then the retention of the courts on site would be a reasonable alternative. (PP241 sportscotland)

Seeks the provision of a new public park in Penicuik on the committed housing site at Mauricewood - site h26 Deanburn. (PP2840 Alan Robertson)

Site AHs3 Belwood Crescent

None. (PP127 Eric Blackmore)

A commitment from the Council to reinstate the play park & recreational area next to houses 2 - 8 would ensure the recreational needs of any future residents of the proposed development site AHs3 would be met. (PP52 Marianne Keith; PP138 Eric Blackmore)

The houses should be built in the field adjacent to the park and the park reinstated as a safe haven for the existing children, those from the new development and those from Milton Bridge Nursery to play in. Also want the end of the cul-de-sac left as is so that current residents can continue to use this as a turning area. (PP117 Traynor; PP118 Traynor)

Request that the site be amended to exclude the play park and garage area from the proposed development site and that these areas are retained for recreational use and a parking/turning area for residents and visitors respectively. (PP135 Michelle Lyall)

To retain this land as a play area for children. (PP139 Eric Blackmore; PP157 Sara Gordon)

Retain existing trees and supplement with additional planting to create a 30 metre barrier between Bellwood Crescent and the A701. (PP140 Eric Blackmore)

The existing play space needs to be maintained, or enhanced, as per Policy DEV 8, to maintain a sports area for the children of the Crescent. (PP141, PP143 Eric Blackmore)

A commitment by the council to reinstate the play park would be welcome to give the children in the Crescent a better and more focused area for play. (PP161 Nicola Gibb)

Exclude the existing parking/turning area at the end of the Crescent (marked red on the attached plan) along with the adjoining (former) play park and woodland area (marked blue on the attached plan) from the proposed development. (PP200 Carlene Gibson; PP202 Dr Douglas Gibson; PP215 Rikki Scott)

Build on the MoD site not the park. (PP571 Philip Drummond)

Delete site from the plan. (PP691 Frances MacAndrew; PP692 Rojda Koese; PP891 Douglas Faill; PP892 Douglas Faill)

Site AHs4 Pomathorn Mill

None. (PP132 Adrian Fitzgerald; PP253 Howgate Community Council; PP570 Douglas Mauchline; PP664 Elizabeth Quigley; PP687 L Kulasuriya; PP688 Jamie Campbell; PP689 H Campbell; PP714 David Cunningham; PP718 W. Cunningham; PP722 Mark Cunningham; PP2701 Pauline Cunningham; PP274 Grant Duffus; PP1625 Jon Grounsel)

Delete site from the plan. (PP334 Patricia FitzGerald; PP2785 Celia Hobbs)

A development charge should be required to cover the cost of a roundabout on the B6094 and improvements to the A702. (PP623 Graham Young; PP627 Margarita Young)

Site AHs5 Wellington School, by Howgate

None. (PP254 Howgate Community Council)

Any development of the Wellington School site should include in the stipulation regarding access from the A701 that the unclassified road connecting the A701 at the Wellington School to the A6094 at the Howgate Restaurant be closed to through traffic. (PP107 Kenny Loraine)

No development should be considered on fields to the north of Wellington School, currently identified for low density rural housing. (PP131 Adrian FitzGerald)

Removal of site AHs5 from the plan as well as the associated reference to land identified in policy RD2 is inferred. Comments that access arrangements should be consulted on with existing users of the road. (PP436 Louisa Russell)

Suggests that number of houses at the school (AHs5) should be limited to a maximum of 20 units and that the remainder of the site be kept as green space and former playing fields

should be used for allotments. Suggest alternative access to the south-west via Ard Craig House, where there could be better sightlines and that the land identified in RD2 should remain at 2 houses as per current policy. If developments go ahead, consider that low impact, environmentally friendly housing should be sought and that the existing access road should be restricted so as not to provide a through route. (PP454 Jane Tallents)

Milkhall Road should be closed and access to the site should be from the A701. The speed limit on the A701 should be reduced to 40 mph between Annshill and Netherton. The A701 and B6094 would benefit from upgrading. New houses should be required to contribute to road improvements at Leadburn crossroads and the road into Penicuik. SNH should conduct a survey to ascertain the presence of the Great Crested Newt, a European protected species. (PP628 Graham Young; PP629 Margarita Young; PP630 Jonathan Young)

Summary of responses (including reasons) by planning authority

Site Hs22 Kirkhill Road

The site identified in the Proposed Plan reflects the extent of the Council's ownership. While the site includes the existing tennis courts, it does not necessarily mean that they will be developed as part of any redevelopment of the site. At its meeting on 27 September 2016, the Council will consider a report on the next phase of its social housing programme, including the site at Kirkhill Road for 20 units. The report is likely to show the tennis courts excluded from the development site.

Notwithstanding the outcome of the Council meeting, policy DEV10 sets out the criteria to be satisfied where the redevelopment of outdoor sports facilities is proposed. In the event that the tennis courts are not excluded from the development of Hs22 then the Council would have to comply with the criteria of the policy. In addition, the Council would also have to consider open space and other site design policies of the plan addressed by policies DEV 6, DEV 8 and DEV 9. Requirements and appropriate solutions on these matters would be determined at the planning application stage.

The Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan as a consequence of these representations. (PP486 Ann Steadman; PP563 J McDonald ; PP597 Michael Boal; PP598 Catherine Boal; PP599 Lauren Boal; PP600 Liam Boal; PP601 Gemma Boal; PP710 David Chambers; PP711 Samantha Murray; PP712 Robert M Walley; PP715 Lynne Phillips; PP720 Paul Crosbie; PP726 Greg Tashjian; PP727 Ailsa McCreath; PP728 Katrina McDonald; PP729 Robert Ross; PP731 Ann Jack; PP735 Elizabeth Ross; PP736 Caroline Wylie; PP737 Nicola Porter; PP738 Laurie Burns; PP740 Michael Rigg; PP741 Judith Clyne; PP743 Ann Johnstone; PP749 William McGinley; PP751 Rosie Turbitt; PP753 Paul Glynn; PP755 Ian Johnstone; PP757 Stuart Robertson; PP759 Kirsty Wardhaugh; PP769 Connie Gibb; PP770 Jennifer Melrose; PP771 Michael Wylie; PP772 Michael Wylie; PP773 Joyce Burns; PP776 Jessica Witney; PP779 Paul Glasgow; PP780 Aimee King; PP783 Lorna Glasgow; PP785 CCU McCulloch; PP786 Norman Williamson; PP788 Nicola Moffat; PP791 Lynsey Valentine; PP792 Ashley Beattie; PP795 Sandra Vick; PP798 Joanna Fox; PP802 Diane Watson; PP804 Chrstitina Begg; PP808 A Begg; PP820 Linda James; PP823 R MacGregor; PP829 Daniel Couper; PP841 Jack Rice; PP844 Matthew Witney; PP846 Morag McGinley; PP851 Rachel Crease; PP894 Alan J. Porter; PP895 Yilang Li; PP896 Colin Johnstone; PP897 Karolina Kvol; PP898 Krzysztof Kvol; PP950 Stewart Watson; PP952 Scott Bennett; PP954 Ross Aitken; PP955 Iain Clark; PP957 Fiona McKinnon; PP959 Derek Cartor; PP961 Dawn Cartor;

PP962 Andy Turnbull; PP963 Jean Grosland; PP964 Ruth Hamilton; PP972 William McGinley; PP973 Lynne Turnbull; PP974 Elizabeth Semple; PP975 Alan Rice; PP976 Richard Moffat; PP996 Alan Pow; PP997 Andy Law; PP998 Lynsey Livingstone; PP999 Isobel Thomson; PP1000 David Clinkscale; PP1001 Ruby McAdam; PP1002 John McAdam; PP1003 F. Syme; PP1005 Ann Scott; PP1006 Anne Melville; PP1007 G. Imrie; PP1008 G Woodhouse; PP1009 Alan F E Benson; PP1010 Sam Johnstone; PP1011 Wendy Collins; PP1012 Jane Whitehorn; PP1022 Thomas Davies; PP1023 Marie McKinnie; PP1024 Lorraine Keith; PP1025 Colena Cotter; PP1026 Alexander Wylie; PP1027 Tom Wylie; PP1028 Eveline Lovell; PP1029 Sandra Finlayson; PP1030 Holly Gibb; PP1035 Simon Rennie; PP1036 Gordon R Archibald; PP1038 Andrew McIlwhan; PP1040 James Livingstone; PP1042 Nicola Keenan; PP1046 Neil Anderson; PP1048 Lynne Harrower; PP1049 Vicki Middleton; PP1050 Leanne Naismith; PP1053 Richard Naismith; PP1079 Des O'hanlon; PP1086 Tracey Murphy; PP1088 David Naismith; PP1090 Joanne Petit; PP1093 Angela Naismith; PP1094 Samantha Craig; PP1100 Gordon Couper; PP1103 M Hetherington; PP1107 H McCarlie; PP1110 Penicuik Cricket Club; PP1112 Fiona Dunbar; PP1113 Jay Brown; PP1115 Lynda Murphy; PP1117 Natasha Russell; PP1119 Kirsty MacKenzie; PP1123 Ian Clyde; PP1125 Rudi Gerstenberger; PP1127 A. Bruce; PP1129 Paul Spiers; PP1130 Brian Hayes; PP1131 Scott Baird; PP1133 Brian Christie; PP1139 Lynne Wylie; PP1140 James Paterson; PP1141 RB MacGregor; PP1142 Margaret MacGregor; PP1143 Sara Davidson; PP1144 Gillian Wilson; PP1145 Elizabeth Davidson; PP1146 Paul Taylor; PP1147 Richard Witney PP1148 Harry Stone; PP1149 Iain Semple; PP1150 Ian Woodyer; PP1151 Tom MacKenzie; PP1152 Abby Wighton; PP1153 Max McGinley; PP1154 Kenny Spiers; PP1155 Connor Kerr; PP1156 Vanessa Torquemada; PP1157 Hazel Rice; PP1174 Ian Holmes; PP1175 Allan Sinton; PP1176 Susan Perry; PP1177 Laura Alcroft; PP1178 Dawn Neil; PP1179 Campbell McLeod; PP1180 Charlie Dewar; PP1181 Lucy Bravey; PP1182 Christine Clyde; PP1183 Caroline Wardhaugh; PP1184 H Toby; PP1185 Jennifer De Lima; PP1186 Gordon Bee; PP2396 Callum Witney; PP2397 Krzysztof Laskiewkz; PP2419 Ross Laird; PP733 Elizabeth Ross; PP734 Caroline Wylie; PP739 Nicola Porter; PP742 Judith Clyne; PP744 Ann Johnstone; PP745 Margaret Chambers; PP746 Margaret Chambers; PP747 Susan Maxwell; PP748 Susan Maxwell; PP750 William McGinley; PP752 Rosie Turbitt; PP754 Paul Glynn; PP756 Ian Johnstone; PP758 Stuart Robertson; PP760 Eddie Haratty; PP761 Eddie Haratty; PP762 Kirsty Wardhaugh; PP763 Craig Marchbank; PP764 Craig Marchbank; PP765 Craig Marchbank; PP767 Robert A C Rankine; PP768 Connie Gibb; PP781 William Watson; PP782 William Watson; PP789 Georgia Wylie; PP793 Tennis Scotland; PP794 Tennis Scotland; PP799 Malcolm Wright; PP801 Elizabeth Wright; PP825 R MacGregor; PP826 Hugh Wilson; PP827 Hugh Wilson; PP830 Claire Witney; PP831 Claire Witney; PP832 Ross Johnston; PP834 Bette Kerr; PP836 Pippa Johnston; PP837 David Wardhaugh; PP839 Morag Horne; PP847 Morag McGinley; PP849 Lucy Danes; PP852 Rachel Crease; PP874 M Danes; PP875 Lucy Danes; PP877 Yvonne Toby; PP878 Jake Perry; PP879 Alistair Hart; PP880 Karen O'Hanlon; PP881 Amber Lavin; PP882 John Wardhaugh; PP2859 Mrs Danes; PP669, PP2329 Penicuik Tennis Club (petitioners))

As referenced in the previous response, there may not be a loss of the tennis courts, however, the Council can confirm that as part of the relocation of the YMCA from its base at Kirkhill Road to the former Council Queensway Leisure Centre, the YMCA (with funding support) replaced an existing multi-use games area with two new tennis courts which have been up and running for a number of years. If the development was to proceed and the courts developed then the Council would have to satisfy the criteria of policy DEV10 in respect of the loss of outdoor sports facilities.

The large grassed area is not set out for any outdoor sports and is not maintained, therefore the Council does not consider that the compensatory provisions of policy DEV10 would apply. .

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP241 sportscotland)

As referenced above, the relocation of the YMCA from Kirkhill Road to the former Queensway Leisure Centre did result in the provision of two new tennis courts. The Council considers that Penicuik is well catered for in terms of open spaces (CD039) and does not agree with the suggestion that Penicuik needs a new park.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of this representation. (PP2840 Alan Robertson)

Additional Housing Opportunity Sites

Paragraph 2.3.10 of the Proposed Plan clarifies that these sites are likely to be subject to development uncertainties and are being highlighted as development opportunities only. They are identified in addition to the housing allocations in proposal STRAT3. The sites are assumed to be constrained in a manner which precludes them from being relied upon as part of the required housing allocations. Paragraph 2.3.11 acknowledges the particular development needs of the sites, arising from their rural or other environmental characteristics. Policy STRAT4 states that housing development on these sites will be supported provided it accords with other relevant policies of the plan and that reference should be made to Policy DEV 3 with respect to the proportion of affordable housing to be provided on these sites, and to policies IMP 1 and IMP 2 and the Settlement Statements for place-making and infrastructure requirements pertaining to each site.

The Proposed Plan is clear that development would not be supported unless identified constraint are addressed (including but not limited to those relating to constraints on effectiveness) and specified development needs met. The concerns raised in respect of each of the additional opportunity sites and changes promoted by representors relate largely to the identified uncertainties and needs, and given the opportunity status of the sites these are more appropriately addressed at the planning application stage.

However, should these sites be developed, the resulting housing units will contribute to meeting the housing requirement.

The Council would comment on specific matters raised relating to AHs3 and AHs5 as follows:

Site AHs3 Bellwood Crescent

While the boundary of the proposed site includes the existing play park area and the adjacent field to Bellwood Crescent, it does not necessarily mean that the play park will be developed. Standards for the provision of open space and play space are addressed by policies in Section 3 of the Proposed Plan and would be required to be taken into account when designing the site. Details of requirements and appropriate solutions on these matters would be determined at the planning application stage.

Detailed design issues in respect of vehicular and pedestrian access (connections with

adjoining road network); parking; landscape, amenity, open space and boundary treatment are matters of detail which are more appropriately dealt with at the planning application stage.

All neighbouring owners, lessees or occupiers of land (within 20 metres of the site) were formally notified of the proposed development.

Policy IMP2 and table 8.39 of the Penicuik settlement statement clearly set out the infrastructure and facility requirements for the proposed development and the Council is satisfied that the plan and proposed supplementary guidance on developer contributions will provide a suitable framework to ensure these requirements are delivered. However, in raising concerns about the apparent lack of education infrastructure to support all housing developments in Penicuik (PP117, 118, 157), the representors have highlighted an omission from the plan in respect of the requirement for developer contributions towards non-denominational secondary school provision. This should have been referenced in table 8.39 of the settlement statements, but as a result of a drafting error it has been omitted. The Council considers that there are sufficient references throughout the plan to indicate that this is the case (paragraphs 2.2.3, 7.1.3, 4.1.4, 7.1.11, 7.1.12 and 8.3.39). The same requirement would also apply to site Hs20 at Auchendinny. The current plan and supplementary planning guidance contain this same requirement for non denominational education provision.

The Council therefore request that the Reporter(s) include a recommendation to amend table 8.39 to include this requirement and make it applicable to all sites.

AHs5 Wellington School, by Howgate

Improvements to the access road from the site and to the junction with the A701 would, by default encourage access and egress via this junction;

The requirement for an appropriate water and drainage solution is identified in the plan but the details of such a solution in this regard would be determined at the planning application stage;

All neighbouring owners, lessees or occupiers of land (within 20 metres of the site) were formally notified of the proposed development.

The Council requests that the Reporter(s) make no change to the Proposed Plan as a consequence of these representations. (PP52 Marianne Keith; PP107 Kenny Loraine; PP131 Adrian FitzGerald; PP132 Adrian FitzGerald; PP138 Eric Blackmore; PP117 Traynor; PP118 Traynor; PP127 Eric Blackmore; PP135 Michelle Lyall; PP139 Eric Blackmore; PP140 Eric Blackmore; PP141 Eric Blackmore; PP143 Eric Blackmore; PP157 Sara Gordon; PP161 Nicola Gibb; PP200 Carlene Gibson; PP202 Douglas Gibson; PP215 Rikki Scott; PP253 Howgate Community Council; PP254 Howgate Community Council; PP334 Patricia FitzGerald; PP436 Louisa Russell; PP454 Jane Tallents; PP570 Douglas Mauchline; PP571 Philip Drummond; PP623 Graham Young; PP627 Margarita Young; PP628 Graham Young; PP629 Maragrita Young; PP630 Jonathan Young; PP635 Pauline Cunningham; PP636 Grant Duffus; PP664 Elizabeth Quigley; PP686 Peter Perfect; PP687 L Kulasuriya; PP688 Jamie Campbell; PP689 H Campbell; PP691 Frances MacAndrew; PP692 Rojda Koese; PP713 David Cunningham; PP714 David Cunningham; PP717 W. Cunningham; PP718 W. Cunningham; PP721 Mark Cunningham; PP721 Mark Cunningham; PP722 Mark Cunnigham; PP816 Neil MacDonald; PP891 Douglas Fail;

PP892 Douglas Faill; PP1625 Jon Grounsell; PP2701 Pauline Cunningham; PP2724 Grant Duffus; PP2785 Celia Hobbs)

Reporter's conclusions:

Preliminary matters

1. Unresolved representations relating to committed housing sites in Penicuik; the expansion of Penicuik Town Centre; and the provision of a strategic walking and cycling route along Loan Burn are dealt with in Issue 2 (committed development) of this report. The following conclusions refer to a proposed housing site at Kirkhill Road and additional housing development opportunity sites at Bellwood Crescent; Promathon Mill; and Wellington School. A further point on the provision of open space in Deanburn is also addressed below.

2. In response to a drafting error, the council has suggested that I recommend adjustment to the education requirements in relation to non-denominational schools in Penicuik and Auchendinny in Table 8.39 of the proposed plan. Although unresolved representations mention the provision of education there is no specific mention of any education drafting omissions from parties responding to the proposed plan. For that reason, I find that it would not be appropriate to recommend such a change to the plan. However, the council could amend the table as a drafting error (a minor modification) prior to adoption.

Housing context

3. As expressed in Issue 3 (requirement for new development) the strategic development plan for Edinburgh and the South East of Scotland (SESplan) sets a housing requirement of 12,490 houses for Midlothian between 2009 and 2024. Removing the completions since 2009; housing already committed; and windfall means that the proposed Midlothian Local Development Plan has to allocate land for over 2,500 houses. SESplan supplementary guidance on housing land directs that the newly allocated housing should be located in strategic development areas including 750 homes in the A701 corridor strategic development area in which Penicuik is located.

4. Proposed local development plan policy STRAT 4 (additional housing development opportunities) supports the development of identified "opportunity sites" related to the conversion or redevelopment of land in the rural area. The supporting text to the policy explains that due to development uncertainties the housing contribution from these sites cannot be relied upon as part of the housing allocations. However, the text confirms that should the opportunity sites come forward they would, nevertheless, contribute to the housing land supply. It is accepted that "although these rural opportunities are in less sustainable locations than their urban counterparts, there is benefit in supporting the reuse of these sites where buildings are, or become redundant and/or there is previously development land suitable for development".

Housing site Hs22 (Kirkhill Road)

5. Council-owned land to the rear of Kirkhill Road is promoted in the proposed plan for 20 social houses. The site includes a partially derelict building fronting Kirkhill Road with grassland to the rear and two hard-surface tennis courts beyond to the north-east. A minor road runs along the eastern boundary of the site providing access to residential properties and to the tennis courts and a bowling green (and associated club house). Rear gardens

of houses on Eastfield Drive abut the site boundary to the north. Further rear gardens are located beyond the western boundary of the site with more housing and a cricket ground further to the west across Eskhill Road.

6. In addition to the unresolved representations summarised above, Ms Heather Termie submitted a representation to the examination which raised concerns including the loss of playspace; impact on the former Kirkill School (C-listed); and impacts on flora and invertebrates. The council reply considers that the setting of the listed building would be a matter addressed through policy ENV 22 (listed buildings) of the proposed plan; that the open space audit carried out in 2009 indicates that the site was assessed as having a relatively low score; and that the site is not designated for its fauna or flora but, in any case, that the provisions of the proposed plan would ensure protection of wildlife and habitat. The council further notes that the tennis courts on the site are not required for the delivery of 20 affordable houses.

7. I note that proposed local development plan policies DEV 6 (layout and design of new development); DEV 7 (landscaping in new development); DEV 8 (open spaces); and DEV 9 (open space standards) would require landscaping; the protection/provision of open space on the site; safe access; and control building heights (matters of concern raised in unresolved representations). In addition, policy ENV 22 would ensure that any listed buildings, and their settings, were not harmed by development. Furthermore, the suite of environmental policies in the plan would ensure, as stated by the council, that wildlife and important habitat were protected where required.

8. I further note that policy IMP 1 (new development) requires the council to prepare a development brief or masterplan for all allocated housing sites. This production would ensure that the site was carefully assessed and that the design and layout of development took account of the site and surroundings. It would also allow for the protection of open space and outdoor sports facilities where justified.

9. As indicated by the council, proposed local development plan policy DEV 10 (outdoor sports facilities) would protect outdoor sports facilities from development unless specific criteria were met. This policy follows that presented in Scottish Planning Policy (2014) at paragraph 226 where it states that any loss of outdoor sports facilities should be fully justified and adequately compensated.

10. Development of the site would provide a useful contribution towards the affordable housing need in Midlothian (as identified in Issue 5 of this report) and redevelop a partially brownfield site within the settlement boundary. I find that the majority of matters raised in unresolved representations could be addressed through the preparation of the development brief/masterplan and application of the development plan policies. However, in relation to loss of outdoor sports facilities, development could potentially result in the loss of the tennis courts which the Penicuik Tennis Club suggests has a membership of 200.

11. Paragraph 226 of Scottish Planning Policy states that compensation for outdoor sports facilities should be delivered "where it is convenient for users and maintains or improves the overall playing capacity in the area". The fact that the tennis courts now have an active membership suggests that there is a demand for the facilities in the local area. One option would be to remove the tennis courts from the housing allocation. However, to ensure comprehensive planning of the site, I consider that it would be beneficial to retain the courts within the allocation but amend the development considerations for the site to explicitly require either the retention or upgrade of the tennis courts or replacement at a suitably

convenient location. In conclusion, site Hs22 should remain allocated for housing.

Additional housing development opportunity AHs3 (Bellwood Crescent)

12. An additional housing development opportunity within the settlement boundary is identified on land to the north of Bellwood Crescent with an indicative capacity for 25 houses. Primarily grassland, and including a former play park, the site wraps around two existing houses to the north and is bound by mature trees and landscaping before the A701 Edinburgh Road to the south-east; open grassland to the north-west; residential properties on Bellwood Crescent to the south; and mature trees, a burn, and Glencourse Road to the north. A Ministry of Defence structure (with warning signs) is located in the north-eastern corner of the site. And, a row of garages and a turning area is situated to the south-west of the site on Bellwood Crescent.

13. The former play park no longer has any play equipment (as of my site inspection in March 2017). However, the requirement for the provision of open space could include play space through proposed local development plan policy DEV 6 (layout and design of new development). I further observed at my inspection that part of the site is used for recreation with informal paths being present between Bellwood Crescent and Glencourse Road. These could be recreated in the layout and design of any development on the site.

14. Despite concerns from local residents, I consider that the policies of the proposed local development plan would ensure that the design and layout of any development on the site would provide sufficient (and age-related) open/play space; adequate landscaping; safe access and adequate off-street parking; would protect mature trees and areas important for biodiversity; protect residents from harmful noise; and safeguard daylight to existing houses and gardens. As identified in Issue 3, the council has indicated no issue with education provision and the National Health Service has sufficient health care capacity. In addition, the development considerations for the site in the proposed plan would ensure that sufficient landscaping was provided on the site; new pathways were created; and that Ministry of Defence property was taken into account. Furthermore, the requirement on the council through policy IMP 1 (new developments) to produce a development brief or masterplan for the site would allow these matters to be considered in further detail with consultation.

15. Issues with noise, access and parking during construction could be suitably controlled by planning condition at the application stage. I note the concerns of residents in relation to neighbour notification regarding the proposed plan. The matter of consultation is referred to in the examination of conformity with the participation statement at the beginning of this report; and in Issue 34 (process, consultation ect) of this report. Nevertheless, I note that the council has followed the statutory requirements in relation to neighbour notification.

16. I find that site AHs3 should remain as an identified additional housing development opportunity for 25 houses in the proposed plan.

Additional housing development opportunity AHs4 (Promathon Mill)

17. I agree with representations that there is no specific direction within SESplan which requires local development plans to identify "opportunity sites". Nevertheless, SESplan does encourage the identification of safeguarded sites and supports the development of brownfield land. Consequently, I find that the identification of "opportunity sites" through

the proposed local development plan is reasonable and appropriate as a means of highlighting potential for future housing on currently constrained sites. Identification of these sites means that there is likely to be more opportunity to realise delivery of development once a site becomes available and/or help to remove constraints.

18. Pomathorn Mill is identified as a brownfield “opportunity site” with potential for 50 houses in the proposed plan. As observed on my inspection, the site contains a redundant 3-4 storey high paper mill which is partially occupied by business uses including storage and vehicle repair/sales. Access to the site is taken from the B6372 (Pomathorn Road).

19. The development considerations in the proposed plan are clear that the site would only be considered for redevelopment if property becomes available. There is no direction that existing businesses, and associated jobs, would be actively lost as a consequence of the “opportunity site” identification.

20. The development considerations for the site also identify the potential constraint of Pomathorn Road for access and include reference to the potential requirement for improvements to be made if necessary. Therefore, together with proposed local development plan policies on transport and design and layout (which relate to access and road safety), I consider that the site could be suitably accessed with requisite road improvements if required. Sustainable transport policies would also require a transport assessment to be undertaken and any mitigation in terms of improvements to pavements for pedestrian safety and/or impacts on local town centres from additional traffic generation.

21. The development design policies of the proposed plan (including DEV 6 – layout and design of new development) would ensure passive surveillance and suitable street lighting to help deter crime related activity.

22. The site is already developed with the former paper mill providing a substantial building in a rural location. However, the design policies would enable a suitable layout on the site to avoid any harmful impact on the landscape.

23. In terms of protection of biodiversity and wildlife, I am satisfied that the policies of the proposed plan (including those on woodland protection; species protection; and enhancement) would ensure that any important fauna and flora was suitably protected from development. I further note that the development considerations for the site require the retention of trees and vegetation as well as sustainable urban drainage and open space all of which would be beneficial for biodiversity/wildlife. The implementation policies would also require suitable solutions for water supply to protect existing public/private supplies from development.

24. The implementation policies of the proposed plan would enable any developer contributions towards education to support capacity in local schools. I appreciate that any children living at this location would have to commute to local schools. However, I do not consider the need for additional travel is sufficient to dismiss the site as a brownfield opportunity.

25. Finally, in relation to cumulative impact with other rural development (including site AHs5 – Wellington School), I note that there is potential for some 110 new houses within a five mile radius of Pomathorn Mill. However, I find that there is sufficient provision within the proposed plan to assess any potential cumulative impacts on traffic, education and

other facilities in conjunction with existing planned development. Any impacts could be adequately identified at the application stage with mitigation prescribed if necessary or, ultimately, development of the site not being supported if deemed appropriate.

26. I find that the identification of site AHs4 (Pomathorn Mill) should remain in the proposed local development plan.

Additional housing development opportunity AHs5 (Wellington School) and surroundings

27. The former Wellington reform school is located in a countryside location on Milkhall Road between the A701 Edinburgh Road and A6094. The site is now derelict with the school; gym hall; garages; and outbuildings boarded up and/or in a state of disrepair at the time of my site inspection in March 2017. Grass sports pitches and a hard court are also located on the site. The school is identified in the proposed plan as a “part brownfield/part greenfield” opportunity site with potential for some 50 to 60 houses. Land to the north of the site is allocated for “low density rural housing” supported through proposed policy RD 2 (low density rural housing) for two houses or suitable low density low rise housing to support the development of Wellington School. Further areas of low density rural housing are identified to the west of the A701.

28. I note that within the representations there is a degree of support for the re-use of the school building, particularly on the building footprint. I also note the level of concern regarding potential over-development of the site and allowing development in the surrounding countryside area. However, I further acknowledge that access from the A701 onto Milkhall Road is highlighted in the development considerations for the site as a matter which may require additional land to ensure adequate safety for road users. Consequently, additional land around the former school may be required to enable a new access to be facilitated. On this basis, I find that development of more than the footprint of the school buildings could be justified.

29. Despite concerns being raised in representations, I find that the proposed plan’s development considerations for the opportunity site, and its policy provisions (which would be applied to any proposals for the former school site and surroundings), would ensure:

- sufficient assessment and protection of biodiversity and wildlife on the site (including any protected species)
- adequate access arrangements and required road improvements
- sufficient landscaping in keeping with the rural character of the area
- a design, layout and density which respected the rural environment
- adequate drainage provision (including protection of water supply, water pressure, and avoidance of contamination of the Leadburn and Milkhall Pond)
- control of lighting in a rural area
- provision of utilities
- respect for surrounding residential uses in relation to design, building heights, privacy, and daylight.

30. I note the concerns with respect to access from the A6094 but find that this matter could be sufficiently addressed at the application stage through proposed local development plan policies on transport and development design. Similarly, the matters of cyclist safety along Milkhall Road and the provision of passing places could be controlled at the application stage through the provisions of the plan.

31. Although there is a regular public transport service along the A701 I agree that anyone living at this location in the future would likely be dependent on using private vehicles to access facilities, services and schooling. However, I consider that the potential for increased private motor use is not sufficient to delete the site as an opportunity to develop a partially brownfield site (and to avoid the continuation of a derelict building in the countryside).

32. There would be no impediment to the school site being redeveloped as an “eco-development” as suggested in representations.

33. I find that the Wellington School opportunity site AHs5 should remain in the proposed plan along with the allocation of a “low density rural housing” surrounding the former school site.

Housing site h26 (Deanburn)

34. Mr Robertson suggests that committed housing site h26 (Deanburn) should include a new public park. The development considerations for this site require a substantial area of landscaping and open space (as part of the wider green network). In addition, proposed plan policy DEV 9 (open space standards) requires a standard amount of open space / playing fields / play space for any development in Midlothian. This requirement would ensure that the development of Deanburn included sufficient open space. I therefore find that no change to the proposed plan is required on this matter.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Adding a second sentence to the development considerations for site Hs22 (Kirkhill Road) on page 148 as follows:

“Existing outdoor tennis courts should be retained on the site, upgraded on the site to a better quality or replaced (to a better quality) at another location convenient for users.”

Issue 30	A701 Corridor Strategic Development Area – Roslin	
Development plan reference:	The Strategy for Sustainable Growth and Settlement Statements	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>906313 907793 775864 908955 906150 779412 909728 779408 909750 779411 779411 779411 909839 908866 909880 779439 778668 778668 779417 761269 908982 909904 779467 921224 921225 921558 921577 910215 921747 921767 921841 921772 921842 921802 921806 921838 780011 779316 778585 921229 921252 921254 921255</p>	<p>PP2 PP4 PP35 PP88 PP119 PP128 PP155 PP164 PP166 PP197 PP198 PP199 PP219 PP315 PP346 PP351 PP352 PP356 PP451 PP460 PP465 PP474 PP477 PP480 PP481 PP494 PP496 PP504 PP510 PP511 PP512 PP513 PP515 PP517 PP518 PP519 PP572 PP573 PP580 PP596 PP602 PP603 PP604</p>	<p>Jennifer Dean Morag Bootland Sarah Keer-Keer Andrew Hopker Sophie Hopker Robin Hutt Paula Rice Helen Wilkinson Lynn Mcfadyen Ian Holmes Ian Holmes Ian Holmes Chris Yapp Barry Morrison Pam Stewart Marie Ferguson Biotechnology and Bioscience Research Council Biotechnology and Bioscience Research Council Fiona Watt Linda Sheridan Jennifer Shore Peter Buchanan John Sharp Veronica Meikle Janette McCrindle Amy Collop Elizabeth Allan University of Edinburgh James Wallace Josephine Barrow Winifred Elliott John Barrow John Appolinari Sid Gardner Jean Gardner Sheila Peaston Danny Helson Maria Ahlberg Claire Houston Catherine Gibson Norman John Russell Christine Russell Gavin Russell</p>

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921262	PP607	R R Pirnie
921269	PP608	Kevin Ingleby
921274	PP609	Morag Ingleby
921278	PP610	Paula Milburn
921298	PP620	Neil Campbell
921316	PP631	Margaret E Anderson
921318	PP632	Douglas Howie
921322	PP633	C MacLeod
921324	PP634	F MacAulay
921336	PP725	Kathryn Johnson
760531	PP810	Moira Weitzen
780529	PP812	J Norridge
780545	PP814	E Twatt
921847	PP865	John Weitzen
921850	PP867	Shona Anderson
921854	PP868	Mary E Berry
921856	PP869	Karen Lissimore
921861	PP870	Alison Ferguson
921864	PP871	Alan Lissimore
922002	PP885	M Robertson
921601	PP919	Ross Laird
966257	PP938	Ann Buchanan
778875	PP1017	Chrystyna Schlapak
909861	PP1070	Simon Bullock
909531	PP1076	Lesley King
909440	PP1077	Jackie Togneri
922151	PP1081	Peter Clark
779413	PP1111	Emma Hutt
922155	PP1116	Rowan Nemitz
922262	PP1120	Stuart Barrett
922269	PP1122	Sheila McLeod
923214	PP1132	Sara Rodriguez
923216	PP1134	Jane Worton
921582	PP1207	K D Allan
922064	PP1211	Clare Laird
922065	PP1212	Victoria Bullock
922067	PP1214	Graham Hill
922071	PP1216	Aldo Togneri
922120	PP1391	Claire Banks
922123	PP1394	Colin Gordon
922124	PP1395	Calum Mack
922125	PP1396	Chad Van Rooyen
922126	PP1397	Catherine Worton
922127	PP1398	Carol Gordon
922132	PP1401	Erika Abbondati
922133	PP1402	Eamonn Coyne
922134	PP1404	Emilio Miguelanez Martin
922135	PP1405	Ewelina Wolska
922136	PP1406	Fiona Mack
922140	PP1408	Helen Kirkness
922141	PP1409	John Brown
922142	PP1410	J Floyd

922146	PP1411	James Watt
922148	PP1412	Laurie Anderson
922150	PP1413	Matthew King
922083	PP1488	Linda Halliday
922100	PP1547	Mairi Needham
922107	PP1549	Niki Stark
922113	PP1557	Alison Morrison
922111	PP1558	A Black
922081	PP1560	Iain Halliday
922114	PP1562	Andrew Pritchard
922116	PP1572	Agata Jozwiak
922117	PP1573	Brian Kirkness
779459	PP1627	Paul Ferguson
930430	PP2398	Roslin Greenbelt Community Group
908955	PP2420	Andrew Hopker
909839	PP2425	Chris Yapp
761269	PP2659	Linda Sheridan
761132	PP2660	Jon Harman
908982	PP2664	Jennifer Shore
778668	PP2669	Biotechnology and Bioscience Research Council
780011	PP2674	Danny Helson
778668	PP2688	Biotechnology and Bioscience Research Council
909531	PP2693	Lesley King
922269	PP2695	Sheila McLeod
922064	PP2696	Clare Laird
922065	PP2697	Victoria Bullock
922121	PP2718	C Daniels
826479	PP2754	Edinburgh and Lothians Green Belt Network
965349	PP2849	James McCrindle
Provision of the development plan to which the issue relates:	Section 2.3: Requirement for New Development STRAT3 Strategic Housing Land Allocations (Hs18, Hs19, h57), Section 8.3: A701 Corridor Strategic Development Areas, Roslin Settlement Statement (paragraphs 8.3.24-8.3.33)	
Planning authority's summary of the representation(s):		
<u>Allocation of Land for Housing in Roslin (General)</u>		
Object to the proposed allocations at Roslin for the following reasons:		
<ul style="list-style-type: none"> - Impact on village character and amenity - Impact on historic assets - Loss of Green Belt - Loss of established woodland - Loss of prime agricultural land - Risk of coalescence - Loss of community identity - Loss of open space for recreational use - Capacity of healthcare services, schools and nurseries - Loss of defined village boundary - Loss of tourism due to the area being less attractive - Loss of habitats and wildlife corridors 		

- Wildlife impact
- Impact on historic battlefield
- Increase in flooding due to development of fields that are soak aways
- Capacity of the local road network and A701
- Proposed A701 Relief Road will not alleviate congestion from proposed sites
- Considers that there are brownfield alternatives elsewhere
- Development does not benefit Roslin
- Development does not meet environmental objectives
- Ribbon development along A701
- Negative impact on residents who bought properties adjoining countryside
- Inadequate public transport
- There is no need for the housing
- Not consistent with the Plan aims & strategy
- Loss of land valuable for mitigating the effects of CO2 emissions
- The scale of development
- Impact on the local biodiversity site at Roslin Moat & Curling Pond
- Affordability of the proposed housing
- Lack of infrastructure capacity
- Road safety for pedestrians within the village

(PP2 Jennifer Dean; PP219 Chris Yapp; PP465 Jennifer Shore; PP477 John Sharp; PP480 Veronica Meikle; PP481 Janette McCrindle; PP494 Amy Collop; PP510 James Wallace; PP512 Winifred Elliott; PP515 John Appolinari; PP517 Sid Gardner; PP519 Sheila Peaston; PP602 Norman John Russell; PP603 Christine Russell; PP604 Gavin Russell; PP607 R RPirnie; PP633 C MacLeod; PP634 F MacAulay; PP725 Kathryn Johnson; PP810 Moira Weitzen; PP812 J Norridge; PP814 E Twatt; PP865 John Weitzen; PP868 Mary E Berry; PP885 M Robertson; PP919 Ross Laird; PP938 Ann Buchanan; PP1391 Claire Banks; PP1402 Eamonn Coyne; PP1411 James Watt; PP1412 Laurie Anderson; PP1488 Linda Halliday; PP1549 Niki Stark; PP2664 Jennifer Shore; PP2849 James McCrindle)

The scale of housing at the three sites (Hs18, Hs19, h57) should be reduced. (PP198 Ian Holmes)

Object to the development of site Hs18 and Hs19. (PP496 Elizabeth Allan; PP596 Catherine Gibson; PP610 Paula Milburn; PP631 Margaret E Anderson; PP632 Douglas Howie; PP867 Shona Anderson; PP1017 Chrystyna Schlapak; PP1070 Simon Bullock; PP1077 Jackie Togneri; PP1132 Sara Rodriguez; PP1134 Jane Worton; PP1207 K D Allan; PP1216 Aldo Togneri; PP1394 Colin Gordon; PP1397 Catherine Worton; PP1398 Carol Gordon; PP1401 Erika Abbondati; PP1404 Emilio Miguelanez Martin; PP1409 John Brown; PP1547 Mairi Needham; PP1558 A Black; PP1560 Iain Halliday; PP1562 Andrew Pritchard; PP1573 Brian Kirkness)

Site Hs18 Roslin Institute

Object to site Hs18 Roslin Institute of the following grounds:

- It is the site of a designated historical battlefield and development would prevent future archaeological findings on the site
- Neighbour notification map was not clear about the impact and extent of the development
- Loss of green space/recreation land

- Impact on amenity
- Impact on wildlife and the wildlife corridor in the site
- Loss of Green Belt
- Loss of trees within the site
- Woodland bordering the site needs to be retained
- Negative impact on roads and junctions in the village
- Impact on the historic battlefield. Archaeological work needs to be rigorous and not compromised by developers.
- Road access via dangerous dip at former Roslin Institute access and use of Manse Road
- Impact on infrastructure and services in the village
- Impact on A701
- Risk of flooding on A7006 at entrance to former Roslin Institute
- Scale of development is at odds with the nature, character and scale of the village

(PP199 Ian Holmes; PP481 Janette McCrindle; PP494 Amy Collop; PP608 Kevin Ingleby; PP609 Morag Ingleby; PP2659 Linda Sheridan; PP2674 Danny Helson; PP2718 C Daniels; PP2849 James McCrindle)

The brownfield site Hs18 can provide the scale of housing (200 houses) to which the village can adapt to and accommodate over 10 years. (PP35 Sarah Keer-Keer)

Supports site Hs18 Roslin Institute given its existing infrastructure on site. (PP219 Chris Yapp)

Woodland on the sides of site Hs18 should be retained and the existing buildings refurbished or replaced with low rise flats, all within the footprint of the existing buildings. (PP465 Jennifer Shore)

See merit in site Hs18 but requests mature woodlands surrounding the site are safeguarded. (PP810 Moira Weitzen)

Emergency access from site Hs18 on to Manse Road would not be possible as it is almost a single track road due to parked cars and because the bridge at the end of the road would not support the weight of a car. (PP938 Ann Buchanan)

The only access to the site should be from the B7006 via the existing access into the former Roslin Institute. There should be no access from Manse Road. (PP1402 Eamonn Coyne)

The site's inclusion in the Proposed Plan is welcome but it should be allocated for 280-300 homes, rather than the current 200 homes because of the need for BBSRC to receive a capital receipt for the site for its investments in the Easter Bush. The site now possesses a Minded to Grant Planning Permission in Principle (subject to conclusion of a Section 75 agreement and conditions relating to archaeological remains). Historic Scotland did not object to the planning application in principle, subject to conditions addressing potential for archaeological remains on the site. Additional traffic associated with the new development can be accommodated on the local road network. Issues relating to woodland retention can be addressed through the detailed planning process. The site is effective and construction on site would be expected to start within five years. (PP352 Biotechnology and Bioscience Research Council (BBSRC))

Requests that site Hs18 Roslin Institute is included within Appendix 1A of the Proposed Plan in the schedule of Committed Housing Development sites supported by policy STRAT1 Committed Development, rather than policy STRAT3 Strategic Housing Land Allocations (listed in Appendix 3A of the Proposed Plan). This is on the basis that it has a planning permission in principle subject to signing of a S75 legal agreement. (PP2688 Biotechnology and Bioscience Research Council (BBSRC))

Supports housing development at Roslin, and also refers specifically to site Hs18 Roslin Institute, for the following reasons: shortage of housing in Roslin and a demand for previous residents to move back who have been priced out; shortage of housing for younger people which has a massive impact on them and their families; the Council is failing the younger generation and there is a need to build more houses; critical of selling off Council properties and them being rented at high cost; and considers when housing is built current objections will go and normal life will resume. (PP1214 Graham Hill)

Supports site Hs18 former Roslin Institute. Requests the trees between the site and the B7006 are retained. Considers the trees enhance the setting of the approach to the village and provide important wildlife habitat. Requests the Kill Burn and associated woodland to the north of the site, including Kill Burn Wood, are safeguarded as this area floods and disturbance could have wider flooding effects. Also, this area is a wildlife corridor. (PP2420 Andrew Hopker)

Does not object to site Hs18 Roslin Institute provided the biodiversity corridors are maintained. (PP2693 Lesley King)

Requests established trees and wildlife are taken into consideration in the development of site Hs18 Roslin Institute. (PP2695 Sheila McLeod)

Not opposed to housing site Hs18 Roslin Institute or site h57 Penicuik Road, Roslin. (PP2696 Clare Laird)

Requests: the existing trees at site Hs18 Roslin Institute and at the Kill Burn are retained; and the only access into site Hs18 should be the current access into the former Roslin Institute and there be no access at all, including for emergency vehicles, on to Manse Road. (PP2697 Victoria Bullock)

Does not object in principle to site Hs18 Roslin Institute but requests all the existing woodland, including that bordering the site, is retained. Requests there be one access point to site Hs18 and that it be at the current entrance to the Roslin Institute off the B7006. (PP1081 Peter Clark)

Site Hs19 Roslin Expansion

Object to the allocation of site Hs19 for housing on the following grounds:

- Already many housing sites allocated in the area
- Loss of amenity space
- Impact on amenity and character of the village
- New housing won't fit with the character of the village
- Loss of village identity
- Coalescence with Bilston, and with Loanhead/Penicuik
- Loss of prime agricultural land

- Loss of wildlife habitat and habitat corridors
- Danger to wildlife from increased road traffic
- Impact on drainage and increased flood risk for current houses as site acts as a soakaway
- Impact on tourism assets
- Road congestion and associated environmental pollution
- Impact on infrastructure and community facilities
- Need to preserve existing trees
- Loss of Green Belt
- Impact on Roslin battlefield site
- Excessive scale of development
- Impact on landscape setting of Roslin
- Road safety due to narrow pavements on B7006 and for cyclists
- Inadequate public transport
- Visual prominence of the site at entrance to the village
- Lack of specific education provision
- Road safety for children and others
- Proposal doesn't provide affordable housing for the village
- Rapid build rate will overwhelm the village
- Noise and air quality impact during and post construction
- Proposed access to the site not suitable
- Unsuitable ground conditions for development
- A701 improvements are needed in advance of development
- Limited capacity of sewerage infrastructure
- Inadequate local shopping facilities
- Loss of ecosystem services for the village (drainage, carbon sequestration and nutrient recycling)
- Increase in dangerous parking in the village
- Impact on bumble bees

(PP4 Morag Bootland; PP88 Andrew Hopker; PP119 Sophie Hopker ; PP128 Robin Hutt; PP155 Paula Rice; PP164 Helen Wilkinson; PP166 Lynn Mcfadyen; PP198 Ian Holmes; PP315 Barry Morrison; PP346 Pam Stewart; PP351 Marie Ferguson; PP451 Fiona Watt; PP460 Linda Sheridan; PP474 Peter Buchanan; PP494 Amy Collop; PP511 Josephine Barrow; PP513 John Barrow; PP518 Jean Gardner; PP572 Danny Helson; PP573 Maria Ahlberg; PP580 Claire Houston; PP602 Norman John Russell; PP603 Christine Russell; PP604 Gavin Russell; PP620 Neil Campbell; PP810 Moira Weitzen; PP869 Karen Lissimore; PP870 Alison Ferguson; PP871 Alan Lissimore; PP919 Ross Laird; PP1120 Stuart Barrett; PP1076 Lesley King; PP1081 Peter Clark; PP1111 Emma Hutt; PP1116 Rowan Nemitz; PP1120 Stuart Barrett; PP1122 Sheila McLeod; PP1211 Clare Laird; PP1212 Victoria Bullock; PP1395 Calum Mack; PP1396 Chad Van Rooyen; PP1402 Eamonn Coyne; PP1405 Ewelina Wolska; PP1406 Fiona Mack; PP1408 Helen Kirkness; PP1410 J Floyd; PP1413 Matthew King; PP1557 Alison Morrison; PP1572 Agata Jozwiak; PP1627 Paul Ferguson; PP2398 Roslin Greenbelt Community Group; PP2425 Chris Yapp; PP2660 Jon Harman; PP2718 C Daniels; PP2754 Edinburgh and Lothians Green Belt Network)

Committed housing site h57 and site Hs18 represent a sufficient scale of growth for Roslin. (PP810 Moira Weitzen)

Supports the proposed housing site Hs19 Roslin Expansion. (PP504 University of Edinburgh)

Comments further on desirable enhancements, regarding a replacement Roslin Pavilion, enhanced play park, more and faster buses and buses from Roslin to Bush Estate (possibly through redirection of routes 15/67); extension of Loanhead cycle path to Bush Estate/improvements to Lasswade Road. (PP1081 Peter Clark)

Site h57 Penicuik Road

Supports the committed housing site h57 Penicuik Road, Roslin (allocated in the Midlothian Local Plan 2008). (PP504 University of Edinburgh)

Expresses concern at committed development site at h57 Penicuik Road due to loss of Green Belt, loss of habitat/impact on wildlife, compatibility with stated objectives of the plan, coalescence, development leading to urban sprawl, impact on character of village, distance from new development to facilities, pressure on amenities, lack of amenities, road safety and congestion (both in village and on roads serving village). (PP1081 Peter Clark)

Objects to committed housing site h57 Penicuik Road, Roslin on the following grounds: loss of greenfield land; Settlement Character and Amenity. Loss of environmental quality and character/nature of the village; loss of wildlife and wildlife habitat; Settlement Coalescence; social impact of settlement coalescence; reduction in quality of life for residents; and increased road congestion and safety issues, particularly for cyclists. (PP1395 Calum Mack)

Objects to committed housing site h57 Penicuik Road, Roslin on the following grounds: loss of Green Belt land; and loss of Prime Agricultural Farmland. Considers Roslin will no longer be a contained village if the scale of committed and allocated development goes ahead. (PP2660 Jon Harman)

Other

Objects to the Former Roslin Institute Expansion Area (7.39 hectares), adjacent to the eastern boundary of site Hs18 Roslin Institute, not being allocated in the Proposed Plan for residential development. Considers the adopted Midlothian Local Plan (2008) supports built development on the site and refer to the consideration stated in the 2008 Local Plan that will be given to future uses of the Roslin Institute site, after it has relocated, through the Local Plan review. Also refer to the Midlothian Local Plan (2003) stating that a planning consent (now lapsed) was granted for biotechnology uses on this site. State generation of capital receipts is required from the sale of the land holdings of the former Roslin Institute to put toward BBSRCs investment at Easter Bush. Do not consider the impacts on the landscape character of the Roslin Battlefield site will be significant, and that the site is compartmentalised, surrounded by trees, and not seen as part of the wider battlefield site, but is visually contained. The site should be included in Appendix 3A of the Proposed Plan as a strategic housing land allocation. (PP2669 Biotechnology and Bioscience Research Council (BBSRC))

If the Council considers there are uncertainties in delivering the former Roslin Institute Expansion Area then the site should be included within Appendix 3C of the Proposed Midlothian Local Development Plan as an Additional Housing Development Opportunity and be subject to policy STRAT4 Additional Housing Development Opportunities. (PP356 Biotechnology and Bioscience Research Council (BBSRC))

Modifications sought by those submitting representations:

Allocation of Land for Housing in Roslin – General

Remove proposed housing allocations in Roslin and retain current Green Belt status. (PP2 Jennifer Dean; PP119 Sophie Hopker; PP219 Chris Yapp; PP315 Barry Morrison; PP465 Jennifer Shore; PP477 John Sharp; PP480 Veronica Meikle; PP481 Janette McCrindle; PP494 Amy Collop; PP496 Elizabeth Allan; PP510 James Wallace; PP512 Winifred Elliott; PP515 John Appolinari; PP519 Sheila Peaston; PP596 Catherine Gibson; PP602 Norman John Russell; PP603 Christine Russell; PP604 Gavin Russell; PP607 R.R. Pirnie; PP610 Paula Milburn; PP631 Margaret E. Anderson; PP632 Douglas Howie; PP633 C. MacLeod; PP634 F MacAulay; PP725 Kathryn Johnson; PP812 J Norridge; PP814 E Twatt; PP865 John Weitzen; PP867 Shona Anderson; PP868 Mary E Berry; PP870 Alison Ferguson; PP871 Alan Lissimore; PP885 M Robertson; PP919 Ross Laird; PP938 Ann Buchanan; PP1017 Chrystyna Schlapak; PP1070 Simon Bullock; PP1077 Jackie Togneri; PP1081 Peter Clark; PP1132 Sara Rodriguez; PP1134 Jane Worton; PP1207 K D Allan; PP1216 Aldo Togneri; PP1391 Claire Banks; PP1394 Colin Gordon; PP1395 Calum Mack; PP1397 Catherine Worton; PP1398 Carol Gordon; PP1401 Erika Abbondati; PP1404 Emilio Miguelanez Martin; PP1402 Dr Eamonn Coyne; PP1409 John Brown; PP1410 J Floyd ; PP1411 James Watt; PP1412 Laurie Anderson; PP1488 Linda Halliday; PP1549 Niki Stark; PP1547 Mairi Needham; PP1558 A Black; PP1560 Iain Halliday; PP1562 Andrew Pritchard; PP1573 Brian Kirkness; PP2660 Jon Harman; PP2664 Jennifer Shore; PP2718 C Daniels; PP2849 James McCrindle)

Reduce the scale of housing development at the three housing sites in Roslin (committed housing site h57 Penicuik Road, Hs18 Roslin Institute and Hs19 Roslin Expansion). (PP198 Ian Holmes)

The A701 Relief Road and Roslin Primary School extension should be complete prior to the sale of houses in sites Hs18 and Hs19. (PP35 Sarah Keer-Keer)

Wildlife protection should be increased and all existing woodland at sites Hs18 former Roslin Institute and Hs19 Roslin Expansion should be protected and maintained for the benefit of wildlife and the community. (PP197 Ian Holmes)

Hs18 Roslin Institute

Retain the mature trees on the boundary of site Hs18 Roslin Institute. (PP88 Andrew Hopker; PP164 Helen Wilkinson; PP351 Marie Ferguson; PP460 Linda Sheridan; PP580 Claire Houston; PP810 Moira Weitzen; PP1077 Jackie Togneri; PP2420 Andrew Hopker; PP2693 Lesley King; PP2695 Sheila McLeod)

Reduce the scale of development proposed at site Hs18 Roslin Institute. (PP572 Danny Helson; PP580 Claire Houston; PP2674 Danny Helson)

Delete site Hs18 Roslin Institute and retain Green Belt status. (PP199 Ian Holmes; PP608 Kevin Ingleby; PP609 Morag Ingleby; PP2659 Linda Sheridan)

Requests the existing trees at site Hs18 Roslin Institute and at the Kill Burn to be retained; and the only access into site Hs18 to be at the current access into the former Roslin Institute and there be no access at all, including for emergency vehicles, on to Manse Road. (PP2697 Victoria Bullock)

Increase allocation of site Hs18 Roslin Expansion from 200 homes to 280-300 homes. (PP352 Biotechnology and Bioscience Research Council (BBSRC))

Include site Hs18 Roslin Institute within Appendix 1A of the Proposed Plan in the schedule of Committed Housing Development sites supported by policy STRAT1 Committed Development, rather than policy STRAT3 Strategic Housing Land Allocations (listed in Appendix 3A of the Proposed Plan). (PP2688 Biotechnology and Bioscience Research Council (BBSRC))

Hs19 Roslin Expansion

Delete site Hs19 Roslin Expansion and retain Green Belt status. (PP4 Morag Bootland; PP35 Sarah Keer-Keer; PP155 Paula Rice; PP198 Ian Holmes; PP517 Sid Gardner; PP88 Andrew Hopker; PP128 Robin Hutt; PP164 Helen Wilkinson; PP166 Lynn Mcfadyen; PP346 Pam Stewart; PP351 Marie Ferguson; PP451 Fiona Watt; PP460 Linda Sheridan; PP474 Peter Buchanan; PP511 Josephine Barrow; PP513 John Barrow; PP518 Jean Gardner; PP572 Danny Helson; PP573 Maria Ahlberg; PP580 Claire Houston; PP620 Neil Campbell; PP869 Karen Lissimore; PP1076 Lesley King; PP1111 Emma Hutt; PP1116 Rowan Nemitz; PP1120 Stuart Barrett; PP1122 Sheila McLeod; PP1211 Clare Laird; PP1212 Victoria Bullock; PP1396 Chad Van Rooyen; PP1405 Ewelina Wolska; PP1406 Fiona Mack; PP1408 Helen Kirkness; PP1413 Matthew King; PP1557 Alison Morrison; PP1572 Agata Jozwiak; PP1627 Paul Ferguson; PP2398 Roslin Greenbelt Community Group; PP2425 Chris Yapp; PP2696 Clare Laird; PP2754 Edinburgh and Lothians Green Belt Network)

Site h57 Penicuik Road

None stated (PP1081 Peter Clark, PP1395 Calum Mack, PP2660 Jon Harman)

Other

Requests land adjacent to site Hs18 Roslin Institute on its eastern boundary, often referred to as "The Field", be allocated for housing. (PP2669 Biotechnology and Bioscience Research Council (BBSRC))

Requests if the Council considers if there are uncertainties in delivering the site adjacent to Hs18 Roslin Institute (The Field) then the site should be included within Appendix 3C of the Proposed Midlothian Local Development Plan as an Additional Housing Development Opportunity. Thereby making the site subject to policy STRAT4 Additional Housing Development Opportunities. (PP356 Biotechnology and Bioscience Research Council (BBSRC))

Summary of responses (including reasons) by planning authority:

Context

This schedule 4 addresses the site specific representations in respect of the proposed housing allocations in Roslin. Matters relating to the strategic need for and the adequacy of the Council's overall approach to housing land allocation are addressed in a separate schedule 4 (Issue 3 - Requirement for New Development - Housing Strategy). It should be noted that the Council has granted Planning Permission in Principle for the Roslin Institute site ([CD088](#))

The MLDP Proposed Plan has been prepared in the context of the Strategic Development Plan for South East Scotland (SESplan). To meet the SESplan housing land requirement in the A701 corridor, the MLDP has allocated 460 houses across 2 sites in Roslin (sites Hs18 and Hs19). Most of the representations relate to and are opposed to the scale of growth proposed, the social and environmental impact this growth will create and detailed concerns about specific aspects of the sites themselves. A number of representations also object to a site a Penicuik Road, which was allocated for 50 houses in the Midlothian Local Plan 2008 (referenced as h57 in the MLDP and H15 in MLP 2008).

The Council considers that while the scale of growth will require additional investment in local infrastructure the proposed MLDP makes provision for this

Allocation of Land for Housing in Roslin (General, Hs18 & Hs19)

Although many of the objections relate to the different sites proposed for allocation in Roslin, it is considered that many of the same concerns are raised, therefore the Council addresses these together below:

- Impact on village character, amenity and identity
- Impact on historic tourism assets and designated battlefield
- Loss of Green Belt
- Loss of trees and established woodland
- Loss of prime agricultural land
- Risk of coalescence
- Loss of green space/recreation land
- Impact on infrastructure including the local road network and A701, healthcare services, schools and nurseries
- Impact on wildlife, habitats and wildlife corridors, and impact on the local biodiversity site at Roslin Moat & Curling Pond
- Increase in risk of flooding
- Availability of brownfield alternatives in Edinburgh
- Development not consistent with the Plan aims, strategy and environmental objectives
- Inadequate public transport
- Lack of need for housing and scale of development
- Loss of land valuable for mitigating the effects of CO2 emissions
- Affordability of the proposed housing
- Road safety for pedestrians and cyclists within the village
- Noise and air quality impact during and post construction

Impact on village character, amenity and identity

The 2011 Census (CD001) found that there were 786 households in Roslin while the Proposed Plan includes sites for 460 dwellings. Upon completion, this would result in the total number of dwelling being 1,246 households which is comparable to Danderhall at 1,171 households in the census. The Council considers that Danderhall is of a scale which would be characterised as a village and that in terms of numbers alone, the increase in dwellings proposed for Roslin would not necessarily change its character, though it is appreciated that this is dependent on ones perception.

With regard to Roslin losing its countryside feel as a result of these proposals, it is considered that access and distance to the countryside would remain a short walking

distance to much of the settlement, with the more central areas being approximately 400 – 500m away. This is comparable to walking distances recommended for access to bus services set out in Annex B of PAN75 Planning for Transport [paragraph B.13, [CD137](#)]. This close proximity and good accessibility to the countryside is likely to retain the sense of rurality the residents of Roslin value.

In relation to amenity for existing residents, policies DEV 5 – 7 will minimise loss of amenity for residents adjoining the sites, particularly criteria A and D of policy DEV6. These criteria seek to ensure new development complements the character of the area while maintaining access to the nearby countryside. The text in the settlement statement (table 8.33, pages 141-142) of the Proposed Plan also requires that the new development is well connected with existing built areas and that landscaping is maintained and enhanced with specific requirements identified.

In the case of Hs18 Roslin Institute, the plan in table 8.33 states '*There is a need to protect and enhance the existing woodland area along the site boundaries...*'. With regard to Hs19 Roslin Expansion the plan states '*The northern edge of the site will require substantial landscaping to help screen the development from the A701 in the form of a 20-30m wide woodland belt.*' In both of these cases it is considered that the plan provides for sufficient guidance to provide a strong visual and physical boundary to the expanded settlement.

Development of the proposed sites in Roslin will be subject to policies DEV 5-7 in the Proposed Plan (pages 15-18) which should ensure that they will be of a high quality design and can help to reduce concerns about loss of amenity for adjoining properties. Any suggestion that the development of these sites would reduce house values is not considered to be a material consideration in making planning decisions.

Impact on historic tourism assets and designated battlefield

The main tourist attractions in Roslin are Rosslyn Chapel and Roslin Glen towards the south of the village. Given that the proposed sites are located at the northern end, it is considered unlikely they will impinge upon the setting of these attractions and consequently are unlikely to have an adverse affect on tourism. Furthermore, the Council does not accept the supposition that new development will be unattractive or detrimental to the appearance of Roslin and the plan policies to guard against this, namely DEV 5-7.

The Council approved Planning Permission in Principle for residential development of site Hs18 at its meeting of 26 August 2014 (reference 13/00877/PPP). Condition 8 of the draft consent notice states:

'Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Metal Detector Survey and Evaluation) and scheme of investigation has been submitted to and approved in writing by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take [sic] place unless otherwise agreed in writing by the planning authority.'

While site Hs19 is located on the designated site of the Battle of Roslin, it is considered that the Council has taken appropriate measures to ensure that any archaeological remains are identified and safeguarded. Furthermore the site is brownfield having been in use for a longstanding period of time. The effect this may have had on archaeological remains is

unknown. Table 8.33, page 141 of the Proposed Plan, highlights this matter. Additionally the policy framework of the Proposed Plan, particularly section 5.2.18, contains a policy framework for dealing with these matters. Despite site Hs19 Roslin Expansion not being within the designated Roslin battlefield site, table 8.33, page 141 of the Proposed Plan, sets out that the potential for archaeological interest being found on the site must be given consideration.

Loss of Green Belt

The Council's approach to identifying sites is in line with paragraph 40 of the Scottish Planning Policy which states '*considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.*' Given the lack of available brownfield land, the scale of development the Midlothian Local Development Plan is required to accommodate, and the location of Midlothian's settlements being in the northern part of the county area, it is unavoidable that Green Belt land is required. The Proposed Plan has allocated brownfield sites (such as Hs15 Edgefield Road, Loanhead and Hs22 Kirkhill Road, Penicuik) where possible.

The Council's approach to reallocating Green Belt land for housing development is in accordance with Scottish Planning Policy, with paragraphs 49-50 setting out the aims of the Green Belt including:

'directing development to the most appropriate locations..'; and

'In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.'

Any suggestion that land designated as Green Belt should never be developed would be a mischaracterisation of its purpose, with older guidance going back decades taking a similar stance that the Green Belt is to help form a long term settlement strategy. The rationale for each Green Belt release was outlined in the Green Belt Technical Note (CD030), produced at the same time as the Main Issues Report (CD043), with the proposed sites at Roslin being outlined on page 13. This, and the text in the settlement statements for each site, demonstrate that the implications of removing these sites from the Green Belt has been carefully considered and that appropriate mitigating measures have been set out in the Proposed Plan.

In producing the Proposed Plan the Council has sought to identify a suite of sites that best provide for a sustainable development strategy that has to meet the strategic housing requirement for Midlothian identified in the Strategic Development Plan ([SDP](#)). In Midlothian where there is a shortage of sites, particularly brownfield sites within settlement boundaries, the Council has had to make a judgement on which sites to select.

As identified in the Development sites Technical Note for the Midlothian Local Development Plan Main issues Report (CD043), Green Belt is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing up all of these factors is required for selecting development locations. The Council considers the suite of sites allocated in the Proposed Plan is the best available, given the restricted availability of other

suitable sites, to produce a sustainable development strategy that meets the identified strategic housing requirement for Midlothian.

Loss of trees and established woodland

The Council approved Planning Permission in Principle for residential development of site Hs18 at its meeting of 26 August 2014 (reference 13/00877/PPP – decision issued 4 August 2016). Condition 3 ii of the draft consent notice states:

‘Details of the scheme shall include... existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;’

The Proposed Plan on page 141, table 8.33, sets out a need to protect and enhance the existing woodland along the site boundaries of site Hs18. Consequently it is considered that the Council has taken appropriate measures to protect the established woodland around the Roslin Institute site.

Loss of prime agricultural land

In relation to paragraph 80 of [Scottish Planning Policy](#), which states “development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...”, the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the Strategic Development Plan ([SDP](#)).

The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy.

Where possible, brownfield and urban sites have been proposed for allocation (including Hs4 Thornybank East, Dalkeith; Hs5 Thornybank North, Dalkeith; Hs13 Polton Street, Bonnyrigg; Hs15 Edgefield Road, Loanhead; Hs17 Pentland Plants, by Bilston; Hs21 Eastfield Farm Road, Penicuik; Hs22 Kirkhill Road, Penicuik).

Given the scale of development requirement identified in the [Strategic Development Plan \(2013\)](#) for Midlothian, the shortage of available brownfield land in Midlothian, and the geographical location of prime agricultural farmland in Midlothian, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Revised Environmental Report (CD086) and development sites analysis (Main Issues Report Technical Note) (CD020) under taken in the preparation of the Local Development Plan. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing up all of these factors is required and the Council considers the suite of sites allocated in the Proposed Plan required to meet identified strategic requirements is the best available given the restricted availability of suitable sites.

Risk of coalescence

While it is accepted that the sites in the Proposed Plan reduce the distance between Roslin and the neighbouring settlements, it is not considered that this is of such an extent as to constitute coalescence. The approximate distance to Bilston would be 800m at the closest point and over 2km to Loanhead. Furthermore, it is considered unlikely in the longer term that development will occur north of site Hs18 due to the listing of that land in the *Inventory of Historic Battlefields*. In the case of site Hs19, table 8.33, page 141 of the Proposed Plan, Plan, in the settlement statement says *'The northern edge of the site will require substantial landscaping to help screen the development from the A701 in the form of a 20-30m wide woodland belt.'* This is considered to be in line with policy DEV 1 of the plan and would minimise the effect of visual coalescence with Bilston.

Loss of green space/recreation land

A number of representors have raised concerns that if the proposed sites are developed, it will result in the loss of fields used for recreational activities such as country walks and dog walking. As stated above, the Council feels that the countryside would remain within reasonable walking distance from the village of Roslin and that there would remain sufficient land around the settlement to allow for such recreational activities. Table 8.33 on page 141 of the Proposed Plan sets out for site Hs19 that the paths around the site should be utilised as part of its development.

Impact on infrastructure including the local road network and A701, healthcare services, schools and nurseries

The Council has set out the implementation requirements for new development in Roslin in Table 8.35 (Proposed Plan page 142). Policies IMP 1 and IMP 2 and the associated Supplementary Guidance (SG) on developer contributions will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that this provides an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. The Council continues to work with NHS Lothian on healthcare capacity across Midlothian to resolve issues.

In considering the spatial strategy, the Council has considered a wide range of issues including transport. The Council has also undertaken transport modelling work on the committed development sites (policy STRAT 1) and undertaken a transport appraisal of proposed development with a view to identify appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner (CD120 Pages 64-66, Midlothian Local Development Plan Final Transport Option Appraisal).

With specific reference to the A701 Relief Road, the Transport Options Appraisal finds that:

'The A701 relief road will create additional capacity along this corridor, helping meeting demand requirements of development outlined in the Local Development Plan. Primarily improvements are anticipated for private vehicles, however road-based public transport will also benefit in terms of reliability in journey times and routing options.'

(Scenario 4, Objective 1, page 25)

Matters in Roslin relating to safe crossing points, safe routes to school, access into sites, pedestrian, cycle and vehicular movements within the sites will be addressed at the

detailed planning application stage. Views of Council transport officers were sought in the assessment of sites proposed for allocation in the Local Development Plan.

The vehicular access to site Hs18 will be from the B7006 and not from Manse Road. This is the access for the former Roslin Institute and it reflects what was submitted in the above mentioned planning application (reference 13/00877/PPP). While the Proposed Plan promotes pedestrian links along the southern edge of the site to better integrate it with the existing settlement (table 8.33, page 141), it does not propose vehicular access to the site through Manse Road to access the eastern part of site Hs18.

Impact on wildlife, habitats and wildlife corridors, and impact on the local biodiversity site at Roslin Moat & Curling Pond

The potential effects of development on biodiversity designations, habitats and protected species were considered in the process of site selection (Site Assessment Technical Note, pages 3-4, CD020). All of the sites in Roslin, underwent a biodiversity assessment either by the Council's Biodiversity Officer or by The Wildlife Information Centre. These assessments looked at the potential harm development of a site could do to designated species and habitats, as well as opportunities for enhancement. No adverse effects were identified on designated species or habitats for sites in Roslin. Biodiversity matters will be further assessed through the planning application process. This will highlight specific treatment or adaptation required in development proposals to take account of biodiversity (flora and fauna) relevant to the site.

Increase in risk of flooding

Comments received from the Scottish Environment Protection Agency (SEPA) provide detailed comments on the sites in the Proposed Plan, both from their comments on the Main Issues Report (CD043) and the Proposed Plan itself. While the Council does not support all of the specific changes sought by SEPA in their comments on the Proposed Plan, policy ENV 9 requires that a Flood Risk Assessment is sought where a medium or high flood risk exists (as advised by SEPA). Furthermore SEPA's advice was sought during the site assessment process (Site Assessment Technical Note, page 7, CD020) in producing the plan, so that sites that were of an unacceptable flooding risk would not be allocated. Consequently, it is considered that flooding matters have been handled appropriately. The Council considers that flood risk and surface water flooding issues can be addressed through the planning application process, particularly through the use of flood risk assessments, SuDS and design and layout of the developments.

Availability of brownfield alternatives in Edinburgh

The Strategic Development Plan for Edinburgh and South East Scotland ([SDP](#)) and the associated Supplementary Guidance on Housing Land (CD098) sets the Housing Land Requirement for each local authority area within the city region, including for Midlothian and Edinburgh City Councils. The Housing Land Requirement for the period 2009-2019 for Midlothian is set at 8,080 while that for City of Edinburgh is 22,300 (Table 3.1, page 5). Midlothian Council is not able to reallocate its requirement to City of Edinburgh while the City's considerable requirement is likely to result in any brownfield opportunities to be identified and developed independently of and in addition to development in Midlothian. The City of Edinburgh Council has unbuilt brownfield land allocations which were allocated to help meet previous identified strategic housing requirements that have not been met and still remain.

Development not consistent with the Plan aims, strategy and environmental objectives

The Proposed Plan has a number of environmental objectives (outlined on page 2-3) many of which have been addressed elsewhere in this submission, e.g. effect on historic environment, coalescence, brownfield over greenfield, etc.) The effect on the environment has been considered throughout the plan making process, with specific criteria used in the site selection process (see Site Assessment Technical Note, CD020), as well as assessing the policy implications through the Environmental Report (CD086, particularly Appendix 1 for policies and Appendix 2 for sites). The Council is therefore content that the sites proposed for allocation to meet the Council's identified development requirements are consistent developments accord with the Plan's aims, strategy and environmental objectives and development strategy. of the plan.

Inadequate public transport

All sites included in the proposed plan were assessed for access to public transport as outlined in the Development Sites Assessment Technical Note (CD020, pages 3 and 52-56). The Technical Note states that:

'The assessment of accessibility to public transport was informed by both the judgement of the assessing officers and by more tangible information on the frequency of services and the accessibility of the route from the site itself. This was partly informed by walking thresholds mentioned above (400m in the case of walking to an available bus service). Where any of these matters were clearly inadequate (e.g. a very small proportion of the site being within walking distance of the service) a negative assessment was given. In terms of service frequency, 3 per hour or more was considered positively in the assessment.'

All of the sites identified in Roslin received a positive assessment with regards to access to public transport on this basis. Roslin still retains three per hour bus services to Penicuik and to Loanhead and Edinburgh. The Council considers it has good public transport provision.

Lack of need for housing and scale of development

Section 2 of the Proposed Plan sets out the identified strategic housing requirement from the Strategic Development Plan and the scale of new housing allocations required in the Midlothian Local Development Plan. The calculation for the need for housing identified in the Strategic Development Plan is based upon a housing needs and demand assessment which was signed off by Scottish Government as robust and credible. The Strategic Development Plan identifies the scale of growth required in each Strategic Development Area in the plan. Roslin is within the A701 Strategic Development Area. There is a shortage of sites available for use in the A701 Strategic Development Corridor that have access to services and facilities, such as at Roslin. The Council considers Roslin a good location for development to help meet the identified strategic housing requirement.

Loss of land valuable for mitigating the effects of CO2 emissions

The land allocated (site h57), and proposed for allocation (sites Hs18 and Hs19), is either arable or previously used land (site Hs18 Roslin Institute). The sites will not result in the loss of areas of woodland or peatland, or other classified carbon rich soils. The Council considers that any matters relating to surface water flooding can be addressed through flood risk assessments, and the design and layout of developments (including the use of

SuDS) in the assessment of planning applications and in consultation with SEPA. The Council's response to the use of brownfield land has been given elsewhere in this schedule 4.

Affordability of the proposed housing

The Proposed Plan requires 25% of all of the number of houses consented at Roslin to be affordable housing. The Council will support a variety of tenures of affordable housing including, among others, social rented, mid-market rent, discounted sale and shared equity homes. For the market housing the Council expects a variety of house types with different prices to be available.

Road safety for pedestrians and cyclists within the village

Views of Council transport officers were sought in the assessment of sites proposed for allocation in the Local Development Plan. The design and layout of new developments, including access arrangements and impact on a local area, are fully considered in the assessment of planning applications to maximise pedestrians and cyclists safety. Safe routes to schools are also assessed and provided for in the assessment of planning applications. Through the Local Transport Strategy and the work of its Roads department, the Council promotes greater walking and cycling. This work is aimed at giving more prominence to walking and cycling and use of them as means of travelling. Increased walking and cycling will increase awareness and safety for these users.

Noise and air quality impact during and post construction

Issues relating to noise and air quality during construction can be addressed through conditions on planning consents. The conditions would be prepared in conjunction with the Council's Environmental Health section and would apply the national standards on noise and air quality to the construction phase of the development. Any breaches can be addressed through the planning process. Issues relating to post construction noise and air quality, and breaches of national standards, can also be addressed through liaison with Environmental Health. The Council appreciates the developments will create change in Roslin but does not expect national standards on noise and air quality to be breached.

Conclusion

The Council considers that the matters raised by those representations objecting to the inclusion of housing sites have been taken into consideration in the course of drafting the plan or addressed above. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations.

(PP2 Jennifer Dean; PP4 Morag Bootland; PP35 Sarah Keer-Keer; PP88 Andrew Hopker; PP119 Sophie Hopker; PP128 Robin Hutt; PP155 Paula Rice; PP164 Helen Wilkinson; PP166 Lynn Mcfadyen; PP197 Ian Holmes; PP198 Ian Holmes; PP199 Ian Holmes; PP219 Chris Yapp; PP315 Barry Morrison; PP346 Pam Stewart; PP351 Marie Ferguson; PP451 Fiona Watt; PP460 Linda Sheridan; PP465 Jennifer Shore; PP474 Peter Buchanan; PP477 John Sharp; PP480 Veronica Meikle; PP481 Janette McCrindle; PP494 Amy Collop; PP496 Elizabeth Allan; PP504 University of Edinburgh; PP510 James Wallace; PP511 Josephine Barrow; PP512 Winifred Elliott; PP513 John Barrow; PP515 John Appolinari; PP517 Sid Gardner; PP518 Jean Gardner; PP517 Sid Gardner; PP519 Sheila Peaston; PP573 Maria Ahlberg; PP572 Danny Helson; PP580 Claire Houston; PP596 Catherine

Gibson; PP602 Norman John Russell; PP603 Christine Russell; PP604 Gavin Russell; PP607 R.R. Pirnie; PP608 Kevin Ingleby; PP609 Morag Ingleby; PP610 Paula Milburn; PP620 Neil Campbell; PP631 Margaret E Anderson; PP632 Douglas Howie; PP633 C. MacLeod; PP634 F MacAulay; PP725 Kathryn Johnson; PP810 Moira Weitzen; PP812 J Norridge; PP814 E Twatt; PP865 John Weitzen; PP867 Shona Anderson; PP868 Mary E Berry; PP869 Karen Lissimore; PP870 Alison Ferguson; PP871 Alan Lissimore; PP885 M Robertson; PP919 Ross Laird; PP938 Ann Buchanan; PP1017 Chrystyna Schlapak; PP1070 Simon Bullock; PP1076 Lesley King; PP1077 Jackie Togneri; PP1081 Peter Clark; PP1111 Emma Hutt; PP1116 Rowan Nemitz; PP1120 Stuart Barrett; PP1122 Sheila McLeod; PP1132 Sara Rodriguez; PP1134 Jane Worton; PP1207 K D Allan; PP1211 Clare Laird; PP1212 Victoria Bullock; PP1216 Aldo Togneri; PP1391 Claire Banks; PP1394 Colin Gordon; PP1396 Chad Van Rooyen; PP1395 Calum Mack; PP1397 Catherine Worton; PP1398 Carol Gordon; PP1401 Erika Abbondati; PP1402 Eamonn Coyne; PP1404 Emilio Miguelanez Martin; PP1405 Ewelina Wolska; PP1406 Fiona Mack; PP1408 Helen Kirkness; PP1409 John Brown; PP1410 J Floyd; PP1411 James Watt; PP1412 Laurie Anderson; PP1413 Matthew King; PP1488 Linda Halliday; PP1547 Mairi Needham; PP1549 Niki Stark; PP1557 Alison Morrison; PP1558 A Black; PP1560 Iain Halliday; PP1562 Andrew Pritchard; PP1572 Agata Jozwiak; PP1573 Brian Kirkness; PP1627 Paul Ferguson; PP2398 Roslin Greenbelt Community Group; PP2420 Andrew Hopker; PP2425 Chris Yapp; PP2659 Linda Sheridan; PP2660 Jon Harman; PP2664 Jennifer Shore; PP2718 C Daniels; PP2754 Edinburgh and Lothians Green Belt Network; PP2674 Danny Helson; PP2849 James McCrindle)

With regards to increasing the housing number for Hs18 Roslin Institute site, the Council considers that the density is appropriate. While the Council has granted planning permission in principle, no numbers have been approved as a result of this process and condition 1 of the consent specifically states that the masterplan submitted with the application is not approved (CD007). Furthermore, the Council is of the opinion that the Proposed Plan provides for a generous supply of housing land, as set out in Section 2 of the plan, and more than meets the identified strategic requirement in the Strategic Development Plan. In relation for the need for a larger capital receipt for the land, BBSRC will have to provide further evidence to demonstrate this.

The Council considers that the site should go through the Examination and due planning process before it becomes a committed site.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP352 Biotechnology and Bioscience Research Council (BBSRC))

Site h57 Penicuik Road, Roslin

This site was allocated in the Midlothian Local Plan 2008. The Proposed Plan sets out in paragraphs 2.2.4 and 2.3.4 that committed sites such as h57 are required to deliver the strategy of the plan. This committed development site went through the development plan process and was allocated. The site has planning permission in principle for residential development (planning application ref. 12/00743/PPP - decision issued on 11 April 2016.

For these reasons the Council requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP1081 Peter Clark, PP1395 Calum Mack, PP2660 Jon Harman)

Other

In relation to the proposed extension to the Roslin Institute site (also known as “The Field”), this was allocated in the 2003 Midlothian Local Plan to provide land to allow for expansion of the Roslin Institute. Given that the Institute has now moved, this land is no longer required for development. Unlike site Hs18, this site has not been previously developed and therefore cannot be regarded as a brownfield site. The site’s now lapsed planning consent was for economic uses associated with the former Roslin Institute only. The Council does not consider these reasons give any support for the site to be allocated for housing.

The Council considers the Proposed Plan provides a generous supply of housing land, as set out in Section 2 of the plan, to meet the identified strategic requirements. The Council considers the sites identified in the Proposed Plan are part of a suite of sites that best meet the development strategy and development requirements for the Midlothian Local Development Plan. The Council therefore considers additional sites are not required.

For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP2669 Biotechnology and Bioscience Research Council (BBSRC))

As stated above in response to objection PP2669, the Council considers sufficient sites have been allocated to meet Midlothian’s identified development requirements. The Council does not consider this site (former possible extension site for the Roslin Institute) is required. For these reasons the Council requests that the Reporter(s) makes no change to the Proposed Plan in respect of this objection. (PP356 Biotechnology and Bioscience Research Council (BBSRC))

Reporter’s conclusions:

A701 Strategic Development Area: Policy context

1. The housing land requirement is set out in SESplan. The supporting Supplementary Guidance: Housing Land (2014) identifies the requirement for each council area including Midlothian. There is a statutory requirement for the local development plan to demonstrate consistency with SESplan. In this context the proposed plan is required to identify a corresponding supply of housing land which should be effective or capable of becoming effective over the course of the plan period.
2. These matters are assessed in more detail in the consideration of Issue 3 (requirement for new development). Suffice to say that it is recognised that there is not a significant resource of brownfield land at the council’s disposal and inevitably, given the extent of the housing requirement, this has led to the consideration of land currently designated green belt, green field and/or agricultural land to meet this requirement.
3. SESplan identifies the A701 Corridor as one of the Strategic Development Areas within the Midlothian/Borders Sub Regional Area, where there is a need to deliver substantial housing and economic development proposals on new and committed sites. Accommodating such growth, it recognises, has raised issues of coalescence and maintenance of community identity. These are recurring issues to be found in representations to the proposed housing and employment use allocations throughout the A701 Corridor, including proposals at Roslin.

4. In developing a spatial strategy, paragraph 50 of Scottish Planning Policy (2014) states that planning authorities should identify the most sustainable locations for longer-term development and, where necessary, reviews the boundaries of any green belt. SESplan, at paragraph 129, recognises that the green belt around Edinburgh may need to be modified to implement the provisions of its strategy which requires development, among others, in the A701 Corridor (Midlothian). At paragraph 130 it states that planning authorities should seek to minimise the loss of land from the green belt whilst balancing the need to achieve sustainability objectives. Where green belt land is required to achieve the strategy, it notes, that effort should be made to minimise the impact on green belt objectives and secure long-term boundaries. In this regard, I find that the council's broad approach to identifying development sites within the A701 Corridor to be consistent with Scottish Planning Policy and SESplan.

ROSLIN

Introduction and general matters

5. Before dealing specifically with concerns expressed in representations regarding the development of sites Hs18 (Roslin Institute), Hs19 (Roslin expansion) and h57 (Penicuik Road) I consider below a number of issues common to each proposal. I do so in the knowledge that the principle of residential development on sites Hs18 and h57 has been established through the grant of planning permission in principle and that in the case of proposal h57 detailed proposals are under consideration by the council.

6. Despite these planning permissions being in place, a considerable number of representations express objections in general to further housing development in Roslin, arguing that it would lead to the coalescence of the village with nearby settlements and the loss of prime agricultural land. There are also concerns that the scale of development proposed would have an adverse impact upon village character and local amenity. Some also argue that local services and infrastructure would be unable to accommodate and support new development. On the other hand, there are comments of support for the proposed allocations in order to provide housing for those in need and to support economic growth. I now deal with these issues below.

Coalescence

7. Concern has been expressed that the proposed allocations could result in the coalescence of Roslin with Loanhead to the north and Bilston to the north-west. The land that surrounds Roslin is designated green belt and, for the most part, is prime agricultural land. There are also areas of designated open space (outside settlement area). Land to the north is included within the boundaries of an historic battlefield site that is included on the Inventory of Historic Battlefields (The Battle of Roslin).

8. The council acknowledges that in some cases there is the potential for proposals of the plan to result in the coalescence of settlements and the loss of their individual identities. To address this issue, proposed policy DEV 1 (community identity and coalescence) states that development will not be permitted which would result in the physical or visual coalescence of neighbouring communities unless mitigation measures are proposed which maintain visual separation and protect community identity.

9. In respect of proposals Hs18 (Roslin Institute) and Hs19 (Roslin expansion), I note that the required measures to address the issue of coalescence, among other things, are

described in Table 8.33; the basis for which lie in the recommendations of the Edinburgh Green Belt Study (2008) and the main issues report technical note on the green belt. Both the study and the technical note recognise the importance of the surrounding farmland in providing a rural landscape setting to Roslin and separation with Bilston and the A701 Corridor. They also describe in general terms the measures required to mitigate the impacts of new development in this location.

10. I consider that these measures, together with the retention and enhancement of existing landscape features and the protection afforded the land beyond the housing allocations by proposed policies ENV 1 (protection of the green belt), ENV 4 (prime agricultural land), ENV 24 (other important archaeological or historic sites), ENV 25 (site assessment, evaluation and recording) and DEV 8 (open spaces – outside settlements), should ensure that coalescence of Roslin with Loanhead and Bilston would be prevented.

Prime agricultural land

11. There is concern that the proposals of the proposed plan will lead to the loss of prime agricultural land in Roslin. Paragraph 80 of Scottish Planning Policy seeks to protect prime agricultural land but recognises that the loss of such land may be justified as a component of a settlement strategy, as is the case in this instance. In Midlothian, most of the prime agricultural land is located around the principal settlements in the north of the area. As such, the council argues, and I accept, that this has led to the unavoidable consideration of such land if it is to meet the housing requirement in the A701 Corridor.

Scale of proposed development, including impacts on amenity, character, village identity and local services

12. The proposed plan indicates that the two strategic housing land allocations in Roslin (Hs18 and Hs19) will deliver 460 new dwellings, which I acknowledge would represent significant growth. The council recognises that development on this scale will require investment in local infrastructure and suggests that provision has been made for this. In this regard, I note that Tables 8.33 describes broadly the infrastructure required, while proposed policies IMP 1 (new development) and IMP 2 (essential infrastructure required to enable new development to take place), provide the means by which to secure it.

13. Importantly, through IMP 1, the council indicates that, in conjunction with prospective developers, it will prepare development briefs or master plans for each site, setting out the main planning and design principles on which development proposals should be based, including the need to create good connections to local services and facilities in order to ensure that new development is fully integrated with its surroundings and the wider village. I consider this to be a reasonable approach and to be one through which the concerns raised in representations can be appropriately addressed. Furthermore, their promotion through the proposed plan would allow their development to be co-ordinated, particularly the provision of essential education, water, and drainage infrastructure. Moreover, their development, individually and collectively, would make a significant contribution to the SESplan housing requirement.

14. In terms of access to public transport, I agree with the council that while there is a high frequency of public transport services on the A701, some of which serve Roslin directly, the scale of proposed development could lead to bus operators adding to or redirecting services to meet demand generated by new development, particularly if addressed at the outset of the development brief or master planning exercises. On the matter of health

services, the proposed plan notes that the recently built health centre in Roslin has the capacity to meet demand generated housing growth within its catchment.

15. Finally, the council points to the suite of policies under the heading of sustainable place-making, principally policies DEV 5-7, through which it will seek to ensure that development is appropriately laid out, designed, landscaped and protects the amenity of existing residents. In addition to the provisions of a development brief or master plan, they should also ensure that existing paths that facilitate access to the surrounding countryside are retained and incorporated into new development and, where appropriate, the creation of new routes to key destinations; proposed policy DEV 6 (criterion D) refers. I am satisfied that the provisions contained within these policies, in addition to those set out in DEV 1, will allow matters of concern to local residents to be addressed in the assessment of future planning applications.

16. Overall, despite the scale of new development proposed, I consider that an appropriate framework will be in place to secure the high quality of development sought by the council and contributions to support the provision and delivery of essential infrastructure. Furthermore, the provisions of policies IMP 1 and IMP 2 should ensure that this is achieved without unacceptable impacts upon existing local services.

Tourism and historic battlefield

17. As the council points out the main tourist attractions in the village are located to the south, whilst the proposed housing allocations are located to the north. I agree with the council that the advent of new housing is unlikely to have an adverse effect on the setting of these attractions and in turn on the number of visitors to Rosslyn Chapel and Roslin Glen.

18. The site of the Battle of Roslin lies to the north of the village and to the east of the B7006. The importance of the historic battlefield is recognised by the council and I note that it is a condition of the planning permission in principle granted in respect of proposal site Hs18 that a programme of archaeological investigation is approved by the council prior to the commencement of any works. Furthermore, the need for archaeological evaluation is identified as a development consideration in Table 8.33, while proposed policies ENV 24 (other important archaeological or historic sites) and ENV 25 (site assessment, evaluation and recording) set out the council's requirements if development is to be considered acceptable. On this basis, I am satisfied that the council has appropriately identified the factors to be taken into account and has put measures in place to assess the impact of development on the historic battlefield.

General housing matters

19. A number of representations claim that the housing land allocations in Roslin are inconsistent with the aims, strategy and environmental objectives of the proposed plan, that new development will be unaffordable and 'brownfield' land in Edinburgh should be developed before green belt sites in Midlothian. These are matters considered under Issues 1 (vision, aims and objectives), 3 (requirement for new development) and 5 (affordable and specialist housing) of this examination report. Suffice to say, as I indicate in paragraph 4 above, I find that the council's broad approach to identifying development sites within the A701 Corridor to be consistent with Scottish Planning Policy and SESplan.

20. With regard to the affordability of new market housing, this will essentially be a matter

for the developer and the operation of the housing market. I note, however, that it is an aim of the proposed plan to ensure that there is a sufficient range and choice of housing to meet all needs, including the provision of affordable housing. Proposed policy DEV 3 (affordable and specialist housing) addresses this matter, which will be supported by supplementary guidance in due course. Accordingly, a significant number of affordable homes could be developed in Roslin through the application of policy DEV 3 and the implementation of proposals Hs18 and Hs19.

21. Notwithstanding the availability or otherwise of brownfield land Edinburgh, the council correctly notes that sufficient land to meet its housing requirement, as set out in Table 3.1 of SESplan Housing Land Supplementary Guidance (2014), must be found within Midlothian if the proposed plan is to conform to SESplan.

Other matters

22. The revised environmental report, in its assessment of proposals Hs18 and Hs19, considers both sites to be acceptable in terms of flood risk and that there would be no significant adverse effect as a consequence of their development. In any event, as the council notes, concerns regarding flood risk and surface-water run-off can be addressed through the assessment of planning applications. Accordingly, no modifications are required in relation to this matter.

23. With regard to the impact of proposed development on wildlife and their habitats, the council contends that no adverse effects were identified on designated species or habitats. This matter is specifically addressed in the revised environmental report and I am satisfied that the council has considered this matter adequately. Also, as the council notes, such matters will be further assessed through the planning applications process as detailed proposals come forward for consideration.

24. Finally, there are concerns regarding noise and air quality impacts of new development during construction works. These are matters that can be addressed at the planning application stage and through the imposition of planning conditions, if required. Accordingly, I find that no modifications are required to the proposed plan in relation to this matter.

Site specific issues

25. I now turn to site specific issues in Roslin.

Proposal Hs18: Roslin Institute

Residential development

26. As I acknowledge above, the principle of residential development on the site has been established through the grant of a planning permission in principle. A legal agreement is also in place to secure financial contributions towards the provision of essential infrastructure. I note that the proposals for the development of the site were the subject of a master planning exercise but that the master plan submitted in support of the planning application was for indicative purposes only.

27. Consideration of how the site will be developed in detail, including access arrangements (from the B7006), provisions for pedestrians and cyclists, and measures to

protect and enhance existing woodland, will be part of an on-going development management process. I note that the conditions attached to the planning permission in principle broadly deal with the development considerations set out in Table 8.33 of the proposed plan and issues of importance to local residents. On this basis I am satisfied that there is sufficient provision within the proposed plan to take into account the concerns expressed in representations when detailed proposals are submitted for consideration.

Suggested modifications to the proposed plan

28. Table 8.33 of the proposed plan indicates a site capacity of 200 dwellings. The land owner considers that 280-300 dwellings could be developed on the site and seeks a modification to the proposed plan to this effect. The number of dwellings to be developed on the site is not specified in the extant planning permission in principle and is therefore a matter to be established through the consideration of future applications. While the indicative capacity of the site may be regarded as conservative by the landowner, the extensive areas of mature woodland within and immediately beyond its boundaries, which the council seeks to protect and enhance, together with its location within a historic battlefield site, a relatively low density of development may be considered appropriate and acceptable, particularly when compared to that which is indicated on the adjacent proposal site Hs19 and the nearby h57. In short, I consider the council's position on this matter to be reasonable given the nature conservation and cultural heritage interests of the site and the absence of detailed survey information.

29. I would add that the proposed plan's position on this matter is not an impediment to more than 200 dwellings being developed on the site, provided that appropriate mitigation measures are incorporated into the development proposals. In such circumstances, any additional dwelling numbers on the site would be over-and-above the housing requirement but, nevertheless, contribute to the housing land supply.

30. Having secured planning permission in principle, the land owner contends that the site should be regarded as being committed development and part of the established housing land supply and therefore included in Appendix 1 to the proposed plan. The council argues, however, that in the absence of detailed proposals and the on-going examination of the proposed plan it would be premature to regard the site as committed development. Moreover, as the site has not been a feature of a previous local plan, the development proposal does not satisfy the proposed plan's definition of committed development. Again, I consider the council's position on this matter to be reasonable and that the proposal is correctly included in Appendix Table 3A: Strategic Housing Land Allocations.

'The Field'

31. The Midlothian Local Plan (2008) identifies the site once occupied by the Roslin Institute as part of the established economic land supply (site b5), including land beyond the former campus to the north-east, known as 'the expansion area' and locally as 'The Field'. The landowner seeks a modification to the proposed plan that would support the development of 'The Field' for approximately 100 dwellings.

32. The landowner justifies the suggested modification on the basis that development on the site has been supported in the past; that it is capable of being served by public transport; that its development would not have a significant impact on the landscape character of the historic battlefield; and, although no longer required for economic development purposes, its development for housing would support the local biotechnology

cluster through the investment of capital receipts in facilities at Easter Bush.

33. The council states that whilst planning permission was granted to develop 'The Field' in the past, this was for economic development purposes and required to allow the Institute to expand should the need arise. Furthermore, it continues, the site has not been previously developed, cannot be regarded as 'brownfield' land, and is no longer required for the purpose for which planning permission was granted, which has now lapsed. I agree with the council that the past planning history of the site is not a justification to support its development for housing purposes in principle.

34. With regard to the landscape and visual qualities of the site, the Edinburgh Green Belt Study (2008) notes that it sits within a strong framework of shelterbelt planting enclosing generally well-managed farmland. This landscape, it states, is important in providing a wider setting for Roslin, its historic chapel and highly scenic Roslin Glen and concludes that development in this area would adversely affect this setting. These features are also referred to in the main issues report technical note on the green belt which, in its assessment of proposal Hs18, recognises the importance of the wide mature tree belts that bound the site and the role they could play in diminishing pressure for further development on the land beyond, for example on 'The Field'. As I noted at my inspection of the site, the tree belts would provide a strong, logical and defensible green belt boundary in this location. As such, I agree with the assessments referred to above and find that the 'The Field' is an important component of the wider landscape and is integral to providing a landscape setting for the village.

35. Moreover, as noted in Issue 3, sufficient land has been allocated to meet SESplan housing requirements and the proposed plan allows for sites safeguarded for longer term development to be brought forward if necessary. Within this context, and having regard to my findings above, I conclude that the proposed plan should not be modified in response to this representation.

Other matters and Hs18 conclusion

36. As I acknowledge in paragraph 11 above, there is concern expressed in representations regarding the loss of prime agricultural land to development, including land once occupied by the Roslin Institute. However, while the current Midlothian Local Plan identifies the site of proposal Hs18 as being prime agricultural land, it also identifies it as forming part of the established economic land supply, having been in use until recently by the Roslin Institute. Furthermore, a number of biotechnology-based companies presently remain on the site.

37. Taking all of the above into account, I conclude that proposal Hs18 should remain in the plan without modification.

Proposal Hs19: Roslin Expansion

Loss of land from the green belt

38. The site is identified as forming part of the green belt and as lying within a 'protection of the countryside' policy designation in the current local plan. It is also identified as being prime agricultural land. The outstanding issue to address in response to concerns expressed in representations to this matter is the removal of the site from the green belt, which I address below.

39. An assessment of the farmland to the north-west of Roslin and its capacity to accommodate development was undertaken as part of the Edinburgh Green Belt Study. The relationship of the site to the wider green belt is described in the main issues report technical note on the green belt and an assessment of its loss to development is contained in the revised environmental report that supports the proposed plan. In summary, the Green Belt Study recognises the importance of the farmland in providing an immediate landscape setting for the village and separation with Bilston. The technical note identifies the need to create a firm edge along the northern boundary of the site if development is to take place, as it is largely open. While the revised environmental report indicates that development would have significant adverse effects on the site.

40. There has been little change to the landscape since the publication of the Green Belt Study. The site continues to provide a rural setting to the village and, due to the rolling landform, a relatively uncluttered foreground to the Pentland Hills when viewed from the east. What has changed is the demand for new housing in Midlothian. In addition, SESplan places specific, and challenging, requirements on this local development plan in terms of identifying sufficient land to meet housing and employment use needs within the A701 Corridor, which it recognises may require green belt boundaries to be modified if the strategy of the plan is to be implemented.

41. Within this significantly changed context, and despite the findings of the Green Belt Study and revised environmental report, I consider that it is appropriate and necessary to review the boundaries of the green belt in this location if sufficient land to meet development needs is to be identified. While matters relating to the green belt are addressed in Issue 12 (green belt), I find that in relation to this matter, and as described in Table 8.33, a strong defensible realigned green belt boundary could be created along the northern edge of the site through the provision of substantial woodland planting and the enhancement of existing vegetation. Such a boundary would contain development and maintain, physically and visually, a significant separation with Bilston.

Hs19 conclusion

42. Accordingly, I conclude that proposal Hs19 should remain in the plan without modification.

Proposal h57: Penicuik Road

43. Proposal h57 is a feature of the current local plan (proposal H15 with an indicative capacity of 50 dwellings) and is regarded as part of the established housing land supply. In the absence of development, the council has carried forward the proposal and incorporated it within the proposed plan. Concerns expressed in representations regarding the scale of new development proposed in Roslin make reference to the site, some of which, in the absence of development, seek the removal of the proposal from the plan.

44. The principle of residential development on the site, however, has been established through its inclusion in the current adopted local plan and subsequent grant of a planning permission in principle for 79 houses. A legal agreement to secure financial contributions towards the provision of essential infrastructure is also in place. The prospect of the site being developed is a step closer following the submission of an application seeking the approval of matters specified in conditions, which was lodged with the council in April 2016. The need for housing land, as noted in paragraph 1 above, relies on new and committed sites being developed. There is no change in circumstances since the adoption of the

current local plan in 2008 that suggests that this committed site should be removed from the proposed plan. Consequently, I find that in these circumstances it would be inappropriate and unreasonable to delete proposed h57 from the proposed plan.

Supportive comments

45. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, expressions of support from landowners and those with an interest in the sites referred to above are noted but do not require further consideration.

Reporter's recommendations:

No modifications.

Issue 31	A7-A68 Borders Rail Corridor - Other settlements	
Development plan reference:	A7/A68/Borders Rail Corridor Strategic Development Area - Other settlements	Reporter: Andrew Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>908580 908580 908580 904548 904548 770249 909726 909733 780480 780480 909847 909847 758758 779167 779166 778604 778604 778604 754797 778444 794477 781900 921722 921727 921787 921795 909726 779316 778585 921286 921292 921259 921821 922014 921317 921373 906499 921427 921428 921876 921889 754719 754728</p>	<p>PP78 PP79 PP80 PP120 PP124 PP148 PP152 PP162 PP176 PP183 PP230 PP231 PP258 PP295 PP299 PP326 PP327 PP330 PP336 PP348 PP468 PP500 PP508 PP509 PP514 PP516 PP534 PP575 PP578 PP579 PP581 PP605 PP681 PP708 PP787 PP807 PP859 PP860 PP861 PP876 PP899 PP901 PP908</p>	<p>Banks Property Banks Property Banks Property Gary Jack Gary Jack Gladman Developments Avant Homes Susan Stephens Scottish Water Scottish Water Lawfield Estate Ltd Lawfield Estate Ltd Paddy Carstairs David Barnes & Isla Mines Ltd Isla Mines Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd Grange Estates (Newbattle) Ltd APT Planning & Development Ltd Ferguson Planning Persimmon Homes (East Scotland) E Holmes K Palmer G Palmer Hamish Palmer Barratt & David Wilson Homes East Scotland Avant Homes Maria Ahlberg Claire Houston P Hughes Hughes Caroline Sneddon M Hodge Lasswade District Civic Society Nadine Waiton Kenneth Marshall Alexander Forsyth/BDW David Chambers Margaret Chambers Lauchlan D MacLean Gail Reid Mayfield and Easthouses Community Council Historic Scotland</p>

754882	PP927	Melville Golf Centre
778967	PP1019	Taylor Wimpey East Scotland
826479	PP1031	Edinburgh and Lothian Green Network
777280	PP1055	Oakridge Property
909847	PP1075	Lawfield Estate Ltd
966852	PP1097	ORS plc
778581	PP1390	Hallam Land Management
922085	PP1597	Andrew Barker
922086	PP1615	Rachel Davies
779436	PP1619	Ritchie Family & Barratt David Wilson Homes
921865	PP2318	Joy Moore
780011	PP2675	Danny Helson
921889	PP2685	Gail Reid
754767	PP2772	Eskbank Amenity Society
754760	PP2807	Shiela Barker

Provision of the development plan to which the issue relates:	Policy STRAT3 and STRAT4, and Housing Allocations in Section 8.2 A7/A68/Borders Rail Corridor Strategic Development Area, Settlement Statements for Dalkeith/Eskbank, Mayfield/Easthouses, Newtongrange, Gorebridge and Rosewell and relevant provisions in tables 3A, 3B, and 3C.
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Planning authority's summary of the representation(s):

Opposes site Hs2

Objections are made to site Hs2 (Larkfield West), Dalkeith for the following reasons:

- coalescence (some respondents further state that this is contrary to MLDP stated objectives and that SNH 2013 MIR submission supports grounds for objection);
- loss of community identity;
- urban sprawl;
- loss of Green Belt (some respondents further state that this is contrary to objectives of plan and policy ENV1, and mitigation inadequate);
- loss of hedgerows/wildlife;
- not brownfield sites;
- loss of countryside;
- loss of farmland;
- loss of amenity greenspace – alternative use of Hs2 as part of communal recreation space put forward;
- character of buildings will not be in keeping with adjacent properties;
- effect on Melville Castle designed landscape (some respondents further state that this is contrary to policy ENV20);
- congestion, safety and air quality on A7 (exacerbated by Aldi store), and traffic impacts on other local roads. Also reference to distance from Eskbank station/ Kings Park Primary School;
- impact on capacity of public services (health, education, police, fire, waste management);
- retail facilities are limited;
- proximity to electricity lines.

(PP508 K Palmer, PP509 G Palmer, PP514 H Palmer, PP579 P Hughes, PP581 Hughes, PP605 Caroline Sneddon, PP708 Lasswade District Civic Society, PP899, PP2763 Gail

Reid, PP1031 Edinburgh and Lothian Green Network, PP1597 Andrew Barker, PP1615 Rachel Davies, PP2318 Joy Moore; PP2772 Eskbank Amenity Society, PP2807 Shiela Barker, PP681 M Hodge)

Detailed matter related to Hs2

Considers that area should be left around waste water pumping station, and in this respect early contact with SW is recommended. (PP176 Scottish Water)

Supports site Hs2

Supports allocation of sites Hs2. States that site is effective and deliverable and can be developed without harm to the area. (PP927 Melville Golf Centre)

Opposes site Hs3

Objections are made to site Hs3 (Larkfield South West), Dalkeith for the following reasons:

- coalescence (some respondents further state that this is contrary to MLDP stated objectives and that SNH 2013 MIR submission supports grounds for objection);
- loss of community identity;
- urban sprawl;
- loss of Green Belt (some respondents further state that this is contrary to objectives of plan and policy ENV1, and mitigation inadequate);
- loss of hedgerows/wildlife;
- not brownfield sites;
- loss of countryside;
- loss of farmland;
- loss of amenity greenspace
- character of buildings will not be in keeping with adjacent properties;
- effect on Melville Castle designed landscape (some respondents further state that this is contrary to policy ENV20);
- congestion, safety and air quality on A7 (exacerbated by Aldi store), and traffic impacts on other local roads. Also reference to distance from Eskbank station/ Kings Park Primary School;
- access difficulties
- impact on capacity of public services (health, education, police, fire, waste management);
- retail facilities are limited;
- proximity to electricity lines.
- Concern at security problems if egress from Hs3 and Eskfield Road through the existing tree belt is not controlled. Considers that pylon corridor and 20m tree belt leave little space and allocation of 30-40 units would be cramped and not in keeping with area.
- potential flooding, related to underground watercourse running across site, as well as underground services beneath congested local road network;

(PP508 K Palmer, PP509 G Palmer, PP514 H Palmer, PP579 P Hughes, PP581 Hughes, PP605 Caroline Sneddon, PP708 Lasswade District Civic Society, PP807 K Marshall, PP899, PP2685 Gail Reid, PP1031 Edinburgh and Lothian Green Network, PP1597 Andrew Barker, PP1615 Rachel Davies, PP2318 Joy Moore, PP2772 Eskbank Amenity Society, PP2807 Shiela Barker, PP681 M Hodge)

Supports site Hs

Supports allocation of site Hs3. States that site is effective and deliverable and can be developed without harm to the area. (PP927 Melville Golf Centre)

Opposes site Hs4

Objects to site Hs4 on grounds of effect on wildlife (deer, hedgehogs, woodpeckers, buzzards), traffic congestion, overstretched infrastructure including schools and doctors, impact of suggested 3 story buildings on light in adjoining properties, loss of existing industrial allocation, and loss of trees. (PP787 Nadine Waiton)

Seeks increase in housing numbers at Hs4

Support for Housing Site, Dalkeith (Hs4: Thornybank East) Considers that site can accommodate 82 units (up from 65 indicated in MLDP), that this is supported by work on a development layout and, moreover, all can be delivered by 2024. Intimates that development takes cognisance of adjacent business use and that it is understood that development must not inhibit continuation of the adjacent business use. Layout will consider these factors and include separate vehicle access from Salter's Road (B6414), landscape/open space and where appropriate acoustic barrier fencing. Will provide links to attractions and contain 25% affordable housing. Statement proceeds to detail reasons for site being effective and sustainable, in terms of PAN2/2010 and SPP criteria. (PP516 Barratt & David Wilson Homes East Scotland; PP859 Alexander Forsyth)

Detailed matters related to Hs7

Site Hs7 Gorebridge (Redheugh) - seeks change in reference to Drainage Impact Assessment (DIA) to state that this may be required rather than will be required. (PP183 Scottish Water)

Site Hs7 - Notes that proposed site is within boundary of Inventory Garden/Designed Landscape and wishes explicit reference made to the potential for direct impacts on the designation. (PP908 Historic Scotland Heritage Management Directorate)

Supports site Hs7

Supports allocation at Hs7 Redheugh West Phase 2. Considers that site is effective and deliverable and refers to submission of PPP application for committed h50 site. Considers that programming of 200 units by 2024 is reasonable and achievable, and that the site meets criteria of PAN 2/2010. Considers the benefits of the site include proximity to transport, services, employment, and green network potential. (PP1097 ORS plc)

Opposes site Hs14

Objects to proposed Rosewell North site (Hs14) on the basis that it conflicts with the strategic objectives of the plan. In particular, coalescence with Bonnyrigg and Poltonhall, particularly with Hopefield Extension site; allocated brownfield and windfall sites in Rosewell have yet to be developed and should be developed before allocating agricultural land; dismissive of access to Eskbank station (without using a car) and considers bus route too circuitous, therefore more car travel likely; site will increase surface water flooding which is currently a problem; site not necessary given scale of development identified in

Rosewell. (PP162 Susan Stephens)

Objects to proposed Rosewell North site (Hs14) given close proximity to the kennels and concerns regarding noise complaints. Considers that the business has been located to avoid nuisance, that operating hours, late night drop-offs by dog wardens/police and external storage of dogs and wind can exacerbate this. Also comments that the scale of development for Rosewell will require additional services and that it may affect the rural nature of Rosewell. (PP500 E Holmes)

Detailed matter related to Hs14

Considers that the capacity of the proposed Rosewell North site (Hs14) should be higher as the constraints identified in the Plan can be addressed. On ground stability, considers that the neighbouring Gortonlee site has been delivering completions following grouting works to stabilise the ground conditions, which demonstrates that grouting is routine and does not delay development. On the effects of noise, an assessment has been commissioned on this, which finds that noise associated with the kennels is not sufficiently loud at the nearest potential residential development to be audible above traffic noise. Therefore residential development should be allowed across the whole site. Masterplan put forward to demonstrate this. (PP79 Banks Property)

Note discrepancy between figures for the proposed Rosewell North site (Hs14) in the Settlement Statement and the table in appendix 3A. In the former it states '60-100' while in the latter it is '60'. Considers that the capacity in the settlement statement reflects the text and that therefore appendix 3A should be amended to reflect this (perhaps as minor technical change). (PP80 Banks Property)

Supports site Hs14

Supportive of proposed Rosewell North site (Hs14). Considers that the site accords with the SPP and the deliverability criteria in PAN2/2010 and points to supportive comments given in the Inquiry Report for the adopted Local Plan. (PP78 Banks Property)

Representations relating to AHs1 - higher density and detailed points

Objects to the low number of homes proposed (indicative capacity of 120-300 homes) for Additional Housing Opportunity site Rosslynlee Hospital (site AHs1 by Rosewell). Considers it should be much higher to help reduce the need for site Hs19 Roslin Expansion. Site at Rosslynlee Hospital is not Green Belt and would not impact on either Roslin or Rosewell. (PP575 Maria Ahlberg, PP2675 Danny Helson)

Supports the proposed Rosslynlee Hospital site (AHs1). Concerned about vandalism/fly-tipping at this site since closure. However, raises concerns regarding the access as there is a single track road to the west which is more convenient than access to main road, the first half is owned by Moredun Institute while remaining has dangerous dip or tributary of North Esk where there have been accidents. Considers that this road would need significant improvement/widening and is not suitable for increase in traffic. (PP860 David Chambers, PP861 Margaret Chambers)

Supports identification of proposed Rosslynlee Hospital site (AHs1) but seeks modification to the settlement statement text.

Seeks clarification over funding to restore listed building; considers that the existing access is the only one available for the site, which should be upgraded on a phased basis; reference to 10-15m hedgerow may not be most appropriate means of augmenting tree belt.

Seeks change to the Development Considerations text in Rosewell Settlement Statement, to new text provided viz: "The site includes the C-listed Rosslynlee Hospital which is now redundant. As a means to protect and bring the listed building back into use, there is support for its conversion to residential use. There is likely to be potential for 70-80 units within the main building and associated structures. It is recognised that there is a requirement for complementary development to assist funding of the conversion, and there is support for additional new build residential development in the range of 40-200 units. The existing access requires to be upgraded to adoptable standard on a phased basis to serve this development. The site is not considered to meet the sustainability criteria as it is not well related to Rosewell, being some distance south of the village. As a result, it is not allocated in the MLDP but identified as an additional housing development opportunity. Despite the distance from Rosewell village, the development will be expected to use Rosewell PS and Lasswade HS for education and leisure facilities, and developer contributions to these facilities may be required. The development will be expected to be in sympathy with the listed building and its rural location, incorporating appropriate landscaping and green network links to the surrounding countryside and to Rosewell and Roslin Glen. There will be a need to protect, retain and enhance existing woodland belts within the site (along the north western, north eastern and south western boundaries) as well as along north eastern and south eastern edges of the hospital grounds. A 10-15m landscaped strip should be incorporated along the south-eastern edge. Path links across the site to link up with existing path network should be provided. A flood risk assessment will be required." (PP1055 Oakridge Property)

Allocation of additional sites

Seeks allocation of site at The Paddock, Gorebridge

Objects to non-allocation of site at The Paddock, Harvieston, south of Gorebridge, with capacity up to 10 units. States that site has necessary infrastructure either in place or shortly in place. Considers that strategy of large allocations has encountered infrastructure constraints and glut of such sites. Raises concerns about quality of development delivered by large house builders. Considers that unquantified windfall quotient should be reduced and replaced with known, quantified sites, such as this (PP120, PP124 Gary Jack)

Seeks allocation of site at Hardengreen, Dalkeith/Eskbank

Objects to land west of the Cottage, Hardengreen, Eskbank not being allocated for housing. Considers that site should be allocated for reasons of: site effectiveness, accessibility and sustainability - particularly with proximity to Eskbank station and public transport on A7 meets requirements of SDP policy 7 for release of greenfield land. Council's assessment favours removal of site from Green Belt and allocation for housing (allocation also supported by AD+S and SNH). (PP152 Avant Homes)

Seeks allocation of site at land west of The Cottage Hardengreen Eskbank (site D5 in housing sites Technical Note) for 40 units. States that: site is effective and can be developed in the short term; site is sustainable as it is close to public transport on A7 and to Eskbank station; site meets requirements of SDP Policy 7 for the release of greenfield

land; MC housing sites Technical Note (and AD+S/SNH) assessments conclude that site is sustainable/accessible location; MC Green Belt Technical Note concludes site should be removed from Green Belt; and site is supported by SPP. (PP534 Avant Homes)

Seeks allocation of site at Weir Crescent, Dalkeith/Eskbank

Seeks inclusion of site to meet the Local Development Plan housing requirement, providing approximately 15 units. In support of allocation give following reasons: site will offer additional flexibility, adding to range and choice, and not requiring another site to be taken out to make way for it site is accessible and sustainable - reference made to proximity to Eskbank station, bus services and services in Eskbank. Site if removed from Green Belt would leave strong boundary along River North Esk and Melville Road and would not create coalescence. Reference made to previous Reporter's findings in respect of this site, including statement that development would not have significant adverse effect on landscape quality of River Valley - respondent considers that impacts on landscape setting can be mitigated through policy guidance, development capacity limits and landscaping. Site is deliverable and effective, without physical or prior use constraints. Reporter previously accepted solution of accessing site from Weir Crescent. (PP299 Isla Mines Ltd)

Seeks allocation of site at Whitehill, Dalkeith/Eskbank

Seeks allocation of site at Whitehill, and in support states that: proposal would avoid coalescence and so support LDP objectives. Additional housing land needed to meet SDP land supply targets and meet SPP guidance. Site is effective in terms of PAN2/2010 criteria for assessing site effectiveness. Site is well located for stations, public transport and amenities. development would be provided with new structural planting, open space and potential for a woodland walk, with views through site to South west maintained; proposed low density 12 unit development would fit with existing settlement pattern and character of village. Council's strategy for developer contributions noted, contributions could necessary upgrades could be agreed with Council. Site performs well relatively in LDP MIR assessment of sites. (PP231 Lawfield Estate)

Considers that site at Whitehill (previously coded VR8 in assessment for MIR) should be allocated for housing. States that there is scope for 12 units of housing. Considers that there is insufficient housing land to maintain effective 5 year housing land supply and meet SDP requirements. States that Whitehill is a short term deliverable site. Provides evidence on take up and need to allocate more housing land. Considers that Whitehill is well sited for Borders rail stations and other amenities/services. Considers that this development would complete the village streetscape/offer natural traffic calming, with structural planting to ensure that it accords with the landscape, and is proportional to the size of the village. Considers that this site will avoid coalescence and loss of community identity, and provide choice, add to the mix of housing and through suitable design would improve access opportunities to open space/countryside. Considers that the site performs well in terms of the assessment carried out for the MIR, and favourably in respect of the Council's allocated sites, and that there is no justification not to include. States that site is in close proximity to Dalkeith and planned neighbourhood centre in Wester Cowden/ new Sainsbury's at Wester Cowden - both within the maximum walking distance criteria in PAN75 Annex B. Notes that Dalkeith Schools Campus is 1950m from site, but considers that not significantly further than threshold, and believes there would be greater scope to walk/cycle given travel for a dedicated purpose, with scope to improve safety of route. The hourly frequency bus service to Dalkeith town centre and Edinburgh is noted, as is the potential for homeworking. Development will contribute to the range of housing and allow for semi-rural

lifestyle. Considers that site meets PAN2/2010 effectiveness criteria, and that landowner keen to work with MC to agree necessary infrastructure to implement the site. (PP1075 Lawfield Estate)

Seeks allocation of site at Lawfield, Mayfield/Easthouses

Objects to non allocation of site at Lawfield, Mayfield for housing (formerly coded E2 in sites assessment). States that site could provide 200 units of housing, and considers that plan has allocated insufficient land for housing. Suggests that future analysis required to determine the suitable ratio of affordable housing on site. Considers that site is well located in terms of public transport/services/amenities - benefits to Mayfield local centre from added population are referred to. Considers that this site would avoid coalescence, and design could contribute to access opportunities, as well as integrating with adjoining sites as well as structural planting to minimise landscape impact. South west aspect would maximise solar gain. Indicates desire to determine developer requirements. Considers that site performs well in terms of the assessment criteria used by MC at MIR stage. Considers that site performs well in terms of the PAN2/2010 criteria of effectiveness. (PP230 Lawfield Estate)

Seeks allocation of site in Mayfield/Easthouses

Considers that this is a logical extension to h38 with established bounds, and could help in delivery of wider site. Site is not impeded by ownership (tenancy constraint) and is therefore viable. Considers that a review of development considerations is required, to ensure consistency with earlier Cruden/Persimmon sites. (PP326 Grange Estates (Newbattle) Ltd)

Seeks allocation of land for 65 units of housing at 2.65ha site (coded h38a on accompanying plan). Also considers that 5ha of land within h38 has potential to be delivered at an early stage as not affected by agricultural tenancy. Amended settlement proposals maps and supporting text are suggested, which set out representor's views in respect of implementation requirements. Representor considers that higher number of houses can be accommodated, that need for new primary school/contribution to secondary education should be reviewed, and that there is need for landscaping, which can be incorporated into green network at this location. (PP327 Grange Estates (Newbattle) Ltd)

Change to text proposed in relation to objection in ID PP327 which seeks allocation of additional site. (PP330 Grange Estates (Newbattle) Ltd)

Seeks allocation of site at Dewarton

[note that PP336, 338, 340 and 341 cover aspects of the APT Planning Dewarton submission - summary and response consolidated in this response (PP336)] Supports housing development at Dewarton (previously coded VR4 in MIR assessment). Considers that development would be an appropriate scale addition to Dewarton, would add to range/choice and that it would not cause coalescence or have unacceptable impact on countryside setting - considers that proposal would create acceptable defensible boundary to the north. Avers that current settlement boundary is tightly drawn around urban form (PP338). Considers that site is deliverable (in terms of PAN2/2010 criteria) and would contribute to 5 year supply and meet stipulations of SDP policy 7, believes that Midlothian will not meet housing land supply targets (PP340). States that it would not compromise Green Belt objectives and there are no infrastructure constraints (PP340). Considers

that the site would contribute to sustainable economic development and give easy access to the A68, with a variety of options for travelling onto Edinburgh including the new Borders Railway via Gorebridge (3 miles away). (PP336 APT Planning & Development Ltd)

Seeks allocation of site at Fordel, which has been the subject of a recent planning application.

Seeks reference to site in plan as a committed development. In support of case states that site has permission for 60 units, and as such is a committed development, and this should be reflected in the plan. (PP348 Ferguson Planning)

Seeks allocation of site at Newbattle Home Farm, Newtongrange

Objects to land at Newbattle Home Farm (formerly coded NE1 in MIR assessment) not being allocated for housing and to its inclusion in ENV3 designation.

- Considers site could accommodate 100 homes, and is consistent with other plan policies;
- Considers that site is as good as or better than the preferred strategy sites in terms of: visual containment, effect on HGDL (if revised boundary removing field that is in HGDL is adopted), reinforcement of open space strategy, effect on existing broadleaf woodland, effect on conservation areas, and accessibility;
- Considers that highly visual sites within SLAs have been recommended by Council for mitigation with woodland planting - an option that could be adopted here. Notes that site not in candidate SLA, and considers that there are other areas which offer more character/uniqueness; considers that proposal conforms with proposed policy RP7;
- In respect of previous Reporter's recommendations considers that development can be mitigated with buffer woodland, and that the context of the HGDL gardens can be improved/or strengthened by amending its boundary - in any case considers that impact on designed landscape is minor and no impact on historic buildings;
- Notes that site is not in the Green Belt, and considers that proposal will improve the landscape, and reinforce boundary of proposed Strategic Landscape Area;
- Suggests, by reference to previous Reporter's Report, that little weight should be attached to Conservation Area status, and that any case the proposals would contribute to the Conservation Area. Does not support the Newbattle Greenspace Safeguard [note this matter addressed in Issue 13];
- Does not consider education capacity to be a constraint;
- Considers that site benefits from good accessibility;
- Considers that site is effective when considered against PAN2/2010; criteria, could be expedited quickly and could deliver at least 30 units per annum;
- Evidence submitted to the effect that Midlothian needs additional housing land to meet SDP requirements. Revised masterplan provided with alternative options for field which is in HGDL. A level 1 FRA is presented which finds that the majority of the site is at low risk of flooding.

(PP468 Persimmon Homes (East Scotland))

Seeks allocation of site at Stobs Farm, Gorebridge (different site from PP1390)

Objects to non allocation of Stobs Farm, Gorebridge and states that it has potential as housing site for 180-200 units. States that MLDP needs additional effective sites to meet SDP and SPP (presents paper in support of this argument). States that Stobs Farm is

deliverable and meets PAN2/2010 criteria for effectiveness. Framework anticipates building over 6 year period at 35 per year. Considers that phase 2 will build upon success of phase 1. States that site close to bus network, Gorebridge Station and key facilities. A development framework is presented which refers to benefits to Gorebridge from provision of open space, educational facilities, new jobs/training from construction and benefits to local business. Framework states that there are no major constraints and utilities are available. (PP1019 Taylor Wimpey East Scotland)

Seeks allocation of site at Stobs Farm, Gorebridge (different site from PP1019)

Objects to non allocation of site at Stobs Farm, Gorebridge, known as Stobs Farm III. States that plan does not allocate sufficient housing land (also basis of another objection to the strategy) Considers that site could deliver 300 units, with 275 units indicated to be completed within the period to 2024, also stresses need for immediately effective sites in period to 2019. States that site is effective in accord with PAN 2/2010 criteria. Considers that site is in a sustainable location with respect to services and public transport and that there is infrastructure capacity to accommodate it, and infrastructure upgrades could be funded by developer contributions. Presents Development Framework for site: considers that development benefits from strong containing edges; does not give weight to energy efficiency concerns due to height as building standards can overcome these; considers that site conforms with the SPP principles of sustainable development; and considers it performs well relative to other sites by reference to the Council's site assessment. (PP1390 Hallam Land Management)

Seeks allocation of site at Barleyknowe Road, Gorebridge

Objects to the non-allocation of site at Barleyknowe Road, Gorebridge for 120-160 units. Considers that there is insufficient housing land allocated to meet SDP and 5 year effective land supply targets. Considers that site is well located for services, would meet wider LDP objectives, would avoid coalescence and other protected areas, and could improve locality through high quality landscaping and by linking with isolated allocation at Hs8. The need for developer contributions toward elements in the action programme is acknowledged.

Objector states that site can be accommodated within landscape without detriment to wider views. Objector considers that site performs well in terms of the PAN2/2010 criteria for site effectiveness. (PP1619 Ritchie Family & Barratt David Wilson Homes)

Other matters

Objects to development on Green Belt land in the Dalkeith area. (PP578 Claire Houston)

Objects to large scale housing sites

Objects to large areas for housing on grounds of: coalescence loss of greenspace loss of prime agricultural land effect on public services and infrastructure that are already overstrained comments made about design of recent developments and lack of fit with Eskbank and Newbattle CA, deficiencies of public transport around Dalhousie and Newbattle Road, and cumulative traffic problems at Eskbank Toll. (PP876 Lauchlan D MacLean)

Changes sought to committed sites

Committed sites h50 and e22 - seeks change in reference to Flood Risk Assessment (FRA)

and Water/Drainage Impact Assessment to state that these may be required rather than will be required. (PP183 Scottish Water)

Objects to committed development sites East Newtongrange (h34), Lingerwood (h35), South Mayfield (h38) and Dykeneuk (h49). Considers this will lead to coalescence/ loss of identity and is not in keeping with other plan objectives, and that brownfield sites should be prioritised. Considers that development will lead to pollution from car use, loss of habitat, and strain on an already overburdened infrastructure (which is also threatened by centralisation proposals). (PP258 Paddy Carstairs)

Seeks removal of site e32 Sheriffhall South from the Green Belt and change of employment land designation to allow a wider range of land uses; for reasons of: site allocated in 2008 but remains undeveloped allocation allows no flexibility precedent of restaurant use on nearby Buccleuch Estates site sets precedent, states that Council's reasoning was that this would be an employment generating use and would act as catalyst for attracting more traditional employment uses suggests there is a lack of market demand for allocated use, but refers to interest in hotel/pub, restaurant and drive thru, which would open up the site indicates that set of criteria should be adopted to consider change of employment to non-employment uses states that site occupies prominent/strategic location, which makes it desirable opportunity, and that there are other sites within economic land supply which could accommodate employment uses, which are not necessarily as attractive for retail/commercial uses. (PP295 David Barnes & Isla Mines Ltd)

Objects to allocation of sites Hs2 (Larkfield South) and Hs3 (Larkfield South West). Considers that part of Hs2 might form part of communal recreation space. Seeks changes in respect of committed site e32 (viz. maintain southern triangular field south of B6392 as long term Green Belt, and ensure shelterbelt along northern boundary completely screens the site from the A720 city bypass). In support of case in respect of Hs2/Hs3, refers to effects on Green Belt and Melville designed landscape and potential problems related to electricity lines. Refers to supporting evidence from Edinburgh Green Belt Review 2008 landscape character assessments. (PP1031-Edinburgh and Lothian Green Network)

Support for non-allocation of sites at Mayfield/ Easthouses

Supports non allocation of site at Kippielaw Farm and the Council not proposing to allocate other sites in the area. (PP901 Mayfield and Easthouses Community Council)

Modifications sought by those submitting representations:

Opposes site Hs2

No changes to the proposed plan suggested. (PP508 K Palmer, (PP509 G Palmer, PP514 Hamish Palmer, PP605 Caroline Sneddon, PP899, PP2685-Gail Reid, PP681 M Hodge)

Wishes housing site Hs2 (Larkfield West) to be deleted from the plan. PP579/581 seek retention of farmland, PP1031 seeks communal recreation space on part of land, PP2772 seeks retention of green belt status. (PP579 P Hughes, PP581 Hughes, PP708 Lasswade District Civic Society, PP1031 Edinburgh and Lothian Green Network, PP1597 Andrew Barker, PP1615 Rachel Davies, PP2318 Joy Moore, PP2772 Eskbank Amenity Society, PP2807 Shiela Barker)

Detailed matter related to Hs2

No modification expressly sought in respect of this location, although the comment on site Hs2 might reasonably be treated as a modification seeking additional text in the site commentary. (PP176 Scottish Water)

Opposes site Hs3

No changes to the proposed plan suggested. (PP508 K Palmer, PP509 G Palmer, PP514 Hamish Palmer, PP605 Caroline Sneddon, PP681 M Hodge, PP807 Kenneth Marshall, PP899, PP899, PP2685 Gail Reid)

Wishes housing site Hs3 (Larkfield South West) to be deleted from the plan. PP579/581 seek retention of farmland, PP2772 seeks retention of green belt status. (PP579 P Hughes, PP581 Hughes, PP708 Lasswade District Civic Society, PP1031 Edinburgh and Lothian Green Network, PP1597 Andrew Barker, PP1615 Rachel Davies, PP2318 Joy Moore, PP2772 Eskbank Amenity Society, PP2807 Shiela Barker)

Opposes site Hs4

Submissions made against principle of development on site Hs4, but also suggested that if building proceeds, no more than two stories be built, natural vegetation/space for wildlife be preserved, and that large trees backing onto Sandyriggs Gardens be preserved (PP787 Nadine Watton)

Seeks increase in housing numbers at Hs4

Retain site in plan, but increase Hs4 site capacity to 82 (PP516 Barratt & David Wilson Homes East Scotland, PP859 BDW)

Detailed matter related to Hs7

Site Hs7 Gorebridge (Redheugh) - seeks change in reference to Drainage Impact Assessment (DIA) to state that this may be required rather than will be required. (PP183 Scottish Water)

Wishes explicit reference made to the potential for direct impacts from development of Hs7 on the Inventory Garden/Designed Landscape designation. (PP908 Historic Scotland Heritage Management Directorate)

Supports site Hs7 (PP1097-ORS plc)

Opposes site Hs14

Remove proposed Rosewell North site Hs14 (PP162 Susan Stephens, PP500 E Holmes)

Detailed matter related to Hs14

Suggests increasing the indicative capacity of housing allocation Hs14, Rosewell North from 60-100 units to 100-120 units. Table 8.20 in the settlement statement and table 3A (Strategic Housing Land Allocation) are requested to be modified. (PP79 Banks Property)

Amend table 3A (Strategic Housing Land Allocations) to include the indicative capacity for Rosewell North Hs14 to 60 -100 units. (PP80 Banks Property)

Representations relating to AHs1 (either seeking higher density or detailed points)

Delete site Hs19 Roslin Expansion, retain its Green Belt status, and increase the allocation at site AHs1 Former Rosslynlee Hospital to compensate (together with housing at the former golf driving range at Auchendinny) for not allocating site Hs19 (PP575 Maria Ahlberg)

Suggests that disused railway to Loanstone would be a more suitable access for AHs1 if developed (PP860 David Chambers)

Suggests that disused railway to Loanstone would be a more suitable access if AHs1 developed. (PP861 Margaret Chambers)

Seeks change to the Development Considerations text in Rosewell Settlement Statement, provides new replacement text (PP1055-Oakridge Property)

Seeks higher density at Rosslynlee Hospital (AHs1) to reduce the need for housing at Roslin (PP2675 Danny Helson)

Allocation of additional sites

Seeks allocation of site at The Paddock, Gorebridge

Allocate site at The Paddock, Harvieston, south of Gorebridge, as part of strategy to encourage smaller scaled housing developments (PP120, PP124 Gary Jack)

Seeks allocation of site at Hardengreen, Dalkeith/Eskbank

Seeks allocation of site at Hardengreen for approximately 40 units of housing, and deletion from Green Belt (PP152, PP534 Avant Homes)

Seeks allocation of site at Weir Crescent, Dalkeith/Eskbank

Removal of land at Weir Crescent, Eskbank from Green Belt and allocation of site for housing. (PP299 Isla Mines Ltd)

Seeks allocation of site at Whitehill, Dalkeith/Eskbank

Objector seeks allocation of site at Whitehill for housing (PP231, PP1075 Lawfield Estate)

Seeks allocation of site at Lawfield, Mayfield/Easthouses

Seeks allocation of site at Lawfield, Mayfield for housing. (PP230 Lawfield Estate)

Seeks allocation of site in Mayfield/Easthouses

Seeks allocation of site at South Mayfield for 65 units of housing (marked as h38a on accompanying map). (PP326 Grange Estates (Newbattle) Ltd)

Allocate additional land near committed site h38 for housing, at site coded h38a, and recognise potential for early delivery at part of existing h38 site. Suggested changes in respect of numbers at committed development sites and developer requirements are considered under related PP325. (PP327, PP330 Grange Estates (Newbattle) Ltd)

Seeks allocation of site at Dewarton

Seeks allocation of site (formerly coded VR4) at Dewarton, to be included in Appendix 3a under Policy STRAT3 as a Strategic Housing Site with potential to deliver 15-20 new homes in the immediate 5 year housing supply period to 2019. (PP336 APT Planning & Development Ltd)

Seeks allocation of site at Fordel, which has been the subject of a recent planning application.

Site at Fordel (RH Miller site) to be referenced as a committed development in the plan. (PP348 Ferguson Planning)

Seeks allocation of site at Newbattle Home Farm, Newtongrange

Allocate land at Newbattle Home Farm for 100 units, (with consequent removal or redrawing of ENV3 boundary) (PP468 Persimmon Homes (East Scotland))

Seeks allocation of site at Stobs Farm, Gorebridge (different site from PP1390)

Seeks allocation of site at Stobs Farm, Gorebridge as housing site for 180-200 units. (PP1019 Taylor Wimpey East Scotland)

Seeks allocation of site at Stobs Farm, Gorebridge (different site from PP1019)

Allocation of site at Stobs Farm III for 300 units (meeting 275 units demand in period to 2024, balance thereafter). (PP1390 Hallam Land Management)

Seeks allocation of site at Barleyknowe Road, Gorebridge

Seeks allocation of site at Barleyknowe Road, Gorebridge for 120-160 units. (PP1619 Ritchie Family & Barratt David Wilson Homes)

Other matters

Don't develop on Green Belt land in the Dalkeith area (PP578 Claire Houston)

Objects to large scale housing sites

Inference is that some housing sites should be deleted, particularly those with negative attributes listed in objection letter (PP876 Lauchlan D MacLean)

Changes sought to committed sites

Committed sites h50 and e22 - seeks change in reference to Flood Risk Assessment (FRA) and Water/Drainage Impact Assessment to state that these may be required rather than will be required. (PP183 Scottish Water)

Brownfield sites should be prioritised - thrust of objection is that sites h34, h35, h38 and h49 should de-allocated. (PP258 Paddy Carstairs)

Removal of site e32 Sheriffhall South from Green Belt and change of employment land designation to allow a wider range of land uses. (PP295 David Barnes & Isla Mines Ltd)

Seeks changes in respect of committed site e32 (viz. maintain southern triangular field south of B6392 as long term Green Belt, and ensure shelterbelt along northern boundary completely screens the site from the A720 city bypass). (PP1031 Edinburgh and Lothian Green Network)

Summary of responses (including reasons) by planning authority:

Context

This schedule 4 relates to the allocation of housing sites in A7/A68/Borders rail SDA. The MLDP Proposed Plan in meeting the requirement established in the Strategic Development Plan for South East Scotland June 2013 (SDP) and to meet the overall housing requirement for Midlothian, has allocated additional sites in the corridor.

Matters relating to the strategic need and the adequacy of the Council's housing land allocation are addressed Issue 3 Requirement for New Development - Housing Strategy.

Opposes site Hs2

The Council must meet the Strategic Development Plan for Edinburgh and South East Scotland (SDP) housing requirements and the SDP additional housing land allowances (set out in tables 2.2 and 2.3 of the MLDP Proposed Plan respectively). Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

Since this site was identified in the MLDP Proposed Plan a planning application has been received for it and the neighbouring Hs3 site ([14/00420/PPP](#)). An appeal was lodged to the DPEA on grounds of non-determination, which the Reporter was minded to allow in his decision notice of 15th December 2015 (Planning Appeal Reference PPA-290-2030).

The Reporter deferred determination of the appeal for a three month period (from December 2015) to enable agreement on planning obligations to be reached. The application was subsequently allowed and planning permission in principle granted on 25th May 2016.

While there is an expectation that a subsequent application for reserved matters or detailed planning permission will come forward, this is not certain, and any subsequent planning permission may expire; so the status of this site remains a live matter to be resolved through the LDP examination process. As there is a recent Scottish Reporter's determination on this site, reference can be made to the Reporter's findings (which refer to a development consisting of sites Hs2 and Hs3) in respect of matters raised by Representors. The Council may still prepare a development brief for these sites in conjunction with prospective developers, as required by Policy IMP1, although the necessity for this will be vitiated should a further application for reserved matters or detailed planning permission be granted in the interim.

The Reporter found that there was no inherent conflict between the principle of residential development and the character of the surrounding area (paragraph 18, DPEA Appeal: Notice of intention for PPA-290-2030). The Reporter noted that Historic Scotland did not object to the proposal, but recommended careful selection of trees to reinforce the designed landscape character of new shelterbelts (paragraph 19).

The Reporter found that coalescence would not arise, and that the development represented a more natural boundary than the existing western edge of the development (paragraph 20). In terms of Green Belt objectives no coalescence between Dalkeith/ Eskbank would occur, and there is not enough brownfield land to accommodate the additional requirements identified in the SDP (paragraph 20 and 21). Subject to sensitive design and retention of existing features the landscape setting of the existing settlements can be maintained (paragraph 22). The existing use of the land as arable farmland was noted; the Reporter did not consider its loss undermined access to the countryside (paragraph 23). The Reporter noted that the site was prime agricultural land, and agreed with the Council that the case for continuing use for agriculture was outweighed (paragraph 30).

The Reporter was satisfied that the site could be adequately serviced in respect of roads, public transport, schools and drainage, subject to financial contributions for additional infrastructure (paragraph 28).

The Reporter considered the new houses would be in reasonable walking distance/cycling distance from bus and rail (paragraph 36), and looking at the positives and negatives overall, concluded that the proposal was consistent with the principles of sustainable development (paragraph 37).

The Council still expects to prepare a development brief for this site in conjunction with prospective developers for the site, as required by Policy IMP1, although the necessity for this will be superseded should an application for detailed planning permission be granted in the interim. The masterplan would allow consideration of the development boundaries to minimise adverse impacts on the designed landscape and maintain visual separation between Eskbank and Bonnyrigg, and provide linkages through sites Hs2 and Hs3 to Eskbank Station.

The relatively low density at the site (12 per hectare if the Council's allocation of 60 units is accepted) allows for impediments to the layout to be taken into account (such as the power lines or Scottish Water infrastructure). The Reporter found that it was free from constraints, including those related to vehicular access (paragraph 40).

In respect of concerns regarding the effect of Electro-Magnetic Fields (EMF) from nearby power lines on health, the United Kingdom has adopted the International Committee on Non-Ionizing Radiation Protection (ICNIRP) guidelines. The governments of the UK have agreed Codes of Practice with the Energy Networks Association to provide calculate, monitor and reduce exposure. The 132Kv overhead lines at this site produce fields within compliance limits in any event, without further measures being required.

The Council acknowledges that the presence of the power lines may be an impediment to the site layout, in terms of providing the clearances required by Regulations to avoid potential electrocution, provide for maintenance, and to mitigate amenity aspects, but this has been successfully managed at other sites including the adjacent site allocated in the 2008 Midlothian Local Plan. There are potential uses for any wayleave along the course of

the power line, and this matter can be considered in further detail as part of a development brief or planning application.

In respect of representations concerned that the design will be out of keeping with the locality, the Council considers that policy DEV6 and associated Supplementary Guidance 'Quality of Place' provide the basis for ensuring that a high quality of design is provided.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP508 K Palmer, PP509 G Palmer, PP514 Hamish Palmer, PP579 P Hughes, PP581 Hughes, PP605 Caroline Sneddon, PP681 M Hodge, PP708 Lasswade District Civic Society, PP899, PP2685 Gail Reid, PP1031 Edinburgh and Lothian Green Network, PP1597 Andrew Barker, PP1615 Rachel Davies, PP2318 Joy Moore, PP2772 Eskbank Amenity Society, PP2807 Shiela Barker)

Detailed matter related to Hs2

The Council considers that the comment in respect of the waste pumping station has been appropriately addressed in the proposed Action Programme (page 45 Hs2 CD139). It also considers that the development brief or the Detailed Planning Permission process will provide an opportunity to consider the site layout in relation to the Scottish Water apparatus. Site Hs2 is allocated for 60 units, a gross density of 12 per hectare. The Reporter has allowed the appeal for this site (planning permission in principle for 120 units across this site and Hs3 to the south, compared to the indicative capacity of up to 100 units indicated for these sites in the MLDP). The Council considers that its proposed density is relatively modest and can accommodate Scottish Water requirements in respect of protecting their assets.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP176 Scottish Water)

Support for site Hs2

The Council acknowledges the representor's support for the allocation of site Hs2, in particular their statement that the site is effective and deliverable and can be developed without harm to the area. (PP927 Melville Golf Centre)

Opposes site Hs3

This site is also subject to the recent planning application ([14/00420/PPP](#)) and planning appeal (PPA-290-2030). The relevant documents are available from the DPEA website. As with Hs2, the Council considers that the Reporter's findings in respect of this site are of relevance. For brevity, these are not repeated here, but the Reporter's findings in relation to site Hs2 (set out above) are also relevant at this site.

The representors seeking deletion of Hs3 are the same as those seeking deletion of Hs2 with the exception of PP807, which raises a point not made elsewhere about potential flooding. The Reporter noted that SEPA had raised no objection to the application on flood risk grounds (paragraph 27, DPEA Appeal: Notice of intention for PPA-290-2030).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP508 K Palmer, PP509 G Palmer, PP514 Hamish Palmer, PP579 P Hughes, PP581 Hughes, PP605 Caroline

Sneddon, PP681 M Hodge, PP708 Lasswade District Civic Society, PP807 Kenneth Marshall, PP899, PP2685-Gail Reid, PP1031 Edinburgh and Lothian Green Network, PP1597 Andrew Barker, PP1615 Rachel Davies, PP2318 Joy Moore, PP2772 Eskbank Amenity Society, PP2807 Shiela Barker)

Supports site Hs3

The Council acknowledges the representor's support for the allocation of site Hs3, in particular their statement that the site is effective and deliverable and can be developed without harm to the area. (PP927 Melville Golf Centre)

Opposes site Hs4

Since the Midlothian Local Development Plan Proposed Plan (MLDP) was published, a planning application for 82 units of housing was granted, on 11th April 2016 (planning application reference 15/00616/DPP, documents available on the Midlothian website).

Midlothian Council considers that the allocation should continue to be made in the LDP, to cover the eventuality of the consent lapsing.

The MLDP Settlement Statement requires a landscape setting to be established, including retention and enhancement of the existing vegetation along the north-eastern, south-eastern and south-western boundaries, as well as formation of new features to the west where the site abuts the continuing economic use. The Council considers that this will preserve and enhance any biodiversity value on the site, as well as helping to preserve the amenity of neighbouring residential properties.

Policy IMP1 states that development briefs or masterplans will be prepared in conjunction with prospective developers for all allocated housing sites. These will address, amongst other matters; site layout, house types and density. In the eventuality that the now consented application is built, there will however be no locus or need to prepare a brief for the site. The development management process will assess any future proposals in conjunction with all relevant policies in the plan. The Council considers that this process will help to safeguard residential amenity, and does not consider it appropriate to stipulate building heights in the plan. The site is at a lower level than recently developed housing areas to the south east, which will lessen its impact.

The Council has set out the implementation requirements for new development in Dalkeith/ Eskbank, including Hs4, in Table 8.8. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

The site was not part of the Preferred Development Strategy for the Main Issues Report (MIR) (CD043), but was selected after representations were received in the MIR consultation period on behalf of the site owner (Charles Letts) who confirmed that the land was previously earmarked for future expansion but the company now consider there is no foreseeable requirement to expand, and disposal would support the continued operation of the company and preserve existing jobs. Having assessed the site the Council considers that the allocation of this land will support the economy of Midlothian.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP787 Nadine Waiton)

Seeks increase in housing numbers at Hs4

Since the Midlothian Local Development Plan Proposed Plan (MLDP) was published, a planning application for 82 units of housing was granted, on 11th April 2016 ([15/00616/DPP](#))

The site capacities in the MLDP are indicative (see MLDP, table 3A). The Council considers that the site capacity it indicated for the site was reasonable and realistic; at planning application stage the applicant has been able to demonstrate that a different number is achievable. The Council is not minded to change site capacities at this stage, as it can see no practical advantage for any party so to do.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP516, PP859 BDW)

Detailed matter related to Hs7

A Drainage Impact Assessment is a process to identify whether there is sufficient capacity to handle waste water, and to identify solutions where there is not. This is sometimes undertaken alongside a Water Impact Assessment (which considers the capability of the public water supply). Both forms of assessment together are referred to as Development Impact Assessment. Site Hs7 is of a significant scale, and the need for further consideration of drainage matters has been raised by Scottish Water previously. The Council considers that the clear unambiguous wording in the MLDP is requisite to ensure that these important impacts of the development are taken into account.

SEPA indicated at MIR stage that a Flood Risk Assessment (FRA) was required for the Redheugh West site (coded G1 in that exercise, SEPA response to MIR provided as CD096), and they have restated this requirement in their response to the LDP. The management of flood risk is a joint responsibility of local authorities and SEPA, and where SEPA have indicated that an FRA is required, the Council does not think it correct to weaken the requirement, irrespective of the view of Scottish Water.

In respect of the SNH representation, the development considerations text in the MLDP Settlement Statements makes reference to the designed landscapes at Dalhousie Castle and Arniston, the need for measures to mitigate any negative impact, and the need to address these in the masterplan from the outset. The matter raised by SNH, has in the Council's view been addressed in the LDP.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP183-Scottish Water, PP908-Historic Scotland Heritage Management Directorate)

Supports Hs7

The Council acknowledges the representor's support for the allocation of site Hs7 Redheugh West Phase 2, in particular their statement that the site is effective and deliverable. (PP1097 ORS plc)

Opposes site Hs14

The Council must meet the Strategic Development Plan for Edinburgh and South East Scotland (SDP) housing requirements and the SDP additional housing land allowances (set out in tables 2.2 and 2.3 of the MLDP Proposed Plan respectively). Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy. The allocation of site Hs14 will contribute towards these requirements.

Rosewell has two buses per hour to Edinburgh, with an interchange opportunity onto the Borders Railway between Tesco and Eskbank Station. Additional services offer a more direct route to Edinburgh in peak times. The Council considers it reasonable to expect these services to improve on a commercial basis as the village and neighbouring Bonnyrigg expands. There is a grade separated active travel route to Bonnyrigg and Eskbank (NCR196).

There will be a clear gap remaining between Rosewell and Bonnyrigg/Poltonhall following completion of the proposed MLDP sites, and the Council does not consider that the site causes coalescence. Hs14 is contained within existing roads, including the Rosewell bypass, and the site development considerations require protection and enhancement of vegetation along all the site boundaries.

In respect of the representation regarding lack of priority given to brownfield land, the Council is required to meet housing requirements established through the SDP. This requires deliverable sites that can be developed timeously. Many of the sites in the vacant and derelict land register are either already allocated or within settlement boundaries, are constrained, or are located in places where the Council would not favour housing development. Brownfield sites often emerge in the life of a plan and are picked up as windfall development. The housing demands of the city region require the Council to consider greenfield sites.

Hs14 is the only site allocated in Rosewell through this plan, and it takes up the final area of land within the bypass. Engagement activities within Rosewell revealed strong opposition to development of the sites on the landward (southern) side of the village (report to Council of MIR engagement, November 2013 CD082).

SEPA has not objected to the site on flood risk grounds, nor have they indicated a need for Flood Risk Assessment (FRA). Sustainable Drainage Systems (SuDS) will be required for most forms of development (and certainly for a new housing development) and should ensure that run-off rates in the developed state are no higher than in greenfield condition (MLDP policies ENV9/10 refer). The development considerations text identifies a potential area for a SuDS feature.

The Council has set out the implementation requirements for new development in Rosewell, including Hs14, in Table 8.8. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

Through policy ENV18, the Council will seek to prevent sensitive development being placed at unacceptable risk from noise or which constrains established noise generating

activities. The Council is aware of potential of nuisance from the dog boarding kennels, and the Settlement Statement development considerations for the site require this to be taken into account in the design of the development. The site is 6.59ha in size (CD041), so the site allocation of 60 units represents a density of 9 units per hectare. This is a low density, and allows for more noise exposed areas to be left undeveloped, or used for activities which are not noise sensitive. The site is widest where it is furthest from the kennels and tapers as it approaches them – around half of the site is further from the kennels than the nearest existing sensitive receptor (CD068). Sound (or in this case unwanted sound - noise) intensity is subject to the inverse square law, so in free field conditions a doubling of distance from the source reduces noise by a quarter.

The site promoter submitted a noise assessment in July 2015 which the Council has seen and provided feedback. The methodology applied is generally acceptable but the Council has requested a revised noise assessment which includes more data taken at different times of day and night and from more assessment points across the site. The Council is awaiting this revised report. The Council accepts that there remains a risk that the modest allocation is not achievable. The reduced density is an attempt to de-risk this factor, and build robustness into the housing land supply.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP162 Susan Stephens, PP500 E Holmes)

Detailed matter related to Hs14

The site capacities set out in the development considerations text of the MLDP Settlement Statement and in table 3A are indicative. The Council, in seeking to meet the overall SDP housing land requirement for Midlothian and the SDP additional housing allowances, needs to come to a judgement on the contribution of the sites. The statement indicates that if these problems can be resolved the site capacity might be increased to 100 units. There is no discrepancy between the site capacity given in the Settlement Statement and table 3A (60 units in both cases).

Environmental Health colleagues considered the noise assessment prepared by the site promoters to be unsatisfactory, and the Council is awaiting an amended report. Further work is required therefore, to establish the impact of noise at this site.

The representor refers to the grouting and delivery of the nearby Gortonlee site; while this site has been developed successfully the Council notes that no site specific evidence for Hs14 has been submitted.

The Council considers that it has taken a cautious and proportionate approach in considering the potential for development constraints to affect the site capacity at Hs14. This approach reduces the risk of sites not delivering the necessary number of dwellings to meet SDP housing requirements. Should these issues be resolved it may be possible for the site to yield up to 100 units, as indicated in the Settlement Statement.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP79, PP80 Banks Property)

Support for Hs14

The Council notes the support for Hs14, particularly the statement in respect of its deliverability. (PP78 Banks Property)

Representations relating to AHs1

The disused railway from Rosewell to Leadburn (and on to Peebles) forms part of the Council's green network (MLDP Table and Figures 5.2 refer), so it will have a role in facilitating active travel access to AHs1 (Rosslynlee). The route now has planning permission for conversion to an active travel route. The Development Considerations text in the Settlement Statement notes that the existing access is inadequate and should be either improved or replaced; however the Council does not support use of this green network route for vehicular traffic.

Rosslynlee is an Additional Housing Development Opportunity site. MLDP Policy STRAT4 and supporting text in paragraphs 2.3.10/11 sets out the special characteristics of these sites. Paragraph 2.3.9 indicates the Council's expectation that policies STRAT1, STRAT2 and proposals under STRAT3 shall meet the SDP housing requirement. The potential contribution of STRAT4 sites is not relied upon as part of the required housing allocations, due to development uncertainties, although should they come forward the resulting units will contribute to meeting the requirement.

The Council considers that it is more appropriate to treat AHs1 as a STRAT4 site, given the access difficulties, and the need to secure the future of the C listed Rosslynlee Hospital buildings. The site may not be considered effective when considered against the criteria in PAN2/2010 (CD064). The Council considers it has indicated a realistic development capacity for the site. Substituting sites allocated under STRAT3 for a higher density at this site would, in the Council's view, risk failure to meet the overall SDP housing land requirement.

As well as a housing land requirement, the SDP requires additional housing allowances to be met, broken down by Strategic Development Areas. Rosslynlee is in the A7/ A68/ Borders Rail Corridor, and Roslin is in the A701, so the substitution of one site for another would leave a potential shortfall in respect of the additional housing allowances.

In respect of the objection which suggested replacement text for the Settlement Statement, the substantive changes sought appear to relate to the access arrangements (viz. making reference to serving the development by phased upgrading of the existing access road and removal of the option of forming a new access) and to developer requirements (viz. references to developer contributions to Rosewell PS and Lasswade HS for education and leisure facilities, to be changed from 'will be sought' to 'may be required').

The Council considers that it is possible on further investigation that a new access road may prove a more attractive option in viability, environmental, amenity or road safety grounds, and wishes to retain this flexibility in the settlement statement. The representor's suggested approach of a phased upgrade of the existing road is not precluded by the current text.

In respect of the implementation requirements, the Council considers that the proposed scale of growth at AHs1 is too small to support a primary school of its own. Expansion at Rosewell Primary School is required to accommodate the growth in its catchment, as well

as secondary school capacity. As a development increasing the school population in the area, it is reasonable that site AHs1 is treated in the same manner as the strategic housing allocations in Rosewell. The Council considers that the requirement for education contributions are compliant with the tests in Circular 3/2012 (CD136).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP575 Maria Ahlberg, PP860 David Chambers, PP861 Margaret Chambers, PP1055 Oakridge Property, PP2675 Danny Helson)

Representations seeking allocation of additional sites

Seeks allocation of site at The Paddock, Gorebridge

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The Council's windfall policy (STRAT2) supports housing development within built-up areas on non-allocated sites subject to specified criteria. The Council has also identified certain other sites where it would support development in principle, under STRAT4 (these are usually brownfield sites, with some kind of constraint, which nevertheless will contribute as windfall if developed). It is inevitable that there will be an element of windfall development over the lifetime of the Midlothian Local Development Plan (MLDP) as old uses come to an end – this is the definition of windfall. The Council's policies make proper provision for this. The Council considers that there is no need to replace the potential windfall contribution with express allocations in the manner suggested by the representor.

Turning to site specific factors, this location was not submitted for consideration before the representation period for the MLDP, so it has not been assessed in the Midlothian Development Sites Assessment Technical Note, nor has there been an opportunity to seek views from Key Agencies.

The Council has concerns about the sites deliverability. It is not clear if there is an established developer or house builder supporting the site. The Harvieston allocation (h23) was allocated in the Midlothian Local Plan 2003, and is expected to commence in the near future. The site at Robertson's Bank (h51) was also allocated in the 2003 plan but has yet to start. Despite the size of the proposed site, given the scale of committed development in Gorebridge and the number of active developers in the town, the Council has reservations about the marketability of identifying yet more sites in Gorebridge.

The proposed site is adjacent to the listed Harvieston House, Harvieston Farm Outbuildings and Harvieston Walled Garden. The Council has concerns that the setting of this group of buildings would be adversely affected by the proposed development. There are also mature trees around the site, protected by TPO, which provide a valuable component of the setting and these would require stand-off distances to be maintained between them and the nearest structure, further constraining the contribution of the site. The proposed site will also be adjacent to the new landscaped buffer which is to form the southern edge of Gorebridge, once site h23 is built out (discussed below). The Council considers that protecting these important built and natural heritage assets will reduce the

potential contribution of this site.

In respect of the neighbouring committed site h23, the Settlement Statement development considerations text states that the layout must take account of the setting of Harvieston House and that site h23 will require significant peripheral planting on the countryside edges. The capacity of site h23 was substantially reduced by Midlothian Council as the MLP 2003 was prepared, and the Reporter noted this factor when considering the impact of that site on the listed buildings (see paragraph 93, Report of a Public Local Inquiry into unresolved objections to Finalised Midlothian Local Plan, CD076).

The Council considers that the development brief for site h23 (CD071) and the approach in the approved planning application (14/00481/DPP) create a strong edge to the settlement and protect the setting of the listed buildings. The Committee Report for application [14/00481/DPP](#) notes that a tree belt with a varying depth between 6 metres and 31 metres is to be planted along the southern edge of the site which abuts the grounds of Harvieston House, to create an adequate visual buffer and integrate the development into the landscape (paragraph 8.22). The proposed additional allocation would detract from this approach.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations. (PP120, PP124 Gary Jack)

Seeks allocation of site at Hardengreen, Dalkeith/Eskbank

This site was refused planning permission and was the subject of a planning appeal to the DPEA (reference PPA-290-2034), which was determined in August.

The Reporter dismissed the appeal, finding that development at this location would not be in keeping with the area or settlement and would undermine green belt objectives, and would not accord with Policy 7 of the SDP for South East Scotland, nor policies RP1 and RP2 in the adopted Midlothian Local Plan 2008.

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are handled in the Requirement for New Development - Housing Strategy Schedule 4 (Issue 3).

Policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013) ([Strategic Development Plan for South East Scotland](#)) seeks to maintain a five year housing land supply and sets out criteria that must be met in allocating sites or granting planning permission. The Council considers its approach allocates sufficient housing land, but also considers that the proposal would not accord with criterion (b) of the policy. SDP 2013 Policy 12 requires local development plans to define and maintain the Green Belt to, amongst other reasons; maintain the identity and character of neighbouring towns to Edinburgh and Dunfermline and prevent coalescence, and maintain the landscape setting of these settlements. Midlothian Council has reviewed the Green Belt boundaries for this plan, drawing on the findings of the Edinburgh Green Belt Study 2008 (CD026), as well as SDP and Scottish Planning Policy ([Scottish Planning Policy](#)) The Council has resolved to retain this area in the Green Belt. The Green Belt technical note (CD030) gives further background on the Council's review of Green Belt boundaries for the Midlothian Local Development Plan (MLDP).

The Council set out its considered view on compliance with Green Belt Policy objectives and with SDP policies 7 and 12 in its statement for the recent planning appeal (CD101). It considers that this would undermine Green Belt objectives and contribute towards coalescence between Eskbank and Gorebridge, and this position was upheld by the Reporter.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP152, PP534 Avant Homes)

Seeks allocation of site at Weir Crescent, Dalkeith/Eskbank

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The Council considers that allocation of the site for housing would not be compatible with the continuing Green Belt and River Valley protection designations extant on the site.

The Green Belt was extended into the area now proposed as a housing development by the Midlothian Local Plan 2003, following a 1999 Green Belt boundary study. This was subject to objections at the time, and development interests also sought allocation of the land for housing (35 units). The Reporters upheld the Council's position (CD076). The Reporters previously found that this land was an integral component of the valley slopes, and accordingly a significant and attractive part of the setting of Eskbank, and also found that the avoidance of coalescence was a valid reason in favour of its inclusion as Green Belt.

This matter was considered again at the 2007 Inquiry into the Finalised Midlothian Local Plan, where a reduced proposal of 15-20 units was considered. The Reporter recommended that the site should not be allocated or included in the settlement boundary. The Reporter found that even a low density housing development would have a significant adverse effect on the landscape setting of the northern edge of Eskbank – this finding serving to show that the site makes an important contribution to the Green Belt (CD077).

The Midlothian Local Plan 2008 also identified the site under the River Valley Protection policy. The provisions of the policy with respect to this site were upheld by the 2007 Inquiry Reporter. The spatial extent of the River Valley policy area was defined using work for the Esk River Valleys Landscape Partnership Initiative (the Final Report, October 2003 CD027).

Policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013) ([Strategic Development Plan for South East Scotland](#)) seeks to maintain a five year housing land requirement and sets out criteria that must be met in allocating sites or granting planning permission. The Council considers its approach allocates sufficient housing land, but also considers that the proposal would not accord with criterion (b) of the policy. SDP 2013 Policy 12 requires local development plans to define and maintain the Green Belt to, amongst other reasons, maintain the identity and character of neighbouring towns to Edinburgh and Dunfermline, prevent coalescence, and maintain the landscape setting of these settlements. Midlothian Council has reviewed the Green Belt boundaries for this plan, drawing on the findings of the Edinburgh Green Belt Study 2008 (CD026), as

well as SDP and Scottish Planning Policy ([Scottish Planning Policy](#)). The Council has resolved to retain this area in the Green Belt, and considers that the reasons for identifying the land as Green Belt in the MLP 2008 remain valid. The Green Belt technical note (CD030) gives further background on the Council's review of Green Belt boundaries for the Midlothian Local Development Plan (MLDP).

The site is steeply sloped and north facing, and may require significant engineering operations – this will serve to amplify the landscape intrusion caused by development of the site as well as potentially constraining its deliverability. In respect of access through Weir Crescent (which the 2007 Reporter found weighed against the potential allocation to a marginal extent), the Council is concerned about the loss of amenity for local residents, particularly if open space is lost. As the site was neither a Preferred nor a Reasonable Alternative at MIR stage, and was not supported at Proposed Plan stage, the local community will be unaware of this proposal, and so the lack of representations against this site should not be regarded as indicating assent.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation. (PP299 Isla Mines Ltd)

Seeks allocation of site at Whitehill, Dalkeith/Eskbank

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

Public transport provision to the village is limited. It is served by an hourly Monday-Saturday daytime frequency service (provided by the combined 51/52 Perryman's service to the Borders). This is a relatively poor service by Midlothian standards, CD075 Public Transport Map of Midlothian outlines service frequencies/extent of operation). The Council considers it unlikely that the limited scale of growth proposed will lead to an increase in service. The sites the Council has allocated in the A7/A68/Borders Rail Corridor Strategic Development Area are either within walking distance of a Borders Rail halt, have access to an existing higher frequency service (or will gain such access through projects such as the A7 Urbanisation Project), or are of such a scale as to encourage a better service on an ongoing commercial basis.

There are no facilities in the village, and the site is 2.5km to the Dalkeith Schools Campus (which contains the Secondary and Primary Schools as well as leisure facilities for the community) and to Dalkeith town centre. The site is approximately 4.0km from Eskbank Station. PAN75 ([PLANNING ADVICE NOTE: PAN 75 - PLANNING FOR TRANSPORT](#)) states that, in relation to accessibility of local services, a maximum threshold of 1600m for walking is broadly in line with observed travel behaviour. The Council considers that in this respect the site is relatively ill-favoured in terms of proximity to services, compared to its allocated sites.

The land is Prime Agricultural Land (identified within the Development Sites Assessment Technical Note using information from the land capability for agriculture maps, CD020). On its landward side the proposed allocation does not conform to any existing boundary or existing landscape framework, and requires a new landscape belt to be provided in the arable field. This could be a time consuming process, and would create a somewhat

artificial landscape framework. The Council assessment concludes that the site would have a negative landscape impact (CD020).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP231, PP1075 Lawfield Estate).

Seeks allocation of site at Lawfield, Mayfield/Easthouses

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The site is elevated and will be visible over a wide area. The Council has previously allocated site h41 which also occupies an elevated position on the Mayfield-Tranent ridge, but this site was allocated for only 60 units, to avoid the highest parts of the site and to accommodate planting necessary to create a long term settlement edge. The Council has assessed the landscape attributes of the site, and concluded that it performs relatively poorly (CD020 refers).

The promoters supporting statement does not indicate a preferred site access arrangement. Bogwood Road and D'Arcy Road/Oak Place perform the function of distributor roads in Mayfield. The roads running off these are narrower and movement is constrained by parked cars. While the Council would encourage the formation of active travel links to integrate new sites with the existing community, it considers that to ensure the local road network functions efficiently and safely, vehicular access should only be taken from the higher order roads, with little or no interaction with local access roads. This points to an access through committed site h41 North Mayfield, or through committed site h48. An application for committed site h41 was received in Spring 2016 ([16/00134/DPP](#)). No application has been submitted for committed site h48. The prospect of serving a new site through a committed site which has yet to gain planning permission does raise concerns as to deliverability of significant numbers of units before 2024. The ability of the housing market in the locality to absorb completions at three contiguous sites (h48, h41 and the promoted site) is also questionable.

Some of the land is Prime Agricultural Land, and appears to be in active use for arable farming. SPP states that it is important to protect against the suburbanisation of the countryside particularly where there is prime agricultural land (paragraph 76), and development on such land should not be permitted except where essential to, amongst other reasons, meet an established need or as part of the settlement strategy (paragraph 80, [Scottish Planning Policy](#)).

The Council considers that it would be unfortunate if development which led to its permanent loss were permitted.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP230 Lawfield Estate).

Seeks allocation of site in Mayfield/Easthouses

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The Council recognises the difficulties in bringing forward committed site h38 (site U in the (Midlothian Local Plan 2003), and the settlement statement for Mayfield/ Easthouses indicates the need for committed effort to ensure housing is delivered on this site, and only anticipates a limited contribution of 175 units to be delivered by 2024. So far 60 units have been approved at the part of the committed site between Mansfield Road and Cushat Wood (Persimmon Homes), and this phase is now complete. Matters relating to the development of site h38 are considered in issue 2 - Committed Development.

In respect of Policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013), should a need to allocate more land be demonstrated, the Council has concerns (set out in greater detail below) that development at this site will not be in keeping with the character of the settlement and local area.

This proposed additional site, was notified at Proposed Plan deposit stage, so there has been no opportunity to seek views from key agencies and other relevant parties.

The Planning brief for committed site h38 is provided as CD072. The brief proposes the establishment of a new landscape framework around the site, including protection of existing features and additional structure planting. The planning brief recognises that site U occupies a prominent position on the slopes of the Mayfield-Tranent ridge, and embodies a careful mix of housing character areas, densities, house types, internal site landscaping and boundary treatments to break up and lessen the impact of the development. The Council considers that the proposed addition, particularly at the promoter's indicated density, will be detrimental to the overall landscape quality of the area.

As part of site h38 allocation, the Council did allocate higher ground for housing (this is the area recently developed between Mansfield Road and Cushat Wood). The Reporters considered this at the time, and decided to retain that land within site h38 on the basis that it would avoid creation of a small leftover pocket between the potential development site and the degraded and vulnerable woodland (Cushat Wood), Report of PLI into Finalised Midlothian Local Plan refers (section 3.6, paragraphs 26 to 31, CD076). The Council considers that the reasons underpinning the inclusion of the upper part of site h38, are not applicable at this proposed additional site.

The Council proposes to serve the committed site through a new distributor road and by upgrading of the B6482. If this site is to be developed in advance of the committed site, these roads will not be available. The Council considers that the unclassified road from Westhouses Road to the B6372 is unsuitable to accommodate an increase in traffic in its current form due to its alignment and condition.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP326, PP327, PP330 Grange Estates (Newbattle) Ltd).

Seeks allocation of site at Dewarton

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy. Rural development policies RD1 and RD2 provide a framework for development in the countryside. These policies can allow additional housing options in certain circumstances.

If it is accepted that the Council has allocated adequate housing land, then the decision as to whether or not this site should be allocated will turn on whether or not this site is better in planning terms than those allocated by the Council. In respect of policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013) should a need to allocate more land be demonstrated, the Council has concerns (set out in greater detail below) that development at this site may not be in keeping with the character of the settlement and local area. The Council considers that the site is poorly located in respect of facilities and public transport and so is not compliant with SDP Policy 8.

There is limited public transport provision in the village; a Tuesday afternoon only dial a bus link with Tesco Eskbank, and restricted early morning and evening ring and go provision on the Pathhead corridor. Walking distance from the site to the nearest bus stop is further than the 400 metres recommended in PAN75 (paragraph B13 refers) on the basis of actual path routes. The stop is served by an hourly Monday-Saturday daytime frequency service (provided by the combined 51/52 Perryman's service to the Borders). This is a relatively poor service by Midlothian standards, (CD075 Public Transport Map of Midlothian outlines service frequencies/extent of operation). The Council does not consider it likely that the limited scale of growth proposed will lead to an increase in service. The sites the Council has allocated in the A7/A68/Borders Rail Corridor Strategic Development Area are either within walking distance of a Borders Rail halt, have access to an existing higher frequency service (or will gain such access through projects such as the A7 Urbanisation Project), or are of such a scale as to encourage a better service on an ongoing commercial basis.

There are no facilities in the village, and the site is more than 2.0km to its nearest primary school (Pathhead), and still further to secondary school and town centre opportunities. PAN75 states that, in relation to accessibility of local services, a maximum threshold of 1600m for walking is broadly in line with observed travel behaviour. The Council considers that the site performs relatively poorly in terms of proximity to services, compared to the allocated sites.

The site is adjacent to Dewarton, which is a conservation area. The Proposed Plan conservation area policy (ENV19) seeks to prevent development within or adjacent to a conservation area which would have an adverse impact on their appearance. A draft Conservation Area Appraisal (CAA) has been prepared (CD021). The village is described as being a cohesive linear settlement, with a distinctive edge to the village provided by building plots. To maintain this character the draft CAA found that further development around the village should be curtailed. The Council is concerned that development of this field will be incompatible with the Conservation Area by reason of its scale and the aforementioned features identified by the CAA, and this would be the case even if a more sympathetic layout and design were adopted. The burn and associated wooded area appear a natural northern boundary to the village.

The land is classified as Prime Agricultural Land, but appears to have been used for equestrian purposes. Although the land is not in use as such, the Council considers that it would be unfortunate if development which led to its permanent loss were permitted.

SEPA has indicated that part of the site is not suitable for development due to flood risk. SEPA request a flood risk assessment be carried out to inform the site layout, design and potential mitigation, and that no built development should take place on the functional flood plain, or over existing culverts.

The introduction of Special Landscape Areas (SLA) to replace Area of Great Landscape Value designations (AGLVs) (using Scottish Natural Heritage/Historic Scotland's Guidance on Local Landscape Designations) led to the land around Dewarton being identified as part of the Tyne Water Valley SLA. The Council's SLA policy (ENV6) requires development proposals to incorporate high standards of design and siting and to demonstrate that they will not have a significant adverse effect on the special landscape qualities of area. Although the SLA does not establish a blanket ban on new development, it is certainly a potential constraint, and it would be preferable to meet the County's housing requirement without recourse to such sites.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP336 Tony Thomas).

Seeks allocation of site at Fordel, which has been the subject of a recent planning application

The site is an established retail, office, caravan and storage operation in the countryside. An application was received for, amongst other uses, 60 dwelling houses ([13/00780/PPP](#)). The planning committee was minded to grant (contrary to officer recommendations) and at the time of writing work is continuing on a Section 75 legal agreement. The application will not be approved until this is agreed. A further application in respect of reserved matters will be required.

Assuming that an agreement is reached, and the site proceeds to development, the units built will be counted as windfall, and contribute to meeting the housing land requirement. The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The definition of committed development is provided in the Proposed Plans glossary, viz 'Development Proposals that are contained in previous Local Plans and are carried forward to the Local Development Plan'. Nevertheless, the committed development appendix Table 1A.5 lists the larger windfall sites – these are sites not in the development plan but with planning permission. The site at Fordel does not have planning permission. It would be incorrect to categorise this site as committed development.

If another planning application is received, the Council will assess this under its Development in the Countryside Policy (RD1). Policy RD1 provides a framework for development in the countryside, and can allow additional housing in certain circumstances. Any agreed points or findings of fact relating to the first application would still be taken into account (provided they were still pertinent and valid).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP348 Tim Ferguson).

Seeks allocation of site at Newbattle Home Farm, Newtongrange

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The Midlothian Local Development Plan Proposed Plan safeguards this area as a Strategic Greenspace under policy ENV3. The Council recognises that the communities around the greenspace are experiencing significant growth. It wishes to give protection to this area to act as a 'green lung' for the County. In the first instance this designation will help to resist built development pressures and maintain community identities, and in the longer term will support countryside activities through creation of a new Country Park. This area forms part of the Midlothian Green Network. The Council cannot see any case for diminishing this important safeguarded area, which it has resolved to create, particularly when it considers that it has allocated sufficient housing land.

The Council does not see merit in the proposed boundary of the housing development, which is based on the alignment of an abandoned road scheme rather than any existing natural feature. A new settlement edge would have to be formed, which would take time, and the new boundary may appear as a somewhat contrived feature as it cuts across the arable fields in a straight line. It would be regrettable if this were permitted, as the form of the historic Newbattle park and policies has considerably defined the form of the development we see today, as may be appreciated from historic maps.

The site is highly visible from adjacent residential properties and roads crossing through the site and the path along the eastern boundary. The higher part of the site is visible in a wider context from the north through to the west. The Council agrees with the previous Reporter's view (Report of Local Plan Inquiry into the Finalised Midlothian Local Plan, 2007, CD077) that on balance, development of the site would have an adverse impact on the landscape character, and the landscape setting of the northern edge of Newtongrange.

The most eastern of the fields is in the Newbattle Abbey Historic Garden and Designed Landscape. A description of the site can be found in Historic Environment Scotland's inventory record (CD033). Away from the core of the house and its formal garden, an 18th and 19th century landscape park was formed with extensive areas of picturesque walks and rides. Although the original park has been eroded in places over the intervening centuries, much of the character of the original policies remains. The Council does not consider it appropriate to lay a new boundary across this landscape, which relates only to abandoned road lines or land ownership.

The site lies in the Newbattle Conservation Area. The character of the area is one of thickly wooded areas interspersed with stretches of arable farmland, and it contains some of the most valuable historic buildings in Midlothian. The Council considers that the erosion of the open arable stretches would contribute to the diminution of the character of the Conservation Area.

The land is Prime Agricultural Land (identified within the Development Sites Assessment

Technical Note using information from the land capability for agriculture maps, CD020). SPP states that it is important to protect against the suburbanisation of the countryside particularly where there is prime agricultural land (paragraph 76), and development on such land should not be permitted (except where essential to, amongst other reasons, meet an established need or as part of the settlement strategy, paragraph 80, [Scottish Planning Policy](#)).

The Council has concerns over how to accommodate additional pupils in the area. The catchment primary school (Newtongrange) is at capacity, and its location prevents expansion. King's Park Primary (Dalkeith) is in a similar position. Allocation of this site would require new capacity at another location and a further catchment review. The Council has developed an infrastructure and facilities solution (set out in the Proposed Plan Settlement Statements) based on allocations that meet the requirements of the SDP, and any additions to this would require the solution to be revisited.

The Council does not support development that increases vehicle movements on Newbattle Road. The road does not have a continuous footpath on both sides, the footpath is in parts of substandard width and the sinuous road alignment gives rise to limited sight lines in places. The listed walls, mature trees and conservation area status of the locality preclude enhancement. The functioning of the Eskbank Toll roundabout is also a concern, in terms of accidents and capacity.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP468 Persimmon Homes (East Scotland)).

Seeks allocation of site at Stobs Farm II, Gorebridge (different site from PP1390)

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

In respect of policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013) should a need to allocate more land be demonstrated, the Council has concerns (set out in greater detail below) that development at this site will not be in keeping with the character of the settlement and local area.

The site is elevated and slopes east to west and is highly visible from surrounding roads and properties, and from wider vistas from the north west through to the west and south. The Council considers that the site cannot be screened effectively due to its elevation and slope. Similarly, the Reporter conducting the 2007 Public Local Inquiry into the Finalised Midlothian Local Plan considered this site and concluded that it would adversely affect the landscape setting of the eastern edge of Gorebridge.

Despite its sloping nature, the site is classed as Prime Agricultural Land (identified within the Development Sites Assessment Technical Note using information from the land capability for agriculture maps, CD020). SPP states that it is important to protect against the suburbanisation of the countryside particularly where there is prime agricultural land (paragraph 76), and development on such land should not be permitted (except where essential to, amongst other reasons, meet an established need or as part of the settlement

strategy, paragraph 80, [Scottish Planning Policy](#)).

The Council has established a requirement for expansion of primary and secondary schooling in Gorebridge. Additional allocations will require the Council's proposed infrastructure provision for the area to be revisited.

There is a dog day care centre in this locality. The impact of this has not been assessed but may constrain the layout and number of units that can be contributed by this site in respect of any potential noise nuisance.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP1019 Taylor Wimpey East Scotland).

Seeks allocation of site at Stobs Farm III, Gorebridge (different site from PP1019)

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

In respect of policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013) should a need to allocate more land be demonstrated, the Council has concerns (set out in greater detail below) that development at this site will not be in keeping with the character of the settlement and local area.

The site is highly visible from adjacent roads and properties and highly visible for larger views from the north west through to the south, due to its elevated sloping nature. The southern part of the site will be particularly prominent, on land rising to nearly 230m. The Council considers that this site performs relatively poorly in landscape terms.

In the 2003 Midlothian Local Plan, the Council allocated a highly visually prominent site (North Mayfield, site h41), to meet a Structure Plan housing requirement but considered it appropriate to restrict the allocation to 60 units (on a 8.46ha site) to lessen visual impact and allow for structural landscaping. Likewise, site h38, South Mayfield has a reduced density reflecting sensitive landscape location. The site promoter for indicates a potential for 300 units on a 16ha site. The Council considers this capacity to be unrealistic based on its experience elsewhere.

The Council considers that the site is poorly served by public transport. A majority of the site is beyond 800m from Gorebridge station, and less than half the site is within 400m of a bus stop. The service (Lothian Buses 39, Gorebridge extension) operates once per hour under a Council tender, which is a relatively poor service by Midlothian standards, and provides a limited range of destinations (Midlothian Public Transport Map CD075 refers). This is the only service to operate wholly within Midlothian to require subsidy. The Council is not confident of the scale of development proposed being sufficient to underpin an increase in this service to a 'turn up and go' level of frequency where passengers travel without recourse to a timetable.

While the site is within 1600m (the PAN standard for maximum acceptable walking distance to town centres) of Gorebridge town centre, the journey back when carrying

provisions would involve climbing steep hills which may prove an unattractive alternative to car use.

The Council has established a requirement for expansion of primary and secondary schooling in Gorebridge. Additional allocations will require the Council's proposed infrastructure provision for the area to be revisited.

There is a dog day care centre in this locality. The impact of this has not been assessed but it may constrain the layout and number of units that can be contributed by this site in respect of any potential noise nuisance.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP1390 Hallam Land Management).

Seeks allocation of site at Barleyknowe Road, Gorebridge

The Council considers that it has allocated enough housing land to meet the SDP additional housing allowances, and expects that the provisions of Policies STRAT1, STRAT2 and STRAT3 will deliver the overall housing land requirement. Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

In respect of policy 7 of the Strategic Development Plan for South East Scotland June 2013 (SDP 2013) should a need to allocate more land be demonstrated, the Council has concerns (set out in greater detail below) that development at this site will not be in keeping with the character of the settlement and local area.

The Council previously assessed a larger site in this area (coded G2a and G2b in the MIR Development Sites Technical Note, CD020). Although the site in the Proposed Plan representation is smaller, it breaches the well-established boundary of Gorebridge along Barleyknowe Road. The site is elevated and steeply sloping, which would make it highly visible from adjacent roads and properties but also in the wider context. The eastern side of the proposed allocation does not follow any existing boundary and would require a new landscape framework to be provided – it would take some time for this to be established and leave a somewhat artificial feature at this elevated point.

In the 2003 Midlothian Local Plan, the Council allocated a highly visually prominent site (North Mayfield, site h41), to meet a Structure Plan housing requirement but considered it appropriate to restrict the allocation to 60 units (on a 8.46ha site) to lessen visual impact and allow for structural landscaping. Likewise, site h38, South Mayfield has a reduced density reflecting sensitive landscape location. The site promoter for Barleyknowe Road indicates a potential for 125-160 units on a 6ha site; the Council considers this capacity to be unrealistic based on its experience elsewhere.

The Council has allocated a brownfield former school site (Hs8) in the locality. In respect of this site, the Midlothian Local Development Plan Proposed Plan Settlement Statement requires existing landscaping along its boundaries to be maintained and enhanced. The Council does not consider that allocation of this brownfield site gives justification to allocation of greenfield development on the rising slopes to the east of Barleyknowe Road.

The Council has established a requirement for expansion of North Gorebridge Primary

School, together with denominational primary schooling and Secondary Schooling, based on its proposed allocations. Additional allocations will require the Council's proposed infrastructure provision for the area to be revisited.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP1619 Ritchie Family & Barratt David Wilson Homes).

Other matters

Objection to developing Green Belt land in Dalkeith

In the Dalkeith area the Midlothian Local Development Plan Proposed Plan allocates two sites that are currently in the Green Belt for housing (Hs2 Larkfield West) and Hs3 (Larkfield South West).

The Council must meet the Strategic Development Plan for Edinburgh and South East Scotland (SDP) housing requirements and the SDP additional housing land allowances (set out in tables 2.2 and 2.3 of the MLDP Proposed Plan respectively). Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

Since these sites were identified in the MLDP Proposed Plan a planning application has been received for them ([14/00420/PPP](#)). An appeal was lodged to the DPEA on grounds on non-determination, which the Reporter was minded to allow in his decision notice of 15th December 2015) Planning Appeal Reference PPA-290-2030).

The Reporter deferred determination of the appeal for a three month period (from December 2015) to enable agreement on planning obligations to be reached. The application was subsequently allowed and planning permission in principle granted on 25th May 2016.

In respect of these Green Belt sites there is a recent Scottish Reporter's determination. The Strategic Development Plan for South East Scotland (SDP) establishes four objectives for the Green Belt. The Reporter considers these in turn and concludes that the proposal would not undermine Green Belt objectives. The Reporter's findings in respect of green belt are provided in the Notice of Intention (CD006, paragraphs 20-23). The Council agrees with the Reporter's conclusions in respect of the Green Belt (the basis of the Council's objection to these sites, at which it had indicated support through its Proposed LDP, was prematurity and undermining of the Local Development Plan process, rather than incompatibility with Green Belt objectives).

The Council may still prepare a development brief for these sites in conjunction with prospective developers, as required by Policy IMP1, although the necessity for this will be vitiated should a further application for reserved matters or detailed planning permission be granted in the interim. The development brief would allow consideration of the development boundaries to minimise adverse impacts on the designed landscape and maintain visual separation between Eskbank and Bonnyrigg, and assist in reaching a design solution which reinforces Green Belt objectives.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP578 Claire Houston).

Objects to large scale housing sites

The Council must meet the Strategic Development Plan for Edinburgh and South East Scotland (SDP) housing requirements and the SDP additional housing land allowances (set out in tables 2.2 and 2.3 of the MLDP Proposed Plan respectively). Matters relating to the strategic need and the adequacy of the Council's allocation are addressed in issue 3 - Requirement for New Development - Housing Strategy.

The Council assessed potential candidate sites for housing prior to the publication of the Main Issues Report (MIR) in 2013, the results of which can be viewed in the Development Sites Assessment Technical Note (CD020). The sites proposed for allocation in the Midlothian Local Development Plan Proposed Plan benefits from further information gathered through the MIR consultation process. The Council considers that the sites it is proposing to allocate are, in the round, the most appropriate to meet its SDP obligations, having regard to environmental impact and likelihood of being developed timeously.

In many cases supporting facilities will require to be expanded to handle the increased population. The Council has set out the implementation requirements for new development in the Proposed Plan Settlement Statements. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate basis to accommodate the proposed development without unacceptable impacts.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP876 Lauchlan D MacLean).

Changes sought to committed sitesSite h50 and e22 Gorebridge (Redheugh)

A Drainage Impact Assessment is a process to identify whether there is sufficient capacity to handle waste water, and to identify solutions where there is not. This is sometimes undertaken alongside a Water Impact Assessment (which considers the capability of the public water supply). Both forms of assessment together are referred to as Development Impact Assessment. Site h50 and e22 are of a significant scale, and the need for further consideration of drainage matters was established in the Midlothian Local Plan 2008 (paragraph 3.2.22, CD054). The Council considers that the clear unambiguous wording in the MLDP is requisite to ensure that these important impacts of the development are taken into account.

SEPA indicated in the process to allocate the Redheugh new settlement that Flood Risk Assessment (FRA) was required. The management of flood risk is exercised jointly by local authorities and SEPA's, and where SEPA have indicated that an FRA is required, the Council does not think it correct to weaken the requirement, irrespective of the view of Scottish Water.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP183 Scottish Water).

East Newtongrange (h34), Lingerwood (h35), South Mayfield (h38) and Dykeneuk (h49).

The sites at East Newtongrange (h34), Lingerwood (h35), and South Mayfield (h38) were allocated in the 2003 Midlothian Local Plan, and the site at Dykeneuk (h49) in the 2008 Midlothian Local Plan. Development has commenced at East Newtongrange and at part of South Mayfield. Midlothian Council supports the early implementation of all committed development sites. If the un-consented sites were de-allocated, replacement sites within the A7/A68/Borders rail corridor would need to be found.

The planning brief for the South Mayfield/East Newtongrange area (CD072) includes a linear park feature between Mayfield and the site of the new Primary School, and landscape buffers around the edge of the sites and the existing industrial area. These landscape features will help to maintain the separate identities of the two communities.

In respect of the prioritisation of brownfield land, the Council is required to meet housing requirements established through the SDP. This requires deliverable sites that can be developed timeously. Many of the sites in the vacant and derelict land register are either already allocated or within settlement boundaries, are constrained, or are located in places where the Council would not favour housing development. Brownfield sites often emerge in the life of a plan and are picked up as windfall development. The housing demands of the city region require the Council to consider greenfield sites.

These sites are close to existing/proposed facilities, to high frequency bus routes (with potential to be extended further as roads are extended with new development) and to Newtongrange station. These features will all serve to reduce car use. There are no existing Air Quality Management Areas in the locality. The local plan preparation process which led to the sites allocation did not note any habitat features requiring protection in respect of the undeveloped sites, but should biodiversity value become apparent at planning application stage, Policy ENV15 (Species and Habitat Protection and Enhancement) will provide requisite protection.

The Council has set out the implementation requirements for new development in Mayfield/ Easthouses and Newtongrange in the Proposed Plan Settlement Statements. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate basis to accommodate the development without unacceptable impacts on local services and infrastructure.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP258 Paddy Carstairs).

Site e32 Sheriffhall South

The proposed plan is clear that the Council will seek the early implementation of its committed development sites. The settlement strategy depends on the delivery of the committed sites. The positive attributes of the site are set out in the Dalkeith/ Eskbank Settlement Statement of the Proposed Plan.

To ensure that the layout of the development and provision of open space respects Green Belt objectives and the character of the surrounding area, the site will remain in the Green Belt and only be removed once the whole site is developed. The retention of the Green Belt designation of this land alongside the allocation of the site was influenced by the

Reporters recommendation (2007 Public Local Inquiry into objections to the Finalised Midlothian Local Plan, CD077) that the Council give consideration to the retention of site e32 in the Green Belt in addition to its designation as an economic site. In reaching this conclusion the Reporter noted that this was a crucial part of the Green Belt, maintaining the separation between and identities of Shawfair/Danderhall and Bonnyrigg/Eskbank.

The Council considers that retention of the land in the Green Belt once it is developed would not be supported by the current thrust of Scottish Planning Policy, which requires LDPs to give consideration to excluding (amongst others) major educational or research units and businesses (paragraph 51, [Scottish Planning Policy](#)), so the plan indicates that the Green Belt designation will be removed once the whole site is developed. However the Council considers that retention of the Green Belt designation through the entirety of the development phase will help to ensure an appropriate design that respects the sensitive location of this site.

In respect of allowing a wider range of uses on this site, the Council considers that the modification to allow Class 4 uses only (removing the potential for Class 5) is appropriate given the sites high profile and sensitive location. In respect of a hotel use on this site, Policy VIS2 states that proposals for hotels in business areas and at key gateway locations may be supported (subject to other criteria). The Council considers it appropriate to handle potential hotel development in this controlled way. Some of the other uses (commercial leisure, food and drink or retail) sought by the promoter seem more suited to a town centre location. The Council was persuaded of the case to allow a Pub/restaurant on part of e32 in order to provide the impetus to attract acceptable uses to the rest of the site. If further non-conforming applications are received, the Council would consider whether the wider benefits of opening up e32 justified a departure from the plan, however the Council considers it appropriate to discourage such uses from this sensitive out of town site.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP295 David Barnes & Isla Mines Ltd).

Changes in respect of site e32

In respect of requested changes at site e32 Midlothian Council intends to seek the early implementation of its committed development sites. The settlement strategy depends on the delivery of the committed sites. The positive attributes of the site are set out in the Dalkeith/Eskbank Settlement Statement of the Proposed Plan.

To ensure that the layout of the development and provision of open space respects Green Belt objectives and the character of the surrounding area, the site will remain in the Green Belt and only be removed once the whole site is developed. The Council envisages the creation of a well landscaped, low density campus type business environment. The Council considers that retention of the land in the Green Belt once it is developed would not be supported by the current thrust of Scottish Planning Policy, which requires LDPs to give consideration to excluding (amongst others) major educational or research units and businesses (paragraph 51, [Scottish Planning Policy](#))

The Council agrees that the northern shelterbelt is an important landscape feature which should be retained, but does not consider it need make express reference to its retention in the Plan. The Council considers that the continuing Green Belt designation and the provisions of Policy ENV1 in respect of requiring any development proposal to show that it

does not conflict with the overall objective of the Green Belt, and Policy ENV7 (Landscape Character) will provide a basis for its protection. Through the assessment of any subsequent planning application, the Council will be able to apply policies ENV1 and Policy ENV7 if an extension of the landscape framework across the current gap in the shelterbelt is found to be requisite.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP1031-Edinburgh and Lothian Green Network).

Support for non-allocation of sites at Mayfield/ Easthouses

The Council acknowledges the support of the Community Council in respect of the plan not allocating sites in the Mayfield and Easthouses area. (PP901 Mayfield and Easthouses Community Council)

Reporter's conclusions:

Policy context

1. The housing land requirement is set out in SESplan. The supporting Supplementary Guidance: Housing Land (2014) identifies the requirement for each council area including Midlothian. There is a statutory requirement for the local development plan to demonstrate consistency with SESplan. In this context the proposed plan is required to identify a corresponding supply of housing land which should be effective or capable of becoming effective over the course of the plan period.
2. These matters are assessed in more detail in the consideration of Issue 3 (requirement for new development). Suffice to say that it is recognised that there is not a significant resource of brownfield land at the council's disposal and inevitably, given the extent of the housing requirement, this has led to the consideration of land currently designated green belt, green field and/or agricultural land to meet this requirement.
3. SESplan identifies the A7/A68/Borders Rail Corridor as one of the Strategic Development Areas within the Midlothian/Borders Sub Regional Area where there is a need to deliver substantial housing and economic development proposals on new and committed sites. Accommodating such growth, it recognises, has raised issues of coalescence and maintenance of community identity. These are recurring issues to be found in representations to the proposed housing and employment use allocations throughout the A7/A68/Borders Rail Corridor.
4. In developing a spatial strategy, paragraph 50 of Scottish Planning Policy (2014) states that planning authorities should identify the most sustainable locations for longer-term development and, where necessary, reviews the boundaries of any green belt. SESplan, at paragraph 129, recognises that the green belt around Edinburgh may need to be modified to implement the provisions of its strategy which requires development, among others, in the A7/A68/Borders Rail Corridor Strategic Development Area (Midlothian). At paragraph 130 it states that planning authorities should seek to minimise the loss of land from the green belt whilst balancing the need to achieve sustainability objectives. Where green belt land is required to achieve the strategy, it notes, that effort should be made to minimise the impact on green belt objectives and secure long-term boundaries. In this regard, I find that the council's broad approach to identifying development sites within the

A7/A68/Borders Rail Corridor to be consistent with Scottish Planning Policy and SESplan.

Introduction

5. My conclusions below relate to unresolved representations in respect of housing proposals promoted by the proposed plan. They also relate to sites advanced by others who seek their inclusion in the plan. I deal these on a settlement by settlement basis.

ESKBANK

Proposals Hs2: Larkfield West and Hs3 Larkfield South West

6. The proposal to allocate sites Hs2 and Hs3 for housing development have attracted considerable local objection. Representations express concerns regarding the loss of green belt, countryside and prime agricultural land, and the prospect of coalescence between Eskbank and Bonnyrigg. There is also a general concern that local infrastructure and services will be unable to deal with the increased demands placed upon them. The principle of residential development on each site, however, has been established through a recent grant of planning permission in principle on appeal to the Scottish Ministers (Scottish Government Planning and Environmental Appeals Division reference PPA-290-2030).

7. Following the proposed local development plan's publication the council received a planning application seeking permission to develop housing on both sites. The council failed to determine the application within the prescribed time and an appeal was subsequently lodged with the Scottish Ministers. That appeal was allowed in May 2016, subject to conditions and the conclusion of a legal agreement to secure the provision of affordable housing and financial contributions towards essential infrastructure. Despite an extant planning permission being in place to develop the sites the council considers that their allocation for housing purposes remains a matter to be resolved through this examination process.

Green belt, countryside and prime agricultural land

8. The loss of green belt, countryside and prime agricultural land, and the potential coalescence of Eskbank with Bonnyrigg are all matters that were addressed by the reporter in his consideration of appeal PPA-290-2030. That decision notice is before me and, having inspected the sites and their surroundings, I agree with the conclusions of the reporter that their loss to development would not undermine green belt objectives. In particular I agree that the A7 would provide a more natural and defensible green belt boundary than the existing edge to development; the allocations represent a logical extension of Eskbank; the landscape setting of Eskbank and other settlements would be maintained, principally through the retention and enhancement of existing landscape features; and that the remaining green belt would continue to provide opportunities to access open spaces and the countryside, notably Broomieknowe golf course immediately to the west of the proposal sites and the footpath and cycle routes that connect Eskbank and Bonnyrigg. I note that the same conclusions are to be found in the main issues report technical note on the green belt (page 12).

9. Furthermore, I am satisfied that Table 8.6 of the settlement strategy in the proposed plan sets out the necessary landscape measures required to create a defensible green belt boundary in this location, notably the provision of a 20 metre wide woodland edge adjacent to the A7 and A768, incorporating the existing hedgerows. I note that similar requirements

are set out in respect of proposal Hs9 (Broomieknowe, Bonnyrigg) in Table 8.10.

10. The sites are classed as prime agricultural land. As I note in respect to similar concerns expressed elsewhere, the extent of housing land that is required to be identified in this and other strategic development areas has led to the unavoidable consideration, and subsequent allocation, of such land in order to satisfy the housing land requirement.

Other matters

11. A number of representations raise the concern that new development at Larkfield North and South West will impact adversely upon local services. As I note at paragraph 6 above, the extant planning permission was granted subject to a legal agreement to secure financial contributions towards the provision of a range of essential infrastructure to address the impacts of proposed development. Should that planning permission not be implemented, for whatever reason, settlement strategy Table 8.8 sets out the requirements necessary to support the residential development of both sites. In addition, proposed plan policies IMP 1 (new development), IMP 2 (essential infrastructure required to enable development to take place) and, in time, supplementary guidance, provide a robust framework to secure contributions towards their provision.

12. I note the comments regarding the impacts of new development on the local road network, access onto the A768, limited local retail provision, the electricity transmission lines and the potential for flooding. Taking these matters in turn, I note that a prospective developer of the site will be required to undertake or contribute to local access and junction improvements and that transport matters in general are not considered by the council to be an impediment to the successful development of the sites. I do not consider local shopping provision to be limited and note that the council's A7 urbanisation initiative should make access to local facilities on foot and/or bicycle more attractive in time. It is also an initiative to which developers will be required to make a contribution. The council recognises that the presence of the electricity transmission lines and pylons may inhibit the layout of new development but notes that this issue has been successfully addressed elsewhere, including the site adjacent to proposal Hs2. The council also notes that the transmission lines produce an electro-magnetic field which operates within current compliance limits.

13. Finally, on the matter of flooding, I note that the revised environmental report records that both sites are acceptable in terms of the 'flooding' criterion and that there would be no significant adverse effects arising from their development. I also note that while the Scottish Environment Protection Agency does not object in principle to residential development at Larkfield South West (Hs3) it does recommend that a flood risk assessment is undertaken as part of the planning application preparation process.

Waste water pumping station

14. I consider that the council's response to the concerns of Scottish Water in respect of its waste water pumping station at Larkfield North (Hs2) to be reasonable. The need to safeguard the facility is recognised by the council and acknowledged in the proposed action programme which accompanies the proposed plan. The location of the pumping station, on the southern boundary, is such that it should be possible to safeguard the facility and its operation without inhibiting the successful development of the wider site.

15. Overall, I find that the proposed plan clearly sets out the pertinent development considerations and that a robust framework will be in place to secure necessary

contributions and ensure that development can be supported without unacceptable impact on existing local services and infrastructure. Consequently, I conclude that proposals Hs2 and Hs3 should remain in the proposed plan without modification.

DALKEITH

Proposal Hs4: Thornybank East

16. Following the publication of the proposed plan the council granted full planning permission to a proposal to erect 82 dwellings on the site. As was evident when inspecting the site, construction work has recently commenced.

17. The concerns raised in representations to proposal Hs4 are the same as those submitted in response to the planning application. Having reviewed that application I note that; the existing woodland that bounds the site to the north, south and east (some of which extends beyond the site boundary), is to be retained and enhanced; no adverse impacts on biodiversity were identified; no adverse impacts on the local road network were found; and that financial contributions towards addressing capacity constraints in education provision have been secured through a legal agreement.

18. With regard to the loss of industrial land, the council explains that the site had been acquired to facilitate the expansion of the adjoining business use but that that was no longer in prospect, nor indeed was its use for an alternative industrial/business purpose. Furthermore, with new housing being developed immediately to the north and east, and the introduction of new local community and retail facilities, its alternative residential use was considered to be more appropriate. Indeed, as I noticed during my site inspection, other land hitherto allocated for employment uses has been lost to residential development. To address the requirement for employment land the proposed plan promotes a site at Salter's Park (Ec2) for industry/business uses, which is well removed from residential uses and located adjacent to the primary road network. This matter is dealt with in Issue 33 (economic sites).

19. Settlement strategy Table 8.6 of the proposed plan indicates that the site has a capacity for 65 units. A representation seeks a modification to this figure to reflect the number of dwellings granted planning permission, that is, 82 units. At the time of preparing its response on this matter the council did not consider it necessary to change the site capacity, noting that the figure of 65 was indicative and that a final would be established through the consideration of a planning application. As I note above, full planning permission has been granted for 82 dwellings on the site and development has commenced. It therefore seems reasonable to reflect this matter accurately in the proposed plan. A modification has been recommended to deal with this matter in Issue 3.

GOREBRIDGE

Proposal Hs7: Redheugh West (Phase 2)

20. The two representations lodged in respect of proposal Hs7 seek a modification to the wording contained in Table 8.17. The first, submitted on behalf of Historic Environment Scotland (HES), seeks an explicit reference that the fact that the site lies within the boundary of a designed landscape included on the Inventory of Gardens and Designed Landscapes. However, on 12 July 2016, HES removed the designed landscape at Dalhousie Castle from the Inventory as it no longer met the criteria for inclusion. Also, I

note that the proposal site lies a little distance to the north east and beyond the boundary of the Arniston designed landscape. As a consequence, it will be necessary to modify the text of Table 8.17 and the Proposals Map to accurately reflect the up-to-date position on this matter.

21. The second representation, submitted on behalf of Scottish Water, seeks a modification to the wording of Table 8.17 relating to the preparation of a drainage impact assessment to support proposed development. Scottish Water considers that a drainage impact assessment “may be required” to assess the impact of development on the network, rather than “will be required”, as stated. The council, however, considers that in light of the scale of development in prospect and the range of assessments that will be required to be undertaken in preparing detailed proposals it is appropriate to provide clear and unambiguous guidance on this matter. I am inclined to agree with the council, particularly given the extent of committed development on the adjoining site (h50) and in the wider area. Accordingly, I do not consider a modification to be necessary in respect of this matter.

22. Scottish Water seeks a similar modification to the wording of Table 8.16 in respect of committed sites h50 (Redheugh/Prestonholm new community) and e22 (Redheugh). In addition to drainage matters, Scottish Water considers that the table should indicate that water impact and flood risk assessments may be required, rather than will be required. The council’s position on this matter is identical to that described above. I note that the Scottish Environment Protection Agency has indicated that it will be necessary to undertake a flood risk assessment in support of development proposals on both sites. Again, I find the council’s position on this matter to be reasonable and, accordingly, do not consider it necessary to modify the text of Table 8.16.

ROSEWELL

Proposal Hs14: Rosewell North

23. The site is located at the northern end of Rosewell and is bound on two sides by Carnethie Street, the principal street running through the village, and the A6094 Rosewell bypass. Immediately to the south lies recently built residential development (site h53). A footpath/cycle route runs in a cutting across the site, thus creating a separate parcel of land to the north. The site is identified as lying wholly within a ‘protection of the countryside’ policy designation and as prime agricultural land on the adopted Midlothian Local Plan Proposals Map (2008). The proposed plan promotes the site as a strategic housing land allocation with an estimated capacity of 60 dwellings. The text of Table 8.20 notes that should ground stability and noise issues be resolved to the satisfaction of the council it may be possible to increase the site capacity to 100 dwellings.

24. A representation seeks the removal of the allocation from the proposed plan, citing concerns of coalescence with Bonnyrigg and Poltonhall, poor public transport provision, particularly access to Eskbank station, the prospect of further surface water flooding events and noise nuisance to future residents due to the site’s close proximity of boarding kennels. The representation also highlights the availability of brownfield and yet to be developed land elsewhere in the village and suggests that this should be developed before allocating agricultural land for further housing. Overall, the representee considers that the development of the site would fail to meet the stated environmental objectives of the proposed plan.

25. In support of the proposed allocation, a representation notes that ground stability issues can be satisfactorily addressed, as they have been on the adjoining land (h53), and accordingly that residential development should be allowed across the whole site. Furthermore, an assessment has shown that noise emanating from the nearby boarding kennels is not sufficiently loud to be heard above traffic noise. Overall, the representation argues that the site satisfies the deliverability criteria of Scottish Government Planning Advice Note 2/2010 on affordable housing and housing land audits.

Coalescence, public transport, flooding and brownfield land

26. I acknowledge that proposed allocations Hs14 (Rosewell North) and Hs12 (Hopefield Farm II, Bonnyrigg), and its possible future extension, will reduce the extent of countryside that presently separates Rosewell and Bonnyrigg. Despite this reduction, I am inclined to agree with the council's conclusions that both sites are well contained within strong boundaries and as such their development will not lead to urban sprawl or coalescence. Indeed, I note that the development considerations set out in their respective settlement strategies require existing vegetation along site boundaries to be protected and reinforced, particularly in respect of proposal Hs12 where a 30 metre deep woodland belt and earth mounding will be required to form part of development proposals.

27. The revised environmental report records the proposed allocation at Rosewell North as having good access to existing or proposed public transport services and, as the council suggests, it is reasonable to assume that the frequency and service routes will improve over time as new development in the village and the wider area is completed and occupied. Although located just less than 5 kilometres away (3 miles) a dedicated footpath / cycle route (NCR196) provides safe and convenient access to further public transport services at Eskbank, including rail services. In terms of flooding, the revised environmental report records that there would be no significant adverse effects as a consequence of the site's development. The Scottish Environment Protection Agency has not raised concerns regarding flooding and Table 8.21 of the proposed plan notes the potential to incorporate sustainable drainage systems as part of any new development.

28. The council has demonstrated that it has considered and allocated a number of brownfield sites for housing purposes within the area and that it has had regard to other factors, such as the need to maintain the green belt and promote a pattern of development that is accessible and sustainable, before proposing the allocation prime agricultural land for development, such as that at Rosewell North. Furthermore, the proposed allocation has been promoted to meet a specific housing land requirement within the A7/A68/Borders Rail Corridor SDA; as set out in SESplan and supporting supplementary guidance on housing land, and which is summarised in Table 2.3 of the proposed plan. Land elsewhere in the village, referred to representations, and on which development is either under construction or has yet to commence, are proposals of previous local plans prepared in 2003 and 2008 and promoted to meet needs identified at that time. I acknowledge that the resolution of ground stability issues and economic conditions have frustrated their development. Taking the above matters together, I consider proposal Hs14 to be broadly consistent with the environmental objectives of the proposed plan.

Noise

29. With regard to noise, I do not consider the proximity of the boarding kennels to the proposal site be an impediment to development in principle. Table 8.20 highlights that potential noise nuisance is an issue to be addressed in developing proposals for the site. I

note that the indicative site capacity is such that it will allow for the more noise sensitive areas of the site to be kept free of development, should it prove necessary to do so. However, I consider that this is a matter to be resolved through the development management process once a planning application has been lodged with the council.

Site capacity

30. Finally, whilst the successful development of adjacent site h53 (Gortonlee) indicates that ground stability issues can be successfully resolved in the area detailed proposals for Hs14 have yet to be prepared and assessed. Moreover, I note that at the time of lodging its representation the prospective developer had only undertaken an initial site investigation and that detailed information on this matter is to form part of a planning application submission in due course. In the absence of detailed information I believe the council is right to take a cautious approach to site capacity.

31. Finally, Table 8.20 indicates a site capacity for Hs14 of 60 dwellings, as does Appendix 3A (strategic housing land allocations). The commentary contained in Table 8.20 suggests that if potential noise nuisance and ground stability issues can be overcome a site capacity of 100 dwellings may be achievable. The prospective developer, however, considers there to be a discrepancy between the site capacity noted in Table 8.20 and Appendix 3A and, furthermore, seeks a modification that indicates a site capacity of between 100 and 120 dwellings. Firstly, I do not consider there to be a discrepancy between Table 8.20 and Appendix 3A; it is shown as being 60 dwellings in both cases, and, secondly, as I indicate above, I consider it reasonable to approach the matter of site capacity with caution given the uncertainty associated with ground stability and noise impacts. In any case, an increase in the capacity of the site could be further explored at the planning application stage when more information on ground stability would likely be known.

32. Overall, I conclude that proposal Hs14 should remain in the proposed plan without modification.

Proposal AHs1: Rosslynlee Hospital, by Rosewell

33. The site is located some distance to the south-west of Rosewell and is identified as lying wholly within a 'protection of the countryside' policy designation on the adopted Midlothian Local Plan Proposals Map (2008). The proposed plan promotes the buildings and extensive grounds of the former hospital as an 'additional housing development opportunity' under the terms of proposed local development plan policy STRAT 4; that is, sites which are subject to development uncertainties. In respect of the site at Rosslynlee, these uncertainties relate to securing an alternative viable use for the redundant 'C' listed buildings and the provision of suitable vehicular access arrangements. As such, the proposed plan makes clear that the site is not relied upon to meet plan-wide housing requirements. The council notes, however, that should the site be developed the resulting housing would nevertheless contribute to meeting SESplan requirements. The proposed plan suggests an indicative site capacity of between 120 and 300 dwelling units, 70 to 80 of which could be created within restored buildings and structures.

34. Representations broadly support the plan's proposals for the site. Despite this support there is concern that the full potential of the site is not being realised. The representations argue that by developing a greater number of new build units at Rosslynlee the more sensitive Roslin Expansion site (proposal Hs19) could be removed from the Plan

and, in addition, help secure the restoration of listed buildings. Also of concern is the unsuitability of the private roads that serve the site to accommodate the anticipated increase in traffic movements and the required landscaping measures. An alternative settlement statement text is suggested in one representation to address these matters.

35. In light of the uncertainties associated with the development of the site the indicative site capacity noted in Table 8.21 is broad. Despite these uncertainties I consider that proposed policies ENV 22 (listed buildings), DEV 6 (layout and design of new development), DEV 7 (landscaping in new development, IMP 1 (new development) and IMP 2 (essential infrastructure required to enable new development to take place) provide a robust framework within which to develop and assess proposals for the site, including the extent of enabling development required to secure the restoration of the listed buildings (ENV 22), appropriate landscaping measures (DEV 7) and the necessary infrastructure to support new development (IMP 1 and IMP 2). As such, I consider the wording of Table 8.21 regarding the future development of the site to be understandably circumspect and, in this instance appropriate, and that it should remain as proposed by the council.

36. Finally, I deal with matters relating to Roslyn Expansion (proposal Hs19) in my consideration of Issue 30 (A701 corridor strategic development Area – Roslin). I do not intend to rehearse the arguments relating to the proposed residential development of that site here, suffice to say that as the Roslyn Expansion and Rosslynlee sites lie within different Strategic Development Areas (SDA), each of which has its own housing land requirement, the removal of site Hs19 from the proposed plan would require other sites to be identified within the A701 SDA to address the potential shortfall that would ensue.

37. Overall, I conclude that proposal AHs1 should remain in the proposed plan as an 'additional housing development opportunity' without modification.

ALLOCATION OF ADDITIONAL SITES

General comment

38. As concluded in response to Issue 3, there is no shortfall in the housing land supply within the proposed plan area to meet the SESplan housing requirement. It follows, therefore, that there is no need for the proposed plan to identify additional land for housing development. Despite this conclusion, I provide below a brief commentary on the each of the sites promoted for inclusion in the proposed plan within the A7/A68/Borders Rail Corridor SDA.

The Paddock, Gorebridge

39. The representation argues that the proposed plan relies too heavily on large-scale sites and an ambitious 'windfall' assumption to deliver the housing requirement. A modification is sought to the proposed plan that allocates land referred to as 'The Paddock' for up to 10 dwellings; an example of a small-scale site that can be delivered quickly and without the difficulties often encountered on large-scale sites. The representee believes that the allocation of such sites in general would provide certainty to the delivery of the housing requirement, whilst a reliance on 'windfall' sites would not.

40. The council's position on 'windfall' sites and their contribution to the housing requirement is set out in proposed plan paragraphs 2.3.4 and 2.3.5 and policy STRAT 2 (windfall housing sites). It does not consider that the proposed plan should be modified in

response to the general concerns expressed in the representation. It appears to me, however, that the representee has incorrectly interpreted the additional housing requirement of 1,350 units within the A7 / A68 / Borders Rail Corridor SDA, as described in Table 2.3, as a 'windfall' requirement. This somewhat undermines the arguments set out in the representation. Furthermore, whilst the proposed plan does indeed promote a number of large-scale sites, it also promotes a number of small and medium sized sites, particularly within this SDA.

41. With respect to the site itself, I share the council's general concern that development on 'The Paddock' could adversely affect the setting of Harvieston House, a 17th Century listed building (Category 'C'); in this regard I note the council's comments regarding the measures incorporated into the layout and design of development proposals on the adjoining land (site h23) specifically to safeguard the setting of the house and to create a strong settlement boundary. Finally, I also note that the mature trees that bound the site are the subject of a Tree Preservation Order and considered to be an important component of the setting of the house. The necessity to protect the trees would further constrain its development potential were all other matters to be resolved.

42. Taking these matters together, and the fact that the site was not considered as part of the sites assessment process or the subject of consultation with interested bodies, I conclude that 'The Paddock' should not be allocated for housing purposes.

Hardengreen, Eskbank

43. The site has been the subject of a recent planning application proposing its residential development. That application was refused planning permission by the council and an appeal to the Scottish Ministers was subsequently dismissed (Scottish Government Planning and Environmental Appeals Division reference PPA-290-2034). The Main Issues Report that preceded the publication of the proposed plan did not promote the site as part of its 'preferred' or 'alternative' strategies. Instead, the proposed plan proposals map identifies the site as part of the green belt and as prime agricultural land.

44. The loss of green belt and prime agricultural land, and the potential for Eskbank with Bonnyrigg to coalesce should the site be developed, were matters addressed by the reporter in his consideration of appeal PPA-290-2034. That decision notice is before me and, having inspected the site and its surroundings, I agree with the general conclusions of the reporter that the residential development of the site would undermine green belt objectives. In particular, I share his concerns that development would significantly reduce the separation between the built up areas of Eskbank and Bonnyrigg and that the A7, which runs through a cutting in this location, would not form an effective visual separation between the two settlements. These concerns are also reflected in the Edinburgh Green Belt Study (2008) landscape character assessment of the area which notes that the development to the south of the Hardengreen roundabout would result in a loss of physical and visual separation between settlements. Moreover, the reporter considered that the development of the site would not be in keeping with the open and agricultural character of the area.

45. The representations that seek the allocation of the site for housing purposes highlight the findings of the Main Issues Report technical note on the green belt, which concluded that the land between Eskbank and Bonnyrigg should be removed from the green belt south of the Hardengreen roundabout. However, I note that the sites listed on pages 7-9 of the technical note are referred to as being 'potential sites to be removed from the green

belt', that the 'green belt' designation of the land would be replaced with a 'countryside' policy designation, which itself would carry a general presumption against development for housing unrelated to the needs of an established countryside activity, and finally, that the decision of the council was to maintain the green belt status of the land south of Hardengreen roundabout.

46. It is also argued in support of the representation that the site is located in a highly accessible and sustainable location. I agree that the site can be regarded as being highly accessible due to its proximity to public transport facilities and the primary road network. However, such locational benefits do not outweigh the environmental concerns highlighted above and I conclude that the proposed plan should not be modified.

Weir Crescent

47. The land in question lies within the green belt and is shown on the proposed plan proposals map as forming part of the River North Esk river valley and as prime agricultural land. It was promoted as a potential housing site during the preparation of the 2003 and 2008 Midlothian local plans and its merits or otherwise considered at subsequent public local inquiries. The allocation of the site for housing purposes was not supported by the inquiry reporters, principally on the basis that the site was found to make an important contribution to the green belt, was an integral component of the river valley, and important to the landscape setting of Eskbank. Following and an inspection of the site and its surroundings, I consider that the land continues to be important in these respects and should remain free from development.

48. The council has resolved to retain the site within green belt following a review of its boundaries and in doing so has drawn upon the findings of the Edinburgh Green Belt Study 2008. I note that in this regard the landscape character area of which the site forms part (Melville North Esk Valley) was not taken forward to the second stage of that study on the basis that it was not considered to have any capacity to accommodate residential development.

49. I have consider all other matters referred to in the representation, including how developing a sloping site and achieving vehicular access might be undertaken, but conclude for the reasons set out above that the proposed plan should not be modified as sought.

Whitehill

50. The village of Whitehill lies to the south east of Woodburn, Dalkeith, on rising land and from which panoramic views of Edinburgh and Fife beyond can be experienced. The village is linear in form with the majority of properties located to the north of Edgehill Road, apart, that is, from a cul-de-sac of twelve modern detached properties that lie to the south, named Witholm. The land is presently in agricultural use. The proposed plan proposals map identifies the site as lying within the countryside and as prime agricultural land.

51. In the context of a perceived requirement for additional housing land, the representation seeks the allocation of the land immediately adjacent to Witholm, and extending along the length of the village to south east, for circa twelve dwellings. The representation argues that the development would 'complete' the village, provide choice, and add to the mix of housing available in the area. Furthermore, it is argued that the site is reasonably well located in terms of access to community and retails facilities and is

served by public transport services. The council, on the other hand, notes that, on its landward side, the proposed allocation would require the creation of new field boundaries that might appear artificial in the wider landscape. The council also highlights that lack of facilities within the village, the distances that residents would need to travel to access schools and the facilities of Dalkeith town centre, which are further away than the guide distances contained in Scottish Government Planning Advice Note 5 (planning for transport) and the limited public transport provision.

52. As concluded in Issue 3 (requirement for new development) there is no need, at this time, for additional housing land to be allocated. Furthermore, on the basis of the evidence before me, and my inspection of the site, I do not consider that the proposed plan should be modified in response to this representation. I share the council's concern regarding the difficulty of integrating new development successfully into the village, particularly so given its surrounding landscape and the exposed nature of the site.

53. With regard to accessibility, I note that the site is located beyond the maximum threshold of 1600 metres considered reasonable for walking to local facilities (PAN 75 Annex B, paragraph B13 refers), for example, the Dalkeith Schools Campus and Dalkeith town centre lie 2100 metres and 2600 metres from the site, respectively. Furthermore, while the village is served by public transport this appears to be limited and, as suggested by the council, unlikely to improve as a consequence of the development envisaged. As such, occupiers of any new development in the village would be dependent upon the use of private cars to access to local services and facilities. In this regard, I note the generous car parking provision at Witholm.

54. Overall, I conclude that the site should not be included in the proposed plan.

Lawfield, Mayfield

55. The site extends to 9 hectare, immediately to the east of Easthouses and north of Mayfield and adjacent to the committed housing sites h41 (North Mayfield) and h48 (Bryans, Easthouses). The land is presently in agricultural use and rises considerably to Lawfield, atop the Mayfield-Tranent ridge. The proposed plan proposals map identifies the site as lying within the countryside and, in part, as prime agricultural land.

56. Again, in the context of a perceived requirement for additional housing land, the representation seeks the allocation of the land for some 200 dwellings. The site is considered by the promoter to be well-located in terms of public transport, local services and amenities. Furthermore, it is argued, the site could be integrated with the adjoining committed housing sites and their development co-ordinated. As concluded in Issue 3 (requirement for new development), however, there is no need, at this time, for additional housing land to be allocated.

57. As I witnessed for myself, the site is elevated and visible over a wide area. I note the council's comments with regards to site h41, in particular the desire to keep the ridge free of built development. Despite the suggestion of woodland planting on the upper reaches of the site development at Lawfield would nonetheless be prominent and visible, particularly on the approach to Mayfield from south, that is, when travelling north along the unclassified Mansfield Road. This concern is reflected in the Development Sites Assessment technical note which records that development would have significant adverse effects on the landscape.

58. I also note the council's concern regarding vehicular access to the site, which appears to be unresolved. Access via Conifer Road is intimated in the supporting material lodged with the representation. However, as I observed, this road does not provide direct access to the site from Bogwood Road, is a relatively narrow traffic calmed street on which on-street parking is prevalent and is unlikely to be suitable to serve a development of the scale envisaged. Neither do the emerging proposals for site h41, which are the subject of a current planning application, make provision for access through the site to serve that at Lawfield. Consequently, development at Lawfield, most likely, would be reliant on achieving access via committed site h48 and I would agree with the council that this could potentially hinder the deliverability of that site.

59. Overall, I conclude that the site should not be included in the proposed plan.

Land south of Westfield Road, Mayfield

60. The land in question lies to the south Mayfield and shares a boundary with committed site h38 (South Mayfield), on which only a small amount of development has taken place (60 dwellings between Mansfield Road and Cushat Wood). The representation argues that the development of the site, for some 65 dwellings, is a logical extension of site h38 within established boundaries. If the site is allocated, the representation suggests that development considerations in relation to site h38 should be reviewed, particularly with regard to education infrastructure.

61. The council acknowledges the difficulties experienced in bringing forward site h38 for development; these matters are summarised in Table 8.12 and addressed in consideration of Issue 2 (committed development). With regard to the subject site, I do not consider it to be a logical extension to site h38, as claimed. The site lies on rising ground and beyond a contour line within which the council seeks to contain the development of site h38. It would also lie beyond extensive 30 metre deep tree planting, promoted by the approved planning brief and which would form an integral part of a wider green network. The proposals of the planning brief seek to promote a comprehensive and integrated approach to the layout of development within a strong landscape structure. The addition of land beyond that addressed by the brief has the potential to undermine its aims and objectives and frustrate the delivery of development.

62. I note the council's concern regarding the suitability of the local road network to accommodate traffic associated with the development of the site, should it be allocated, in advance of proposals to construct a new distributor road to serve development on site h38 and the wider area, a concern that I share.

63. Overall, for the reasons described above I conclude that the site should not be included in the proposed plan.

Dewarton

64. A representation promotes land immediately to the west of the village, beyond the settlement boundary, for a limited amount residential development. The proposed plan proposals map includes the site within the 'countryside' and identifies it as prime agricultural land. The village is a designated conservation area, for which a draft character appraisal has been prepared, and as part of the Tyne Water Valley special landscape area. At the time of my site inspection the land was in use for grazing and equestrian purposes.

65. The representation argues that the village boundaries are drawn too tightly and that, in the context of a perceived requirement for additional housing land, a development of an appropriate scale would add to the range and choice of housing available in the area without causing unacceptable impacts on its countryside setting.

66. Dewarton is described as being a cohesive linear settlement comprising an almost continuous terrace of single storey modest properties these, as I noted, are located mainly to the east of Main Street. To the west of Main Street are a number of recently built properties. Nonetheless, the historic character of the village is regarded as being generally well preserved. The draft conservation area character appraisal for the village describes the key elements of the area including, in paragraph 3.3, reference to its linear form and the distinctive edge to the village provided by building plots. The draft appraisal notes that this and other essential factors are to be taken into account when considering development proposals. The appraisal also advocates that in order to maintain its character, further development around the periphery of the village should be curtailed. The conservation area boundary to the west follows the line of the Dewar Town Burn, beyond which lies the subject site.

67. Although lying immediately out with the conservation area, I consider that development on the site could have a detrimental impact upon its integrity, by diluting its linear form, distinctive edge and character. This is also of concern to the council. In this regard, I note that the terms of proposed policy ENV 19 (conservation areas) apply equally to sites adjacent to conservation areas and states that development will not be permitted which would have an adverse effect on its character. In light of these concerns, and particularly in the absence of detailed proposals and their assessment against the considerations of the character appraisal, I consider that it would be inappropriate to allocate the land for housing purposes.

68. Finally on this matter, the Development Sites Assessment records the site as scoring poorly against a number of other considerations, particularly its impact on the landscape, access to public transport and the loss of prime agricultural land. The Development Sites Assessment also records some uncertainty with regards to flood risk arising from potential development and its impacts on the Dewar Town Burn and other small watercourses.

69. Overall, I conclude that the site should not be included in the proposed plan.

Fordel

70. The site proposed is the subject of a current planning application promoting among other uses 60 dwellings (reference 13/00780/PPP), which the council is minded to approve. The grant of planning permission in principle is, however, subject to a legal agreement being entered into between the council and the applicant. That agreement has yet to be concluded. Nonetheless, the representation seeks a reference in the proposed plan to the site being 'committed development'.

71. Despite the established commercial uses on the site and the on-going planning application discussions, the proposed residential development fails to satisfy the proposed plan's definition of committed development, that is, the current housing proposals have not been a featured of previous local plans. Accordingly, I agree with the council that it would be incorrect to regard the site as such.

72. The council notes that if planning permission is granted and development proceeds,

the resulting housing product will be regarded as 'windfall' and nevertheless make a contribution to the SESplan housing requirement. However, in the absence of an extant planning permission, it would also be incorrect to include the site within Table 1A.5 of the proposed plan which refers to windfall sites included in the Housing land Audit 2014.

73. I conclude that the proposed plan should not be modified as sought.

Newbattle Home Farm, Newtongrange

74. The representation seeks a modification to the proposed plan that removes the site from the Newbattle Strategic Greenspace Safeguard (proposed policy ENV 3 refers) and, in turn, promotes its allocation for housing. The opposition to the inclusion of the site within the Newbattle Strategic Greenspace Safeguard is dealt with in Issue 13, where it is concluded that the designation should remain. I deal with all other relevant matters below.

75. The representation promotes the site for housing development in the context of a perceived shortfall in the housing land requirement. As concluded in Issue 3 (requirement for new development), however, there is no need, at this time, for additional housing land to be allocated. In any case, I find that development in this location would have an adverse effect on the landscape due to its prominence, particularly in views from the north. Furthermore, as indicated by the council, the proposed northern boundary of the site would appear somewhat artificial within the landscape; being based as it is upon a long-abandoned road alignment rather than a natural landscape feature.

76. I note the suggestion of the prospective developer that the most easterly portion of the site, that included within the garden and designed landscape of Newbattle Abbey, could be retained for a variety of open space uses rather than developed and the conclusions of Midlothian Local Plan 2008 public local inquiry in respect of the impact of development on the qualities of the conservation area and prime agricultural land, but these do not alter the overall conclusion that the site should not be included in the proposed plan.

Stobs Farm II, Gorebridge

77. The representation, submitted in the context of a perceived shortfall in the housing land requirement, seeks the allocation of land at Stobs Farm, Gorebridge, for a residential development of between 180-200 dwellings. As concluded in Issue 3 (requirement for new development), however, there is no need, at this time, for additional housing land to be allocated.

78. I note that the suitability of the site for housing development was considered at the Midlothian Local Plan 2008 public local inquiry held in 2007. The reporter, at that time, concluded that development on the site would adversely affect the landscape setting of the eastern edge of Gorebridge. As I observed at my inspection of the site and its surroundings, the site occupies a sloping, elevated and prominent position on the edge of Gorebridge and is visible in panoramic views from the west and south. As such, I agree with the council that it would be difficult to screen the site effectively and that development in this location would have significant adverse effects on the landscape.

79. Although not assessed in detail, the proximity of dog boarding kennels to the south of the site is noted by the council as a possible constraint to development in this location. The representation is silent on this matter.

80. Overall, I conclude that the proposed plan should not be modified as sought.

Stobs Farm III, Gorebridge

81. The representation is submitted in the context of a perceived shortfall in the housing land requirement and seeks the allocation of land at Stobs Farm, Gorebridge, for a residential development of 300 dwellings. As concluded in Issue 3 (requirement for new development), however, there is no need, at this time, for additional housing land to be allocated.

82. The site lies immediately to the east of 'Stobs Farm II', a significant portion of which is noted in the Development Sites Assessment as being above the 215 metre contour, and in the council's response to the representation, as high as 230 metres at its southern end. As such, the issues pertinent to the site mirror those discussed above. I do not intend to rehearse those issues here, suffice to say that in the absence of effective measures to screen development and at the density proposed, the effects on the landscape could be more acute. In arriving at this conclusion I have had regard to the evidence lodged in respect of committed development sites h38 and h41 (South and North Mayfield, respectively), particularly the measures taken by the council to mitigate the impacts of development on these visually prominent sites, for example, lower densities to allow for structural landscaping.

83. Although not assessed in detail, as with proposals for Stobs Farm II, the proximity of dog boarding kennels to the south west of the site is noted by the council as a possible constraint to development in this location. The representation is silent on this matter.

84. Overall, I agree with the council that development would have a significant adverse effect on the landscape and that the proposed plan should not be modified as sought.

Barleyknowe Road, Gorebridge

85. The representation is submitted in the context of a perceived shortfall in the housing land requirement and seeks the allocation of land at Barleyknowe Road, Gorebridge, for a residential development of 120-160 dwellings. The representation considers that development could be accommodated within the landscape without detriment to wider views and in so doing integrate with proposal Hs8 (Stobhill Road), which is regarded as being somewhat isolated. As concluded in Issue 3 (requirement for new development), however, there is no need, at this time, for additional housing land to be allocated.

86. The council states that proposal Hs8 is a former school site, is promoted as a brownfield development opportunity and as such should not be regarded as a justification for further development in the locality. Table 8.17 describes the requirement to retain and enhance existing vegetation in order to minimize any impression of coalescence between Gorebridge and Gowkshill.

87. As I noted at my site inspection, the redevelopment of the former school site is nearing completion. The subject site, lying immediately to the south of the former school, rises steadily to the east and is prominent in local and distant views. Although assessed as part of larger site, the Development Sites Assessment records that development in this location would have significant adverse effects on the landscape. It is an assessment with which I agree. Conversely, I do not accept the contention that development on the site could be readily accommodated within the landscape without detriment to wider views.

Furthermore, if allowed, development would encroach beyond Barleyknowe Road to the east, which hitherto has provided a strong settlement boundary.

88. I accept that as previously developed land, the former school site is correctly regarded as brownfield land and that it does not establish a precedent for further development in this location, despite the suggestion that new development could be integrated with that on the former school site.

89. Overall, I conclude that the proposed plan should not be modified as sought.

OTHER MATTERS

90. Finally, reference is made to representations that raise concerns regarding the development of land currently lying within the green belt and to the large scale nature of many of the housing proposals promoted by the proposed plan throughout the A7/A68/ Borders Rail Corridor SDA. With regard to the first of these concerns, my conclusions with respect to land promoted for development at Larkfield West and South West (proposals Hs2 and Hs3, respectively) are set out in paragraphs 5 to 9 above. Matters relating to the green belt in general are addressed in response to Issue 12 (green belt).

91. The second concern relates to the impact of new development, and the scale of that development, on Eskbank and its infrastructure. The representation does not refer to specific sites. Where the scale of development proposed has been raised as a concern in an unresolved representation this has been dealt with in the context of each site within this or other issues. This is also the case, where the ability of local services and infrastructure to support new development has been raised as a concern.

92. Representations seeking modifications to committed sites h50 and e22 (Redheugh, Gorebridge) are dealt with above. Sites h34 (East Newtongrange), h35 (Lingerwood), h38 (South Mayfield), h49 (Dykeneuk) are considered in response to Issue 2 (committed development). Site e32 (Sheriffhall South) is addressed in Issue 33 (economic sites).

Support for proposed and non-allocated sites

93. The examination is restricted to matters raised in unresolved representations to the proposed local development plan. Therefore, the expressions of support for proposed and non-allocated sites from parties are noted but do not require any further consideration.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Deleting reference to Dalhousie Castle as a designed landscape within Table 8.17 on page 117; and amending Figure 5.8 and paragraph 5.2.12 to note that there are “twelve” designated areas.
2. Amending the proposals map 4 (Gorebridge) to remove the ‘nationally important gardens and designed landscape’ notation formerly associated with Dalhousie Castle.

Issue 32	A7/A68/Borders Rail Corridor Strategic Development Area – Bonnyrigg	
Development plan reference:	Policy STRAT3 Strategic Housing Land Allocations and section 8.2 Settlement Statements.	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
906297 908022 908022 908022 908311 908802 908804 908803 908806 908812 908814 908823 908824 775828 908825 908826 908827 908834 908836 908840 908847 908866 908886 908864 908634 908992 909022 909049 909142 909164 909200 909235 909313 778163 909691 908022 909730 909734 778604 909851 909843 909580 921658	PP1 PP7 PP9 PP10 PP12 PP41 PP42 PP43 PP44 PP45 PP46 PP47 PP48 PP49 PP50 PP51 PP53 PP54 PP55 PP56 PP57 PP58 PP60 PP61 PP64 PP74 PP75 PP77 PP86 PP89 PP96 PP102 PP103 PP110 PP150 PP156 PP160 PP278 PP323 PP350 PP413 PP423 PP497	Ian Barr Ruari Cormack Ruari Cormack Ruari Cormack James Renwick Neil Rapson Alison Scott Andrew Renwick Brian Thomson Ronald Preston Peter Duckworth Alex Porteous William Wright James O'Meara Paul Darling Graham Rae Gordon Walker John White Martin Stewart John Charters Thomas Harris Barry Morrison Dave Wright Sandy Stewart Philip Burton Eric Lamb Edward Young Ross Craig William Bald S Shaw Brian McGeechan John McVie Brian Fraser Stewart Renwick Robert Mitchell Ruari Cormack Sara Cormack Katherine Reid Grange Estates (Newbattle) Ltd Susan Tait Alan Bisset Cala Management Ltd Patrick Mark

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921808	PP520	Patricia M Roberts
777809	PP522	Agnes Allan
921805	PP523	Thomas Allan
921797	PP524	John Perry
921796	PP525	Robert J Henderson
769583	PP526	Brian Hayes
922041	PP527	Shirley Hayes
780556	PP528	J R D Scott
780552	PP533	Walter Stone
779999	PP582	Christine Triay
921297	PP583	Jeannette McGlone
922014	PP707	Lasswade District Civic Society
921337	PP730	Dawn Robertson
921340	PP732	Isobel Marshall
921799	PP872	Hugh D Irvine
921342	PP888	Derek Robertson
783974	PP889	Donald Marshall
922145	PP890	Eskbank Amenity Society
921804	PP900	Davidson Irvine
769383	PP1041	John Barton
778967	PP1105	Taylor Wimpey East Scotland
776516	PP1194	George Barnes
922073	PP1218	John Pearson
774025	PP1219	Derek and Elizabeth Hawes
778978	PP1220	James Donaldson
778978	PP1221	James Donaldson
908978	PP1222	Colin Wales
921786	PP1223	David Fleet
921800	PP1224	Maurice Di Duca
921803	PP1225	W Grant Colligan
921811	PP1226	Thomas Stoddart
921813	PP1227	David Darling
921817	PP1228	David Fairbairn
778338	PP1229	Robert Beattie
923057	PP1230	Ian Sprott
923058	PP1231	Jim Lawson
923059	PP1232	Emma Proctor
923061	PP1233	D Munro
923062	PP1234	John Murphy
923063	PP1235	Kevin Armitage
923064	PP1236	A Bennett
923065	PP1237	Scott Bennett
923066	PP1238	A McConnell
923071	PP1239	Paul McQuade
923072	PP1240	J Preston
923074	PP1241	Paul McQuade
923075	PP1242	Helen McQuade
755000	PP1243	Broomieknowe Golf Club
908847	PP1244	Thomas Harris
923007	PP1245	Andrew G Brown
923009	PP1246	Ronald W G Duncan
923010	PP1247	A S McGregor

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

923011	PP1248	Angus Milliken
923015	PP1249	James H Pendreigh
923016	PP1250	William Rutherford
923017	PP1251	Robert Thompson
923018	PP1252	James A Duff
923019	PP1253	Ron Reid
923020	PP1254	Andrew McLean
923021	PP1255	John Watson
923022	PP1256	J Wright
923024	PP1257	R Hopkin
923025	PP1258	Kriss Williamson
923026	PP1259	S R Bruce
923028	PP1260	Matthew Stewart
923029	PP1261	Mark Patchett
923030	PP1262	George Clark
923031	PP1263	Juliet Bruce
923032	PP1264	Scott Porter
923033	PP1265	Niall Webster
923034	PP1266	Sean Marc
923035	PP1267	Murray Clark
923036	PP1268	William Scott
923038	PP1269	Ian Lunn
923039	PP1270	Charles Cameron
923040	PP1271	Moyra Statham
923041	PP1272	Joyce Penderleith
923043	PP1273	David Burton
923045	PP1274	Scott Reid
923046	PP1275	Linda Bruce
923047	PP1276	Barbara Mesquita
923048	PP1277	Stacy Nairn
923050	PP1278	Colette Bowditch
923051	PP1279	Ashley Taylor
923053	PP1280	Sara Armstrong
923054	PP1281	Marianne Kardara
923056	PP1282	William G Thomson
908886	PP1283	Dave Wright
921726	PP1284	Chris Cowie
921728	PP1285	Kirsty Cowie
921740	PP1286	A H Cunningham
921745	PP1287	D Stewart
921753	PP1288	W R Cunningham
921768	PP1289	Matthew McCreath
921771	PP1290	Louise McCreath
921825	PP1291	Kay Whalley
921826	PP1292	Lorna Reid
921828	PP1293	Hazel Johnson
921830	PP1294	A F Wardrope
921832	PP1295	Elizabeth Anderson
921835	PP1296	Janette Evans
921962	PP1297	Karen Langham
921998	PP1298	William Pressel
921999	PP1299	Colin Johnson

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

922001	PP1300	Michael Galloway
769383	PP1301	John Barton
921372	PP1302	David Miller
921374	PP1303	Wilma Porteous
921376	PP1304	Margaret Miller
921378	PP1305	Wilma Sweeney
921387	PP1306	Vivienne Boyd
921395	PP1307	Annabel Smith
921410	PP1308	Jennifer Gillespie
921414	PP1309	Edith May Barton
921417	PP1310	Alex McLean
921430	PP1311	David S M Hamilton
921431	PP1312	Sally Couch
921434	PP1313	E Hutchison
921679	PP1314	George Sweeney
921682	PP1315	David A Porteous
921685	PP1316	Colin Miller
921675	PP1317	Dianne Kennedy
921773	PP1318	Anne Hastings
921778	PP1319	Dorothy Carmichael
921783	PP1320	May Rae
921788	PP1321	James R D Scott
921790	PP1322	Norma Scott
921809	PP1323	Grant Young
921809	PP1324	Grant Young
921818	PP1325	Kevin Young
921822	PP1326	John Hastings
921833	PP1327	Ann Murdoch
921837	PP1328	A Ramsay
921844	PP1329	Alan King
921849	PP1330	James Young
921855	PP1331	Cathie Shields
921858	PP1332	L K Middleton
921862	PP1333	Margaret Donaldson
921862	PP1334	Margaret Donaldson
921870	PP1335	Anne Halliday
921873	PP1336	Rhona Mackenzie
921875	PP1337	Hugh Mackenzie
921880	PP1338	Diane Yates
921884	PP1339	Victor Yates
921886	PP1340	Colin Bain
921890	PP1341	Linda Harding
801065	PP1342	Alan Gilroy
921380	PP1343	Stuart Barnes
921382	PP1344	Gavin Boyd
921386	PP1345	Kirsty Barnes
921390	PP1346	John F Davidson
921392	PP1347	Eric Smith
921397	PP1348	Mary M Young
921401	PP1349	John T Cogle
921402	PP1350	Janette D Barnes
921403	PP1351	Jenny Davidson

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921406	PP1352	Kevin Davidson
921408	PP1353	Hugh Gillespie
921425	PP1354	Myra G Rodger
921431	PP1355	Sally Couch
921436	PP1356	Karen Miller
921750	PP1357	Karen Smith
921758	PP1358	Robert Walker
921894	PP1359	Brian Harding
921901	PP1360	Mary J Cogle
921907	PP1361	James W Young
921911	PP1362	Sandra Gray
921913	PP1363	William Gray
921916	PP1364	Craig Smith
921923	PP1365	John H Donaldson
921927	PP1366	Barbara Irvine
921423	PP1367	Marjory McLean
921936	PP1368	Agnes Anderson
921940	PP1369	Irene Dutton
921947	PP1370	Margaret Scott
921948	PP1371	Graham Ness
921950	PP1372	D Smart
921952	PP1373	James Pryde
921953	PP1374	Anne Pryde
921953	PP1375	Anne Pryde
921956	PP1376	Karen Downie
921957	PP1377	Brenda Gilroy
921958	PP1378	Elizabeth Walker
921961	PP1379	John Williams
921963	PP1380	Fiona Thomson
921964	PP1381	Mary Rutherford
921966	PP1382	Arthur Rutherford
921967	PP1383	Margaret Irvine
921969	PP1384	Mary King
922085	PP1596	Andrew Barker
922086	PP1614	Rachel Davies
909049	PP1923	Ross Craig
921865	PP2316	Joy Moore
966818	PP2346	Robert Darling and Sons Ltd
928083	PP2393	John Robertson
928087	PP2394	Paul Aitken
928088	PP2395	James Thomson
922145	PP2417	Eskbank Amenity Society
921259	PP2666	Caroline Sneddon
922145	PP2670	Eskbank Amenity Society
921727	PP2681	G Palmer
921787	PP2682	Hamish Palmer
921722	PP2683	K Palmer
826479	PP2684	Edinburgh and Lothian Green Network
921889	PP2686	Gail Reid
909235	PP2712	John McVie
754767	PP2771	Eskbank Amenity Society
909735	PP2789	Midlothian Matters

754760	PP2806	Shiela Barker
Provision of the development plan to which the issue relates:	The strategy for sustainable development section – requirement for new development including policy STRAT3 and Housing Allocations identified in section 8.2 Bonnyrigg, Lasswade and Poltonhall settlement statement, pages 96-106 (sites also set out in Appendix 3A)	
Planning authority’s summary of the representation(s):		
<p>Policy STRAT3, and Housing Allocations in Section 8.2 A7/A68/ Borders Rail Corridor Strategic Development Area, Settlement Statement for Bonnyrigg, Lasswade and Poltonhall (also set out in Appendix 3A)</p> <p><u>General objection to housing allocations in Bonnyrigg</u></p> <p>Feels that the proposals run contrary to the Vision, in particular due to: one bus service mentioned that services Bonnyrigg; scepticism that the design will not be of a high quality; affordability of the homes will unlikely be within reach of most local house buyers; there is a lack of local employment; lack of evidence for an improvement of facilities/services required to meet growth (resulting in additional pressure on existing facilities). (PP7 Ruari Cormack)</p> <p>Raises concerns about impact of houses in Bonnyrigg/Lasswade/Polton areas and impact on infrastructure/amenity. Associates himself with Lasswade & District Civic Society (LDCS) comments of 12/06/15 in respect of housing strategy (however supportive of Broomieknowe proposal, Hs9, as it will secure the future of Broomieknowe Golf Club and the Green Belt). (PP102, PP2712 John McVie)</p> <p>In addition to site specific objections to Hs9-12, LDCS consider that requirement for the number of houses may no longer be valid, and that insufficient priority given to brownfield over greenfield sites. Concerned about the loss of Green Belt and Countryside; coalescence between Bonnyrigg and Eskbank; urban sprawl caused by the scale of each of the housing sites with Hs10-12 being larger than some settlements; loss of community identity; effect on traffic with assessments being focused on the A7, whereas existing residents are avoiding this and distributor to go through Lasswade; impact on stretched facilities (health, education, police, fire and waste); loss of amenity greenspace. (PP707 Lasswade District Civic Society)</p> <p>Objects to the proposed housing sites in Bonnyrigg (Hs9 - Hs12). Concerned about the loss of Green Belt and Countryside; coalescence between Bonnyrigg and Eskbank; urban sprawl caused by the scale of each of the housing sites with Hs10-12 being larger than some settlements; loss of community identity; effect on traffic with assessments being focused on the A7, whereas existing residents are avoiding this and distributor to go through Lasswade; impact on stretched facilities (health, education, police, fire and waste); loss of amenity greenspace. (PP707 Lasswade District Civic Society PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore, PP2806 Shiela Barker)</p> <p>Objects to the proposed Broomieknowe (Hs9), Dalhousie Mains (Hs10) and Dalhousie South (Hs11) sites. For reasons of impact on infrastructure, coalescence, lack of priority given to brownfield land, further traffic congestion on the road network. Refers to objections made to these sites at the Main Issues Report stage being ignored. Critical no reference is made in the Proposed Plan to the 2008 Green Belt Review commissioned by the local councils that constitute SESplan. Considers that the loss of Green Belt,</p>		

agricultural land and the use of greenfield rather than brownfield contravenes the MLDP Aims and Objectives; there is no locational need for the development to be in the Green Belt and there is no need for private housing in Midlothian (social housing required instead); the area constitutes the gap between Bonnyrigg and Eskbank therefore these sites contravene Green Belt objectives. Raises the possibility of the Council considering housing south of Waverley Park, Bonnyrigg, where 2008 Green Belt Review suggested there was capacity. (PP2417, PP2670, PP2771 Eskbank Amenity Society)

Objects to site Hs9 (Broomieknowe)

Objections are made to site Hs9 for the following reasons:

- Proposal contradictory to other policies or objectives of the plan (including objectives set out in paragraph 1.3.2 of the plan, and policies ENV1 and ENV7);
- Coalescence (loss of community identity and important gap between Bonnyrigg and Eskbank, urban sprawl caused by scale of sites, SNH 2013 submission to the Main Issues Report supports grounds for objection);
- Loss of countryside and represents development of greenfield rather than brownfield;
- Loss of Green Belt (no locational need for the development to be in the Green Belt, development of the Bonnyrigg-Eskbank gap contravenes Green Belt objectives, is contrary to plan and policy ENV1, and mitigation is inadequate). Reference made to 2008 Green Belt Review commissioned by the local councils that constitute SESplan;
- Affect on Melville Castle designated landscape, and landscape more generally (Hs9 contrary to 2013 Scottish Natural Heritage Report and policy ENV7 of the Proposed Plan);
- Impact of building design on character of surrounding area;
- Loss of agricultural land;
- Loss of hedgerows & wildlife habitat;
- Loss of amenity greenspace;
- Adverse impact on countryside access & existing Right of Way;
- Effect of increased traffic on road network in terms of congestion, safety and environment. Also reference made to pressure on Lasswade area, lack of alternative arterial routes, and cumulative effects, including from replacement of Mayshade Garden Centre with supermarket;
- Limited pedestrian accessibility to Eskbank station from site;
- Impact on infrastructure and public services, health, education, police, fire and waste. Lack of confidence that the Council can secure the necessary improvements to infrastructure/services required to meet increased demand;
- No need for private housing in Midlothian (social housing required instead);
- If development is required, alternative site to the south of Waverley Park, Bonnyrigg, suggested by 2008 Green Belt Review, is put forward as an alternative;
- Objects to inclusion of neighbouring gardens in site;
- Reference made to Scottish Health Inequalities Impact Assessment Network Report 2015 - states that there is no overall strategy for Scottish land and that land use planning and resulting decisions do not always reflect priorities/aspirations of surrounding communities. Reference to objections made to these sites at the Main Issues Report stage being ignored and sense that communities in area are powerless to do anything about large scale housing development that is being forced on them.

(PP60, Dave Wright, PP497 Patrick Mark, PP528 JRD Scott, PP707 Lasswade District Civic Society, PP730 Dawn Robertson, PP732 Isobel Marshall, PP872 Hugh D Irvine,

PP888 Derek Robertson, PP889 Donald Marshall, PP890 Eskbank Amenity Society; PP900 Davidson Irvine; PP1041 John Barton; PP1194 George Barnes, PP1283 Dave Wright, PP1284 Chris Cowie, PP1285 Kirsty Cowie, PP1286 A H Cunningham, PP1287 D Stewart, PP1288 W R Cunningham, PP1289 Matthew McCreath, PP1290 Louise McCreath, PP1291 Kay Whalley, PP1292 Lorna Reid, PP1293 Hazel Johnson, PP1294 A F Wardrope, PP1295 Elizabeth Anderson, PP1296 Janette Evans, PP1297 Karen Langham, PP1298 William Pressel, PP1299 Colin Johnson, PP1300 Michael Galloway, PP1301 John Barton, PP1302 David Miller, PP1303 Wilma Porteous, PP1304 Margaret Miller, PP1305 Wilma Sweeney, PP1306 Vivienne Boyd, PP1307 Annabel Smith, PP1308 Jennifer Gillespie, PP1309 Edith May Barton, PP1310 Alex McLean, PP1311 David S. M. Hamilton, PP1312 Sally Couch, PP1313 E Hutchison, PP1314 George Sweeney, PP1315 David A Porteous, PP1316 Colin Miller, PP1317 Dianne Kennedy, PP1318 Anne Hastings, PP1319 Dorothy Carmichael, PP1320 May Rae, PP1321 James R D Scott, PP1322 Norma Scott, PP1323 Grant Young, PP1324 Grant Young, PP1325 Kevin Young, PP1326 John Hastings, PP1327 Ann Murdoch, PP1328 A Ramsay, PP1329 Alan King, PP1330 James Young, PP1331 Cathie Shields, PP1332 L K Middleton, PP1333 Margaret Donaldson, PP1334 Margaret Donaldson, PP1335 Anne Halliday, PP1336 Rhona Mackenzie, PP1337 Hugh Mackenzie, PP1338 Diane Yates, PP1339 Victor Yates, PP1340 Colin Bain, PP1341 Linda Harding, PP1342 Alan Gilroy, PP1343 - Stuart Barnes, PP1344 Gavin Boyd, PP1345 Kirsty Barnes, PP1346 John F Davidson, PP1347 Eric Smith, PP1348 Mary M Young, PP1349 John T Cogle, PP1350 Janette D. Barnes, PP1351 Jenny Davidson, PP1352 Kevin Davidson, PP1353 Hugh Gillespie, PP1354 Myra G Rodger, PP1355 Sally Couch, PP1356 Karen Miller, PP1357 Karen Smith, PP1358 Robert Walker, PP1359 Brian Harding, PP1360 Mary J Cogle, PP1361 James W Young, PP1362 Sandra Gray, PP1363 William Gray, PP1364 Craig Smith, PP1365 John H Donaldson, PP1366 Barbara Irvine, PP1367 Marjory McLean, PP1368 Agnes Anderson, PP1369 Irene Dutton, PP1370 Margaret Scott, PP1371 Graham Ness, PP1372 D. Smart, PP1373 James Pryde, PP1374 Anne Pryde, PP1375 Anne Pryde, PP1376 Karen Downie, PP1377 Brenda Gilroy, PP1378 Elizabeth Walker, PP1379 John Williams, PP1380 Fiona Thomson, PP1381 Mary Rutherford, PP1382 Arthur Rutherford, PP1383 Margaret Irvine, PP1384 Mary King, PP1596 Andrew Barker, PP1614 Rachel Davies; PP1923 Ross Craig, PP2316 Joy Moore, PP2417 Eskbank Amenity Society, PP2666 Caroline Sneddon, PP2670 Eskbank Amenity Society, PP2681 G Palmer, PP2682 Hamish Palmer, PP2683 K Palmer, PP2684 Edinburgh and Lothian Green Network, PP2686 Gail Reid, PP2771 Eskbank Amenity Society, PP2789 Midlothian Matters, PP2806 Shiela Barker).

Objects to Hs9, specifically on the proposed access arrangements

Objects to proposed access onto Eskbank Road for proposed Broomieknowe site (Hs9). Considers that the Certificate of Lawfulness on the former Mayshade Garden site supersedes the position in the MLDP and that this is a detail that should be dealt with through the Development Management process, supported by an up-to-date Transport Assessment. Access to Hs9 should not impact negatively on existing uses in the area. (PP2346 Robert Darling & Sons Ltd)

Ideally wish that there was no development at all but that if it does proceed, it should not take access from Viewbank Avenue as it is difficult to get access onto Eskbank Road at present. Does not feel that development should proceed until new surgery and associated amenities are created. (PP520 Patricia M Roberts)

Supports site Hs9 (Broomieknowe)

Support is offered to site Hs9 for the following reasons:

- Will secure the future of Broomieknowe Golf Club;
- Will secure future of greenbelt by securing golf club;
- Limited current use of site;
- Will provide more homes including affordable homes;
- Will have good access to Borders Rail, commercial development and Community Hospital;
- Selection of site will avoid traffic going through Lasswade
- Will provide new custom for shops in the area.
- Considers that the development of the site forms a natural extension to Bonnyrigg and that the A7 will be important in maintaining separation from Dalkeith
- Considers that allocated capacity is not excessive and will maintain landscape
- One representation (from CALA) is supportive of boundary, capacity and phasing.

Welcomes the reference to access onto Eskbank Road. CALA will make proportionate and reasonable contributions to infrastructure directly related to the site.

(PP12 James Renwick; PP41 Neil Rapson; PP42 Alison Scott; PP43 Andrew Renwick, PP44 Brian Thomson, PP45 Ronald Preston, PP46 Peter Duckworth, PP47 Alex Porteous, PP48 William Wright, PP50 Paul Darling, PP51 Graham Rae, PP53 Gordon Walker, PP54 John White, PP55 Martin Stewart, PP56 John Charters, PP57 Thomas Harris, PP58 Barry Morrison, PP61 Sandy Stewart, PP64 Philip Burton, PP74 Eric Lamb, PP75 Edward Young, PP86 William Bald, PP89 S Shaw, PP96 Brian McGeechan, PP102 John McVie; PP103 Brian Fraser, PP110 Stewart Renwick, PP150 Robert Mitchell, PP350 Susan Tait, PP413 Alan Bisset, PP423 Cala Management Ltd, PP525 Robert J Henderson, PP1218 John Pearson, PP1219 Derek and Elizabeth Hawes, PP1220 James Donaldson, PP1221 James Donaldson, PP1222 Colin Wales, PP1223 David Fleet, PP1224 Maurice Di Duca, PP1225 W Grant Colligan, PP1226 Thomas Stoddart, PP1227 David Darling, PP1228 David Fairbairn, PP1229 Robert Beattie, PP1230 Ian Sprott, PP1231 Jim Lawson, PP1232 Emma Proctor, PP1233 D Munro, PP1234 John Murphy, PP1235 Kevin Armitage, PP1236 A Bennett, PP1237 Scott Bennett, PP1238 A McConnell, PP1239 Paul McQuade, PP1240 J Preston, PP1241 Paul McQuade, PP1242 Helen McQuade, PP1243 Broomieknowe Golf Club, PP1244 Thomas Harris, PP1245 Andrew G Brown, PP1246 Ronald W G Duncan, PP1247 A S McGregor, PP1248 Angus Milliken, PP1249 James H Pendreigh, PP1250 William Rutherford, PP1251 Robert Thompson, PP1252 James A Duff, PP1253 Ron Reid, PP1254 Andrew McLean, PP1255 John Watson, PP1256 J Wright, PP1257 R Hopkin, PP1258 Kriss Williamson), PP1259 S R Bruce, PP1260 Matthew Stewart, PP1261 Mark Patchett, PP1262 George Clark, PP1263 Juliet Bruce, PP1264 Scott Porter, PP1265 Niall Webster, PP1266 Sean Marc, PP1267 Murray Clark, PP1268 William Scott, PP1269 Ian Lunn, PP1270 Charles Cameron, PP1271 Moyra Statham, PP1272 Joyce Penderleith, PP1273 David Burton, PP1274 Scott Reid, PP1275 Linda Bruce, PP1276 Barbara Mesquita, PP1277 Stacy Nairn, PP1278 Colette Bowditch, PP1279 Ashley Taylor, PP1280 Sara Armstrong, PP1281 Marianne Kardara, PP1282 William G Thomson, PP2393 John Robertson, PP2394 Mr Paul Aitken, PP2395 James Thomson)

Supports site Hs9 (Broomieknowe) but with qualifications

Supports the proposed Broomieknowe site (Hs9) provided that access is taken via Eskbank Road, design principles and guidelines are adhered to. Securing future of the golf course adduced as reason for support. (PP49 James O'Meara, PP522 Agnes Allan, PP523 Thomas Allan, PP524 John Perry, PP526 Brian Hayes, PP527 Shirley Hayes, PP533 Walter Stone)

Objects to site Hs10 (Dalhousie Mains)

States that agrees with comments raised by Lasswade District Civic Society (with the exception that he is supportive of Broomieknowe proposal (Hs9). LDCS object also to Hs10-Hs12, so this is taken to mean that representor is objecting to Hs10. (PP102, PP2712 John McVie)

Objects to proposed Dalhousie Mains site (Hs10). Recent developments have taken up a lot of greenfield land causing concerns regarding coalescence, without taking into account the value the land has to local people in its current state, particularly with regard to wildlife (feeding for deer and birds). (PP582 Christine Triay, PP583 Jeannette McGlone)

Seeks flexibility in respect of density at the Hs10 and Hs11 allocation (Dalhousie Mains)

Objects to the proposed capacities for sites Dalhousie Mains (Hs10) and Dalhousie South (Hs11). While supportive of the proposed allocation of these sites and the phasing in the Action Programme, it is felt that there should be flexibility in density to allow for changes in light of market conditions. (PP323 Grange Estates (Newbattle) Ltd)

Objects to site Hs11 (Dalhousie South)

Objects to proposed Dalhousie South site (Hs11). Considers that site should be reconsidered until a suitable Transport Appraisal Report is publically available; site would create traffic/congestion on Hopefield Distributer Road and divert traffic onto the unsuitable Carrington Road to the south; would create coalescence in contradiction with Strategic Objectives of the plan. (PP77 Ross Craig)

States that agrees with comments raised by Lasswade District Civic Society (with the exception that he is supportive of Broomieknowe proposal (Hs9). LDCS object also to Hs10-Hs12, so this is taken to mean that representor is objecting to Hs11. (PP102, PP2712 John McVie)

Objects to site Hs12 (Hopefield Extension)

With regard to Hopefield Extension (site Hs12), this is on the wrong side of the settlement to make best use of the Borders Rail. Feels that the proposal does not accord with the criteria set out in policy STRAT2: Windfall Housing as it: incurs loss/damage to open space; conflicts with the established agricultural use. Queries how access to Dalhousie Chesters Court will be achieved. Considers if development is supported its design should respect the low density and rural character of existing properties, and conform with the plan and relevant supplementary guidance. Queries how access to Dalhousie Chesters Court will be achieved. States if development proceeds residents should be fully consulted and substantially compensated for their inconvenience. The site is on the west side of Bonnyrigg when the Settlement Statement and Key Objectives say that the east side is preferable; current town centre is under pressure from existing development with no proposals to expand; not enough health professionals or teachers to accommodate growth; increased density of committed Hopefield site (h28) should negate need for Hs12; no consultation/study of surrounding area; if development proceeds at site Hs12 it should comply with the plan and supplementary guidance. no plans for business viability in Bonnyrigg; concern regarding coalescence with Rosewell; no biodiversity study undertaken; no transport provision in the area; no evidence of consultation with Historic Scotland. (PP7, PP9, PP10, PP156 Ruari Cormack, PP160 Sara Cormack)

States that agrees with comments raised by Lasswade District Civic Society (with the exception that he is supportive of Broomieknowe proposal (Hs9). LDCS object also to Hs10-Hs12, so this is taken to mean that representor is objecting to Hs12. (PP102, PP2712 John McVie)

Objects to proposed Hopefield Extension site (Hs12). Considers that the proposed development will affect the intrinsic value of the landscape; will have an adverse impact on habitats of deer, badgers, bats and birds; loss of prime agricultural land; no mention of environmental impact in the plan; effect on privacy of property; scale of development visually over bearing; much of land agricultural or wooded local amenity space; inappropriate design if same as Hopefield given existing are smaller cottages/rural design; access to home not suitable for construction traffic or scale of traffic associated with scale; heavy vehicles could damage pipes under road; structural damage to properties at steading due to heavy vehicles; inability of local services to deal with scale of development; see no need for scale given Midlothian is meeting its needs. (PP278 Katherine Reid)

Supports site Hs12 (Hopefield Extension)

Supports the proposed Hopefield Extension site (Hs12). States Taylor Wimpey will work constructively with the Council to prepare a masterplan/development brief for the site in line with the requirements of policy IMP1 New Development. (PP1105 Taylor Wimpey East Scotland)

Seeks additional site for housing in Bonnyrigg

Raises concerns regarding education provision in relation to housing development at Bonnyrigg. Seeks additional housing to the south of the Hopefield committed development site (h28) in order to provide developer contributions towards a new school and providing links between the proposed sites at Dalhousie South (Hs11) and Hopefield Extension (Hs12). Considers that this would reduce pressure on existing schools and that the site is of a similar character to Hs11 as it has natural boundaries and no neighbours. (PP1 Ian Barr).

Modifications sought by those submitting representations:

Seeks reduction in scale of growth in Bonnyrigg area

Provide a more accurate reflection in the plan of the effects development will have on the Bonnyrigg. (PP7 Ruari Cormack)

No modification indicated/expressed (PP102, PP2712 John McVie)

No modification indicated/expressed (PP707 Lasswade District Civic Society)

Seeks deletion of site Hs9

Seeks removal of site Hs9 (Broomieknowe) (PP497 Patrick Mark, PP528 JRD Scott, PP707 Lasswade District Civic Society, PP730 Dawn Robertson, PP732 Isobel Marshall, PP872 Hugh D Irvine, PP888 Derek Robertson, PP889 Donald Marshall, PP890 Eskbank Amenity Society, PP900 Davidson Irvine, PP1041 John Barton, PP1194 George Barnes, PP1283 Dave Wright, PP1284 Chris Cowie, PP1285 Kirsty Cowie, PP1286 A H Cunningham, PP1287 D Stewart, PP1288 W R Cunningham, PP1289 Matthew McCreath,

PP1290 Louise McCreath, PP1291 Kay Whalley, PP1292 Lorna Reid, PP1293 Hazel Johnson, PP1294 A F Wardrope, PP1295 Elizabeth Anderson, PP1296 Janette Evans, PP1297 Karen Langham, PP1298 William Pressel, PP1299 Colin Johnson, PP1300 Michael Galloway, PP1301 John Barton, PP1302 David Miller, PP1303 Wilma Porteous, PP1304 Margaret Miller, PP1305 Wilma Sweeney, PP1306 Vivienne Boyd, PP1307 Annabel Smith, PP1308 Jennifer Gillespie, PP1309 Edith May Barton, PP1310 Alex McLean, PP1311 David S M Hamilton, PP1312 Sally Couch, PP1313 E. Hutchison, PP1314 George Sweeney, PP1315 David A. Porteous, PP1316 Colin Miller, PP1317 Dianne Kennedy, PP1318 Anne Hastings, PP1319 Dorothy Carmichael, PP1321 James R D Scott, PP1322 Norma Scott, PP1320 May Rae, PP1323 Grant Young, PP1324 Grant Young, PP1325 Kevin Young, PP1326 John Hastings, PP1327 Ann Murdoch, PP1328 A Ramsay, PP1329 Alan King, PP1330 James Young, PP1331 Cathie Shields, PP1332 L. K. Middleton, PP1333 Margaret Donaldson, PP1334 Margaret Donaldson, PP1335 Anne Halliday, PP1336 Rhona Mackenzie, PP1337 Hugh Mackenzie, PP1338 Diane Yates, PP1339 Victor Yates, PP1340 Colin Bain, PP1341 Linda Harding, PP1342 Alan Gilroy, PP1343 Stuart Barnes, PP1344 Gavin Boyd, PP1345 Kirsty Barnes, PP1346 John F Davidson, PP1347 Eric Smith, PP1348 Mary M Young, PP1349 John T Cogle, PP1350 Janette D. Barnes, PP1351 Jenny Davidson, PP1352 Kevin Davidson, PP1353 Hugh Gillespie, PP1354 Myra G Rodger, PP1355 Sally Couch, PP1356 Karen Miller, PP1357 Karen Smith, PP1358 Robert Walker, PP1359 Brian Harding, PP1360 Mary J. Cogle, PP1361 James W. Young, PP1362 Sandra Gray, PP1363 William Gray, PP1364 Craig Smith, PP1365 John H. Donaldson, PP1366 Barbara Irvine, PP1367 Marjory McLean, PP1368 Agnes Anderson, PP1369 Irene Dutton, PP1370 Margaret Scott, PP1371 Graham Ness, PP1372 D. Smart, PP1373 James Pryde, PP1374 Anne Pryde, PP1375 Anne Pryde, PP1376 Karen Downie, PP1377 Brenda Gilroy, PP1378 Elizabeth Walker, PP1379 John Williams, PP1380 Fiona Thomson, PP1381 Mary Rutherford, P1382 Arthur Rutherford, PP1383 Margaret Irvine, PP1384 Mary King, PP1923 Ross Craig, PP2681 G Palmer, PP2682 Hamish Palmer, PP2683 K Palmer, PP2806 Shiela Barker).

No modification indicated/expressed (PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore, PP2666 Caroline Sneddon, PP2686 Gail Reid, PP2789 Midlothian Matters)

Considers that site Hs9 should be deleted from the plan and that the potential of land to the south of Waverley Park (suggested by Green Belt review) can accommodate this instead. (PP2417, PP2670, PP2771 Eskbank Amenity Society)

Would prefer removal of proposed Broomieknowe site (Hs9), but if it were to go ahead consider that access should be onto Eskbank Road rather than via Viewbank Avenue. (PP520 Patricia M Roberts)

Proposes suspending new build development (reference Hs9) until confirmation of new health centres, schools, nursery and road planning. (PP60 Dave Wright)

Seeks amendments in respect of detail matters for site Hs9

Objects to proposed access onto Eskbank Road for proposed Broomieknowe site (Hs9). (PP2346 Robert Darling and Sons Ltd)

Supports site Hs9 (Broomieknowe) but with qualifications

Supports site Hs9, but supporting statement makes clear that this is conditional on access

from Eskbank Road (PP49 James O'Meara, PP522 Agnes Allan, PP523 Thomas Allan, PP524 John Perry, PP526 Brian Hayes, PP527 Shirley Hayes, PP533 Walter Stone)

Seeks deletion of site Hs10 (Dalhousie Mains)

Seeks removal of site Hs10 (Dalhousie Mains). (PP582 Christine Triay, PP583 Jeannette McGlone, PP707 Lasswade District Civic Society, PP2806 Shiela Barker)

Delete site Hs10 (Dalhousie Mains), but asks the Council to consider whether or not housing could be accommodated south of Waverley Park, Bonnyrigg - as per the area identified in the 2008 Green Belt Review. (PP2417, PP2670, PP2771 Eskbank Amenity Society)

No modification indicated/expressed (PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore)

Seeks flexibility in respect of density at the Hs10 and Hs11 allocation (Dalhousie Mains)

Proposes more flexibility for the capacities of Dalhousie Mains (Hs10) and Dalhousie South (Hs11) sites. (PP323 Grange Estates (Newbattle) Ltd)

Seeks deletion of site Hs11(Dalhousie South)

Delete site Hs11 (Dalhousie South), and asks the Council to consider whether or not housing could be accommodated south of Waverley Park as per the area identified in the 2008 Green Belt Review. (PP2417, PP2670, PP2771 Eskbank Amenity Society)

No modification indicated/expressed (PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore)

Propose removal of proposed Hs11 (Dalhousie South site) (PP77 Ross Craig, PP707 Lasswade District Civic Society, PP2806 Shiela Barker)

Seeks deletion of site Hs12 (Hopefield Extension)

No modification indicated/expressed but if development proceeds on Hs12, its design it should be of low density and respect the rural character of existing properties. It should comply with the plan and relevant supplementary guidance. (PP9, PP10 Ruari Cormack)

No modification indicated/expressed (PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore)

Remove proposed Hopefield Extension site (Hs12). (PP156 Ruari Cormack, PP160 Sara Cormack, PP278 Katherine Reid, PP707 Lasswade District Civic Society, PP2806 Shiela Barker)

Seeks additional housing site to the south of committed site h28

Seeks additional housing to the south of the Hopefield committed development site (h28) in order to provide developer contributions towards a new school (PP1 Ian Barr).

Summary of responses (including reasons) by planning authority:Context

This schedule 4 addresses the site specific representations in respect of the proposed housing allocations in Bonnyrigg. Matters relating to the strategic need for and the adequacy of the Council's overall approach to housing land allocation are addressed in a separate schedule 4 (Issue 3 - Requirement for New Development - Housing Strategy). It should be noted that at its meeting of 12 January 2016, Midlothian Council's Planning Committee was minded to grant planning permission for the proposed residential development at site Hs9 subject to conditions and a section 75 legal agreement - [14/00405/DPP | Erection of 56 dwellinghouses](#)

The MLDP Proposed Plan has been prepared in the context of the Strategic Development Plan for South East Scotland (SESplan). To meet the SESplan housing land requirement in the A7/ A68/Borders Rail corridor, the MLDP has allocated 1,105 houses across 5 sites in Bonnyrigg (sites Hs9, Hs10, Hs11, Hs12 and Hs13). Most of the representations relate to and are opposed to the scale of growth proposed, the social and environmental impact this growth will create and detailed concerns about specific aspects of the sites themselves. There are also representations supporting site Hs9 and one suggesting a new, alternative site. One site (Hs13) received no representations.

The Council considers that while the scale of growth will require additional investment in local infrastructure the proposed MLDP makes provision for this and that the allocations support the principles of sustainable development given the proximity of and links to the new Borders Rail station at Eskbank.

Response in respect of general objections to housing allocations in Bonnyrigg

The policies and proposals of the MLDP must be consistent with the SDP. In terms of new housing provision the plan has to meet the SESplan housing requirements and the additional housing land allowances identified through supplementary guidance (tables 2.2 and 2.3 of the MLDP).

The Council considers that Bonnyrigg has many advantages in terms of sustainability and marketability as a location for housing growth – these are considered further below. The Council has assessed potential development sites, set out in the Development Sites Appraisal Technical Note (CD020). The site specific factors are considered later in this schedule 4 in respect of representations on particular sites, but the Council considers that its selected sites have many positive attributes or can be developed in such a way to mitigate any adverse impact.

In respect of the scale of growth, these are the first significant housing sites identified in the town since the allocation of the Hopefield site in the 2003 Midlothian Local Plan (CD055). This development is nearing completion, and has proved a popular, marketable and fast growing location since the first houses were erected in 2008. To date the development has matched the planned figure of 1,000 houses when allocated and is expected to be nearer 1,300 houses when complete. This site benefited from adoption of a planning brief before development commenced (CD034), a practice the Council will seek to continue on all the allocated sites (provided applications are not granted prematurely). In addition the Council considers that policy DEV6 and associated Supplementary Guidance 'Quality of Place' provide the basis for ensuring that a high quality of design is provided. The development of

such a major extension to Bonnyrigg has allowed the Council to secure enhancements to local facilities to accommodate population growth, including the Bonnyrigg Distributor Road (B6392), Burnbrae Primary School and in due course a neighbourhood commercial hub for Hopefield. The increase in population may also be having a positive effect on business opportunities throughout the town as seen in the Staiside Inn redevelopment and the new restaurants which have been developed in the town centre.

The Council considers that Bonnyrigg (and particularly the proposed sites on its eastern edge) is well located and connected to the Borders railway, with an existing traffic free route for pedestrians/cyclists already in place and the potential for better active travel connections through the A7 Urbanisation Project (CD018). The town is also well served by bus based public transport, with six per hour daytime off-peak frequency on the direct route to Edinburgh (service 31), two per hour on a route to Edinburgh via the Royal Edinburgh Infirmary (service 49), and seven per hour aggregate frequency on the local routes to Midlothian's main town, Dalkeith (formed of services 39, 40 and 49). The A7 Urbanisation Project will create new stops allowing local access to additional routes, particularly Lothian Buses four per hour service 29 from Gorebridge to Silverknowes via Central Edinburgh). The Council considers that there are further opportunities to expand provision either commercially or underpinned by start-up subsidy in tandem with housing growth – this was achieved at Hopefield where the frequency on the main route to Edinburgh (service 31) was doubled, with buses extending progressively further into the new development.

The Council has assessed the transport implications of the development strategy, and the MLDP transport appraisal identifies a number of interventions to mitigate the impact of proposed development (CD120). The junction of Lothian Street/High Street, Bonnyrigg is identified as a location where improvement is necessary. Policy TRAN2 sets out transport network interventions, including the enhancement of this junction.

The Council considers that policies IMP1 and IMP2 of the plan, the associated Supplementary Guidance (SG) on developer contributions and the planning obligation process itself will provide a robust framework to identify and collect contributions for the necessary supporting facilities and infrastructure while also ensuring delivery. In respect of concerns about education provision and school capacities, the plan was prepared in conjunction with Education Services; the impact of the proposed growth was assessed and a solution identified which will accommodate the increased number of school aged children arising from the new housing. In addition the Key Agencies have had the opportunity to put forward their requirements, where these have land use planning implications. The new allocations will be subject to Policy DEV3 which requires (on sites of 50 or more houses) 25% of the sites total capacity to be affordable housing.

The Council accepts that given the proximity of the north Midlothian towns to Edinburgh and good transport connections beyond, there is a high proportion of its economically active population who commute to work elsewhere. The Council is also facing increasing challenge from landowners and house builders to release employment land for housing. It is one of the plan's strategic objectives to create and safeguard quality and sustainable business locations in order to reduce outward commuting for work. There is a committed economic site in Bonnyrigg (e16), which will help broaden the town's economic opportunities beyond those provided already by the town centre and existing Sherwood Industrial Estate. As places grow and populations increase so do the opportunities for businesses and services to start up or expand, creating and safeguarding jobs in the process.

In respect of representations regarding lack of priority given to brownfield land, the Council is required to meet housing requirements established through SESplan. This requires deliverable sites that can be developed timeously. Many of the sites in the vacant and derelict land register are either already allocated or within settlement boundaries, are constrained, or are located in places where the Council would not favour housing development. Brownfield sites often emerge-over the life of a plan and are picked up as windfall development. The scale of the housing land requirement across the city region is such that in Midlothian the Council has little alternative but to consider Greenfield sites as part of the development strategy.

The Council considers the issues raised have been satisfactorily addressed in preparing the plan from the site selection process to the identification of appropriate implementation and mitigation measures in respect of services and facilities and that the representations do not provide any new material information which would support a change to the plan. The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP7 Ruari Cormack, PP102, PP2712 John McVie, PP707 Lasswade District Civic Society)

Response in respect of objections to representations seeking deletion of site Hs9

Notwithstanding the decision of the Planning Committee on 12th January 2016, there is no guarantee that the consent will be implemented, therefore the unresolved issues remain to be determined and are submitted for consideration as part of the LDP examination process.

The Council will prepare a development brief or masterplan for this site in conjunction with prospective developers for the site, as required by Policy IMP1, although the necessity for this will be vitiated should the application be approved, the section 75 agreement be registered and the planning consent issued.

The suggestion that the allocation is contrary to other policies of the proposed plan is to misunderstand the site assessment process and the status of the proposed plan. The proposed plan is not a site assessment tool. This process takes place prior to and/or at the Main Issues Report stage through a "call for sites" exercise and the identification and sieving of preferred and reasonable alternative options assessed against an agreed set of planning and environmental criteria. The preferred options then form the basis of the proposed development strategy and a new/revised policy framework is devised to support the delivery of these new (and committed) land allocations as well as reflecting various Government and European policy directives. Establishing land allocations in a development plan establishes the principle of the suggested use and the policy framework can then be used to assess the detailed design of the site in question. The suggestion would be self defeating to the objectives of the development plan process.

The site is currently in the greenbelt and is prime agricultural land (although does not appear to be used productively and its size and location limit the use that can be made of it). The site is not in the Melville Castle Designed Landscape, and is sufficiently far away and visually separate to not adversely affect its setting. The Council acknowledges that this area was not considered to have potential to accommodate development in the 2008 Green Belt study commissioned by SESplan (CD026 - statement on Landscape Character area 86 applies) but considers that the overall outcome of the sites assessment (CD020) was favourable. Given the limited amount of useable brownfield land available the Council must consider Greenfield and Green Belt locations as part of the options for the

development strategy. In addition sites on the East side of Bonnyrigg are more sustainable because of their accessibility to bus and rail based public transport connections at Tesco, Hardengreen and Eskbank station as described below.

In respect of the likely impact on biodiversity the site was assessed (CD020) and the development is not considered to have an adverse impact in this respect.

The site is in a narrow gap between Eskbank and Bonnyrigg, and received a negative assessment in terms of coalescence, in the Midlothian Sites Assessment Technical Note (CD020). Landscape boundary treatment will be critical at this location to minimise visual coalescence. The Council's decision to allocate land in Bonnyrigg was informed, in part, by a workshop exercise in 2012, jointly facilitated by Architecture+Design Scotland and Scottish Natural Heritage. The exercise highlighted the advantages of locations on the east side of Bonnyrigg, which are closer to Eskbank station and more sustainable. To access opportunities on the Eskbank side of the A7, measures to improve active travel accessibility, including the A7 urbanisation project are required. A core path (number 6-16) (CD044) runs along Viewfield Avenue, but its function should not be adversely affected by the development.

In respect of representations citing Scottish Natural Heritage 2013 comments: SNH responded as follows to the 2013 Main Issue Report; *'BG1 (Broomieknowe), BG2 (Dalhousie Mains) and D8 (Larkfield West) are all located in strategically important and landscape sensitive green belt areas. Development briefs need to demonstrate how such urban extensions "connect" with existing communities and ensure the best possible integration of development with the surrounding landscape. We therefore advise that landscape led development briefs should be drafted in order to show how landscape mitigation or multi-functional green infrastructure can be utilised within the allocations to reduce adverse effects on green belt function and appearance'*. The Council does not consider that SNH's earlier comments go so far as to constitute opposition to the allocation of site Hs9. It is the Council's intent to prepare development briefs for allocated sites (which would consider landscape, amongst other matters), although in cases where sites are already consented, this may not be appropriate.

The transport appraisal of the proposed plan (CD120) identifies the junction of Lothian Street/High Street, Bonnyrigg as a location where improvement is necessary. Policy TRAN2 sets out transport network interventions, including the enhancement of this junction. The site is adjacent to the A7 and for trips accessing Edinburgh or the city bypass this would appear the most obvious route following the natural trip desire lines with the least impedance. The A7 Urbanisation Project (CD018 contains a description of the project) will provide new bus stops on the A7 close to the site and an improved environment for pedestrians/cyclists. Hitherto the buses on the A7 (4 per hour daytime frequency) have not been accessible to neighbouring areas. Paragraph 8.20 of the Planning Committee Report for application reference 14/00405/DPP (CD011) states that the Council's transportation team have no concerns regarding the level of traffic movements from that development, including traffic from the supermarket development in the former garden centre.

The Council monitors air quality in the county and there are no current Air Quality Management Areas (AQMA) in Midlothian (CD045 provides further background). Air quality problems tend to be associated with high buildings trapping the air in a 'canyon effect' where there are heavy levels of prolonged standing traffic with a high density of larger diesel engines; air quality problems are unlikely to be significant in the relatively

open area along the A7. There are no sensitive receptors immediately adjacent to the A7 Dalkeith western bypass section.

In respect of representations regarding lack of priority given to brownfield land, this matter is addressed in respect of the response to the general objection above, to the scale of development in Bonnyrigg.

The alternative location, indicated by some representors as a replacement for Hs9, to the south of Waverley Park has been allocated (Hs10), so cannot be counted as a substitute for Hs9.

Policies IMP1 and IMP2 and the proposed associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. Site Hs9 will be subject to Policy DEV3 and accordingly 25% of the sites total capacity will be affordable housing (if more than 50 units are provided).

In respect of representations concerned that the County will become a dormitory suburb, the Council, an objective of the plan is to create quality and sustainable business locations. There is a committed economic site in Bonnyrigg (e16), which will help broaden the town's economic opportunities beyond the town centre and existing Sherwood Industrial Estate.

The area is not a conservation area, but it is nevertheless important to achieve a high standard of design – the Council considers that policies DEV2, DEV6 and associated Supplementary Guidance 'Quality of Place' provide the basis for ensuring that the character of the area and the amenity of neighbouring residential properties is not adversely affected.

In respect of representations concerning loss of amenity space, the MLDP, for the first time, identifies and protects key open spaces, identified on the proposals maps and referenced in policy DEV8. These spaces are included in the Council's Open Space Audit. (CD047 - Bonnyrigg extracts). The land at Hs9 is private land and was not identified by the audit. Policy DEV9 contains open space standards based on quantity, quality and accessibility criteria and will form the basis for ensuring adequate open space is provided in all new development. Representations have been received asserting that the development will help to secure the future of the golf club, an important recreational amenity for Bonnyrigg.

The Council is not aware of any third party land related issue that would prevent or delay the implementation of this site. The Council understands that site Hs9 is wholly in the control of the site promoters.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP60 Dave Wright, PP497 Patrick Mark, PP730 Dawn Robertson, PP732 Isobel Marshall, PP872 Hugh D Irvine, PP888 Derek Robertson, PP889 Donald Marshall, PP890 Eskbank Amenity Society, PP520 Patricia M Roberts, PP528 JRD Scott, PP872 Hugh D Irvine, PP1194 George Barnes, PP1283 Dave Wright, PP1284 Chris Cowie, PP1285 Kirsty Cowie, PP1286 A H Cunningham, PP1287 D Stewart, PP1288 W R Cunningham, PP1289 Matthew McCreath, PP1290 Louise McCreath, PP1291 Kay Whalley, PP1292 Lorna Reid, PP1293 Hazel Johnson, PP1294 A F Wardrope, PP1295 Elizabeth Anderson, PP1296 Janette Evans, PP1297 Karen Langham, PP1298 William Pressel, PP1299 Colin Johnson, PP1300 Michael Galloway, PP1301 John Barton, PP1302 David Miller, PP1303 Wilma Porteous,

PP1304 Margaret Miller, PP1305 Wilma Sweeney, PP1306 Vivienne Boyd, PP1307 Annabel Smith, PP1308 Jennifer Gillespie, PP1309 Edith May Barton, PP1310 Alex McLean, PP1311 David S M Hamilton, PP1312 Sally Couch, PP1313 E Hutchison, PP1314 George Sweeney, PP1315 David A Porteous, PP1316 Colin Miller, PP1317 Dianne Kennedy, PP1318 Anne Hastings, PP1319 Dorothy Carmichael, PP1320 May Rae, PP1321 James R D Scott, PP1322 Norma Scott, PP1323 Grant Young, PP1324 Grant Young, PP1325 Kevin Young, PP1326 John Hastings, PP1327 Ann Murdoch, PP1328 A Ramsay, PP1329 Alan King, PP1330 James Young, PP1331 Cathie Shields, PP1332 L K Middleton, PP1333 Margaret Donaldson, PP1334 Margaret Donaldson, PP1335 Anne Halliday, PP1336 Rhona Mackenzie, PP1337 Hugh Mackenzie, PP1338 Diane Yates, PP1339 Victor Yates, PP1340 Colin Bain, PP1341 Linda Harding, PP1342 Alan Gilroy, PP1343 Stuart Barnes, PP1344 Gavin Boyd, PP1345 Kirsty Barnes, PP1346 John F Davidson, PP1347 Eric Smith, PP1348 Mary M. Young, PP1349 John T Cogle, PP1350 Janette D Barnes, PP1351 Jenny Davidson, PP1352 Kevin Davidson, PP1353 Hugh Gillespie, PP1354 Myra G. Rodger, PP1355 Sally Couch, PP1356 Karen Miller, PP1357 Karen Smith, PP1358 Robert Walker, PP1359 Brian Harding, PP1360 Mary J. Cogle, PP1361 James W. Young, PP1362 Sandra Gray, PP1363 William Gray, PP1364 Craig Smith, PP1365 John H Donaldson, PP1366 Barbara Irvine, PP1367 Marjory McLean, PP1368 Agnes Anderson, PP1369 Irene Dutton, PP1370 Margaret Scott, PP1371 Graham Ness, PP1372 D. Smart, PP1373 James Pryde, PP1374 Anne Pryde, PP1375 Anne Pryde, PP1376 Karen Downie, PP1377 Brenda Gilroy, PP1378 Elizabeth Walker, PP1379 John Williams, PP1380 Fiona Thomson, PP1381 Mary Rutherford, PP1382 Arthur Rutherford, PP1383 Margaret Irvine, PP1384 Mary King, PP1923 Ross Craig, PP707 Lasswade District Civic Society, PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore, PP2806 Shiela Barker, PP900 Davidson Irvine, PP1041 John Barton, PP2346 Robert Darling and Sons Ltd, PP2417 Eskbank Amenity Society, PP2666 Caroline Sneddon, PP2670 Eskbank Amenity Society, PP2681 G Palmer, PP2682 Hamish Palmer, PP2683 K Palmer, PP2684 Edinburgh and Lothian Green Network, PP2686 Gail Reid, PP2771 Eskbank Amenity Society, PP2789 Midlothian Matters).

Response in respect of representation seeking to ensure that Hs9 is not accessed from Eskbank Road

The Council considers that a new access onto Eskbank Road offers the best solution in terms of safety and amenity as it takes traffic away from the existing residences on Viewfield Avenue. At its meeting of 12 January 2016 the Planning Committee was minded to grant permission on this basis (CD011).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP2346 Robert Darling and Sons Ltd).

Response in respect of representations supporting Hs9, but with qualifications

The Council considers that a new access onto Eskbank Road offers the best solution in terms of safety and amenity as it takes traffic away from the existing residences on Viewfield Avenue. This has been established in the plan, so it is not necessary to make changes to accommodate the matter raised by the representors.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP49 James O'Meara, PP522 Agnes Allan, PP523 Thomas Allan, PP524 John Perry, PP526 Brian Hayes, PP527 Shirley

Hayes, PP533 Walter Stone)

Response in respect of representations objecting to site Hs10

The site assessment process highlighted coalescence (Bonnyrigg and Eskbank) and potential adverse impact on the Green Belt as issues for this site. The plan seeks to address these impacts by including a requirement for a 30m wide wooded perimeter to be established to the north east of the site. As is normal practice, if the site is allocated it will be deleted from the green belt. This was one of the areas that the 2008 Green Belt study (commissioned by SESplan) considered had the landscape potential to accommodate development (CD026).

The Council has assessed the transport implications of the development strategy, and the final MLDP transport requirements reflect the necessary mitigation measures (CD112, TRAN2). Furthermore the planning brief and the transport assessment for the site will provide further scope for identifying detailed transport solutions for the site. The plan has taken account of the following matters:

- The site is very close to the A7 and well related to the town (approximately 400m from the centre of the site). Enabling walking, cycling and vehicular links in each case will be key in achieving sustainable planning and transport objectives. In respect of vehicular traffic a connection to the local road network should be taken from the Bonnyrigg Distributor Road (B6392), which will have the effect of channelling traffic onto the A7 and on to Edinburgh and the city bypass, relieving peak hour traffic pressures through Bonnyrigg and Lasswade.
- The settlement statement indicates that vehicular and footway/cycleway links should be provided to ensure the new site relates well with the town.
- The junction of Lothian Street/High Street, Bonnyrigg is identified as a location where improvement is necessary (CD112, TRAN2).
- The A7 Urbanisation Project (CD018) will reduce current speed limits to 30 mph, provide segregated footpaths and cycleways, new bus stops on the A7, close to the site and improved access to existing bus services (Lothian service 29, 4 buses per hour) which do not currently stop on the section of the A7 between Dalhousie and Eskbank roundabouts, and an improved environment for pedestrians/cyclists including better connectivity across the A7.
- This site is close to Eskbank station (approximately 600m by footway/cycleway) and already benefits from a grade separated access route for active travel; the A7 urbanisation project will further improve connectivity to and across the A7.

In respect of impact on biodiversity, the site was assessed (CD020) and not considered to have an adverse impact in this respect, although care must be taken with broadleaved woodland on the site. The Plan requires existing planting along the south east edge and along Pittendriech Burn to be protected and enhanced – this last feature will become part of the green network, with biodiversity, flooding, and water environment benefits.

In response to comments about the apparent lack of priority given to brownfield land, it is a policy principle of SPP (paragraph 40) for the re-use of brownfield land to be considered before greenfield land. Sources such as the SESplan urban capacity study (CD099) and the Scottish Vacant and Derelict Land Survey indicate potential brownfield sites, although these will in some cases not be suitable for use as housing sites. The Council is required to meet housing requirements established through SESplan. This requires an assessment of the deliverability of sites within the plan period. Generally there are relatively few

brownfield sites within Midlothian that are both deliverable and sustainable. Many of the sites in the vacant and derelict land register are either already allocated or within settlement boundaries, are constrained, or are located in places where the Council would not favour housing development. Brownfield sites often emerge in the life of a plan and are picked up as windfall development. The Council considers that the housing demands of the city region require the Council to consider greenfield and green belt sites.

The site is not in or adjacent to a conservation area, but it is nevertheless important to achieve a high standard of design. The Council considers that policies DEV2, DEV6 and associated Supplementary Guidance 'Quality of Place' provide the basis for ensuring that the character of the area and the amenity of neighbouring residential properties is not adversely affected.

Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. Site Hs10 will be subject to Policy DEV3 and accordingly 25% of the sites total capacity will be required for affordable housing.

In respect of representations concerning the county becoming a dormitory suburb, of Edinburgh, an objective of the plan is to create quality and sustainable business locations. There is a committed economic site in Bonnyrigg (e16), which will help broaden the town's economic opportunities beyond the town centre and existing Sherwood Industrial Estate.

In conclusion the Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP102, PP2712 John McVie, PP582 Christine Triay, PP583 Jeannette McGlone, PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore, PP707 Lasswade District Civic Society, PP2806 Shiela Barker, PP2417, PP2670, PP2771, Eskbank Amenity Society, PP2684 Edinburgh and Lothian Green Network)

Response in respect of representation seeking flexibility in respect of density at the Hs10 and Hs11 allocation

The Council, in seeking to meet the SESplan overall housing land requirement for Midlothian and the SESplan additional housing allowances, needs to come to a judgement on the likely contribution of the sites to this requirement. The site contributions are however, at this stage indicative (see MLDP, table 3A) and based on factors and assumptions at the time of writing the plan. The Council acknowledges that circumstances can change, a different approach to the layout of the design may emerge, and what was relevant and applicable at the plan stage may be different at the planning application stage. Even after the consent has been issued there is always the potential (more commonly on larger sites) for amendment applications to be submitted to vary house styles, alter layouts and by default affect numbers.

In setting these indicative contributions, the Council has considered site specific features that should be respected or incorporated into the development, as well as looking at opportunities such as proximity to railway stations; the capacity of sites Hs10 and Hs11 was increased compared to the MIR assumption, in part to capitalise on proximity to Eskbank station. The likely contribution from sites, also helps inform consideration of education and other infrastructure and facility requirements.

Policy IMP1 states that development briefs or masterplans will be prepared in conjunction

with prospective developers for all allocated housing sites. These will address, amongst other matters; site layout, house types and density. The development management process will further assess proposals in conjunction with all relevant policies in the plan, so there is a degree of flexibility already provided for in the process. Policy STRAT 3, supporting text paragraph 2.3.9 refers to the re-assessment of the adequacy of effective housing land supply, and the potential actions which might be taken in the case of the shortfall, which might include a review of specific sites where progress has stalled and supporting increased densities on appropriate sites.

The Council considers that it has struck a reasonable balance between flexibility and certainty in its approach to allocating and assessing sites, and therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP323 Grange Estates (Newbattle) Ltd).

Response in respect of representations seeking deletion of site Hs11

The Council assessed the transport implications of the development strategy and published it along with the proposed plan (CD112). The transport appraisal identified the junction of Lothian Street/ High Street, Bonnyrigg as a location where improvements are required. Policy TRAN2 sets out a variety of transport network interventions intended to mitigate the impacts of the development strategy, including the enhancement of this junction. The Council expects to access the site from the B6392, and to create a green network link across the site, but it will not support the formation of an additional vehicular access onto Carrington Road (the road that runs along the south of the site). The planning brief/ masterplan process will provide an opportunity to develop the access arrangements further. The site is very close to the A7 and therefore more likely to be the obvious route for connecting with Edinburgh, the city bypass and beyond than through Lasswade.

The Council was informed in its decisions to allocate land in Bonnyrigg by a workshop exercise in 2012, jointly facilitated by Architecture+Design Scotland and Scottish Natural Heritage. The exercise highlighted the sustainability of locations towards the east of Bonnyrigg, which are closer to Eskbank station – the allocated site at Hs11 achieves this, albeit with the drawback of being separated from the rest of the community by the B6392 Bonnyrigg distributor road. The Plan (paragraph 8.2.24) requires the site layout to include suitable active travel connections, including safe crossing points, to the rest of Bonnyrigg and Bonnyrigg Primary School, as well as contributing to the A7 Urbanisation Scheme (CD018). A development brief or masterplan will be prepared in conjunction with prospective developers for the site, as required by Policy IMP1. The development management process will further assess proposals in conjunction with all relevant policies in the plan

The site is not in the green belt as suggested but is a greenfield site and prime agricultural land. The scale of the growth Midlothian is required to accommodate requires the use of greenfield sites (this is addressed further in respect of the response to the general objection above, to the scale of development in Bonnyrigg). The Council acknowledges that the site is prime agricultural land, and in terms of the overall site assessment this is a negative aspect of the proposed allocation. [Scottish Planning Policy](#) (paragraph 80 refers) protects prime agricultural land but recognises that in some cases it may be necessary to build on it as part of the settlement strategy.

The site is located in a sensitive area, adjacent to the northern edge of Dalhousie Conservation Area, the listed Cockpen Church, and the proposed Newbattle Strategic

Greenspace Safeguard (Policy ENV3). The Plan emphasises the need for perimeter planting, consisting of wide wooded edges to reinforce the landscape setting and contribute to the green network. There is a gap of around 700m between the proposed Bonnyrigg and Dalkeith settlement boundaries at this point; the communities are further separated visually by the embankment/structures of the Borders Railway, and the Council does not consider that the allocation causes coalescence.

In respect of representations concerning the county becoming a dormitory suburb, the Council, as well as points raised on affordable housing and collection contributions, the Council's response for Hs10 is applicable here also, and can be reached through [this hyperlink](#).

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP77 Ross Craig, PP102, PP2712, John McVie, PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore, PP707 Lasswade District Civic Society, PP2806 Shiela Barker, PP2417, PP2670, PP2771, Eskbank Amenity Society)

Response in respect of representations seeking deletion of site Hs12

This site was originally not part of the preferred strategy, but was identified as a reasonable alternative in the MIR. It forms part of a package of sites which, cumulatively provide a generous margin of flexibility to better ensure the SESplan requirement is met in full and to comply with [Scottish Planning Policy](#) paragraphs 119 and 123).

The adjacent Hopefield development has experienced rapid take-up, with more than 800 of 1100 units taken up by Spring 2016, following commencement in 2008 (CD036). Developer interests are supportive of the site, and the Council expects it will be effective and contribute to deliver the overall housing land requirement.

The site is bounded by the existing built up area to the east and by the A6094 and B6392 to the north, west and south. These provide a strong boundary to the settlement. These will be further enhanced by additional planting/mounding along the B6392 and formation of hedgerow planting along the A6094 and along certain internal boundaries, as indicated in the Plan, which will assist with landscape, noise/amenity and biodiversity objectives. The Council does not consider that this contained site represents urban sprawl or risks coalescence – there will be a clear delineation with Rosewell. The Council has assessed the biodiversity impact of the allocation (CD020). The Pittendriech Burn and woodland is an important corridor and could form part of the green network. The plan indicates the need to protect and enhance this feature. This treatment will also assist in the fulfilment of flooding and water environment objectives. The site is to be developed at a relatively low density (12 dwellings per hectare) reflecting significant areas within the site which shall not be developed for environmental reasons.

The Council acknowledges that the site is prime agricultural land, and in terms of the overall site assessment this is a negative aspect of the proposed allocation. However this must be viewed in the context that there is very little brownfield land available and that the land is adjacent to an existing settlement. Scottish Planning Policy protects prime agricultural land but recognises that in some case it may be necessary to build on it as part of the settlement strategy (paragraph 80 [Scottish Planning Policy](#)).

The Council acknowledges that the site is further from the Borders railway than sites to the

east of Bonnyrigg but the site is well connected with walking/cycling routes to Eskbank station and travel distance is comparable with other established areas of the town (<3.5km). There is a 20 minute daytime frequency bus service to the allocated Hopefield site (service 31). This service was expanded in connection with the Hopefield development, and there is potential for further enhancement on a commercial basis in response to increased population.

A development brief or masterplan will be prepared in conjunction with prospective developers for the site, as required by Policy IMP1. The development management process will provide further opportunity to assess proposals in conjunction with all relevant policies in the plan. The masterplan will consider how the road layout can best facilitate penetration for buses, pedestrians and cyclists while limiting the impact of private car journeys on the allocated site (h28) and existing residential areas adjacent to or encompassed by the site. Another objective of the masterplan will be to encourage use of the distributor road and A7 to minimise traffic congestion at Bonnyrigg Toll and Lasswade Village. The masterplan can also look at how best to protect the amenity of residents at the existing farm building within the site and other sensitive neighbouring uses.

Hs12 will have good access to the existing Burnbrae Primary School and the committed Hopefield retail hub. A new primary school will be provided within Hs12, and there may be potential for additional retail provision under the terms of Policy TCR2. The town centre and retail policies provide a framework to encourage enhancement and diversification of Bonnyrigg town centre. The rising population is a commercial opportunity and can help to underpin a more vibrant town centre. There is evidence of new businesses being formed in the town centre, for example new restaurant provision. The Lasswade Centre provides extensive community facilities. Policies IMP1 and IMP2 and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council acknowledges the points made by some representors regarding the pressures on community facilities, particularly health centres. In respect of health, the Council's understanding is that NHS Lothian are monitoring and assessing capacity across GP catchment areas in response to rising demand.

Historic Environment Scotland has been consulted at all stages of the process but has not commented on this site. The Council's archaeological advice (CD003) is that there are issues related to the setting of a scheduled monument and listed building and implications for views to Dalhousie Castle designed landscape. The Council will take these into account in its planning brief/ masterplan.

Increasing the density at the allocated Hopefield (site h28) cannot replace the allocation, as that site is approximately 80% complete (at March 2016) and the Council considers that a significantly higher density could only be achieved by unacceptable departure from the agreed development brief (CD037) and masterplan (CD034) or introducing a preponderance of flats which may not be best market proposition at this location.

Site Hs12 will be subject to Policy DEV3 and accordingly 25% of the sites total capacity will be required to be affordable housing, this is a higher ratio than was achievable at the adjacent h28 site, which was subject to the affordable housing policies of the 2003 Midlothian Local Plan.

The site is being allocated under STRAT3, and the provisions of STRAT2 (Windfall Housing) are not relevant in this case.

There are two economic development sites in the town, one adjacent to the site (e16) and an established industrial estate at Cockpen Road (Sherwood Industrial Estate) e15, both of which will help broaden the town's economic opportunities, along with the continued development of the town centre. The Council has acquired site e16 and is pursuing initiatives to bring it in to use.

An alternative location, to the south of Waverley Park, has been indicated by some representors as a replacement for Hs12. The extent or precise location of this replacement allocation is not clear, however the Proposed Plan allocates a site to the south of Waverley Park (Hs10), so this element cannot be counted as a substitute for Hs12.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of these representations (PP9, PP10, PP156 Ruari Cormack, PP1596 Andrew Barker, PP1614 Rachel Davies, PP2316 Joy Moore, PP160 Sara Cormack, PP278 Katherine Reid, PP707 Lasswade District Civic Society, PP2806 Shiela Barker)

Response in respect of representation seeking additional housing site to the south of committed site h28

The Council considers that it has allocated sufficient land to meet the SESplan overall housing land requirement for Midlothian. Matters relating to the strategic need and the adequacy of the Council's allocation are handled in the Requirement for New Development - Housing Strategy Schedule 4.

The MLDP allocates 1105 units in Bonnyrigg, and is concerned to avoid overconcentration on one settlement and deliverability thereby. It is not clear if the representor has control of the land, or if there is a developer with an active interest in developing this area. This site has only come forward now, so there has not been an opportunity for Key Agencies or other interested parties to comment on it.

The Council decision to allocate land in Bonnyrigg was informed, in part, by a workshop exercise in 2012, jointly facilitated by Architecture+Design Scotland and Scottish Natural Heritage. The exercise highlighted the advantages of locations towards the east of Bonnyrigg, which are closer to Eskbank station – the allocated site at Hs11 achieves this. The representor's proposed site would be both relatively distant from the station and be separate from the rest of the settlement.

It is likely that if the site were allocated, bunding would be required to shield the development from traffic noise on the B6392 and from the Dalhousie Quarry access road. The B6392 road will play a significant role as the haul route to any opencast coal operations that are consented in the Cauldhall area of search. The MLDP Proposed Plan requires a 30m wide wooded planted strip, mounded for noise attenuation along the boundary of site Hs12 and the B6392. This approach would seem requisite at this site also. It is not clear how far to the south west the proposed site is expected to extend, but the operational sand extraction site may act as a constraint on further sensitive receptors being located here. The site backs on to the Dalhousie Burn, which is heavily wooded at this point (part of both the Ancient Woodland Inventory and Semi-Natural Ancient Woodland Inventory), and forms part of the Council's green network. The Council would require stand-off distances to ensure protection of root systems and any other human interaction which could adversely affect this area, as well as protecting buildings from treefall. Given the linear nature of the site, these constraints to north and south will act to

reduce the effective developable area.

The representor advocates the additional site to provide developer contributions towards a new school. The Council considers that it is generally preferable if the facility needs and developer contributions flow from the scale of the allocations, rather than allocating to justify the facility – although it does accept that there are occasions when development allocations are sized to make best use of infrastructure (to avoid for example a new school being only part utilised). In any case there is no requirement for this additional site and the Council considers that the preferred sites provide for a better range and choice. The Council has projected the number of pupils to be generated from the new allocations (using its knowledge of existing recent development sites in Midlothian) and has set out arrangements to accommodate the growth (described in paragraph 8.2.18 of the MLDP). The Council will secure monies from developers using Policy IMP2 and related Supplementary Guidance (SG) on Developer Contributions. The proposed additional site does not in the Council's view assist in providing an education solution for the town.

The Council therefore requests that the Reporter(s) make no change to the Midlothian Local Development Plan in respect of this representation (PP1 Ian Barr).

Reporter's conclusions:

General

1. A number of representations express concern with the level of development proposed for the Bonnyrigg area, particularly that there are limited services, facilities and employment opportunities to support the growth proposed. In addition, concern is expressed that insufficient priority has been given to developing brownfield land over greenfield, green belt, and agricultural land. Furthermore, that the proposals will result in coalescence between Bonnyrigg, Eskbank, Newtongrange and Rosswell.
2. With regard to the level of development, Issue 1 (vision, aims and objectives) and Issue 3 (requirement for new development) address this matter. Policy IMP 2 (essential infrastructure required to enable new development to take place) lists the essential infrastructure required to support the delivery of the planned housing growth with infrastructure requirements itemised in the settlement statements. Furthermore, policy IMP 1 (new development) requires planning conditions to be attached to planning approvals and, where appropriate, developer contributions to ensure the provision of essential infrastructure.
3. Matters regarding the suggestion that insufficient priority has been given to brownfield land is addressed in Issue 12 (green belt) and Issue 14 (prime agricultural farmland and peat and carbon rich soils). Matters regarding coalescence are addressed within Issue 4 (open space, design and coalescence). I therefore find no amendments are necessary in response to representations on these matters.

Broomieknowe (Hs9)

4. Several representations object to the allocation of site Hs9 for a number of reasons including: coalescence, loss of greenfield land, loss of green belt, landscape impact, design, amenity, loss of agricultural land, ecological impact, loss of green space, impact on countryside access and rights of way, site access, traffic impact and lack of infrastructure provision. Despite these concerns, time has passed since the publication of the proposed

plan during which, as noted on my site visit, development of the site has commenced. I therefore find that it would be inappropriate to delete the site from the proposed plan. No amendments are necessary in response to these representations.

Dalhousie Mains (Hs10)

5. A number of representations have raised concern regarding the impact of the development of site Hs10 due to potential coalescence between Bonnyrigg and Eskbank. The council's Development Sites Assessment Technical Note highlighted the issue of coalescence as an issue at Dalhousie Mains. As a result, the proposed plan seeks to address this by identifying the need for a 30 metre wooded perimeter to be planted to minimise visual coalescence. On this basis, I find no amendments are necessary in response to these representations.

6. The impact of the proposed allocation on ecology has also been raised in several representations. The Revised Environmental Report identified, in respect of biodiversity, that care was needed with regard to the broadleaf woodland on the site which is acknowledged within the proposed plan. In addition, proposed policies ENV 11 (woodland, trees and hedges) and ENV 15 (species and habitat protection and enhancement) would ensure that ecology issues are fully considered as part of the determination of any subsequent planning application(s) on the site. I therefore find that there is sufficient provision within the proposed plan to safeguard and enhance ecology on the site. No amendments are necessary in response to these representations.

7. Grange Estates (Newbattle) request flexibility with regard to the proposed density of site Hs10 to enable future development to respond to market conditions. The council has confirmed that the site capacities identified within the proposed plan are indicative, to acknowledge that circumstances may change over time. Policy IMP 1 (new development), requires development briefs or masterplans to be prepared by the council, in conjunction with prospective developers for all allocated sites. I therefore find that the allocation of 300 homes for site Hs10 is reasonable. No amendments are necessary in response to this representation.

Dalhousie South (Hs11)

8. Several representations have raised concerns regarding the loss of green belt land and coalescence as a result of the future development of site Hs11. The council has confirmed, and I agree, that the site is not within the green belt. The council's Development Sites Assessment Technical Note and the Revised Environmental Report highlighted the issue of coalescence as an issue with this site. As a result, the proposed plan seeks to address this by identifying the need for a 30 metre wooded perimeter to minimise visual coalescence. On this basis, I therefore find no amendments are necessary in response to these representations.

9. A representation expresses concern regarding highway impact. The proposed plan highlights the close proximity of the site to Eskbank station and the need for the scheme to contribute to the A7 urbanisation initiative. The proposed plan identifies that it is essential that the site layout includes suitable active travel connections. Proposed policy TRAN 1 (sustainable travel) would ensure the assessment of highway impact at the planning application stage. I therefore consider that the plan provides sufficient safeguards and requirements to ensure limited highway impacts. No amendments are necessary in response to this representation.

10. Grange Estates (Newbattle) request flexibility with regard to the proposed density of site Hs11 to enable future development to respond to future market conditions. As explained in paragraph 7, the council has confirmed that the capacity identified within the proposed plan are indicative and policy IMP 1 requires development briefs or masterplans to be prepared by the council. I therefore consider that the allocation of 360 homes in the proposed plan for site Hs11 is appropriate and reasonable.

Hopefield Extension (Hs12)

11. Representations express concern that site Hs12:

- is not sustainably located, as it is on the wrong side of settlement to make best use of Borders Rail and there is limited access to facilities;
- should be low density and respect the rural character of existing properties;
- will result in coalescence, a loss of open space and prime agricultural land;
- will have a negative impact on ecology, the landscape and residential amenity;
- will result in highway capacity issues.

12. The matters identified above were considered in the council's Development Sites Assessment Technical Note and the Revised Environmental Report. As a result, the proposed plan identifies the need:

- to reinforce the relationship with the current Hopefield development – including vehicular and active travel connections and green networks. In addition, opportunities for linking public transport between the site and the town;
- for planting along site boundaries and open space provision;
- for land to enable the provision of a primary school and health facility.

13. With regard to density, the council has confirmed that the proposed site capacity would equate to 12 dwellings per hectare. This density is low but generally reflects the surrounding area and will allow for the provision of open space within the site. The site has strong physical boundaries which alongside the proposed landscaping would likely ensure that coalescence is avoided.

14. Detailed matters regarding ecology, landscape and residential amenity will be considered fully through the master-planning process required by proposed plan policy IMP 1 and also through the planning application process as a result of a number of policies including: DEV 2 (protecting amenity within the build-up area), DEV 6 (layout and design of new development), ENV 7 (landscape character), and ENV 15 (species and habitat protection and enhancement). I therefore find no amendments are necessary in response to these representations.

15. Concerns have been identified that the site does not accord with policy STRAT 2 (windfall housing) as it would result in loss/damage to open space and conflicts with the established agricultural use. As the site is proposed to be allocated through the plan, the provisions of STRAT 2 are not relevant as they only apply to unallocated sites. As explained above, these matters have been considered through the site assessment process. I therefore find no amendments are necessary in response to these representations.

16. A number of representations express concern that there has been a lack of consultation with regard to the proposed allocation of the site. Whilst the site was not

originally part of the preferred strategy it was identified as a reasonable alternative within the Main Issues Report. As a result, there has been sufficient consultation to allow identification of the proposal in the proposed plan. I therefore find no amendments are necessary in response to these representations.

Additional site

17. A representation identifies the need for additional housing provision to the south of h28 (Hopefield, Bonnyrigg) in order to provide developer contributions towards a new school and provide links between sites Hs11 and Hs12. However, no information detailing the site, its precise location or ownership were submitted by the promoter of the site in response to a further information request issued during the examination process. In addition, the council has provided no indication that school capacity and future provision requires further housing land to be allocated. In any case, as identified in Issue 3 (requirement for new development) there is no need for additional housing to be allocated at this time. I therefore find that no amendments are necessary in response to this representation.

Supportive comments

18. The examination of development plans is restricted to matters raised in unresolved representations. Therefore, the expressions of support from various parties are noted but do not require further consideration.

Reporter's recommendations:

No modifications.

Issue 33	Economic Sites	
Development plan reference:	Strategy for Sustainable Growth – Employment Land Promoting Economic Growth – Sections 4.1 – 4.4.	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
775864 775864 907759 907759 907759 909416 909734 909507 909507 908990 779415 909904 921558 776119 921278 908982 921821 921847 921601 754732 907142 908982 766577 922065 922071 922133 922139 778056 922081 778551 778551 778551 922111 922100 922083 780179 922145 909750 921372 921374 921376 921378	PP36 PP37 PP67 PP68 PP73 PP214 PP279 PP289 PP293 PP361 PP417 PP469 PP495 PP576 PP611 PP666 PP676 PP866 PP912 PP921 PP1047 PP1078 PP1187 PP1213 PP1217 PP1403 PP1407 PP1424 PP1487 PP1503 PP1508 PP1518 PP1556 PP1559 PP1561 PP1628 PP2407 PP2421 PP2428 PP2430 PP2432 PP2434	Sarah Keer-Keer Sarah Keer-Keer Buccleuch Property Group Buccleuch Property Group Buccleuch Property Group Shawfair Business Park Ltd Katherine Reid Scottish Enterprise Scottish Enterprise Scottish Government Friends of Burghlee Park Peter Buchanan Amy Collop Helen M Mitchell Paula Milburn Jennifer Shore Margaret Hodge John Weitzen Ross Laird SEStran Mirabelle Maslin Jennifer Shore Julian Holbrook Victoria Bullock Aldo Togneri Eamonn Coyne Mobile Phone Operators (Vodafone/O2, EE & Three) SEPA Iain Halliday Tynewater Community Council Tynewater Community Council Tynewater Community Council A Black Mairi Needham Linda Halliday Shawfair Business Park Ltd Eskbank Amenity Society lynn mcfadyen David Miller Wilma Porteous Margaret Miller Wilma Sweeney

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921380	PP2436	Stuart Barnes
921382	PP2438	Gavin Boyd
921386	PP2440	Kirsty Barnes
921387	PP2442	Vivienne Boyd
921390	PP2444	John F Davidson
921392	PP2446	Eric Smith
921395	PP2448	Annabel Smith
921397	PP2450	Mary M Young
921399	PP2452	James Young
921401	PP2454	John T Cogle
921402	PP2456	Janette D Barnes
921403	PP2458	Jenny Davidson
921404	PP2460	Pamela Thomson
921406	PP2462	Kevin Davidson
921408	PP2464	Hugh Gillespie
921410	PP2466	Jennifer Gillespie
776516	PP2468	George Barnes
776560	PP2470	James Hutchison
778810	PP2472	John Barton
909049	PP2474	Ross Craig
921259	PP2476	Caroline Sneddon
921414	PP2478	Edith May Barton
921417	PP2480	Alex McLean
921423	PP2482	Marjory McLean
921425	PP2484	Myra G Rodger
921430	PP2486	David S M Hamilton
921431	PP2488	Sally Couch
921434	PP2490	E Hutchison
921436	PP2492	Karen Miller
921437	PP2494	Robert Scott
921439	PP2496	James Telfer
921443	PP2498	Kenneth McLean
921444	PP2500	Lynn MacLeod
921337	PP2502	Dawn Robertson
921342	PP2504	Derek Robertson
921686	PP2506	Stewart Y. Marshall
921694	PP2508	Elsie Marshall
921697	PP2510	Stuart Davis
921698	PP2512	John Owen
921732	PP2514	Susan Falconer
921742	PP2516	Gudrun Reid
929852	PP2518	Marie Owen
921727	PP2520	G Palmer
921630	PP2522	Joan Faithfull
921636	PP2524	Emma Moir
921640	PP2526	M A Faithfull
921644	PP2528	S M Croall
921651	PP2530	R I Pryor
921659	PP2532	Susan E Wright
921663	PP2534	R A Pryor
921669	PP2536	Michael Boyd
921675	PP2538	Dianne Kennedy

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921679	PP2540	George Sweeney
921682	PP2542	David A Porteous
921685	PP2544	Colin Miller
921599	PP2546	Julia Peden
921616	PP2548	Alan Mercer
921622	PP2550	Jim Moir
921971	PP2552	Zow-Htet
921740	PP2554	A H Cunningham
921753	PP2556	W R Cunningham
921768	PP2558	Matthew McCreath
921974	PP2560	Rae Watson
921975	PP2562	Christina Watson
921976	PP2564	Moira Jones
921919	PP2566	George Gray
921920	PP2568	Nan Gray
921929	PP2570	David Binnie
921960	PP2572	George Mackay
921970	PP2574	Gayle Marshall
909886	PP2576	Mary Clapperton
921918	PP2578	John Scaife
921925	PP2580	Colin Richardson
921962	PP2582	Karen Langham
921965	PP2584	Elizabeth Richardson
921968	PP2586	Avril Thomson
922025	PP2588	Linda Scaife
782000	PP2590	Kenneth Purves
782003	PP2592	E Purves
783974	PP2594	Donald Marshall
921900	PP2596	Marshall Scott
921905	PP2598	Carolyn Millar
921908	PP2600	Charles A Millar
921826	PP2602	Lorna Reid
921828	PP2604	Hazel Johnson
921830	PP2606	A F Wardrope
921910	PP2608	Isobel Ritchie
921914	PP2610	Lewis Jones
921915	PP2612	Karlynn Durrant
921917	PP2614	John Blair
921999	PP2616	Colin Johnson
921658	PP2618	Patrick Mark
921794	PP2620	Patricia Barclay
921896	PP2622	Kenneth A Hyslop
922005	PP2624	Jan Krwawicz
922006	PP2626	Marjorie Krwawicz
921709	PP2628	Chris Boyle
921722	PP2630	K Palmer
921832	PP2632	Elizabeth Anderson
921835	PP2634	Janette Evans
921888	PP2636	Ann O'Brian
921889	PP2638	Gail Reid
921893	PP2640	Zoe Campbell
922020	PP2642	Simon Evans

922075	PP2644	Anne Murray
761132	PP2661	Jon Harman
761132	PP2662	Jon Harman
921224	PP2665	Veronica Meikle
910215	PP2667	University of Edinburgh
778585	PP2679	Claire Houston
921854	PP2680	Mary E Berry
909531	PP2692	Lesley King
909440	PP2694	Jackie Togneri
922123	PP2698	Colin Gordon
922124	PP2699	Calum Mack
922127	PP2700	Carol Gordon
909730	PP2751	Sara Cormack
826479	PP2755	Edinburgh and Lothian Green Network
754767	PP2767	Eskbank Amenity Society
778171	PP2814	Jacqueline Marsh
922151	PP2825	Peter Clark
754735	PP2861	Scottish Natural Heritage
754735	PP2862	Scottish Natural Heritage
754735	PP2880	Scottish Natural Heritage
922121	PP2897	C Daniels

Provision of the development plan to which the issue relates:	Section 2.3 Employment Land, paragraphs 2.3.12 – 2.3.15 including policy STRAT5. Sections 4.1, 4.2, 4.3 and 4.4, paragraphs 4.1.1 – 4.4.5 including policies ECON1, ECON2, ECON3, ECON4, ECON5, ECON6 and ECON7.
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Planning authority’s summary of the representation(s):

Raises concerns regarding loss of Green Belt to Economic Land

Considers that the Proposed Plan locates employment on Green Belt and prime agricultural land, which will require new infrastructure to service these developments. (PP676 Margaret Hodge; PP1187 Julian Holbrook; PP2407 Eskbank Amenity Society; PP2428 David Miller; PP2430 Wilma Porteous; PP2432 Margaret Miller; PP2434 Wilma Sweeney; PP2436 Stuart Barnes; PP2438 Gavin Boyd; PP2440 Kirsty Barnes; PP2442 Vivienne Boyd; PP2444 John F Davidson; PP2446 Eric Smith; PP2448 Annabel Smith; PP2450 Mary M Young; PP2452 James Young; PP2454 John T Cogle; PP2456 Janette D Barnes; PP2458 Jenny Davidson; PP2460 Pamela Thomson; PP2462 Kevin Davidson; PP2464 Hugh Gillespie; PP2466 Jennifer Gillespie; PP2468 George Barnes; PP2470 James Hutchison; PP2472 John Barton; PP2474 Ross Craig; PP2476 Caroline Sneddon; PP2478 Edith May Barton; PP2480 Alex McLean; PP2482 Marjory McLean; PP2484 Myra G Rodger; PP2486 David S M Hamilton; PP2488 Sally Couch; PP2490 E Hutchison; PP2492 Karen Miller; PP2494 Robert Scott; PP2496 James Telfer; PP2498 Kenneth McLean; PP2500 Lynn MacLeod; PP2502 Dawn Robertson; PP2504 Derek Robertson; PP2506 Stewart Y Marshall; PP2508 Elsie Marshall; PP2510 Stuart Davis; PP2512 John Owen; PP2514 Susan Falconer; PP2516 Gudrun Reid; PP2518 Marie Owen; PP2520 G Palmer; PP2522 Joan Faithfull; PP2524 Emma Moir; PP2526 M A Faithfull; PP2528 S M Croall; PP2530 R I Pryor; PP2532 Susan E Wright; PP2534 R A Pryor; PP2536 Michael Boyd; PP2538 Dianne Kennedy; PP2540 George Sweeney; PP2542 David A Porteous; PP2544 Colin Miller; PP2546 Julia Peden; PP2548 Alan Mercer; PP2550 Jim Moir; PP2552 Zow-Htet; PP2554 A H Cunningham; PP2556 W R Cunningham; PP2558 Matthew

McCreath; PP2560 Rae Watson; PP2562 Christina Watson; PP2564 Moira Jones; PP2566 George Gray; PP2568 Nan Gray; PP2570 David Binnie; PP2572 George Mackay; PP2574 Gayle Marshall; PP2576 Mary Clapperton; PP2578 John Scaife; PP2580 Colin Richardson; PP2582 Karen Langham; PP2584 Elizabeth Richardson; PP2586 Avril Thomson; PP2588 Linda Scaife; PP2590 Kenneth Purves; PP2592 E Purves; PP2594 Donald Marshall; PP2596 Marshall Scott; PP2598 Carolyn Millar; PP2600 Charles A Millar; PP2602 Lorna Reid; PP2604 Hazel Johnson; PP2606 A F Wardrope; PP2608 Isobel Ritchie; PP2610 Lewis Jones; PP2612 Karlyn Durrant; PP2614 John Blair; PP2616 Colin Johnson; PP2618 Patrick Mark; PP2620 Patricia Barclay; PP2622 Kenneth A Hyslop; PP2624 Jan Krwawicz; PP2626 Marjorie Krwawicz; PP2628 Chris Boyle; PP2630 K Palmer; PP2632 Elizabeth Anderson; PP2634 Janette Evans; PP2636 Ann O'Brian; PP2638 Gail Reid; PP2640 Zoe Campbell; PP2642 Simon Evans; PP2644 Anne Murray; PP2751 Sara Cormack; PP2767 Eskbank Amenity Society; PP2814 Jacqueline Marsh)

Objects to economic allocations at Oatslie, Roslin (sites e34 and Ec5)

Objects to the committed site e34 and proposed site Ec5 Oatslie for the following reasons:

- Impact on village/countryside character, setting and amenity
- Loss of Green Belt
- Loss of prime agricultural land
- Risk of coalescence
- Loss of community identity
- Economic land is better located at The Bush (Easter Bush), Bilston Glen or Straiton
- Loss of open space/countryside for recreational use
- Loss of defined village boundary
- Impact on tourism
- Loss of habitats and wildlife corridors
- Increase in flooding due to development of fields used for water runoff
- Considers that there are brownfield alternatives in Edinburgh
- Development is not required (surplus to requirements) or desirable in Roslin
- Inadequate public transport
- Scale of development
- Creation of additional congestion
- Increase in congestion
- Lack of infrastructure capacity

(PP36 Sarah Keer-Keer; PP469 Peter Buchanan; PP495 Amy Collop; PP611 Paula Milburn; PP666 Jennifer Shore; PP866 John Weitzen; PP1047 Mirabelle Maslin; PP1078 Jennifer Shore; PP1213 Victoria Bullock; PP1217 Aldo Togneri; PP1403 Eamonn Coyne; PP1487 Iain Halliday; PP1556 A Black; PP1559 Mairi Needham; PP1561 Linda Halliday; PP2421 Lynn Mcfadyen; PP2661 Jon Harman; PP2662 Jon Harman; PP2665 Veronica Meikle; PP2680 Mary E Berry; PP2694 Jackie Togneri; PP2698 Colin Gordon; PP2699 Calum Mack; PP2700 Carol Gordon; PP2692 Lesley King)

Representations relating to The Bush

Comments that few of the jobs, and fewer of the higher paid jobs, at Easter Bush have gone to local residents. Considers the Council should find out from the businesses operating in this area how many employees were Midlothian residents when they started working there, and what grade they hold in the organisation. Considers the Council should work more closely with these businesses to increase the number and pay level of

Midlothian residents working in these firms and organisations. (PP37 Sarah Keer-Keer)

Supports the economic growth section of the plan, in particular support for the bioscience sector in and around The Bush. (PP279 Katherine Reid)

The Bush and most (but not all) of the allocations associated with this location appear in the Bilston settlement statement but they appear on the Roslin & Auchendinny proposals map (and the Loanhead, Straiton & Bilston proposals map). In addition the site boundaries of the allocations at The Bush are not clear, there is no guidance on the intentions for the areas of white land on the proposals map and considers that the Proposed Plan should provide enhanced status to the Bush Master Plan. (PP293 Scottish Enterprise)

While supportive of the proposal to incorporate the Bush Masterplan into the MLDP, it is considered that the current masterplan does not adequately secure/enhance the existing landscape framework. Raises concern that ECON2 is not explicit on whether this will be dealt with via SG. (PP2862 Scottish Natural Heritage)

Representations relating to Shawfair Park (Ec1 and e27)

Considers that LDP should continue to permit class 5 development at site e27. Asserts that there is little demand for class 4 or 5 development at present and that range of uses should remain flexible to give park best chance of success and comply with Scottish Planning Policy. An objection is made to the scale of the allocation at Ec1. Representor considers that the eastern part of site e27 should be developed before the western part and that Ec1 should follow - considers that order of priorities previously set out in MLP should be reiterated in LDP to ensure this. Representor states that LDP should reiterate MLP requirements to ensure that access to Ec1 should be restricted so that it comes through e27, so that it will not impact Sheriffhall junction. In support representor refers to investment made by client to initiate business park at location. (PP67 Buccleuch Property Group)

Supports the position of policy ECON3 allowing for the potential of ancillary uses at Shawfair Park and considers that the range of permitted uses at Shawfair Park must remain flexible to give the Park the best chance of success and to comply with Scottish Planning Policy. (PP73 Buccleuch Property Group)

Broadly supports the allocation of site Ec1 but considers there is no justification to restrict the provision of ancillary uses solely to the original economic allocation at Shawfair Park (site e27). Planning support for ancillary development on business parks acknowledges the need for, and the role that additional services and facilities in these locations can play in providing support for the primary employment use. However the principle should be applied consistently across the Shawfair Park employment allocations and should also apply to site Ec1. (PP214 Shawfair Business Park Ltd)

Broadly supports the allocation of Ec1 (see attached statement) but considers the reference to "ancillary support services" on the existing Shawfair Park site (e27) should also apply to Ec1. (PP1628 Shawfair Business Park Ltd)

Representations on the Economic policies

Generally supports the strategy for sustainable growth as it relates to economic development and to the policies promoting economic growth and retaining allocated sites

for business development - policies ECON1 and ECON2. Acknowledges and supports the references in the proposed plan to the longer term commitment to employment land allocation and the longer lead in times required for delivering employment opportunities. Queries whether the proposed plan has optimised land use flexibility within employment sites generally and at The Bush, Shawfair and Roslin in particular. Suggests the Council reconsiders the land use classifications applicable to the allocated economic sites. This approach could possibly ensure greater flexibility and earlier delivery and retention of business development. Acknowledges and supports the Proposed Plan's position of retaining employment land for this purpose but also appreciates that in certain circumstances it may be appropriate to allow the loss of an employment site for an alternative use. Requests that in such cases the Council satisfy themselves that the value of these sites to the overall economic land supply is evaluated before a decision is taken. (PP289 Scottish Enterprise)

Objects to the wording in policy STRAT5 which states 'Proposals for non-employment uses will not be permitted.' Considers that this runs contrary to SPP and SDP. (PP361 Scottish Government)

Suggest that the Promoting of Economic Growth sections must pay greater consideration to the Sustainable Transport policies outlined in section 4.5. Policy ECON7 making explicit reference is an example of this. Would like to see references to measures to monitor the effects of Sustainable Travel Plans in Midlothian. (PP921 SEStran)

Supports policy Econ5 (paragraph 7.1 - 7.2 in attached statement) but considers the title of the policy should be changed. (PP1424 SEPA)

Paragraph 4.1.4 rightly acknowledges the economic significance of the re-opening of the Borders Railway but the MLDP does not contain any policy to encourage the development and safeguarding of the station sites and their immediate surroundings. (PP1503 Tynewater Community Council)

Objects to policy Econ 6. The policy grudgingly accepts the existence of home based business operations but offers little encouragement. Given the apparent extent and scale of this type of operation in rural areas (including Tynewater), considers this lack of positive and constructive approach is regrettable. (PP1508 Tynewater Community Council)

Objects to a number of economic sites (proposed and committed): - Whitehill Mains (e26): With reference to Edinburgh Green Belt Review 2008 (EGBR), considers site forms part of rural setting and foreground view of city. Raises concerns that policies ENV1 and ENV4 are being ignored and that it will not be possible to form green network in this area; - Sheriffhall South (e32): With reference to EGBR, while small retail may be acceptable in area, site cannot be regarded as small-scale. Work on the more southerly triangular site has not begun and therefore it should be removed; - West Straiton (Ec3): Concerned that this allocation removes a very large area from the Green Belt, which is not supported by the EGBR. Not convinced that the MLDP makes the case for gateway concept of the A701 roadline and considers that this constitutes ribbon development along the A701 and would cause coalescence with Bilston; - Oatslie (e34) and Oatslie expansion: Considers that broadly conforms with EGBR (Ec5 more so). (PP2755 Edinburgh and Lothian Green Network)

Supports the following economic sites identified in the Proposed Plan: proposed site Ec5 Oatslie Expansion, Roslin; proposed site Bt1 Easter Bush North; proposed site Bt2 Easter

Bush South; proposed site Bt3 Techno Pole North West; committed site B6 Easter Bush (allocated in Midlothian Local Plan 2008); and committed site e34 Oatslie (allocated in Midlothian Local Plan 2008). (PP2667 University of Edinburgh)

Objects to sites e14 and Ec2 being allocated for economic purposes

Objects to allocation of sites e14 and Ec2 as business/industrial use and seeks mixed use development (predominantly residential, but also including commercial uses). States that residential development would have higher value and facilitate opening up the site. States that there is no demand nor requirement for employment allocation of this scale at this location; considers that land has been allocated for economic use since 1974 and refers to Ryden to Employment Land and Property Market Review commissioned by Buccleuch Property Group. Considers that environs of site have changed since allocation with housing replacing industry in locality, new A68 bypass and education facilities. States that site could be brought forward imminently. States that good trunk road connections favour a residential rather than a business use - A68 Dalkeith bypass allows traffic to avoid town centre. States that site is not green belt unlike some of the other sites proposed to be allocated for residential development, and non green belt sites should be submitted first. States that site located within boundary of Dalkeith and has existing residential land to the south and supporting facilities. Site could accommodate commercial development, including community facilities which will generate employment. Potential for green network links to Dalkeith Country Park. Site has constraints but these can only be overcome with a higher value use than employment land. Considers that site performed well in Council's development sites assessment. Accepts further study re impact on neutral grassland, flooding, and archaeology required. (PP68 Buccleuch Property Group)

Objects to proposed allocation Ec4 Ashgrove North

Objects to the proposed economic site at Ashgrove North (Ec4). Considers that these will contribute to coalescence, resulting in loss of identity; concern regarding the strain these will put on infrastructure; considers that existing economic developments have cheapened the area, adding light pollution, noise and traffic, undermining the idea of the 'Midlothian Gateway', particularly as these may obstruct views of the Pentlands; raises concerns about loss of wildlife, particularly in light of climate change and loss of habitats. (PP2897 C Daniels)

Representations made on policy IT1

Supports policy IT1: Digital Infrastructure within the MLDP. (PP1407 Mobile Phone Operators (Vodafone/O2, EE & Three))

Broadly welcomes policy IT1, but considers that assertion that 98% of Midlothian households having access to high-speed broadband to be unlikely. No firm date set for roll-out in parts of Tynewater. (PP1518 Tynewater Community Council)

Modifications sought by those submitting representations:

Raises concerns regarding loss of Green Belt to Economic Land

Suggests that the plan should instead direct employment uses to brownfield sites within existing town centres. (PP676 Margaret Hodge; PP1187 Julian Holbrook; PP2407 Eskbank Amenity Society; PP2428 David Miller; PP2430 Wilma Porteous; PP2432 Margaret Miller;

PP2434 Wilma Sweeney; PP2436 Stuart Barnes; PP2438 Gavin Boyd; PP2440 Kirsty Barnes; PP2442 Vivienne Boyd; PP2444 John F Davidson; PP2446 Eric Smith; PP2448 Annabel Smith; PP2450 Mary M Young; PP2452 James Young; PP2454 John T Cogle; PP2456 Janette D Barnes; PP2458 Jenny Davidson; PP2460 Pamela Thomson; PP2462 Kevin Davidson; PP2464 Hugh Gillespie; PP2466 Jennifer Gillespie; PP2468 George Barnes; PP2470 James Hutchison; PP2472 John Barton; PP2474 Ross Craig; PP2476 Caroline Sneddon; PP2478 Edith May Barton; PP2480 Alex McLean; PP2482 Marjory McLean; PP2484 Myra G Rodger; PP2486 David S M Hamilton; PP2488 Sally Couch; PP2490 E Hutchison; PP2492 Karen Miller; PP2494 Robert Scott; PP2496 James Telfer; PP2498 Kenneth McLean; PP2500 Lynn MacLeod; PP2502 Dawn Robertson; PP2504 Derek Robertson; PP2506 Stewart Y Marshall; PP2508 Elsie Marshall; PP2510 Stuart Davis; PP2512 John Owen; PP2514 Susan Falconer; PP2516 Gudrun Reid; PP2518 Marie Owen; PP2520 G Palmer; PP2522 Joan Faithfull; PP2524 Emma Moir; PP2526 M A Faithfull; PP2528 S M Croall; PP2530 R I Pryor; PP2532 Susan E Wright; PP2534 R A Pryor; PP2536 Michael Boyd; PP2538 Dianne Kennedy; PP2540 George Sweeney; PP2542 David A Porteous; PP2544 Colin Miller; PP2546 Julia Peden; PP2548 Alan Mercer; PP2550 Jim Moir; PP2552 Zow-Htet; PP2554 A H Cunningham; PP2556 W R Cunningham; PP2558 Matthew McCreath; PP2560 Rae Watson; PP2562 Christina Watson; PP2564 Moira Jones; PP2566 George Gray; PP2568 Nan Gray; PP2570 David Binnie; PP2572 George Mackay; PP2574 Gayle Marshall; PP2576 Mary Clapperton; PP2578 John Scaife; PP2580 Colin Richardson; PP2582 Karen Langham; PP2584 Elizabeth Richardson; PP2586 Avril Thomson; PP2588 Linda Scaife; PP2590 Kenneth Purves; PP2592 E Purves; PP2594 Donald Marshall; PP2596 Marshall Scott; PP2598 Carolyn Millar; PP2600 Charles A Millar; PP2602 Lorna Reid; PP2604 Hazel Johnson; PP2606 A F Wardrope; PP2608 Isobel Ritchie; PP2610 Lewis Jones; PP2612 Karlyn Durrant; PP2614 John Blair; PP2616 Colin Johnson; PP2618 Patrick Mark; PP2620 Patricia Barclay; PP2622 Kenneth A Hyslop; PP2624 Jan Krwawicz; PP2626 Marjorie Krwawicz; PP2628 Chris Boyle; PP2630 K Palmer; PP2632 Elizabeth Anderson; PP2634 Janette Evans; PP2636 Ann O'Brian; PP2638 Gail Reid; PP2640 Zoe Campbell; PP2642 Simon Evans; PP2644 Anne Murray; PP2751 Sara Cormack; PP2767 Eskbank Amenity Society; PP2814 Jacqueline Marsh)

Objects to economic allocations at Oatslie, Roslin (sites e34 and Ec5)

Delete committed economic site e34 Oatslie and Proposed Plan site Ec5 Oatslie Extension and return/retention of Green Belt status. (PP2825 Peter Clark; PP469 Peter Buchanan; PP866 John Weitzen; PP1047 Mirabelle Maslin; PP666 Jennifer Shore; PP1213 Victoria Bullock; PP1403 Eamonn Coyne; PP2421 Lynn Mcfadyen; PP2661, PP2662 Jon Harman; PP2665 Veronica Meikle; PP2680 Mary E Berry)

Delete site Ec5 Oatslie Expansion and retain Green Belt status. (PP36 Sarah Keer-Keer; PP495 Amy Collop; PP611 Paula Milburn; PP1217 Aldo Togneri; PP1487 Iain Halliday; PP1556 A Black; PP1561 Linda Halliday; PP2694 Jackie Togneri; PP2698 Colin Gordon; PP2699 Calum Mack; PP2700 Carol Gordon)

Ideally there should be substantial woodland planting to north of Pentland Road/A701 crossroads to strengthen separation with Bilston. (PP2755 Edinburgh and Lothian Green Network)

Representations relating to The Bush

The Council should work closer with organisations located at The Bush to secure more,

and higher paid, jobs for Midlothian residents. (PP37 Sarah Keer-Keer)

No changes to the plan suggested (PP279 Katherine Reid)

Scottish Enterprise requests that Midlothian Council gives consideration to revisions to the written statement and the proposals maps extracts such that The Bush is documented fully within one settlement and its corresponding Proposals Map only, that the Local Development Plan and the Bush Master Plan requirements should coincide and the status of the master plan is enhanced. (PP293 Scottish Enterprise)

Recommend update to Bush Masterplan Framework and modification of policy ECON2 to provide a 'hook' for SG. Matters to be dealt with in the revision should include: - Incorporation of landscape framework as a strategic objective; - Requirement to identify built form and scale and expansion of landscape framework; and - Informed by place making and green network principles. (PP2862 Scottish Natural Heritage)

Representations relating to Shawfair Park (Ec1 and e27)

Continued allowance for Class 5 development at e27, and policy requirement to develop eastern part of e27 before western part, with Ec1 to follow, and restrict access to Ec1 so that it passes through e27. (PP67 Buccleuch Property Group)

Allow for a range of uses at Shawfair Business Park as suggested within Policy ECON3 and also to include Class 5 use. (PP73 Buccleuch Property Group)

At Table 8.3 Danderhall/Shawfair Employment Allocation, 'Development Considerations,' the second sentence should be amend to state "The MLDP has identified this site for business (Class 4) and industry (Class 5) uses (plus ancillary support activities)." This is consistent with the 'Development Considerations' for e27. (PP214 Shawfair Business Park Ltd)

Amend third sentence of the "Development Considerations" text in table 8.3 Danderhall/Shawfair Employment Allocation to state "The MLDP has identified this site for business (class 4) and industry (class 5) uses (plus ancillary support activities)." (PP1628 Shawfair Business Park Ltd)

Representations on the Economic policies

Scottish Enterprise requests that consideration is given to minor amendments to specific wording throughout the Proposed Plan in circumstances where it explicitly refers to a particular Use Class in allocating land for development (established or allocated economic land supply). In particular, Scottish Enterprise requests that economic development is facilitated on all sites which are restricted to Class 4, 5 or 6 or specifically referred to as part of the Life Science industries, to allow flexible delivery of other forms of appropriate economic development in those circumstances where alternative uses are directly related to the type and form of development within that allocated land, are consistent with the environment being created and which provide employment opportunities / densities equal to or greater than the specifically allocated use in the Proposed Plan.

Add the following text to Policy ECON 1 Existing Employment Locations (see italics):

"The introduction or expansion of non-business or industrial uses will not be permitted

unless the proposed development will provide an employment density equal to or greater than that which may be provided from Class 4, 5 or 6 use. The loss or redevelopment of an existing business or industrial site in productive employment use to an alternative non-employment generating use will only be permitted if:

E. there is no net detriment to the overall supply of economic land *in terms of location, availability, type, scale and accessibility of land*; or

F. if that loss would result in enabling development to facilitate the delivery of other land for employment purposes to an employment density equal to or greater than that which may be provided from the land lost to the overall economic supply of land.

Add the following text to Policy ECON 2 The Bush Bioscience Cluster (see italics):

Unless included in the Bush Framework Masterplan , proposals for non-research or bioscience manufacturing uses will not be supported unless the uses are connected to or related to the bioscience research and development environment being created at The Bush and create employment density equal to or more than that which may be provided by the permitted use.

Add the following sentence to the end of paragraph 4.1.6:

On a case by case basis, alternative uses may also be acceptable where such development would support and enhance the existing/allocated use of the land, be consistent with the environment being created at that site and would provide employment opportunities/density equal to or greater than the permitted/allocated use.

Add the following text to the end of paragraph 8.3.22 (see italics):

To meet the requirements of the SESplan spatial strategy, the MLDP expects the delivery of the committed development land and the allocation of new sites as set out below, subject also to paragraph 4.1.6. (PP289 Scottish Enterprise)

In policy STRAT5, remove the final sentence of the 1st paragraph which states "proposals for non-employment uses will not be permitted" and add the text in italics so that the 1st paragraph reads as follows: "Development for employment uses to meet the SESplan strategic economic land requirement will be supported on the sites identified as strategic employment land allocations, and for the purposes as specified, in the Settlement Statements and listed in Appendix 3B, and shown on the Proposals Map, provided it accords with the Local Development Plan policies and proposals" (PP361 Scottish Government)

Suggest that the Promoting of Economic Growth sections must pay greater consideration to the Sustainable Transport policies outlined in section 4.5. Policy ECON7 making explicit reference is an example of this. (PP921 SEStran)

Recommend the title of Policy Econ5 be changed to Policy Econ 5 - Industries Which Require Other Licenses, Permits or Consents. (PP1424 SEPA)

No changes to the plan suggested (PP1503, PP1508, Tynewater Community Council)

Seeks allocation of sites e14 and Ec2 as mixed use development, which shall be predominantly residential, but also include commercial uses. (PP68 Buccleuch Property

Group)

Objects to proposed allocation Ec4 Ashgrove North

Seeks removal of proposed site at Ashgrove North (Ec4) from the plan. (PP2897 C Daniels)

Representations made on policy IT1

No changes to the MLDP proposed. (PP1407 Mobile Phone Operators (Vodafone/O2, EE & Three))

No changes to the plan suggested (PP1518 Tynewater Community Council)

Summary of responses (including reasons) by planning authority:

Context

A key objective of the Proposed Plan's settlement strategy is to promote local employment. As outlined in Table 2.5 of the plan, provision is made for the designation 20 hectares of employment land in the South East Edinburgh Strategic Development Area, 10 hectares in the A7/A68/Borders Rail Corridor and 20 hectares in the A701 Corridor. These are achieved in the proposed plan through Proposal STRAT5 and Appendix 3B, which lists the sites in question.

In addition to this, the plan allocates 15 Ha at the Bush Estate, which is covered by policy ECON2. This is to reflect the role of life sciences plays in the national economy and its potential for providing future growth.

Raises concerns regarding loss of Green Belt to Economic Land

The Council considers that its approach to identifying sites is in line with paragraph 40 of the SPP, which states '*considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.*'

The Vacant and Derelict Land Survey does not indicate much brownfield land that would be suitable for economic development and/or meet the sustainable development assessment criteria. However on many of the long established economic sites such as Bilston Glen and Butlerfield Industrial Estates the Council has consented a number of redevelopment or extension applications on these estates. The Council has sought to identify a selection of economic sites that it considers can best attract investment and adapt to changing market requirements. It has deallocated some long standing sites with little or no likely prospect of development over the plan period and amalgamated these into larger areas, well placed to good transport connections and public transport at Shawfair Park, Salter's Park and land at Ashgrove. Changes to Government policy in respect of non-conforming uses in the green belt resulted in land at The Bush being removed from the green belt. The area forms part of the Edinburgh Science Triangle and is allocated for Bioscience uses (principally earth and animal biosciences). It is a key sector in the Government's Economic strategy reflecting the recent designation of Enterprise Area status at the Biocampus. The SDP requirements include additional land to be allocated at The Bush to support the future development of the sector.

The Proposed Plan must be consistent with the SDP and while the Council acknowledges that the economic allocations are on green field or green belt locations it considers that the plan provides a balanced approach. Given the scale of development the MLDP is required to accommodate, the limited availability of appropriate brownfield sites and the proximity of the main settlements in Midlothian to the City bypass, it is considered that allocating agricultural land for new development is unavoidable. However, allied with existing industrial estates, the Council considers the proposed allocations provide a range of sites of a scale and nature that will attract investment and are in accessible and sustainable locations.

The Council , therefore request that the Reporter(s) make no modification to the Proposed Plan in respect to these representations (PP676 Margaret Hodge; PP1187 Julian Holbrook; PP2407 Eskbank Amenity Socitey; PP2428 David Miller; PP2430 Wilma Porteous; PP2432 Margaret Miller; PP2434 Wilma Sweeney; PP2436 Stuart Barnes; PP2438 Gavin Boyd; PP2440 Kirsty Barnes; PP2442 Vivienne Boyd; PP2444 John F Davidson; PP2446 Eric Smith; PP2448 Annabel Smith; PP2450 Mary M Young; PP2452 James Young; PP2454 John T Cogle; PP2456 Janette D Barnes; PP2458 Jenny Davidson; PP2460 Pamela Thomson; PP2462 Kevin Davidson; PP2464 Hugh Gillespie; PP2466 Jennifer Gillespie; PP2468 George Barnes; PP2470 James Hutchison; PP2472 John Barton; PP2474 Ross Craig; PP2476 Caroline Sneddon; PP2478 Edith May Barton; PP2480 Alex McLean; PP2482 Marjory McLean; PP2484 Myra G Rodger; PP2486 David S M Hamilton; PP2488 Sally Couch; PP2490 E Hutchison; PP2492 Karen Miller; PP2494 Robert Scott; PP2496 James Telfer; PP2498 Dr Kenneth McLean; PP2500 Lynn MacLeod; PP2502 Dawn Robertson; PP2504 Derek Robertson; PP2506 Stewart Y Marshall; PP2508 Elsie Marshall; PP2510 Stuart Davis; PP2512 John Owen; PP2514 Susan Falconer; PP2516 Gudrun Reid; PP2518 Marie Owen; PP2520 G Palmer; PP2522 Joan Faithfull; PP2524 Emma Moir; PP2526 M A Faithfull; PP2528 S M Croall; PP2530 R I Pryor; PP2532 Susan E Wright; PP2534 R A Pryor; PP2536 Michael Boyd; PP2538 Dianne Kennedy; PP2540 George Sweeney; PP2542 David A Porteous; PP2544 Colin Miller; PP2546 Julia Peden; PP2548 Alan Mercer; PP2550 Jim Moir; PP2552 Zow-Htet; PP2554 A H Cunningham; PP2556 W R Cunningham; PP2558 Matthew McCreath; PP2560 Rae Watson; PP2562 Christina Watson; PP2564 Moira Jones; PP2566 George Gray; PP2568 Nan Gray; PP2570 David Binnie; PP2572 George Mackay; PP2574 Gayle Marshall; PP2576 Mary Clapperton; PP2578 John Scaife; PP2580 Colin Richardson; PP2582 Karen Langham; PP2584 Elizabeth Richardson; PP2586 Avril Thomson; PP2588 Linda Scaife; PP2590 Kenneth Purves; PP2592 E Purves; PP2594 Donald Marshall; PP2596 Marshall Scott; PP2598 Carolyn Millar; PP2600 Charles A Millar; PP2602 Lorna Reid; PP2604 Hazel Johnson; PP2606 A F Wardrope; PP2608 Isobel Ritchie; PP2610 Lewis Jones; PP2612 Karlyn Durrant; PP2614 John Blair; PP2616 Colin Johnson; PP2618 Patrick Mark; PP2620 Patricia Barclay; PP2622 Kenneth A Hyslop; PP2624 Jan Krwawicz; PP2626 Marjorie Krwawicz; PP2628 Chris Boyle; PP2630 K Palmer; PP2632 Elizabeth Anderson; PP2634 Janette Evans; PP2636 Ann O'Brian; PP2638 Gail Reid; PP2640 Zoe Campbell; PP2642 Simon Evans; PP2644 Anne Murray; PP2751 Sara Cormack; PP2767 Eskbank Amenity Society; PP2814 Jacqueline Marsh)

Objects to economic allocations at Oatslie, Roslin (sites e34 and Ec5)

Policy context

The Strategic Development Plan ([Policy 1A and 'Midlothian / Borders' section](#)) makes provision for allocating strategic economic land in the A701 Corridor of 15 Ha. Bioscience development at The Bush is a specialist sector and subject to additional provision over and

above the general economic allocations in this corridor. The Council considers there are limited opportunities to meet the requirement and that the proposed sites Ec4 Ashgrove North and Ec5 Oatslie represent reasonable selections given their relationship to committed economic allocations and, in the case of Ec4, the City bypass.

Impact on village/countryside character, setting and amenity

The Council considers that any landscape impact from the development of the Oatslie sites can be mitigated. Structures would only likely be located on a proportion of the site, allowing for substantial landscaping. Furthermore the sites are considered to be of a sufficient distance from the historic core of Roslin, that there would be no significant impact on the character of the village.

Loss of Green Belt

Site e34 was allocated for economic purposes in the 2008 Midlothian Local Plan. While the original intention was to remove it from the Green Belt upon allocation, the Reporter of Inquiry decided that keeping it in the Green Belt would allow for higher design standards (CD077, Section 38, paragraph 38.30, page 330). Site Ec5 is considered to be an extension of e34 and therefore a similar approach has been taken. The Council may review this position upon the development of this site at a future date.

At the site assessment process, the Council found that there was lack of potential sites in A701 corridor to choose from, particularly for economic land. Given that the proposed plan has to allocate 15 Ha of land for economic uses, it is considered that expanding at existing allocations was an appropriate approach

Loss of agricultural land

As mentioned above, there is a requirement upon the proposed plan for the allocation of 15 Ha of economic land in the A701 corridor and that there is a lack of potential sites to choose from in general. While it would have been desirable to allocate only brownfield land there is simply not enough to meet the scale of housing and economic allocations required therefore consideration of green belt, prime agricultural land and green field sites has been necessary.

Risk of coalescence/community identity

The Council does not consider that the risk of coalescence from these sites is significant. While it is accepted that there would be some intervisibility between these sites and h55 at Bilston (the most southerly site for that settlement), they are considered to be far enough apart to maintain visible separation, particularly when the landscaping treatment is taken into account.

Economic land is better located at the Bush

The Proposed Plan must be consistent with the SDP. In this respect it includes allocations for both general economic development and for specialist bioscience research and development at The Bush. Policy ECON2 specifically safeguards The Bush for this purpose and therefore the suggestion to allocate general economic land, Ec5 or other sites at The Bush would not be consistent with the SDP.

Loss of open space/countryside for recreational use

With regard to Roslin losing its countryside feel as a result of these proposals, it is considered that access and distance to the countryside would remain a short walking distance to much of the settlement, with the more central areas being approximately 400 – 500m away. This is comparable to walking distances recommended for access to bus services set out in Annex B of PAN75 Planning for Transport (paragraph B.13, [CD137](#)). This close proximity and good accessibility to the countryside is likely to retain the sense of rurality the residents of Roslin feel.

Loss of defined boundary

The allocation of Ec5 was seen as a logical and appropriate extension to the committed economic site at Oatslie (allocated in the 2008 local plan). Table 8.34 in the Proposed Plan indicates that that both economic sites should be masterplanned and delivered together and include a landscape framework to visually contain the site. The sites will remain in the green belt until developed to ensure this level of control can be achieved. The Council acknowledges the concerns raised in the representation but considers the Proposed Plan provides sufficient support to address these concerns.

Loss of tourism due to the area being less attractive

The Council does not accept the supposition that new development will be unattractive or detrimental to the appearance of Roslin and the plan is considered to have policies to guard against this, namely DEV5-7. Issues of detail and design, amongst other things, are matters more appropriately addressed at the planning application stage.

Loss of habitats and wildlife corridors

The potential effect of development on proposed sites on biodiversity designations, habitats and protected species were considered in the process of site selection (Site Assessment Technical Note, pages 3-4, CD020). All of the sites, with the exception of a handful of very small sites (none of which are in Roslin), underwent a biodiversity assessment either by the Council's Biodiversity Officer or by The Wildlife Information Centre. These assessments looked at the potential harm development as a site could do to locally known species and habitats as well as opportunities for enhancement. Consequently, it is considered that biodiversity matters have been handled appropriately.

Increase in flooding due to development of fields used for water runoff

Comments have been received by the Scottish Environment Protection Agency (SEPA) on the plan including more detailed comments on the proposed sites (see PP1459 in Issue 26 – Site Specific Delivery). While the Council does not support all of the specific changes sought, policy ENV9 requires that a Flood Risk Assessment is sought where a medium or high flood risk exists (as advised by SEPA). Furthermore SEPA's advice was sought during the site assessment process (Site Assessment Technical Note, page 7, CD020) so that sites that were of an unacceptable flooding risk would not be allocated. Consequently, it is considered that flooding matters have been handled appropriately.

Considers that there are brownfield alternatives in Edinburgh

As mentioned above, the SDP requires that the proposed plan allocates 15 Ha of economic

land in the A701 Corridor. Midlothian Council is not able to reallocate it's requirement to City of Edinburgh while the City's requirement for 20 Ha is likely to result in any brownfield opportunities to be identified and developed independently of and in addition to development in Midlothian.

Development is not required (surplus to requirements) or desirable in Roslin

Given the scale of development proposed for Midlothian and the likely increase in population, the Council does not consider that it would be desirable for an increase in businesses and jobs not to be planned for. To not make provision for this would make it much more likely that Midlothian would become a 'dormitory' area for Edinburgh, contrary to what many representors object to.

Inadequate public transport

All sites included in the proposed plan were assessed for access to public transport as outlined in the Development Sites Assessment Technical Note (CD020, pages 3 and 53-54). The Technical Note states that:

'The assessment of accessibility to public transport was informed by both the judgement of the assessing officers and by more tangible information on the frequency of services and the accessibility of the route from the site itself. This was partly informed by walking thresholds mentioned above (400m in the case of walking to an available bus service). Where any of these matters were clearly inadequate (e.g. a very small proportion of the site being within walking distance of the service) a negative assessment was given. In terms of service frequency, 3 per hour or more was considered positively in the assessment.'

All of the sites identified in Roslin received a positive assessment with regards to access to public transport on this basis.

The Council considers that the concerns raised by the representors have been addressed during the drafting of the plan or in the text above therefore the Council request that the Reporter(s) make no modification to the Proposed Plan in respect of these representations (PP36 Sarah Keer-Keer; PP469 Peter Buchanan; PP495 Amy Collop; PP611 Paula Milburn; PP666; PP1078 Jennifer Shore; PP866 John Weitzen; PP1047 Mirabelle Maslin; PP1213 Victoria Bullock; PP1217 Aldo Togneri; PP1403 Eamonn Coyne; PP1487 Iain Halliday; PP1556 A Black; PP1559 Mairi Needham; PP1561 Linda Halliday; PP2421 Lynn mcfadyen; PP2661; PP2662 Jon Harman; PP2665 Veronica Meikle; PP2667 University of Edinburgh; PP2680 Mary E Berry; PP2694 Jackie Togneri; PP2698 Colin Gordon; PP2699 Calum Mack; PP2700 Carol Gordon; PP2755 Edinburgh and Lothian Green Network; PP2692 Mrs Lesley King)

Representations relating to The Bush

The range of jobs generated at the Bush will likely be a wide range of posts, including training opportunities. The Council is actively seeking to encourage links between workplaces generally and schools in order to promote positive destinations. However the planning system is not considered the best mechanism for achieving this, which the Council is doing through its other roles such as the Education Authority. (PP37 Sarah Keer-Keer)

The support given for the proposed development at the Bush is noted. The Council intends

to resolve any problems relating to presentational matters in the Settlement Statement maps as drafting changes prior to adoption of the plan. (PP279 Dr Katherine Reid; PP293 Scottish Enterprise)

Developments at the Bush will be subject to the Bush Masterplan (CD000) as well as other policies in the plan, including policy DEV7 Landscaping in New Development. The Council considers that these provide the necessary landscaping required for new development at the Bush.(PP2862 Scottish Natural Heritage)

Representations relating to Shawfair Park (Ec1 and e27)

The Council considers that the changes to the use classes outlined in the plan (Table 8.1, pages 91-92) is a better reflection of the uses that have emerged at Shawfair Park to date. Allowing class 5 uses, which by definition is more harmful to amenity could undermine the success of Shawfair Park at this very prominent location.

The Council therefore requests that the Reporter(s) make no modifications in relation to this representation. (PP67 Buccleuch Property Group)

The support given in relation to permitting ancillary uses is noted.

The Council does not consider that modifications are necessary to the proposed plan with respect to this representation (PP73 Buccleuch Property Group)

The intention of allocating site Ec1 was that alongside site e27 Shawfair Park would become a single strategic business park location and be marketed as such, not two competing sites. The scale, nature, location and timing of potential ancillary uses has still to be determined through a masterplanning exercise (policy ECON3). As part of this exercise the Council anticipates that the two landowners will collaborate to determine the most appropriate solution.

Support for ancillary uses at Shawfair Park was introduced in recognition that as a strategic business park location, the potential scale of development and growth in employment anticipated in this location would give rise to a demand for local services (such as child daycare services, banking, convenience, healthcare services etc) to support a growing daytime workforce as well as users of the Park and Ride facility. At the time of preparing the MLDP the Council envisaged that the most appropriate location for ancillary uses would be on the original business park site and close to the main access into Shawfair Park. Accordingly Policy ECON3 requires the preparation of a masterplan to indicate the scale, location and timing of such uses on the original allocation, not the proposed extension. If policy ECON3 was amended to include the larger extended site then it may provide an opportunity for the masterplan to better assess options for the scale, nature, location and delivery of ancillary uses and the best solution. It is not considered that ancillary uses should be automatically extended to the allocation of Ec1 but consider merit in widening the scope of the masterplan process to ensure the best practical solution. The Council is content to allow the Reporter(s) to determine issue through Examination. (PP214, PP1628 Shawfair Business Park Ltd)

Representations on the Economic policies

The Council considers that the changes proposed by Scottish Enterprise are unnecessary. Many of the proposed changes to policy ECON1 are addressed in the existing policy,

including allowing for flexibility of use classes and ensuring that the economic land supply is maintained.

The proposed changes to policy ECON2 are considered unnecessary given the wording in the first paragraph of this policy which states that the relevant sites '*will be safeguarded for the specific purpose of supporting and expanding bioscience research and development.*' The Council considers that uses which support the principle use of bioscience research and development would be permissible under this policy.

The proposed change to paragraph 4.1.6 is likely to result in the LDP giving confusing advice. The text suggested appears to read as though they are criteria for a policy in the supporting text, which would largely duplicate the contents of policy ECON1.

The Council therefore requests that the Reporter(s) make no modification to the Proposed Plan with respect to this representation (PP289 Scottish Enterprise)

It is considered that the modification put forward by the Scottish Government in relation to policy STRAT5 would be counterproductive to the development of economic allocations for economic uses. The Council considers that the effect of changing the policy in this way would increase pressure on economic sites to be developed for housing and it is not clear how this would accord with the SPP as asserted.

The Council therefore requests that the Reporter(s) make no modification to the Proposed Plan with respect to this representation (PP361 Scottish Government)

It is considered that policy TRAN1 requires that major development require a Transport Appraisal/Travel Plan and that emphasis is made in the policy for promoting active travel and use of public transport. Furthermore policy IMP1 requires that new development make appropriate provision for public transport connections as well as cycling access. It is therefore not considered necessary to include reference for the need for a sustainable travel plan in other policies. The Council therefore requests that the Reporter(s) make no modification to the proposed plan with respect to this representation. (PP921 SEStran)

The Council considers that the proposed name for policy ECON5 contains more jargon than is deemed necessary. By contrast the current title, 'Industries with Potentially Damaging Impacts', is likely to be better understood by a wider audience. The Council therefore requests that the Reporter(s) make no modification to the proposed plan with respect to this representation. (PP1424 SEPA)

The comments raised regarding the Borders Rail and Homeworking are noted. On the Borders Railway, paragraph 4.5.5 makes clear that the Council is working towards securing investment beyond its role as a planning authority. Similarly on homeworking, paragraph 4.4.5 outlines the work that Midlothian Business Gateway play in assisting business start-ups. It is considered that the proposed plan provides a positive framework for promoting economic growth where opportunities present themselves while acknowledging that the planning system is only one of the functions that contribute towards this. The Council does not consider that the proposed plan needs to be modified in light of these objections. (PP1503; PP1508 Tynewater Community Council)

Objects to sites e14 and Ec2 being allocated for economic purposes

The Council considers that the proposal to reallocate these sites for housing would be

contrary to the Strategic Development Plan ([SDP](#)). Paragraph 72 explicitly mentions these sites as being necessary to delivering economic growth for the area. Many of the matters raised by Buccleugh in relation to the site being suitable for housing, such as being in close proximity to the A68 Dalkeith Bypass and not being located nthe Green Belt, also makes the site suitable for economic purposes. Furthermore the representor has not provided evidence that there is no demand for economic uses or that only by allocating the site for higher-value housing land can the necessary infrastructure be put in place.

As stated in the ‘*Delivering the Strategy*’ Schedule 4, the Council is of the opinion that the proposed plan ensures that there is an ample supply of housing land and there is no need for further allocations. Should the reporter(s) find that the site is not deliverable as an economic site, the Council is of the view that this should not automatically mean that the site should be allocated for housing, rather that it should revert to Green Belt, which was the status of the land prior to the allocation of the economic site.

The Council therefore requests that the Reporter(s) make no modification to the proposed plan with respect to this representation. (PP68 Buccleuch Property Group)

Objects to proposed allocation Ec4 Ashgrove North

The Council considers that there would be little impact on coalescence as a result of site Ec4 being developed. While it is accepted that the site is located between Loanhead and Edinburgh, the seperation resulting from the A720 City Bypass would prevent any loss of identiy for Loanhead. Furthermore, Table 8.25 in the proposed plan sets out a number of landscaping measures that will have to be undertaken in order development to be approved and one of the impacts of this would be to minimise visual coalescence.

The Council does not accept that the proposal would ‘cheapen’ the area, partly as a result of the provisions in the plan already mentioned but also due to policies DEV5-7, which wold also have to be met. Furthermore, highlighting the existing economic developments in the vicinity is not considered to be an accurate comparison for the development of Ec4 and the nearby Edgefield Industrial Estate was developed decades ago when the same development standards were not applicable.

With regard to loss of biodiversity, Table 8.25 also makes provision to ensure that the Straiton Pond Local Nature Reserve recieves adequate protection. The Council therefore requests that the Reporter(s) make no modification to the proposed plan with respect to this representation. (PP2897 C Daniels)

Representations made on policy IT1

The support expressed for policy IT1 is noted. The 98% figure comes from the BT Openreach’s 2014 programme, which the Council is not in a position to dispute. The Council considers that no modifications to the proposed plan are necessary in light of these representations. (PP1407 Mobile Phone Operators (Vodafone/O2, EE & Three); PP1518 Tynewater Community Council)

Reporter’s conclusions:

Preamble

1. At paragraphs 11 to 15 in Issue 2 (committed developments) of this report I provide an

overview of the requirements of the strategic development plan for Edinburgh and South East Scotland (SESplan) to safeguard employment land; allocate additional employment land in Midlothian; and promote a generous range and choice of employment sites.

Loss of green belt and agricultural land

2. I agree with the council that the SESplan requirements mean that it would not be possible to accommodate a generous range and choice of sites across Midlothian on only brownfield sites. Consequently, there is a need to identify greenfield sites for employment land including previously designated green belt and agricultural land.

3. As highlighted in Issue 2, the council has taken a considered approach to the identification of employment land by reviewing and removing sites which are failing to deliver; expanding existing sites; utilising brownfield opportunities where possible; and providing allocations on greenfield sites to meet the SESplan requirements and help retain employment opportunities within Midlothian to reduce the need to commute. Consequently, I find that the loss of green belt and agricultural land to employment land is appropriate and reasonable.

4. I note from the full representations that the Edinburgh and Lothians Green Network suggest that three employment locations should be removed from the proposed plan as they are at odds with the Edinburgh Green Belt Study of 2008. I deal with these sites (e26; e32; and Ec3) below.

Whitehill Mains (site e26)

5. The 13 hectare committed employment site at Whitehill Mains is currently used as grass farmland. It is bound by the City of Edinburgh authority boundary which follows a drainage ditch to the north (with the Fort Kinnaird Retail Park beyond); the A1 to the north-east; and a minor road to the west and south (which provides access to the Millerhill Zero Waste Site and “The Wisp” road). A single house is situated in the north-western corner of the site. The site is identified as being outwith the greenbelt in the Edinburgh Green Belt Study document of 2008 (shown on landscape character area 46 – Danderhall settled farmland). On this basis, and due to its important contribution to the economic land supply, I find that the site should remain allocated.

Sheriffhall South (site e32)

6. The 11.5 hectare committed employment site at Sheriffhall South is split into three parts by roads that converge at a roundabout: the A772 Gilmerton Road; the A7; and the B6392 (to Dalkeith/Eskbank). The site comprises land to the west and east of the A7 north of Gilmerton Road and the B6392; and a triangle of land to the south-east of the roundabout (south of the B6392). The land has been partially developed as a pub/restaurant but, at the time of my site inspection in March 2017, remains primarily grass/farmland. The Edinburgh Green Belt Study includes all of site e32 within the green belt (landscape character area 85 – Melville nurseries) and recommends that “small scale business or retail development could be accommodated”. On this basis, and as a committed site which would contribute to the employment land supply, I find that the site should continue to be allocated for employment use but continue to show the green belt designation to ensure a robust landscaping response is provided (as required by the proposed plan in the development considerations for the site).

West Straiton (site Ec3)

7. Site Ec 3 (West Straiton) is a new mixed-use allocation in the proposed plan. I deal separately with green belt loss and other concerns regarding its allocation in Issue 7 (site Ec3 and A701 relief road).

Economic allocations at Oatslie, Roslin (sites e34 and Ec5)

8. At paragraph 34 of Issue 2 (committed development) I conclude, in relation to the economic land supply, that established employment site e34 (Oatsie) should remain allocated in order to contribute to the SESplan requirements as mentioned in paragraph 1 above. Further concerns regarding allocation e34 and the adjoining site Ec5 are dealt with below. In my considerations I have noted the support for the sites from the University of Edinburgh; and that the Edinburgh and Lothians Green Network consider that the sites broadly conform to Edinburgh Green Belt Study (2008).

9. As described in Issue 2, sites e34 (5 hectares) and Ec5 (4.5 hectares) are located to the west of Roslin. The sites are bound by Penicuik Road (the B7006) to the north (with housing and a medical practice situated across the road); the A701 and Gowkley Moss Roundabout to the west; and farmland to the south and west.

10. Site e34 is identified for economic development in the adopted Midlothian Local Plan 2008 carried forward into the proposed Midlothian Local Development Plan while site Ec5 is a newly allocated site promoted in conjunction with site e34 in the proposed plan. The development considerations for the two sites require a masterplan to be prepared to guide the design and layout of development on the land including substantial landscaping on the south-western; south-eastern; and north-eastern boundaries.

11. I appreciate that there may be free employment land in Edinburgh and in other locations across the region. However, following my findings in Issue 2, I consider that allocation of the two sites is reasonable and appropriate in order to safeguard established employment land and provide new land for employment to provide a generous range and choice across Midlothian (in addition to land allocated at The Bush and elsewhere) as required by SESplan. The loss of green belt and prime agricultural land is justified on this basis. However, I note that according to the development considerations set out in the proposed plan, the sites would remain in the green belt and as prime agricultural land until such time as they were developed. This means that there would be an opportunity to review the identification of the sites for employment land in the future (and remove support for their allocation) if there was no progress on their delivery.

12. I agree with the council that the location of the sites on the edge of Roslin, together with required landscaping and careful control over design at the application stage, would ensure that the sites were developed to integrate with the settlement and not detract from its distinct character or countryside setting. In addition, there is no evidence to suggest that development of the sites would have a detrimental impact on tourism in the settlement. However, I find that the suite of design policies within the proposed plan would likely ensure that development was integrated and any visual impact was minimised. Certainly, there would be no visual interaction between sites e34 and Ec5 and visitor attractions within Roslin.

13. I also agree with the council that the risk of physical coalescence with Bilston would not occur as a result of the development of sites e34 and Ec5. I also consider that the

requirement for substantial landscaping on the boundaries would ensure that visual interaction between the settlements was minimised.

14. Again, I agree with the reasoning of the council that residents of Roslin would be able to access rural/countryside within easy walking distance despite development of these sites.

15. The council's assessment of the site at the Main Issues Report stage identified the presence of protected species and ancient woodland to the south-west of site Ec5. I also note concerns of locals of the loss of habitat and impact on wildlife. I find that the application of proposed plan policies ENV 11 (woodland, trees and hedges) and ENV 15 (species and habitat protection and enhancement) would ensure that important woodland, species and habitat were protected and enhanced as part of the development of the site.

16. In its response to the proposed plan the Scottish Environment Protection Agency raised no specific concerns regarding the allocation of sites e34 and Ec5. In any case, I agree with the council, that proposed plan policies ENV 9 (flooding); ENV 10 (water environment); and IMP 3 (water and drainage) would ensure that any risk of flooding on the site or elsewhere as a consequence of development was sufficiently addressed and mitigated (if necessary).

17. The sites are located adjacent to a bus stop with regular services. The council's assessment of the site at the Main Issues Report stage gave it a "positive" assessment indicating access to three or more public transport services. On this basis, I find that the sites would be well served by public transport and would, therefore, help to reduce the need to travel to the sites by private motor vehicle and limit the impact of congestion.

18. In relation to infrastructure, the sites would be well served by existing road links and in reasonable proximity to Edinburgh and the A720 (city by-pass).

19. In consideration of the above, I find that sites e34 and Ec5 should remain allocated in the proposed plan for employment use. No change to the proposed plan is required on this basis.

The Bush

20. The support from Katherine Reid for The Bush allocations is noted but requires no further consideration. The suggestion from Ms Keer-Keer in relation to local job opportunities at The Bush is noted but is not directly related to the proposed plan and, therefore, is not a matter for consideration in this examination. However, I note that the council has indicated how it is acting in relation to promotion of job opportunities in the summary above.

21. Within the full representation to the proposed plan Scottish Enterprise suggested that within The Bush the boundaries of business sites should be better defined; the intention for white land should be clarified; and the regionally and locally important nature conservation areas designation should be removed.

22. Although The Bush is primarily allocated for business uses, I agree with Scottish Enterprise that for clarity the boundaries of each allocation should be defined. A darker tone following the lines of each boundary on the proposals maps would be sufficient.

23. I also agree with Scottish Enterprise that the intention for the white land shown on the proposals map within The Bush is unclear. The Bush Framework Masterplan (2012) shows these areas as proposed “open greenspace”. Consequently, I find that these areas should be shown as “open spaces (outside settlement area)” on the proposals maps to safeguard their use.

24. Paragraphs 9 to 11 in Issue 17 (nature conservation) of this report deal with the matter of the nature conservation designation at The Bush.

25. Scottish Natural Heritage refer to The Bush Framework Masterplan as “supplementary guidance” that requires a sufficient ‘hook’ in proposed plan policy ECON 2 (The Bush bioscience cluster). However, the masterplan was published in 2012 and therefore is non-statutory planning guidance rather than statutory supplementary guidance that would normally follow the adoption of a development plan. Consequently, I find reference to the masterplan in policy ECON 2 is reasonable without need for revision.

26. In relation to Scottish Natural Heritage’s concern about the implementation of a robust landscape framework for The Bush, I note that policy ECON 2 requires any landscape impacts to be acceptable to the council prior to approval of development. I also agree with the council that proposed plan policy DEV 7 (landscaping in new development) would require a comprehensive scheme of landscaping to accompany proposals. The requirement for landscaping would likely follow that planned for in The Bush Framework Masterplan. On this basis, I consider that no change to the proposed plan is required to address the concerns of Scottish Natural Heritage.

27. Matters concerning the content of The Bush Framework Masterplan (as raised by Scottish Natural Heritage) are outwith the remit of this examination of unresolved representations to the proposed Midlothian Local Development Plan.

Shawfair Park (sites Ec1 and e27)

28. Established employment site e27 was initially allocated in the Shawfair Local Plan 2003 and then identified for expansion to the east in the Midlothian Local Plan 2008. The site is referred to in the proposed Midlothian Local Development Plan as the “west part” (Shawfair Park - 9 hectares) and the “east part” (Shawfair Park Extension 1 - 8.5 hectares). The development considerations for the eastern and western sites require the access to Extension 1 to come through the originally allocated Shawfair Park. The considerations allow use classes 4 (business) and 5 (industry) as well as “ancillary support activities”. I note the support in representations for the continued promotion of industry on site e27.

29. The proposed plan allocates strategic employment site Ec1 (Shawfair Park Extension 2 - 20 hectares) to the south of Shawfair Park Extension 1. The development considerations require access from Shawfair Park Extension 1 or from alternative points subject to a transport appraisal. Uses on site Ec1 are limited to use classes 4 (business) and 5 (industry).

30. Access may be required between Shawfair Park and Extension 1 and Extension 2. However, there is potential for access to be taken from elsewhere (if justified). Therefore, it does not necessarily follow that Shawfair Park should be developed before any development of neighbouring employment sites. Such a restriction may hinder the release of employment land required to meet the SESplan requirements. I therefore do not agree

with the Buccleuch Property Group that phasing restrictions should be inserted into the proposed plan.

31. I note the support from Buccleuch Property Group for proposed policy ECON 3 (ancillary development on business parks) which allows, in certain circumstances, supporting ancillary activities in locations including Shawfair Park and Shawfair Park Extension 1. Shawfair Business Park LLP suggests the expansion of the support for “ancillary support services” to site Ec1. I noted on my site inspection that situated on site Ec1 are currently a café and private nursery which could be considered to be “ancillary support services”. I appreciate that the proposed plan aims to concentrate ancillary support uses in a node around the Shawfair Park and Ride. However, I find that there could be reasonable justification to allow further ancillary uses into site Ec1. As suggested by the council, the location of uses could be suitably directed through the master-planning exercise required by policy ECON 3 for ancillary development on business parks. A modification to policy ECON 3 and the development considerations in the settlement statements are therefore recommended.

32. I note that as a result of amending policy ECON 3 there would be a consequential impact on the range of uses considered at Salter’s Park (sites e14 and Ec2). I find my recommended changes to policy ECON 3 and the development considerations in the settlement statements would align with the unresolved representations from Buccleuch Property Group whom, as dealt with below, seek an expansion of the range of uses at Salter’s Park.

Economic policies

33. I agree with the council that proposed policies ECON 1 (existing employment opportunities) and ECON 2 (The Bush bioscience cluster) give sufficient provision to allow the consideration of alternative uses, where justified, on employment land. This is further supported by the explicit support for ancillary uses through policy ECON 3 as mentioned in the section above. I find that no change to these policies, or the insertion of a paragraph referring to flexibility (as suggested by Scottish Enterprise), is required on this basis.

34. The full representation from the Scottish Government cites paragraph 103 of Scottish Planning Policy (2014) and paragraph 95 of SESplan which both refer to the potential for alternative uses on employment land where justified. Therefore, I agree with the Scottish Government that the reference in proposed policy STRAT 5 (strategic employment land allocations) that “proposals for non-employment uses will not be permitted” on strategic employment sites is unreasonable and should be removed.

35. The proposed plan should be applied as a whole to proposals. I find that there are sufficient references to, and requirements for, sustainable transportation throughout the proposed plan without explicit reference required in the economic development policies. No changes to these policies to promote sustainable transportation, as suggested by SEStran, are therefore required.

36. The Scottish Environment Protection Agency supports the provisions of policy ECON 5 (industries with potentially damaging impacts) but requests a change to the title of the policy to “industries which require other licences, permits or consents”. I agree with the council that the current title is easily understood and reasonable in the context of the policy. No change to the policy title is required.

37. The Borders Rail and associated stations are now complete and operational. I therefore consider that there is no need to safeguard land for the route or the stations in the proposed plan as suggested by Tynewater Community Council.

38. I agree with Tynewater Community Council that the wording of policy ECON 6 (working from home/micro business) is negative. Scottish Planning Policy suggests at paragraph 95 that “plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs”. I find that a minor change to the policy to “support” appropriate home/micro business would be more encouraging.

Salter’s Park (sites e14 and Ec2)

39. Buccleuch Property Group promotes the use of Salter’s Park for mixed-use development, primarily residential. Two sites are allocated for employment uses at Salter’s Park (an area of primarily grassland to the north of Dalkeith and south of the A68). Committed employment site e14 totals 14.5 hectares and is promoted for use classes 4 (business), 5 (industry), and 6 (storage and distribution). The proposed plan additionally allocates 12 hectares at site Ec2 to the east of site e14 for business and industry.

40. The Ryden report concerning the site - ‘Employment Land and Property Market Review, August 2013’ – suggests that the area has been actively marketed by Ryden for employment use since June 2008 with no market activity during that period. The report further notes that it is not the size of the site that is necessarily putting investors off but the economic downturn together with the attraction of existing established employment sites. Very high infrastructure costs are also cited as an issue with the Salter’s Park location in the report. In addition, the report suggests that Midlothian has a 36-year effective economic land supply.

41. I note that the uptake in employment land was only 4.74 hectares in Midlothian between 2009 and 2012. However, the average between 2003 and 2012 was 3.48 hectares across the authority. The report also acknowledges a slow climb out of the “post-banking crash trajectory” meaning that although there was a slower uptake in employment land between 2009 and 2012 there may be a return (gradually) to the annual average of 3.48 hectares.

42. As expressed in Issue 3 (requirement for new development) there is no need at present for additional housing land to meet the SESplan housing requirement or to maintain a 5-year effective housing land supply. I note that the Ryden report refers to a large economic land supply but find that SESplan requires a generous range and choice of sites of which Salter’s Park makes a contribution. In addition, SESplan existing employment sites to be safeguarded and new land for employment to be allocated in Midlothian - of which Salter’s Park would contribute. Indeed, SESplan (at paragraph 72) endorses the expansion of Salter’s Park to help achieve economic growth in the region.

43. I have considered the period of marketing and the cited costs of development but find that, on balance, the employment land allocations at Salter’s Park should remain without any provision or housing. However, as stated above, I have recommended amendment to the development considerations for the sites to allow for ancillary uses across the two sites where justified.

Ashgrove North (site Ec4)

44. Site Ec4 is allocated as a 14.5 hectare employment site in the proposed plan but retains a green belt designation until such time as it is developed. The site is currently scrub with woodland areas and a pond to the east (an area protected as a nature reserve). The A720 Edinburgh City by-pass runs along the north of the site; new housing and employment land to the south; and part of Straiton Retail Park to the east.

45. Despite the concerns raised in representations, I agree with the council that the provisions of the development plan in relation to design, layout, landscaping, amenity, infrastructure, and the environment would be sufficient to ensure the protection of wildlife from development of the site; the avoidance or mitigation of any loss of habitat; retention of important views to the Pentland Hills; avoidance of physical or visual coalescence; infrastructure provision; and control over lighting, noise and traffic generation. Consequently, I find that the site should remain allocated in the plan. This conclusion supports the findings in Issue 28 (A710 corridor strategic development area – Bilston, Loanhead and Auchendinny ect).

Policy IT 1 (digital infrastructure)

46. Paragraph 4.5.13 suggests that 78% of Midlothian is covered by high speed broadband connections and that 98% would be covered by 2017. As stated by the council, these figures are taken from BT Openreach programming. Therefore, although Tynewater Community Council question the actuality of these numbers I find that there is no reasonable replacement for them. They should remain.

47. The support for policy IT 1 (digital infrastructure) from various mobile phone operators is noted.

Reporter’s recommendations:

Modify the proposed local development plan by:

1. Defining the boundaries of each of the business allocations (b1, b2, b3, b4, b6, b7, b8, b9, Bt1, Bt2, and Bt2) within The Bush by using a darker tone along the edge of each designation on the proposals maps.
2. Showing the white land within The Bush (north and east of business site b4 and west of strategic employment allocation Bt3) as “open space (outside settlement area)” on the proposals maps.
3. Deleting criterion A. within policy ECON 3 (ancillary development on business parks) on page 24 and changing criterion B. to A. and criterion C. to B.
4. Replacing the third sentence in the development considerations for site Ec1 (Shawfair Park Extension 2) on page 86 with:

“The MLDP has identified this site for business (Class 4) and industry (Class 5) (plus ancillary support activities).”

5. Replacing the final sentence in the development considerations for site e14 (Salter's Park) on page 92 with:

"The MLDP has extended the potential range of uses to include storage and distribution (Class 6) in recognition of the site's accessibility to the major road network (plus ancillary support activities)."

6. Replacing the fourth sentence in the development considerations for site Ec2 (Salter's Park Extension) on page 94 with:

"This extension is identified for business (Class 4) and industry (Class 5) (plus ancillary support activities)."

7. Removing the last sentence of the first paragraph of policy STRAT 5 (strategic employment land allocations) on page 9 which reads "proposals for non-employment uses will not be permitted".

8. Replacing the word "permitted" with "supported" in the first sentence of policy ECON 6 (working from home/micro business) on page 25.

Issue 34	Process, consultation etc	
Development plan reference:	Principally Section 7.2 Supplementary Guidance	Reporter: Alasdair Edwards
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>907992 778339 770249 909770 909770 909771 909735 778604 774360 774360 909846 909846 921282 921288 922014 923218 922121 922078 922079 922087 922089 922094 922115 922118 922085 922086 921337 921342 921686 921694 921630 921697 921636 921698 921640 921644 929852 921372 921651 921374 921376 921659 921727</p>	<p>PP5 PP33 PP144 PP170 PP175 PP189 PP270 PP320 PP342 PP345 PP415 PP444 PP612 PP613 PP709 PP1137 PP1392 PP1469 PP1478 PP1497 PP1506 PP1519 PP1565 PP1575 PP1598 PP1616 PP1638 PP1646 PP1654 PP1662 PP1676 PP1678 PP1692 PP1694 PP1702 PP1715 PP1727 PP1728 PP1732 PP1740 PP1747 PP1761 PP1763</p>	<p>John Wishart Midlothian Green Party Gladman Developments Scottish Borders Council Scottish Borders Council Constance Newbould Midlothian Matters Grange Estates (Newbattle) Ltd Buchanan Buchanan Eskbank & Newbattle Community Council Eskbank & Newbattle Community Council Charles F R Buchanan Rosemary J Buchanan Lasswade District Civic Society Kevin Drummond C Daniels Anne Dale Anne Holland Anna MacWhirter Christina Harley Geoffrey Alderson Andrew Thomson Beth Thomson Andrew Barker Rachel Davies Dawn Robertson Derek Robertson Stewart Y Marshall Elsie Marshall Joan Faithfull Stuart Davis Emma Moir John Owen M A Faithfull S M Croall Marie Owen David Miller R I Pryor Wilma Porteous Margaret Miller Susan E Wright G Palmer</p>

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

921378	PP1764	Wilma Sweeney
921663	PP1783	R A Pryor
921732	PP1785	Susan Falconer
921380	PP1787	Stuart Barnes
921669	PP1794	Michael Boyd
921675	PP1806	Dianne Kennedy
921742	PP1808	Gudrun Reid
921679	PP1814	George Sweeney
921682	PP1820	David A Porteous
921685	PP1826	Colin Miller
921382	PP1832	Gavin Boyd
921386	PP1838	Kirsty Barnes
921387	PP1844	Vivienne Boyd
921390	PP1850	John F Davidson
921392	PP1856	Eric Smith
921395	PP1862	Annabel Smith
921397	PP1868	Mary M Young
921399	PP1874	James Young
921401	PP1880	John T Cogle
921402	PP1886	Janette D Barnes
921403	PP1892	Jenny Davidson
921404	PP1898	Pamela Thomson
921406	PP1904	Kevin Davidson
921408	PP1910	Hugh Gillespie
921410	PP1916	Jennifer Gillespie
778810	PP1922	John Barton
909886	PP1930	Mary Clapperton
921918	PP1937	John Scaife
922025	PP1944	Linda Scaife
921919	PP1953	George Gray
921920	PP1962	Nan Gray
921925	PP1968	Colin Richardson
782000	PP1971	Kenneth Purves
921414	PP1982	Edith May Barton
921929	PP1987	David Binnie
921417	PP1995	Alex McLean
921960	PP2001	George Mackay
921962	PP2010	Karen Langham
782003	PP2013	E Purves
921423	PP2019	Marjory McLean
776516	PP2027	George Barnes
921965	PP2037	Elizabeth Richardson
783974	PP2046	Donald Marshall
921425	PP2051	Myra G Rodger
921968	PP2052	Avril Thomson
921970	PP2068	Gayle Marshall
921430	PP2069	David S M Hamilton
921826	PP2070	Lorna Reid
921431	PP2078	Sally Couch
921434	PP2086	E Hutchison
921828	PP2091	Hazel Johnson
776560	PP2096	James Hutchison

PROPOSED MIDLOTHIAN LOCAL DEVELOPMENT PLAN

754767	PP2106	Eskbank Amenity Society
921999	PP2114	Colin Johnson
921436	PP2116	Karen Miller
921658	PP2123	Patrick Mark
921437	PP2132	Robert Scott
921709	PP2134	Chris Boyle
921722	PP2140	K Palmer
921794	PP2150	Patricia Barclay
921832	PP2157	Elizabeth Anderson
921835	PP2165	Janette Evans
921830	PP2167	A F Wardrope
921888	PP2173	Ann O'Brian
921889	PP2180	Gail Reid
921893	PP2187	Zoe Campbell
921900	PP2198	Marshall Scott
921896	PP2200	Kenneth A Hyslop
922005	PP2208	Jan Krwawicz
922006	PP2217	Marjorie Krwawicz
922020	PP2225	Simon Evans
922075	PP2234	Anne Murray
921905	PP2236	Carolyn Millar
921908	PP2244	Charles A Millar
921910	PP2250	Isobel Ritchie
921914	PP2256	Lewis Jones
921915	PP2262	Karlyn Durrant
921917	PP2269	John Blair
909049	PP2275	Ross Craig
921259	PP2281	Caroline Sneddon
921439	PP2287	James Telfer
921444	PP2293	Lynn MacLeod
921443	PP2302	Kenneth McLean
921865	PP2319	Joy Moore
921622	PP2328	Jim Moir
921616	PP2337	Alan Mercer
921599	PP2345	Julia Peden
921976	PP2353	Moira Jones
921768	PP2359	Matthew McCreath
921753	PP2365	W R Cunningham
921740	PP2371	A H Cunningham
921971	PP2377	Zow-Htet
921974	PP2385	Rae Watson
921975	PP2391	Christina Watson
774360	PP2672	Buchanan
909730	PP2746	Sara Cormack
922145	PP2776	Eskbank Amenity Society
754767	PP2777	Eskbank Amenity Society
921821	PP2778	Margaret Hodge
766577	PP2779	Julian Holbrook
921640	PP2782	M A Faithfull
921296	PP2790	Sarah Barron
779397	PP2792	Bonnyrigg & Lasswade Community Council
754760	PP2808	Shiela Barker

778171	PP2810	Jacqueline Marsh
922155	PP2827	Rowan Nemitz
921577	PP2828	Elizabeth Allan
921582	PP2829	K D Allan
921558	PP2830	Amy Collop
780011	PP2832	Danny Helson
921269	PP2834	Kevin Ingleby
921274	PP2835	Morag Ingleby
921316	PP2836	Margaret E Anderson
922133	PP2837	Eamonn Coyne
780011	PP2838	Danny Helson
Provision of the development plan to which the issue relates:	Principally section 7.2 Supplementary Guidance, which lists the Supplementary Guidance and other non-statutory planning guidance referred to in the Proposed Plan.	
Planning authority's summary of the representation(s):		
<p>Objects to the Proposed Plan but no comments submitted (PP5 John Wishart).</p> <p><u>Mapping Keys/Symbology</u></p> <p>Suggests changing the symbology on the Proposals Map to make it easier to differentiate Policy DEV 4 from Policy RD 2 (PP175 Scottish Borders Council).</p> <p><u>Supplementary Guidance and Supporting Information</u></p> <p>Raise various concerns relating to policy matters being absent from the Proposed Plan and instead assigned to Supplementary Guidance (PP33 Midlothian Green Party; PP144 Gladman Developments; PP270 Midlothian Matters; PP320 Grange Estates (Newbattle) Ltd; PP415, PP444 Eskbank & Newbattle Community Council; PP612 Charles F R Buchanan; PP613 Rosemary J Buchanan; PP709 Lasswade District Civic Society; PP1598 Andrew Barker; PP1616 Rachel Davies; PP2319 Joy Moore; PP2778 Margaret Hodge; PP2790 Sarah Barron; PP2808 Shiela Barker).</p> <p>Raises concerns at lack of availability of Supplementary Guidance and transport assessment documents during the representation period on the Proposed Plan (PP1469 Anne Dale; PP1478 Anne Holland; PP1497 Anna MacWhirter; PP1506 Christina Harley; PP1519 Geoffrey Alderson; PP1565 Andrew Thomson; PP1575 Beth Thomson; PP1638 Dawn Robertson; PP1646 Derek Robertson; PP1654 Stewart Y Marshall; PP1662 Elsie Marshall; PP1676 Joan Faithfull; PP1678 Stuart Davis; PP1692 Emma Moir; PP1694 John Owen; PP1702 M A Faithfull; PP1715 S M Croall; PP1727 Marie Owen; PP1728 David Miller; PP1732 R I Pryor; PP1740 Wilma Porteous; PP1747 Margaret Miller; PP1761 Susan E Wright; PP1763 G Palmer; PP1764 Wilma Sweeney; PP1783 R A Pryor; PP1785 Susan Falconer; PP1787 Stuart Barnes; PP1794 Michael Boyd; PP1806 Dianne Kennedy; PP1808 Gudrun Reid; PP1814 George Sweeney; PP1820 David A Porteous; PP1826 Colin Miller; PP1832 Gavin Boyd; PP1838 Kirsty Barnes; PP1844 Vivienne Boyd; PP1850 John F Davidson; PP1856 Eric Smith; PP1862 Annabel Smith; PP1868 Mary M Young; PP1874 James Young; PP1880 John T Cogle; PP1886 Janette D Barnes; PP1892 Jenny Davidson; PP1898 Pamela Thomson; PP1904 Kevin Davidson; PP1910 Hugh Gillespie; PP1916 Jennifer Gillespie; PP1922 John Barton; PP1930 Mary Clapperton; PP1937 John Scaife; PP1944 Linda Scaife; PP1953 George Gray; PP1962 Nan Gray; PP1968 Colin</p>		

Richardson; PP1971 Kenneth Purves; PP1982 Edith May Barton; PP1987 David Binnie; PP1995 Alex McLean; PP2001 George Mackay; PP2010 Karen Langham; PP2013 E Purves; PP2019 Marjory McLean; PP2027 George Barnes; PP2037 Elizabeth Richardson; PP2046 Donald Marshall; PP2051 Myra G Rodger; PP2052 Avril Thomson; PP2068 Gayle Marshall; PP2069 David S M Hamilton; PP2070 Lorna Reid; PP2078 Sally Couch; PP2086 E Hutchison; PP2091 Hazel Johnson; PP2096 James Hutchison; PP2106 Eskbank Amenity Society; PP2114 Colin Johnson; PP2116 Karen Miller; PP2123 Patrick Mark; PP2132 Robert Scott; PP2134 Chris Boyle; PP2140 K Palmer; PP2150 Patricia Barclay; PP2157 Elizabeth Anderson; PP2165 Janette Evans; PP2167 A F Wardrope; PP2173 Ann O'Brian; PP2180 Gail Reid; PP2187 Zoe Campbell; PP2198 Marshall Scott; PP2200 Kenneth A Hyslop; PP2208 Jan Krwawicz; PP2217 Marjorie Krwawicz; PP2225 Simon Evans; PP2234 Anne Murray; PP2236 Carolyn Millar; PP2244 Charles A Millar; PP2250 Isobel Ritchie; PP2256 Lewis Jones; PP2262 Karlyn Durrant; PP2269 John Blair; PP2275 Ross Craig; PP2281 Caroline Sneddon; PP2287 James Telfer; PP2293 Lynn MacLeod; PP2302 Kenneth McLean; PP2328 Jim Moir; PP2337 Alan Mercer; PP2345 Julia Peden; PP2353 Moira Jones; PP2359 Matthew McCreath; PP2365 W R Cunningham; PP2371 A H Cunningham; PP2377 Zow-Htet; PP2385 Rae Watson; PP2391 Christina Watson; PP2746 Sara Cormack; PP2776 Eskbank Amenity Society; PP2777 Eskbank Amenity Society; PP2810 Jacqueline Marsh).

Considers that the plan was not produced with all the relevant supporting information, particularly the Action Programme and Transport Options Appraisal, which has limited the ability to comment (PP345 Buchanan).

Requests to be consulted on future supplementary guidance as it may have cross boundary implications (PP170 Scottish Borders Council).

Plan Production and Public Consultation

Raise various concerns relating to the neighbour notification process and period for consultation (PP1137 Kevin Drummond; PP2834 Kevin Ingleby; PP2835 Morag Ingleby).

Raise various concerns in relation to the Planning Portal used to host the documents, including the Proposed Plan that were part of the consultation on the Proposed Plan (PP189 Constance Newbould; PP342, PP345, PP2672 Buchanan; PP1392 C Daniels).

Raise various concerns in relation to a lack of publicity and public consultation undertaken in the production of the plan, and concerns relating to the democratic process followed in the production of the plan (PP270 Midlothian Matters; PP2778 Margaret Hodge; PP2827 Rowan Nemitz; PP2828 Elizabeth Allan; PP2829 K D Allan; PP2830 Amy Collop; PP2832 Danny Helson; PP2836 Margaret E Anderson; PP2837 Eamonn Coyne; PP2838 Danny Helson; PP1469 Anne Dale; PP1478 Anne Holland; PP1497 Anna MacWhirter; PP1506 Christina Harley; PP1519 Geoffrey Alderson; PP1565 Andrew Thomson; PP1575 Beth Thomson; PP1638 Dawn Robertson; PP1646 Derek Robertson; PP1654 Stewart Y Marshall; PP1662 Elsie Marshall; PP1676 Joan Faithfull; PP1678 Stuart Davis; PP1692 Emma Moir; PP1694 John Owen; PP1702 M A Faithfull; PP1715 S M Croall; PP1727 Marie Owen; PP1728 David Miller; PP1732 R I Pryor; PP1740 Wilma Porteous; PP1747 Margaret Miller; PP1761 Susan E Wright; PP1763 G Palmer; PP1764 Wilma Sweeney; PP1783 R A Pryor; PP1785 Susan Falconer; PP1787 Stuart Barnes; PP1794 Michael Boyd; PP1806 Dianne Kennedy; PP1808 Gudrun Reid; PP1814 George Sweeney; PP1820 David A. Porteous; PP1826 Colin Miller; PP1832 Gavin Boyd; PP1838 Kirsty Barnes; PP1844 Vivienne Boyd; PP1850 John F Davidson; PP1856 Eric Smith; PP1862 Annabel

Smith; PP1868 Mary M Young; PP1874 James Young; PP1880 John T Cogle; PP1886 Janette D Barnes; PP1892 Jenny Davidson; PP1898 Pamela Thomson; PP1904 Kevin Davidson; PP1910 Hugh Gillespie; PP1916 Jennifer Gillespie; PP1922 John Barton; PP1930 Mary Clapperton; PP1937 John Scaife; PP1944 Linda Scaife; PP1953 George Gray; PP1962 Nan Gray; PP1968 Colin Richardson; PP1971 Kenneth Purves; PP1982 Edith May Barton; PP1987 David Binnie; PP1995 Alex McLean; PP2001 George Mackay; PP2010 Karen Langham; PP2013 E Purves; PP2019 Marjory McLean; PP2027 George Barnes; PP2037 Elizabeth Richardson; PP2046 Donald Marshall; PP2051 Myra G Rodger; PP2052 Avril Thomson; PP2068 Gayle Marshall; PP2069 David S M Hamilton; PP2070 Lorna Reid; PP2078 Sally Couch; PP2086 E Hutchison; PP2091 Hazel Johnson; PP2096 James Hutchison; PP2106 Eskbank Amenity Society; PP2114 Colin Johnson; PP2116 Karen Miller; PP2123 Patrick Mark; PP2132 Robert Scott; PP2134 Chris Boyle; PP2140 K Palmer; PP2150 Patricia Barclay; PP2157; Elizabeth Anderson; PP2165; Janette Evans; PP2167 A F Wardrope; PP2173 Ann O'Brian; PP2180 Gail Reid; PP2187 Zoe Campbell; PP2198 Marshall Scott; PP2200 Kenneth A Hyslop; PP2208 Jan Krwawicz; PP2217 Marjorie Krwawicz; PP2225 Simon Evans; PP2234 Anne Murray; PP2236 Carolyn Millar; PP2244 Charles A Millar; PP2250 Isobel Ritchie; PP2256 Lewis Jones; PP2262 Karlyn Durrant; PP2269 John Blair; PP2275 Ross Craig; PP2281 Caroline Sneddon; PP2287 James Telfer; PP2293 Lynn MacLeod; PP2302 Kenneth McLean; PP2328 Jim Moir; PP2337 Alan Mercer; PP2345 Julia Peden; PP2353 Moira Jones; PP2359 Matthew McCreath; PP2365 W R Cunningham; PP2371 A H Cunningham; PP2377 Zow-Htet; PP2385 Rae Watson; PP2391 Christina Watson; PP2746 Sara Cormack; PP2776 Eskbank Amenity Society; PP2777 Eskbank Amenity Society; PP2810 Jacqueline Marsh; PP415 Eskbank & Newbattle Community Council; PP2779 Julian Holbrook; PP2782 M A Faithfull; PP2792 Bonnyrigg & Lasswade Community Council)

Modifications sought by those submitting representations:

No changes to the proposed plan suggested (PP5 John Wishart; PP270 Midlothian Matters; PP415 Eskbank & Newbattle Community Council; PP2790 Sarah Barron; PP170 Scottish Borders Council; PP189 Constance Newbould; PP342, PP345, PP2672 Buchanan; PP1137 Kevin Drummond; PP1392 C Daniels; PP2827 Rowan Nemitz; PP2828 Elizabeth Allan; PP2829 K D Allan; PP2830 Amy Collop; PP2832 Danny Helson; PP2834 Kevin Ingleby; PP2835 Morag Ingleby; PP2836 Margaret E Anderson; PP2837 Eamonn Coyne, PP2838 Danny Helson)

Mapping Keys/Symbology

Suggests changing the symbology on the Proposals Map to make it easier to differentiate Policy DEV 4 from Policy RD 2 (PP175 Scottish Borders Council).

Supplementary Guidance and Supporting Information

Suggests deleting list of supplementary guidance or publishing all supplementary guidance in advance of Examination (PP320 Grange Estates (Newbattle) Ltd).

Consider that all supplementary guidance should be available for the Examination, but should not delay the Local Development Plan process (PP33 Midlothian Green Party; PP144 Gladman Developments).

Suggests that supplementary guidance documents should be published for consultation alongside the amended Midlothian Local Development Plan, or alternatively, the policies

should be brought back into the plan itself (PP444 Eskbank & Newbattle Community Council).

Propose no change to the plan but consider that supplementary guidance should have been issued for the same statutory period for representation as the Proposed Plan (PP709 Lasswade District Civic Society; PP612 Charles F R Buchanan; PP613 Rosemary J Buchanan; PP1598 Andrew Barker; PP1616 Rachel Davies; PP2319 Joy Moore; PP2808 Shiela Barker).

Seeks suspension of the plan until supplementary guidance and Transport Options and Appraisal reports are prepared, with better consultation arrangements in place (PP1469 Anne Dale; PP1478 Anne Holland; PP1497 Anna MacWhirter; PP1506 Christina Harley; PP1519 Geoffrey Alderson; PP1565 Andrew Thomson; PP1575 Beth Thomson; PP1638 Dawn Robertson; PP1646 Derek Robertson; PP1654 Stewart Y Marshall; PP1662 Elsie Marshall; PP1676 Joan Faithfull; PP1678; Stuart Davis; PP1692 Emma Moir; PP1694 John Owen; PP1702 M A Faithfull; PP1715 S M Croall; PP1727 Marie Owen; PP1728 David Miller; PP1732 R I Pryor; PP1740 Wilma Porteous; PP1747 Margaret Miller; PP1761 Susan E Wright; PP1763 G Palmer; PP1764 Wilma Sweeney; PP1783 R A Pryor; PP1785 Susan Falconer; PP1787 Stuart Barnes; PP1794 Michael Boyd; PP1806 Dianne Kennedy; PP1808 Gudrun Reid; PP1814 George Sweeney; PP1820 David A Porteous; PP1826 Colin Miller; PP1832 Gavin Boyd; PP1838 Kirsty Barnes; PP1844 Vivienne Boyd; PP1850 John F Davidson; PP1856 Eric Smith; PP1862 Annabel Smith; PP1868 Mary M Young; PP1874 James Young; PP1880 John T Cogle; PP1886 Janette D Barnes; PP1892 Jenny Davidson; PP1898 Pamela Thomson; PP1904 Kevin Davidson; PP1910 Hugh Gillespie; PP1916 Jennifer Gillespie; PP1922, John Barton; PP1930 Mary Clapperton; PP1937 John Scaife; PP1944 Linda Scaife; PP1953 George Gray; PP1962 Nan Gray; PP1968 Colin Richardson; PP1971 Kenneth Purves; PP1982 Edith May Barton; PP1987 David Binnie; PP1995 Alex McLean; PP2001 George Mackay; PP2010 Karen Langham; PP2013 E Purves; PP2019 Marjory McLean; PP2027 George Barnes; PP2037 Elizabeth Richardson; PP2046 Donald Marshall; PP2051 Myra G Rodger; PP2052 Avril Thomson; PP2068 Gayle Marshall; PP2069 David S M Hamilton; PP2070 Lorna Reid; PP2078 Sally Couch; PP2086 E Hutchison; PP2091 Hazel Johnson; PP2096 James Hutchison; PP2106 Eskbank Amenity Society; PP2114 Colin Johnson; PP2116 Karen Miller; PP2123 Patrick Mark; PP2132 Robert Scott; PP2134 Chris Boyle; PP2140 K Palmer; PP2150 Patricia Barclay; PP2157 Elizabeth Anderson; PP2165 Janette Evans; PP2167 A F Wardrope; PP2173 Ann O'Brian; PP2180 Gail Reid; PP2187 Zoe Campbell; PP2198 Marshall Scott; PP2200 Kenneth A Hyslop; PP2208 Jan Krwawicz; PP2217 Marjorie Krwawicz; PP2225 Simon Evans; PP2234 Anne Murray; PP2236 Carolyn Millar; PP2244 Charles A Millar; PP2250 Isobel Ritchie; PP2256 Lewis Jones; PP2262 Karlyn Durrant; PP2269 John Blair; PP2275 Ross Craig; PP2281 Caroline Sneddon; PP2287 James Telfer; PP2293 Lynn MacLeod; PP2302 Kenneth McLean; PP2328 Jim Moir; PP2337 Alan Mercer; PP2345 Julia Peden; PP2353 Moira Jones; PP2359 Matthew McCreath; PP2365 W R Cunningham; PP2371 A H Cunningham; PP2377 Zow-Htet; PP2385 Rae Watson; PP2391 Christina Watson; PP2746 Sara Cormack; PP2776 Eskbank Amenity Society; PP2777 Eskbank Amenity Society; PP2810 Jacqueline Marsh).

Requests the Local Development Plan process is suspended until full information, including all pieces of supplementary guidance and Transport Options Appraisal reports are published, and that there has been an accessible full open public consultation process reflecting that some medical centres and schools are closed to new patients and children (PP2779 Julian Holbrook).

Plan Production and Public Consultation

The consultation process for the Local Development Plan should be suspended and more public awareness raising and public consultation undertaken in the preparation of the plan (PP2782 M A Faithfull).

Requests the Reporter makes certain proper public consultation is undertaken on the plan, that account is taken of public concerns, and changes made accordingly (PP2792 Bonnyrigg & Lasswade Community Council).

Halt all new housing developments until criteria identified in the submission are met, including impact on infrastructure, merging of communities, loss of woodland, open space, Green Belt and agricultural land are discussed in a full, fair and open public consultation (PP2778 Margaret Hodge).

Summary of responses (including reasons) by planning authority:Mapping Keys/Symbology

The proposals map has been designed so that the paper and online versions use the same cartographic palette. This provides greater consistency when reproducing printed copies of the map or downloading a screen print from the online version ([Online Proposals Map](#)). The Council does not consider the colours or annotation used to depict policies RD 2 and DEV 4 to be too similar as to cause confusion and at no point do they overlap.

The Council therefore requests that the Reporter(s) makes no change to the Proposed Plan in respect of this representation (PP175 Scottish Borders Council).

Supplementary Guidance and Supporting Information

Paragraph 135 of Circular 6/2013 ([Planning Series Circular 6/2013: Development Planning](#)) is clear that Ministers' intention is that much detailed material should be contained in supplementary guidance. The principle of the policy or proposal to be subject of supplementary guidance is already established in the proposed plan and the plan is clear on the scope and content of the proposed guidance and that it will only deal with the provision of further information or detail in respect of policies and proposals in the Proposed Plan. It will provide further information to help support the application of the policy framework in the formulation and assessment of development proposals. For expediency the Council has decided to progress preparation of the guidance (CD112, table 7.1) following the submission of the plan to Scottish Ministers (paragraph 140 [Planning Series Circular 6/2013: Development Planning](#)). The guidance will be prepared and published in line with the prescribed requirements.

Contrary to the claims made in the representations, the Proposed Action Programme, transport appraisal (including a summary document and modelling assessment of the defined scenarios) and other supporting documents were made available along with the Proposed Plan. Paper copies were available at the Council's HQ in Dalkeith and at libraries and electronic copies were made available online ([Midlothian Council - Midlothian Local Development Plan - Proposed Plan](#))

The Council therefore requests that the Reporter(s) makes no change to the Proposed Plan in respect of these representations (PP33 Midlothian Green Party, PP144 Gladman)

Developments, PP270 Midlothian Matters, PP320 Grange Estates (Newbattle) Ltd, PP415, PP444 Eskbank & Newbattle Community Council, PP612 Charles F R Buchanan; PP613 Rosemary J Buchanan; PP709 Lasswade District Civic Society, PP1598 Andrew Barker; PP1616 Rachel Davies; PP2319 Joy Moore; PP2808 Shiela Barker, PP1469 Anne Dale; PP1478 Anne Holland; PP1497 Anna MacWhirter; PP1506 Christina Harley; PP1519 Geoffrey Alderson; PP1565 Andrew Thomson; PP1575 Beth Thomson; PP1638 Dawn Robertson; PP1646 Derek Robertson; PP1654 Stewart Y Marshall; PP1662 Elsie Marshall; PP1676 Joan Faithfull; PP1678; Stuart Davis; PP1692 Emma Moir; PP1694 John Owen; PP1702 M A Faithfull; PP1715 S M Croall; PP1727 Marie Owen; PP1728 David Miller; PP1732 R I Pryor; PP1740 Wilma Porteous; PP1747 Margaret Miller; PP1761 Susan E Wright; PP1763 G Palmer; PP1764 Wilma Sweeney; PP1783 R A Pryor; PP1785 Susan Falconer; PP1787 Stuart Barnes; PP1794 Michael Boyd; PP1806 Dianne Kennedy; PP1808 Gudrun Reid; PP1814 George Sweeney; PP1820 David A Porteous; PP1826 Colin Miller; PP1832 Gavin Boyd; PP1838 Kirsty Barnes; PP1844 Vivienne Boyd; PP1850 John F Davidson; PP1856 Eric Smith; PP1862 Annabel Smith; PP1868 Mary M Young; PP1874 James Young; PP1880 John T Cogle; PP1886 Janette D Barnes; PP1892 Jenny Davidson; PP1898 Pamela Thomson; PP1904 Kevin Davidson; PP1910 Hugh Gillespie; PP1916 Jennifer Gillespie; PP1922, John Barton; PP1930 Mary Clapperton; PP1937 John Scaife; PP1944 Linda Scaife; PP1953 George Gray; PP1962 Nan Gray; PP1968 Colin Richardson; PP1971 Kenneth Purves; PP1982 Edith May Barton; PP1987 David Binnie; PP1995 Alex McLean; PP2001 George Mackay; PP2010 Karen Langham; PP2013 E Purves; PP2019 Marjory McLean; PP2027 George Barnes; PP2037 Elizabeth Richardson; PP2046 Donald Marshall; PP2051 Myra G Rodger; PP2052 Avril Thomson; PP2068 Gayle Marshall; PP2069 David S M Hamilton; PP2070 Lorna Reid; PP2078 Sally Couch; PP2086 E Hutchison; PP2091 Hazel Johnson; PP2096 James Hutchison; PP2106 Eskbank Amenity Society; PP2114 Colin Johnson; PP2116 Karen Miller; PP2123 Patrick Mark; PP2132 Robert Scott; PP2134 Chris Boyle; PP2140 K Palmer; PP2150 Patricia Barclay; PP2157 Elizabeth Anderson; PP2165 Janette Evans; PP2167 A F Wardrope; PP2173 Ann O'Brian; PP2180 Gail Reid; PP2187 Zoe Campbell; PP2198 Marshall Scott; PP2200 Kenneth A Hyslop; PP2208 Jan Krwawicz; PP2217 Marjorie Krwawicz; PP2225 Simon Evans; PP2234 Anne Murray; PP2236 Carolyn Millar; PP2244 Charles A Millar; PP2250 Isobel Ritchie; PP2256 Lewis Jones; PP2262 Karlyn Durrant; PP2269 John Blair; PP2275 Ross Craig; PP2281 Caroline Sneddon; PP2287 James Telfer; PP2293 Lynn MacLeod; PP2302 Kenneth McLean; PP2328 Jim Moir; PP2337 Alan Mercer; PP2345 Julia Peden; PP2353 Moira Jones; PP2359 Matthew McCreath; PP2365 W R Cunningham; PP2371 A H Cunningham; PP2377 Zow-Htet; PP2385 Rae Watson; PP2391 Christina Watson; PP2746 Sara Cormack; PP2776 Eskbank Amenity Society; PP2777 Eskbank Amenity Society; PP2778 Margaret Hodge, PP2790 Sarah Barron, PP2810 Jacqueline Marsh, PP345 Buchanan, PP170 Scottish Borders Council).

Plan Production and Public Consultation

The Council considers that it has conducted a comprehensive engagement programme and has tried to be as inclusive as possible, provide sufficient information on the key stage documents as well as the plan preparation process and offer different ways for people to respond and get involved in the process – online, pre-prepared forms and in writing.

The Council acknowledges that not all people like or will use online systems to participate in the development plan process, however it believes that the system in use is easy to access and intuitive. It provides clear guidance on how to access consultation events, access documents and submit comments. It also has a short video tour (approximately 3 minutes) which provides a guided demonstration of the system covering all the user needs

to know about how to access and participate in consultation events and manage the comments they make. The Council has encouraged customers to use the system as it believes it offers them more convenience and flexibility than using paper forms or writing to the Council. From the Council's perspective it is more efficient to receive and manage electronic comments and documents through the portal. The number of complaints about the system has been relatively few but in most cases the Planning team were able to resolve the particular issue satisfactorily. In some cases when customers complained about the portal, staff were unable to elicit the exact reason why they didn't like the system.

The Report on Conformity with the Participation Statement sets out what the Council said it would do, in terms of engagement, and what it subsequently did. The Reporters' will determine whether or not the Council's public engagement activities have been adequate prior to allowing the Examination to proceed.

The Council undertook neighbour notification at both the Main Issues Report and Proposed Plan stages and are satisfied that the content of the letters were consistent with the requirements set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

The Council therefore requests that the Reporter(s) makes no change to the Proposed Plan in respect of these objections (PP189 Constance Newbould, PP270 Midlothian Matters; PP415 Eskbank & Newbattle Community Council, PP2834 Kevin Ingleby; PP2835 Morag Ingleby, PP342, PP345, PP2672 Buchanan; PP1392 C Daniels; PP1137 Kevin Drummond, PP2827 Rowan Nemitz; PP2828 Elizabeth Allan; PP2829 K D Allan; PP2830 Amy Collop; PP2832 Danny Helson; PP2836 Margaret E Anderson; PP2837 Eamonn Coyne; PP2838 Danny Helson; PP1469 Anne Dale; PP1478 Anne Holland; PP1497 Anna MacWhirter; PP1506 Christina Harley; PP1519 Geoffrey Alderson; PP1565 Andrew Thomson; PP1575 Beth Thomson; PP1638 Dawn Robertson; PP1646 Derek Robertson; PP1654 Stewart Y Marshall; PP1662 Elsie Marshall; PP1676 Joan Faithfull; PP1678 Stuart Davis; PP1692 Emma Moir; PP1694 John Owen; PP1702 M A Faithfull; PP1715 S M Croall; PP1727 Marie Owen; PP1728 David Miller; PP1732 R I Pryor; PP1740 Wilma Porteous; PP1747 Margaret Miller; PP1761 Susan E Wright; PP1763 G Palmer; PP1764 Wilma Sweeney; PP1783 R A Pryor; PP1785 Susan Falconer; PP1787 Stuart Barnes; PP1794 Michael Boyd; PP1806 Dianne Kennedy; PP1808 Gudrun Reid; PP1814 George Sweeney; PP1820 David A Porteous; PP1826 Colin Miller; PP1832 Gavin Boyd; PP1838 Kirsty Barnes; PP1844 Vivienne Boyd; PP1850 John F Davidson; PP1856 Eric Smith; PP1862 Annabel Smith; PP1868 Mary M Young; PP1874 James Young; PP1880 John T Cogle; PP1886 Janette D Barnes; PP1892 Jenny Davidson; PP1898 Pamela Thomson; PP1904 Kevin Davidson; PP1910 Hugh Gillespie; PP1916 Jennifer Gillespie; PP1922 John Barton; PP1930 Mary Clapperton; PP1937 John Scaife; PP1944 Linda Scaife; PP1953 George Gray; PP1962 Nan Gray; PP1968 Colin Richardson; PP1971 Kenneth Purves; PP1982 Edith May Barton; PP1987 David Binnie; PP1995 Alex McLean; PP2001 George Mackay; PP2010 Karen Langham; PP2013 E Purves; PP2019 Marjory McLean; PP2027 George Barnes; PP2037 Elizabeth Richardson; PP2046 Donald Marshall; PP2051 Myra G. Rodger; PP2052 Avril Thomson; PP2068 Gayle Marshall; PP2069 David S M Hamilton; PP2070 Lorna Reid; PP2078 Sally Couch; PP2086 E Hutchison; PP2091 Hazel Johnson; PP2096 James Hutchison; PP2106 Eskbank Amenity Society; PP2114 Colin Johnson; PP2116 Karen Miller; PP2123 Patrick Mark; PP2132 Robert Scott; PP2134 Chris Boyle; PP2140 K Palmer; PP2150 Patricia Barclay; PP2157; Elizabeth Anderson; PP2165; Janette Evans; PP2167 A F Wardrope; PP2173 Ann O'Brian; PP2180 Gail Reid; PP2187 Zoe Campbell; PP2198 Marshall Scott; PP2200 Kenneth A Hyslop; PP2208 Jan Krwawicz; PP2217 Marjorie Krwawicz; PP2225 Simon Evans; PP2234 Anne Murray; PP2236 Carolyn

Millar; PP2244 Charles A Millar; PP2250 Isobel Ritchie; PP2256 Lewis Jones; PP2262 Karlyn Durrant; PP2269 John Blair; PP2275 Ross Craig; PP2281 Caroline Sneddon; PP2287 James Telfer; PP2293 Lynn MacLeod; PP2302 Kenneth McLean; PP2328 Jim Moir; PP2337 Alan Mercer; PP2345 Julia Peden; PP2353 Moira Jones; PP2359 Matthew McCreath; PP2365 W R Cunningham; PP2371 A H Cunningham; PP2377 Zow-Htet; PP2385 Rae Watson; PP2391 Christina Watson; PP2746 Sara Cormack; PP2776, PP2777, Eskbank Amenity Society; PP2778 Margaret Hodge, PP2810 Jacqueline Marsh, PP2779 Julian Holbrook; PP2782, M A Faithfull, PP2792 Bonnyrigg & Lasswade Community Council)

Reporter's conclusions:

Proposals map keys/symbology

1. The proposed local development plan proposals maps identify “residential park homes” (policy DEV 4) in yellow. “Low density rural housing” (policy RD 2) areas are shown on the maps in yellow with greenish tinge and a green outline. There are no instances where these two designations overlap on the maps. I also note that the colours have been chosen to ensure consistency between the printed and electronic cartographic pallet. In any case, I consider that the two symbols are sufficiently distinct to avoid confusion. No modification to the proposals map key is therefore required.

Supplementary guidance and supporting information

2. Under section 22 of the Town and Country Planning (Scotland) Act 1997 (as amended) a planning authority may adopt and issue supplementary guidance in connection with a local development plan.

3. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 also deal with supplementary guidance. Regulation 27 requires planning authorities to inform Scottish Ministers of the steps taken to adequately publicise the proposal to adopt the supplementary guidance; describe representations made to the authority on the supplementary guidance; and the extent to which the representations were taken into account. The regulations state that supplementary guidance may only deal with the provision of further information or detail in respect of the policies or proposals set out in a local development plan and then only provided that those are matters that are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance – in other words a ‘hook’ to supplementary guidance should be provided within the plan.

4. Scottish Government planning circular 6/2013 on development planning suggests that when deciding whether a policy area or level of detail is appropriate for supplementary guidance planning authorities should consider whether the supplementary guidance requires the level of scrutiny associated with the Examination. It also suggests topics that should not be included in supplementary guidance (departures from national policy; proposals of more than local impact; green belt boundaries; and items for which financial or other contributions will be sought); and those topics suitable for supplementary guidance (detailed policies where the main principles are already established; local policy designations that do not impact on the spatial strategy of the wider plan area; development briefs and masterplans; exact levels of developer contributions or methodologies for their calculation; and forestry and woodland strategies).

5. The circular also confirms the process for adoption of supplementary guidance including consultation and the fact that it can not be adopted until after the adoption of the plan in which it is connected to – the local development plan in this case.
6. The proposed local development plan refers to supplementary guidance in policies and subject areas including affordable and specialist housing (policy DEV 3); layout and design of new development (DEV 6); transport network interventions (TRAN 2); retail (TCR 1); resource extraction (MIN 2); onshore oil and gas (MIN 3); development in the countryside (RD 1); low density rural housing (RD 2); the Midlothian Green Network (ENV 2); special landscape areas; flooding and the water environment; air quality and dust; wind energy development (NRG 2); community heating (NRG 6); and developer contributions. A full list of supplementary guidance is also provided in section 7 of the proposed plan within table 7.1 (list of supplementary guidance and other planning guidance, pages 80-81).
7. Some representations suggest that important issues including development in the countryside, green belt and special landscape areas should be brought into the proposed plan. However, I am satisfied that the policies and proposals to be produced as supplementary guidance are reasonable and appropriate to be addressed at that level. The supplementary guidance proposed have sufficient 'hooks' within the proposed local development plan where the main principle policy or area is established. The areas proposed for supplementary guidance also follow those suggested by circular 6/2013. I find that the use of supplementary guidance is reasonable and appropriate without any requirement to provide further detail within the proposed plan on the matters in which the supplementary guidance will cover.
8. In some instances it may be useful to understand the content of supplementary guidance when reviewing a proposed local development plan. However, there is no requirement to produce supplementary guidance in advance or in tandem with a proposed development plan. Production of supplementary can occur following adoption; and, indeed, can only be adopted following the adoption of a related development plan – one must follow the other. No modifications to the proposed plan are required on this matter.
9. Transport discussion papers, options and appraisals documents were published in conjunction with the Main Issues Report and to support the production of the proposed local development plan. There are no provisions within the aforementioned Act, regulations or circular to "suspend" plan production in the absence of particular information. That would be a matter for the planning authority to consider. In any case, I find that the information concerning transportation was publicly accessible and available to inform the production of the proposed plan. No modifications arise in relation to this matter.
10. Health care and education capacity were subject to a written further information request in relation to Issue 3 (requirement for new development) of this report. In that Issue I conclude that there was sufficient investigation of this matter at the plan production stage; and that, in any event, the provisions within the proposed local development plan (particularly in relation to developer contributions) would enable proper consideration of this matter at the development management stage when proposals were assessed. No modifications are required on this basis.

Plan production and public consultation

11. The council has responded to concerns about the consultation exercise and technical issues in the schedule 4 above. There is a procedure for assessing whether the planning

authority has consulted on the proposed local development plan in the way it said it would in its participation statement. This “examination of conformity with the participation statement” is set out at the beginning of this examination report where I conclude that the planning authority met its statutory obligations in relation to consultation. Consequently, the examination of the proposed plan could commence.

12. An assessment of whether future proposals meet developer requirements would be made by the planning authority at the planning application stage using the provisions of the proposed plan (including the requirements set out in the settlement statements; and elsewhere in the plan and supplementary guidance). Consultation with the community would occur through the neighbour notification process; and, for “major” developments through the pre-application consultation procedures as required through the Town and Country (Development Management Procedure) (Scotland) Regulations 2013. The provisions of the plan and the regulations will ensure continued community input into proposals in Midlothian. No modifications arise in relation to this matter.

Reporter’s recommendations:

No modifications.