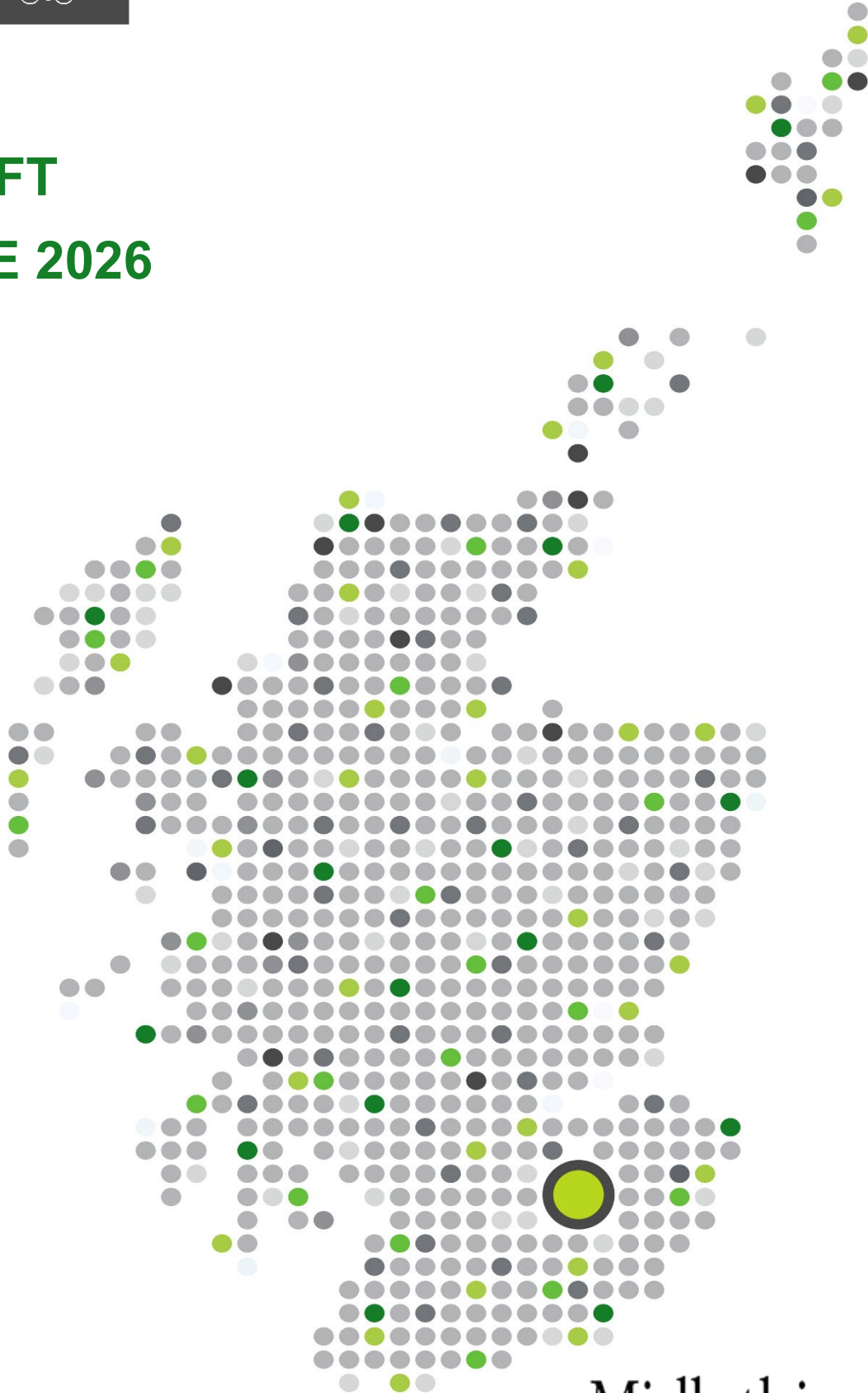




# MLDP2

## Habitats Regulations Appraisal

**DRAFT**  
**JUNE 2026**



Midlothian



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# Introduction

## Introduction

1. This document is a draft Habitats Regulations Assessment appraisal in relation to regulation 48/85B of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (Habitats Regulations Appraisal) for Midlothian Council's Proposed Midlothian Local Development Plan 2 (known as the Proposed MLDP2).
2. This document also represents the Appraisal Record and Draft Appropriate Assessment for the Draft Habitats Regulations Appraisal for the Proposed MLDP2. It is being published in conjunction with the Proposed MLDP2 as part of a formal consultation with NatureScot on this document (the draft Habitats Regulations Assessment). This document was produced to inform and support the Proposed MLDP2. It provides details of the protected European sites (designated for nature conservation purposes) in Midlothian, how they may be affected by the Proposed MLDP2 and what implications they have for the Proposed MLDP2.
3. This assessment has been informed by the guidance on structure and content in NatureScot's Habitats Regulations Appraisal of Local Development Plans Guidance for planning authorities in Scotland (November 2023). This document is structured in the Stages 1-5 for such appraisals set out in the November 2023 NatureScot guidance. That is reflected in this document's contents page.



# HRA Stage 1

## HRA Stage 1: What is the plan and gathering information?

**Plan title:** Proposed Midlothian Local Development Plan 2 (Proposed MLDP2)

**Name of competent authority:** Midlothian Council

### Details of the plan

4. The Proposed MLDP2 covers the Midlothian Council area which is in south east Scotland, immediately south of the City of Edinburgh Council area. The Proposed MLDP2 is Midlothian Council's emerging replacement local development plan for its adopted Midlothian Local Development Plan (2017). The MLDP2 is timetabled for adoption in the first half of 2027.
5. There are three designated European sites in Midlothian. The potential for effect on them from the policy framework and spatial strategy of the Proposed MLDP2 is required to be considered. As should the potential effect on other European sites outwith Midlothian that may potentially be affected by the Proposed MLDP2.
6. This stage 1 identifies the designated European sites selected for this assessment and provides the reasons for this.

### Summary of screening and assessment process

7. The purpose of this document is to give a clear position on whether, and to what extent, the Proposed MLDP2 is likely to have a significant effect on the designated European nature conservation sites identified as relevant for assessment.
8. This assessment will screen the policy framework and spatial strategy (including development allocations) of the Proposed MLDP2 to determine if either of them will likely have a significant effect on the European site designations subject of this assessment. This assessment is set out in tabular format.
9. Where the screening indicates there is uncertainty on whether there will likely be a significant effect, or that there will likely be a significant effect from an MLDP2 policy or the spatial strategy on a European site, then an Appropriate Assessment will be undertaken on those matters where this is raised through the screening. This screening and appropriate assessment is contained in this document.

10. With regard to the Proposed MLDP2 development allocations, only those sites subject to assessment through the Strategic Environmental Assessment (SEA) set out in the Draft Environmental Report will be considered in this draft Habitats Regulations Assessment (HRA). Development sites identified in the Proposed MLDP2 that are under construction, have planning permission, or in the case of operational economic sites, have not been considered as part of this HRA. The Council's Evidence Report for MLDP2 set out that existing sites with planning consent would not be reassessed as part of the production of MLDP2. Therefore neither were such sites subject to SEA. The Council took this position in the Evidence Report because it felt it inappropriate to assess sites as part of the local development plan review that had planning permission and could be built out. The new allocations made in the extant adopted Midlothian Local Development Plan (2017) (MLDP2017) were part of a Habitats Regulations Appraisal. This draft HRA will therefore only assess new development allocations identified in the Proposed MLDP2 or existing sites identified in the MLDP2017 that do not have planning permission.

## European sites selected as relevant for assessment

11. Four European sites have been identified for inclusion in this HRA as being potentially affected by MLDP2. Three of them are in Midlothian, in the southern part of the county. The other one is outwith Midlothian, to the north, on the Forth Estuary. Details of the four sites and a summary of why they were chosen for assessment is below. No other European sites were considered appropriate or relevant for inclusion in this HRA due to their location and purpose of designation.

**Table 1: European sites included in Proposed MLDP2 Habitats Regulations Appraisal**

European Site	Reason for inclusion in Habitats Regulations Appraisal
<b>Peeswit Moss SAC</b>	The site is designated due its raised bog features. The site is located in Midlothian and therefore assessment is considered necessary to determine if there would likely be a significant effect on the designation from MLDP2's policy framework and spatial strategy.
<b>Gladhouse Reservoir SPA</b>	The site is designated due to its use as non-breeding habitat for pink footed geese. The site is located in Midlothian and therefore assessment is considered necessary to determine if there would likely be a significant effect on these birds and the designation from MLDP2's policy framework and spatial strategy.
<b>Fala Flow SPA</b>	The site is designated due to its use as non-breeding habitat for pink footed geese. The site is located in Midlothian and therefore assessment is considered necessary to determine if there would likely be a significant effect on these birds and the designation from MLDP2's policy framework and spatial strategy.
<b>Firth of Forth SPA</b>	The site is designated due to its use as non-breeding habitat for pink footed geese. It is outwith Midlothian, to the north. Non-breeding pink footed geese are present at Gladhouse Reservoir SPA and Fala Flow SPA. The geese are known to fly north-south between these sites to the Firth of Forth SPA, so the sites cannot be taken in isolation and the likely significance of effect on the three sites must be assessed. Assessment is considered necessary to determine if there would likely be a significant effect on these birds and the designation from MLDP2's policy framework and spatial strategy due to this connectivity between the Gladhouse Reservoir and Fala Flow SPA sites. The Outer Firth of Forth and St Andrews Bay Complex SPA was considered for assessment, but because pink footed geese are not identified as a reason for its designation, it was not selected for assessment.

Note: SAC: Special Area of Conservation; SPA: Special Protection Area

12. There are no candidate or potentially new European site designations in Midlothian and Midlothian Council does not consider the Proposed MLDP2 will likely have any significant effects on any other designated European site. Therefore, no other European sites have been identified for consideration

## Background Information on the Relevant European Sites

Table 2: Qualifying Interest of the European Sites

Name and designation date of European Site Potentially Affected	Name of Component Site Special Scientific Interest (SSSI)	European Site Qualifying Interest – and whether priority or non-priority
<b>Peeswit Moss SAC</b> Designated 17 March 2005	Peeswit Moss SSSI	Active raised bogs – priority habitat Degraded raised bog
<b>Gladhouse Reservoir SPA</b> Designated 14 July 1988	Gladhouse Reservoir SSSI	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding
<b>Fala Flow SPA</b> 25 April 1990	Fala Flow SSSI	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding
<b>Firth of Forth SPA</b> 30 October 2001	Firth of Forth SSSI	Aggregations of non-breeding birds, including pink-footed goose ( <i>Anser brachyrhynchus</i> )

Note: SSSI: Site of Special Scientific Interest



Table 3: Conservation Objectives for Qualifying Interests of the European Sites

Name of European Site Potentially Affected	Conservation objectives for Qualifying Interests
Peeswit Moss SAC	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>● extent of the habitat on site;</li> <li>● distribution of the habitat within site;</li> <li>● structure and function of the habitat;</li> <li>● processes supporting the habitat;</li> <li>● distribution of typical species of the habitat;</li> <li>● viability of typical species as components of the habitat; and</li> <li>● no significant disturbance of typical species of the habitat.</li> </ul>
Gladhouse Reservoir SPA	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>● population of the species as a viable component of the site;</li> <li>● distribution of the species within site;</li> <li>● distribution and extent of habitats supporting the species;</li> <li>● structure, function and supporting processes of habitats supporting the species; and</li> <li>● no significant disturbance of the species.</li> </ul>
Fala Flow SPA	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>● Population of the species as a viable component of the site;</li> <li>● Distribution of the species within site;</li> <li>● Distribution and extent of habitats supporting the species;</li> <li>● Structure, function and supporting processes of habitats supporting the species; and</li> <li>● No significant disturbance of the species.</li> </ul>
Firth of Forth SPA	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>● population of the species as a viable component of the site;</li> <li>● distribution of the species within site;</li> <li>● distribution and extent of habitats supporting the species;</li> <li>● structure, function and supporting processes of habitats supporting the species; and</li> <li>● no significant disturbance of the species.</li> </ul>



Table 4: Site Condition of the European Sites

Name of European Site Potentially Affected	Site condition
Peeswit Moss SAC	Active raised bog Latest Assessed Condition: Unfavourable recovering 22 July 2014
	Degraded raised bog Latest Assessed Condition: Unfavourable recovering 31 March 2009
Gladhouse Reservoir SPA	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding birds Latest Assessed Condition: -Unfavourable declining 20 September 2010
Fala Flow SPA	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding birds Latest Assessed Condition: -Favourable maintained 20 September 2010
Firth of Forth SPA	Bar-tailed godwit ( <i>Limosa lapponica</i> ), non-breeding birds Latest Assessed Condition: -Favourable maintained
	Common scoter ( <i>Melanitta nigra</i> ), non-breeding birds Latest Assessed Condition: -Unfavourable declining 25 June 2018

Table 5: Factors Currently Influencing the European Sites

Name of European Site Potentially Affected	Factors currently influencing the site
Peeswit Moss SAC	Active raised bog Negative pressures: No proactive management
	Degraded raised bog Negative pressures: No proactive management
Gladhouse Reservoir SPA	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding Birds Negative pressures: -No proactive management -Water management
Fala Flow SPA	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding Birds Negative pressures: -Water management
Firth of Forth SPA	Bar-tailed godwit ( <i>Limosa lapponica</i> ), non-breeding Birds Negative pressures: -Recreation/disturbance (dog walking, walking)
	Common scoter ( <i>Melanitta nigra</i> ), non-breeding Birds Negative pressures: -None listed

Table 6: Vulnerabilities / Potential Effects of the MLDP2 on European Sites

Name of European Site Potentially Affected	Vulnerabilities to change / potential effects of the plan
<b>Peeswit Moss SAC</b>	Negative issues arising due to stated no proactive management on NatureScot website. Potential effects on birds using the site that may result from development allocations/sites in the MLDP2 and development proposals coming forward that require to be assessed against MLDP2's policy framework.
<b>Gladhouse Reservoir SPA</b>	Negative issues arising due to stated no proactive management and water management issues on NatureScot website. Potential effects on birds using the site that may result from development allocations/sites in the MLDP2 and development proposals coming forward that require to be assessed against MLDP2's policy framework.
<b>Fala Flow SPA</b>	Potential effects on birds using the site that may result from development allocations/sites in the MLDP2 and development proposals coming forward that require to be assessed against MLDP2's policy framework.
<b>Firth of Forth SPA</b>	Negative issues arising due to stated recreation/disturbance on NatureScot website. Potential effects on birds using the site that may result from development allocations/sites in the MLDP2 and development proposals coming forward that require to be assessed against MLDP2's policy framework.





# HRA Stages 2 and 3

## HRA Stage 2

Is the plan or project directly connected with or necessary to site management for nature conservation?

13. Midlothian Council response: No

## HRA Stage 3: Screening

Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?

14. Appropriate Assessment is only required where the authority, Midlothian Council in this instance, determines – through a ‘screening’ process - that the plan (the Proposed MLDP2) is likely to have a significant effect on the designated European sites.
15. Screening is required to determine whether Appropriate Assessment is needed. The screening was undertaken by assessing the Proposed MLDP2 policies and spatial strategy to determine if:
  - they will have a likely significant effect on the European sites; and
  - if significant effects are identified, whether these will lead to adverse effect on the integrity of the European Sites.
16. Midlothian Council has chosen to identify if there are uncertainties on whether the Proposed MLDP2 and its policies and spatial strategy may have likely significant effects on the European sites. The Council considered there may be circumstances where it was not clear that there would be a likely significant effect on a European site and that there may be uncertainties as to whether there would be a likely significant effect. The Council felt such uncertainties should be highlighted in the screening.
17. If the screening highlights uncertainties, the next step is to consider the significance of those uncertainties and if there are other factors, such as other policies and safeguards or information, that would indicate if the identified uncertainty would not result in a likely significant effect on a European site(s).
18. As already listed in Stage 1 of this assessment, below in Table 7 are the European sites, and their qualifying interest against, which the Proposed MLDP2 and its policies and spatial strategy need to be considered in this screening process. The housing and economic development allocation policies, policies HOU6 and ECON5 respectively, significantly reflect MLDP2’s spatial strategy for the purposes of this HRA. The appendices of this document

highlight the location of the four European sites subject of this HRA and also the housing, economic and mineral (sand and gravel) extraction sites subject of this HRA.

**Table 7: European Sites Subject of this Assessment**

Name and designation date of European Site Potentially Affected	Name of Component Site Special Scientific Interest (SSSI)	European Site Qualifying Interest – and whether priority or non-priority
<b>Peeswit Moss SAC</b> Designated 17 March 2005	Peeswit Moss SSSI	Active raised bogs – priority habitat Degraded raised bog
<b>Gladhouse Reservoir SPA</b> Designated 14 July 1988	Gladhouse Reservoir SSSI	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding
<b>Fala Flow SPA</b> 25 April 1990	Fala Flow SSSI	Pink-footed goose ( <i>Anser Brachyrhynchus</i> ) non-breeding
<b>Firth of Forth SPA</b> 30 October 2001	Firth of Forth SSSI	Aggregations of non-breeding birds, including pink-footed goose ( <i>Anser brachyrhynchus</i> )

Note: SAC: Special Area of Conservation; SPA: Special Protection Area; SSSI: Site of Special Scientific Interest

19. Stages 3 and 4 (set out in sections 4 and 5 respectively of this document) represent the HRA assessment record of the Proposed MLDP2. Stage 3 is the Screening and Stage 4 is the Appropriate Assessment. Appendix C (Stage 3) of NatureScot’s Habitats Regulations Appraisal of Local Development Plans Guidance for planning authorities in Scotland (November 2023) states there is a need to consider in-combination effects when carrying out this screening stage.
20. Table 8 sets out the screening of the Proposed MLDP2 in-combination with how its policy framework associates with National Planning Framework 4 (NPF4). Explanation of the categories used for the responses to the final column question of “Likely significant effect on a European site” are set out in the footers of Table 8. No other plans or projects were considered appropriate for assessment of in-combination effects. No assessment was undertaken of NPF4 policies as that document was subject to its own HRA.

Table 8: Screening of Proposed MLDP2

Policy (or other part)	Ref	Policy Title/ Section of Proposed MLDP2	NPF4 policy connection	Likely significant effect on a European site with reason
Introduction	N/A	N/A	N/A	No - 1
Spatial Strategy	N/A	N/A	N/A	No - 1
Policy	STR1	Health and Wellbeing	23	No - 1
Policy	STR2	Climate Change Mitigation and Adaptation	1, 2	No - 1
Policy	DES1	Protecting Quality and Place		No - 1
Policy	DES2	Design, Layout and Landscape Standards	14	No - 3(b)
Policy	DES3	Biodiversity and New Development	3	No - 3(b)
Policy	DES4	Urban Greening Factor		No - 3(b)
Policy	DES5	Open Space Standards	21	No - 3(b)
Policy	DES6	Play Space Standards	21	No - 3(b)
Policy	DES7	Private Outdoor Space for Dwellings		No - 3(b)
Policy	DES8	Change of Use of Open Space to Garden Ground		No - 3(b)
Policy	DES9	Trees and Hedgerows in New Development	6	No - 3(b)
Policy	INF1	Blue and Green Infrastructure	18, 20	No - 1
Policy	INF2	Transport Network Interventions	18	No - 2, 3(d)
Policy	INF3	Sustainable Transport	13, 18	No - 1
Policy	INF4	Transport Interchanges	18	No - 1, 3(d)
Policy	INF5	Freight Facilities	18	No - 1, 3(d)
Policy	INF6	Safeguarding of Former Rail Lines	18	No - 1
Policy	INF7	Renewable Energy Generation and Infrastructure	11, 18	?
Policy	INF8	Electric Vehicle and Bicycle Charging	18	No - 1
Policy	INF9	Water and Drainage	18, 22	No - 1
Policy	INF10	Waste Facilities	12, 18	No - 3(d)
Policy	INF11	Heat Networks	18, 19	No - 1
Policy	INF12	Digital Infrastructure	18, 24	No - 1
Policy	INF13	Minerals	18, 33	?
Policy	ECON1	Community Wealth Building	25	No - 1
Policy	ECON2	Rural Development	29	?
Policy	ECON3	Tourism and Visitor Attractions	30	No - 3(d and e)

Policy (or other part)	Ref	Policy Title/ Section of Proposed MLDP2	NPF4 policy connection	Likely significant effect on a European site with reason
Policy	ECON4	Visitor Accommodation	30	No – 3(d and e)
Policy	ECON5	Employment Locations	26	?
Policy	ECON6	Further and Higher Education Facilities		No – 3(d)
Policy	ECON7	Midlothian Science Zone		No – 3(d)
Policy	ECON8	Town, Local and Commercial Centres	27	No – 3(c)
Policy	ECON9	Retail and Commercial Development	28	No - 1
Policy	ECON10	Petrol and Vehicle Recharging Stations		No - 1
Policy	ECON11	Hot Food Takeaways		No - 1
Policy	HOU1	Housing Types and Density	16	No – 3(b)
Policy	HOU2	Affordable Housing	16	No – 3(b)
Policy	HOU3	Rural Housing	17	No – 3(d and e)
Policy	HOU4	Land for Gypsy and Traveller Accommodation		No – 3(d and e)
Policy	HOU5	Residential Park Homes		No – 3(b)
Policy	HOU6	Housing Land Allocations	16	?
Policy	HOU7	Householder Developments		No – 3(b)
Policy	HOU8	House Extensions		No – 3(b)
Policy	HOU9	Outbuildings, Driveways, Micro-renewables, Fences and Walls		No – 3(b)
Policy	LOC1	Community Facilities		No - 1
Policy	LOC2	Sports Facilities	21	No - 1
Policy	LOC3	Schools and Nurseries		No - 1
Policy	LOC4	Allotments		No – 3(b)
Policy	LOC5	Community Growing Spaces		No – 3(b)
Policy	LOC6	Burial Grounds		No - 1, 3(b and c)
Policy	IMP1	Infrastructure Delivery and Planning Obligations		No – 3(b)
Policy	ENV1	Midlothian Nature Network	3, 4	No – 3(a)
Policy	ENV2	Natural Places	4	No – 3(a)
Policy	ENV3	Landscape Character		No – 3(a)
Policy	ENV4	Special Landscape Areas	4	No – 3(a)
Policy	ENV5	Protection of River Valleys		No – 3(a)
Policy	ENV6	Water Environment		No – 3(a)

Policy (or other part)	Ref	Policy Title/ Section of Proposed MLDP2	NPF4 policy connection	Likely significant effect on a European site with reason
Policy	ENV7	Newbattle Strategic Greenspace Safeguard		No – 3(a)
Policy	ENV8	Green Belt	8	No – 3(a)
Policy	ENV9	Forestry and Woodland Planting	6	No – 3(a)
Policy	ENV10	Local Geodiversity Sites		No – 3(a)
Policy	ENV11	Soils	5	No – 3(a)
Policy	ENV12	Conservation Areas	7	No – 3(a)
<b>Place Statements</b>			N/A	No - 1
<b>Appendices</b>			N/A	No – 1

“?”= Uncertain effect and appropriate assessment required

21. The reasons for screening out a policy or section of the Proposed MLDP2 as having no likely significant effect are taken from NatureScot’s Habitats Regulations Appraisal of Local Development Plans Guidance for planning authorities in Scotland (November 2023) as follows:
1. General policy statements
  2. 2: Projects referred to in, but not proposed by, the plan
  3. 3: Aspects of the plan that could have no likely significant effect on a site, alone or in combination with other aspects of the same plan, or with other plans or projects
    - (a) Elements of the plan intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
    - (b) Elements of the plan which will not themselves lead to development or other change, e.g. because they relate to design or other qualitative criteria for development or other kinds of change;
    - (c) Elements of the plan which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
    - (d) Elements of the plan which make provision for change but which could have no significant effect on a European site, because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site (such elements should however be considered in combination with other aspects of the same plan, or in combination with other plans or projects);
    - (e) Elements of the plan for which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.



# HRA Stage 4

## HRA Stage 4: The Appropriate Assessment

22. The screening in Stage 3 identifies five policies in the Proposed MLDP2 which have uncertainties as to whether they would have likely significant effects on a European site. These five policies have been identified as “uncertainties” in this assessment as it would be inappropriate without further consideration and assessment to label them as likely to have a significant effect on a European site. The five policies are identified below in Table 9, together with why they were screened as being “uncertain”.

**Table 9: Proposed MLDP2 Policies with Uncertain Effects on European Sites**

MLDP2 Policy Ref	Policy Title	Reason for Screening as “Uncertain”
INF7	Renewable Energy Generation and Infrastructure	The policy, in conjunction with other MLDP2 and NPF4 policies, will be used to assess renewable energy proposals – including wind energy. Wind energy proposals may be large in scale and located in southern Midlothian, comparatively close to the European sites.
INF13	Minerals	The policy, through the MLDP2 proposals map, identifies land where extensions to existing consented sand and gravel extraction sites is acceptable in principle. Assessment is required to determine if these locations may have a significant effect on any of the European sites.
ECON2	Rural Development	The policy has been identified as uncertain because it identifies support for the creation of a Rural Land Management Hub consisting of workshops and facilities for farm machinery sales, servicing and repairs, related businesses and skills training in the A7, A68, A701, A6094 or A702 road corridors. It is likely, though not certain, that such a facility would be on a greenfield site. Due to possible potential for impact from a proposal on winter foraging ground for pink footed geese, it is considered appropriate to assess this matter further.
ECON5	Employment Locations	The policy identifies new employment land site allocations. Assessment is required to determine if these sites may have a significant effect on any of the European sites.
HOU6	Housing Land Allocations	The policy identifies new housing site allocations. Assessment is required to determine if these sites may have a significant effect on any of the European sites.

23. This Stage 4 of the assessment considers each policy in turn and assesses them in Tables 10/1 to 10/5 determine if they would have a likely significant effect on a European site.
24. Finally, an assessment (set out in Table 11) is also made of the connectivity between the Proposed MLDP2 policies and the five European sites identified in this assessment. As already stated, the appendices of this document highlight the location of the four European sites subject of this HRA and also the housing, economic and mineral (sand and gravel) extraction sites subject of this HRA.

**Table 10.1: Proposed MLDP2 Policy INF7 Renewable Energy Generation and Infrastructure**

MLDP2 Policy Ref	Policy Title	Likely Significant Effects?
INF7	Renewable Energy Generation and Infrastructure	No likely significant effect.
<b>Assessment</b>		<b>Outcome</b>
<p>This policy was identified as uncertain because, combined with NPF4, it will be used to assess wind energy and other renewable energy developments. Due to the scale and often designated countryside location of some renewable energy proposals, it was felt reasonable and appropriate to identify the effect as uncertain and consider the policy further. Wind energy proposals may be large in scale and located in southern Midlothian, comparatively close to the European sites.</p> <p>The policy structure of INF7 is similar to other policies, such as those in the Protective Places section of the NLDP2, in that sets out criteria and matters to be taken into account in the assessment of proposals. However, it does not identify specific geographical locations where development would be supported in principle. In that regard, it would be very justifiable to screen out the policy using the categories 3(a) and 3(e).</p> <p>This policy cannot with any certainty predict exactly what and where renewable energy proposals may come forward. This policy, combined with other relevant MLDP2 and NPF4 policies, would assess the impact of a proposal on a European site with the purpose of seeking to safeguard the sites' integrity.</p> <p>For these reasons it is concluded that there will be no likely significant effect on a European site from policy INF7.</p>		No likely significant effect.



Table 10.2: Proposed MLDP2 Policy INF13 Minerals

MLDP2 Policy Ref	Policy Title	Likely Significant Effects?
INF13	Minerals	No likely significant effect.
<b>Assessment</b>		<b>Outcome</b>
<p>This policy was identified as uncertain due to the possibility of impact on the pink-footed geese associated with Gladhouse Reservoir and Fala Flow SPA that may use the expansion sites. The policy assessment undertaken for the strategic environmental assessment (SEA) for the Proposed MLDP2 raised uncertainties on the impact of the policy, due to the nature of operations. These uncertainties would need to be addressed at the planning application stage.</p> <p><u>Temple Quarry Extension (sand and gravel)</u>  The expansion area at the operational Temple Quarry (sand and gravel) has received planning consent (planning application 24/00423/DPP) on 21 November 2025 as the Proposed MLDP2 and assessments were being prepared.  The site is approximately 6.5 km from Gladhouse Reservoir and was considered as having potential foraging for wintering geese. A Habitats Regulation Appraisal (HRA) was undertaken for the planning application.</p> <p>Given the size of the extraction area and nature of the operation, the appropriate assessment (for the HRA for the planning application) concluded that the proposal would not adversely effect the integrity of the Gladhouse Reservoir SPA. This was based on the distance of the site from the Gladhouse Reservoir SPA, the relatively small size of habitat taken up by the extraction working area and void for quarrying, the phased restoration of the site and the ability of the geese to find other foraging areas would mean that the site's conservation objectives would not be undermined with regards to habitat deterioration for pink-footed geese.  NatureScot had been consulted on the planning application and confirmed that it would have no adverse impact on site integrity of Gladhouse Reservoir SPA.</p> <p><u>Upper Dalhousie Extension (sand), near Rosewell</u>  The Council is not aware of the site having potential for winter foraging for pink-footed geese. Environmental issues would need to be considered in any proposals that come forward.</p> <p>The Council considers there is no likely significant effect on a European site from this policy.</p>		No likely significant effect.



Table 10.3: Proposed MLDP2 Policy ECON2 Rural Development

MLDP2 Policy Ref	Policy Title	Likely Significant Effects?
ECON2	Rural Development	No likely significant effect.
<b>Assessment</b>		<b>Outcome</b>
The policy does not identify specific locations for a development, only general road corridors. Therefore it is not possible to identify a specific impact as specific locations for assessment are unknown. It is likely that geese would adapt if a proposal were to be developed. However, the policy framework of MLDP2 would require relevant assessment of impact from proposals on a European site and its associated species.		No likely significant effect.

Table 10.4: Proposed MLDP2 Policy ECON5 Employment Locations

MLDP2 Policy Ref	Policy Title	Likely Significant Effects?
ECON5	Employment Locations	No likely significant effect.
<b>Assessment</b>		<b>Outcome</b>
<p>For the Proposed MLDP2, 16 sites (all of which are in the Proposed MLDP2) were subject to SEA assessment as economic land sites. The Draft Environmental Report for MLDP2 set out that no reasonable alternative sites were identified. This is because the Council considered the identified sites in MLDP2 represented the appropriate sites to meet requirements.</p> <p>All of these 16 sites in the Proposed MLDP2 have been subject of a SEA assessment which concluded that their inclusion in MLDP2 would have no likely significant effects on the integrity of the European sites. That position is supported in this HRA.</p> <p>The BTO Bird Atlas 2007-11, referred to for the HRA of the MLDP2017 and used in that HRA appropriate assessment, indicated there were no development allocations within 20km of the SPA located on greenfield sites likely to be used by feeding geese. That 20km distance applies to all allocations in MLDP2.</p> <p>All development sites coming forward would be subject to a range of relevant policies in MLDP2 and NPF4, and any necessary relevant assessments.</p>		No likely significant effect.

Table 10.5: Proposed MLDP2 Policy HOU6 Housing Land Allocations

MLDP2 Policy Ref	Policy Title	Likely Significant Effects?
HOU6	Housing Land Allocations	No likely significant effect
<b>Assessment</b>		<b>Outcome</b>
<p>For the Proposed MLDP2, 32 sites (all of which are identified in the Proposed MLDP2) were subject to SEA assessment as preferred housing sites – though one (site R33) is identified for long-term growth beyond the lifespan of MLDP2. Seven additional other reasonable alternative housing sites were also subject to SEA.</p> <p>All of these 32 sites in the Proposed MLDP2 have been subject of a SEA assessment which concluded that their inclusion in MLDP2 would have no likely significant effects on the integrity of the European sites. That position is supported in this HRA.</p> <p>The BTO Bird Atlas 2007-11, referred to for the HRA of the MLDP2017 and used in that HRA appropriate assessment, indicated there were no development allocations within 20km of the SPA located on greenfield sites likely to be used by feeding geese. That 20km distance applies to all allocations in MLDP2.</p> <p>All development sites coming forward would be subject to a range of relevant policies in MLDP2 and NPF4 and any necessary relevant assessments.</p>		No likely significant effect.

25. Given the reference in Stage 1 of this assessment between the connectivity of the three SPAs for the pink-footed associated with the sites, this Stage 4 appropriate assessment section in Table 11 below considers connectivity as an issue.



Table 11: Connectivity Assessment of the European Sites Subject of this HRA

European Site	Qualifying interests	Connectivity?	Likely Significant Effects?
Peeswit Moss SAC	Active Raised Bog  Degraded Raised Bog	<p>Assessment of policy INF7 concluded that as the policy does not identify locations, and that proposals would be assessed against it and a range of other relevant policies, it would not have a likely significant effect.</p> <p>Conclusion of assessment is that policy INF13 will not have a likely significant effect. Proposals would be assessed against relevant policies.</p> <p>The exact location and nature of possible proposals that may come forward through policy ECON2 cannot be identified at this time. Therefore it is not possible to state the policy will have a likely significant effect on a European site.</p> <p>Nearest greenfield site development allocation site subject to assessment (policies ECON5 and HOU6) is approximately 9km from the SAC. Therefore there is no direct connectivity. There is no hydrological connectivity between allocation sites or mineral extraction extension sites and this SAC.</p> <p>All development sites coming forward would be subject to a range of relevant policies in MLDP2 and NPF4 and any necessary relevant assessments.</p>	No likely significant effect.



European Site	Qualifying interests	Connectivity?	Likely Significant Effects?
Gladhouse Reservoir SPA	Pink-footed goose ( <i>Anser brachyrhynchus</i> ), non-breeding	<p>Assessment of policy INF7 concluded that as the policy does not identify locations, and that proposals would be assessed against it and a range of other relevant policies, it would not have a likely significant effect.</p> <p>Conclusion of assessment is that policy INF13 will not have a likely significant effect.</p> <p>Proposals would be assessed against relevant policies.</p> <p>Nearest greenfield site development allocation site subject to assessment (policies ECON5 and HOU6) is approximately 10km from the SPA.</p> <p>The exact location and nature of possible proposals that may come forward through policy ECON2 cannot be identified at this time. Therefore it is not possible to state the policy will have a likely significant effect on a European site.</p> <p>The BTO Bird Atlas 2007-11, referred to for the HRA of the MLDP2017 and used in that HRA appropriate assessment, indicated there were no development allocations within 20km of the SPA located on greenfield sites likely to be used by feeding geese. That 20km distance applies to all allocations in MLDP2.</p> <p>All development sites coming forward would be subject to a range of relevant policies in MLDP2 and NPF4 and any necessary relevant assessments.</p>	No likely significant effect.



European Site	Qualifying interests	Connectivity?	Likely Significant Effects?
Fala Flow SPA	Pink-footed goose ( <i>Anser brachyrhynchus</i> ), non-breeding	<p>Assessment of policy INF7 concluded that as the policy does not identify locations, and that proposals would be assessed against it and a range of other relevant policies, it would not have a likely significant effect.</p> <p>Conclusion of assessment is that policy INF13 will not have a likely significant effect.</p> <p>Proposals would be assessed against relevant policies.</p> <p>Nearest greenfield site development allocation site subject to assessment (policies ECON5 and HOU6) is approximately 5km from the SPA.</p> <p>The exact location and nature of possible proposals that may come forward through policy ECON2 cannot be identified at this time. Therefore, it is not possible to state the policy will have a likely significant effect on a European site.</p> <p>The BTO Bird Atlas 2007-11, referred to for the HRA of the MLDP2017 and used in that HRA appropriate assessment, indicated there were no development allocations within 20km of the SPA located on greenfield sites likely to be used by feeding geese. That 20km distance applies to all allocations in MLDP2.</p> <p>All development sites coming forward would be subject to a range of relevant policies in MLDP2 and NPF4 and any necessary relevant assessments.</p>	No likely significant effect.



European Site	Qualifying interests	Connectivity?	Likely Significant Effects?
Firth of Forth SPA	Aggregations of non-breeding birds, including pink-footed goose ( <i>Anser brachyrhynchus</i> )	<p>Midlothian has no direct land-based physical connection with this coastal SPA.</p> <p>Assessment of policy INF7 concluded that as the policy does not identify locations, and that proposals would be assessed against it and a range of other relevant policies, it would not have a likely significant effect.</p> <p>Conclusion of assessment is that policy INF13 will not have a likely significant effect.</p> <p>Proposals would be assessed against relevant policies.</p> <p>Nearest greenfield site development allocation site subject to assessment (policies ECON5 and HOU6) are not considered to likely have a significant effect on a European site.</p> <p>The exact location and nature of possible proposals that may come forward through policy ECON2 cannot be identified at this time. Therefore, it is not possible to state the policy will have a likely significant effect on a European site.</p> <p>The BTO Bird Atlas 2007-11, referred to for the HRA of the MLDP2017 and used in that HRA appropriate assessment, indicated there were no development allocations within 20km of the SPA located on greenfield sites likely to be used by feeding geese. That 20km distance applies to all allocations in MLDP2.</p> <p>All development sites coming forward would be subject to a range of relevant policies in MLDP2 and NPF4 and any necessary relevant assessments.</p>	No likely significant effects.





# HRA Stage 5 and Conclusion

## HRA Stage 5:

Can it be ascertained that the plan will not adversely affect the integrity of a European site?

26. The appropriate assessment set out in Stage 4 of concludes that the Proposed MLDP2 will have no likely significant effects on a European site. Based on this Habitats Regulations Appraisal, Midlothian Council considers that the Proposed MLDP2 will not adversely affect the integrity of a European site.

## HRA Conclusion

27. In relation to Habitats Regulation Appraisal legislation, Midlothian Council considers the Proposed MLDP2 in its current form, before having gone through consultation, Examination and been subject to any changes, could be adopted on the basis of this Habitats Regulations Appraisal having not identified any likely significant effects on a European site.

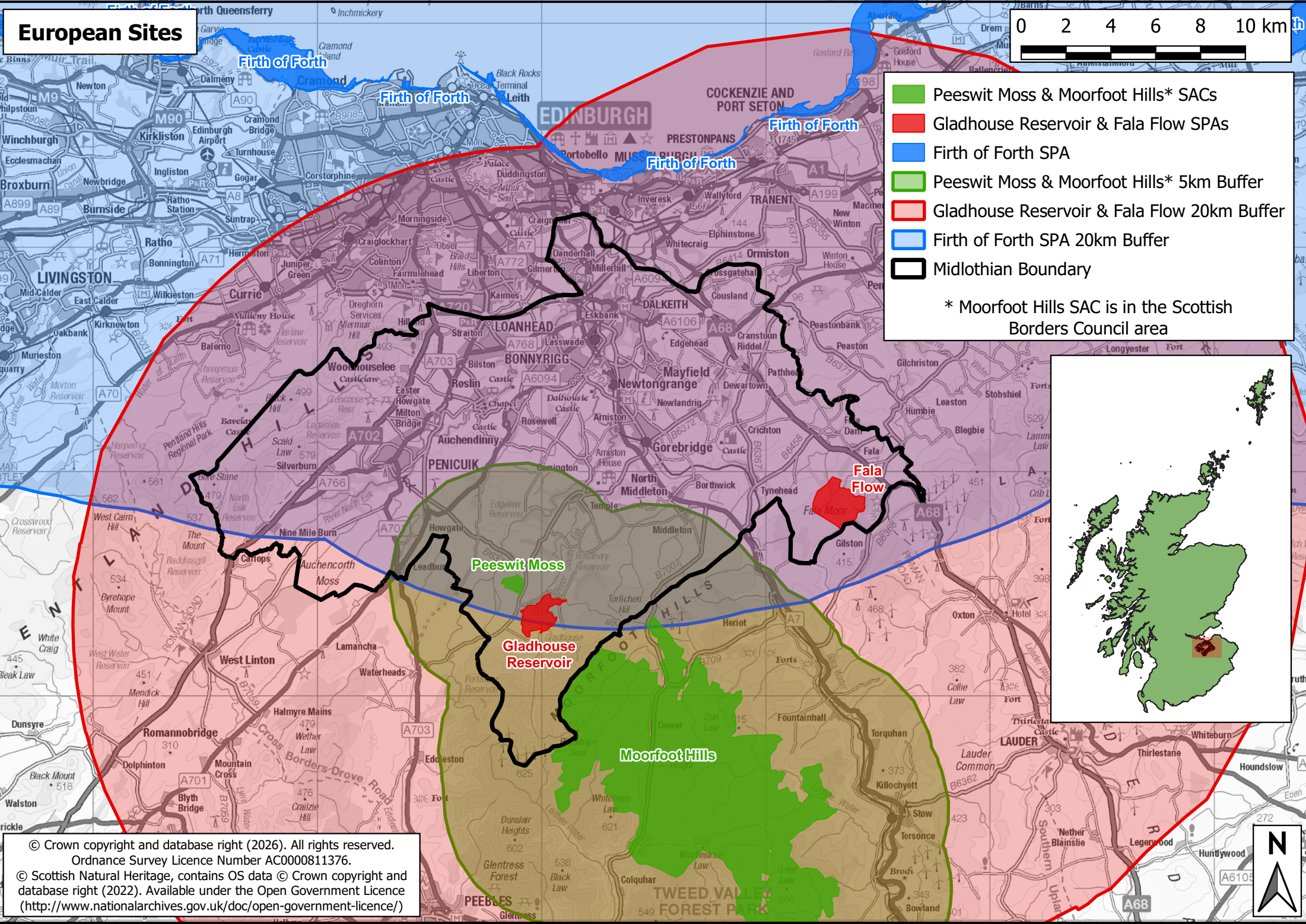


# Appendices

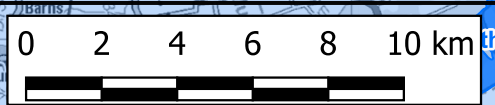
## Appendices

**Appendix 1:** European Sites

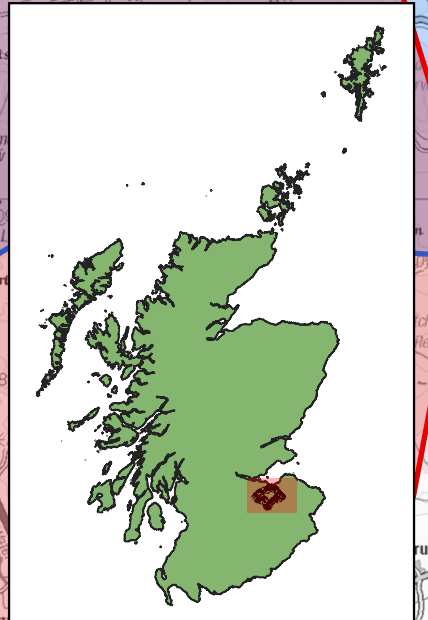
**Appendix 2:** Proposed MLDP2 Housing, Economic and Mineral Sites subject to Strategic Environmental Assessment (SEA)



**European Sites**






- Peeswit Moss & Moorfoot Hills\* SACs
  - Gladhouse Reservoir & Fala Flow SPAs
  - Firth of Forth SPA
  - Peeswit Moss & Moorfoot Hills\* 5km Buffer
  - Gladhouse Reservoir & Fala Flow 20km Buffer
  - Firth of Forth SPA 20km Buffer
  - Midlothian Boundary
- \* Moorfoot Hills SAC is in the Scottish Borders Council area





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# Proposed MLDP2 Housing, Economic and Mineral Sites subject to Strategic Environmental Assessment (SEA)

-  Midlothian Boundary
-  Housing Sites
-  Economic Sites

## Mineral Extraction Areas

-  Operational Mineral Areas - Not subject to SEA
-  Identified in Proposed MLDP2 - Temple Quarry, nr North Middleton, not subject to SEA

Note: sites J5/R5, J6/R6 and J31/R17 are each allocated for mixed use, so are both housing and economic sites.

