

Midlothian Local Development Plan – Resolution to Adopt**Report by Ian Johnson, Head of Communities and Economy****1 Purpose of Report**

- 1.1 This report confirms the Direction issued by Scottish Ministers on 26 October 2017 in respect of the Midlothian Local Development Plan (MLDP) and hereby seeks Council approval to adopt the plan.

2 Background

- 2.1 At its meeting on 26 September 2017 Council considered the Report of Examination and the Reporter's recommendations in respect of unresolved issues made in respect of the Proposed MLDP. Council accepted the recommendations with only one exception relating to the allocation of areas of white land at Midlothian Science Zone (Easter Bush) as open space. Accordingly, the Council advertised its intention to adopt the modified plan and submitted a copy of the plan, the report of examination, a list of the modifications made to the plan and a statement setting out why it did not make modifications in respect of the land at Midlothian Science Zone, to Scottish Ministers on 29 September 2017.
- 2.2 Scottish Ministers have 28 days from receipt of the modified plan in which to determine if they are satisfied the Council can proceed to adopt the plan or if they intend to direct the Council not to. On 26 October 2017 a letter was received from Scottish Government intimating that the Scottish Ministers did not wish to intervene therefore, after 27 October 2017 the Council may proceed to adopt the plan in accordance with section 20 the Town and Country Planning (Scotland) Act 1997.

3 Adoption Process

- 3.1 The Council is now asked to adopt by resolution the Midlothian Local Development Plan (2017) whereupon it will supersede the Midlothian Local Plan (2008). The development plan for Midlothian will now comprise the Strategic Development Plan for South East Scotland (2013) and the Midlothian Local Development Plan (2017).
- 3.2 Following adoption of the plan the Council is required to:
- send two copies to Scottish Ministers;
 - publish the plan, including electronically;
 - place copies in libraries;
 - notify people who made representations on the Proposed Plan or modified plan of its publication and its availability in public libraries; and

e. advertise its publication and availability in a local newspaper.

- 3.3 The plan becomes operative (and thereby replaces the previous local plan) on 7 November 2017 but any person wishing to question its validity in statutory terms can make application to the Court of Session within six weeks from the date of adoption (by 19 December 2017).
- 3.4 A copy of the Midlothian Local Development Plan (2017) is available in the Members' library for information and will also be available on the Council's web site. Members and Community Councils will be provided with printed versions of the plan in due course.
- 3.5 The Council is now required to prepare a post-adoption statement for the purposes of strategic environmental assessment (SEA) and to carry out monitoring and mitigation of the significant environmental effects of the Plan's policies and proposals.

4 Action Programme

- 4.1 Within three months of adopting the Plan the Council is also required to adopt and publish an Action Programme identifying the necessary actions required to deliver the policies and proposals of the plan, the agencies and organisations responsible for carrying out these actions and the timescales for carrying out these actions.
- 4.2 The Proposed MLDP Action Programme will be updated to reflect the modified plan and be the subject of a further report to Council to adopt and publish in due course.

5 Report Implications

5.1 Resource

The costs associated with producing the Local Development Plan have to date been met within existing budgets. The costs associated with the Examination were greater than projected due to the extent of work undertaken by the DPEA. However, this, and the additional unavoidable cost of printing the plan and associated proposals maps can be accommodated within the overall budget of the Planning Service.

5.2 Risk

The risk of legal challenge in the six weeks following adoption has been mitigated by ensuring adherence to the statutory procedures governing plan preparation.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☐ Business transformation and Best Value

☐ None of the above

5.4 Key Priorities within the Single Midlothian Plan

The MLDP provides the spatial land use policy and development framework for Midlothian for the next ten years. It is a vital component in ensuring economic growth and business support, seeking to meet housing need in all tenures, and ensuring protection/enhancement of built and natural heritage resources; all within an overarching aim of securing environmental sustainability.

5.5 Impact on Performance and Outcomes

The MLDP provides the policy and development framework to support improving opportunities in Midlothian and sustainable growth.

5.6 Adopting a Preventative Approach

The MLDP provides land use planning policy guidance for investment in future growth and development across the Council area up to 2027 and will help to inform the future investment priorities of the Council and its community planning partners as well as other public, private and voluntary sector bodies.

5.7 Involving Communities and Other Stakeholders

The local development plan process has been subject to public consultation at the Main Issues Report stage (in accordance with the activities and timetable set out in Development Plan Scheme No. 5, March 2013) and the Proposed Plan was placed on deposit for a period of representations to be made which ran from 14 May 2015 to 26 June 2015. The latest Development Plan Scheme No. 9 (March 2017) sets out the remaining stages of the development plan process post examination, including the preparation of Supplementary Guidance and Planning Guidance to support the MLDP and looks ahead to the emerging Strategic Development Plan (2) (currently at examination stage) and the corresponding consultation and engagement events and activities associated with the next MLDP, starting in 2018.

5.8 Ensuring Equalities

Both Strategic Environmental Assessment and an Equalities and Human Rights Impact Assessment were conducted in the early stages of the plan preparation process on the Main Issues Report and subsequently at the Proposed MLDP stage. In both cases the assessments were approved by Council. The proposed changes to the proposed plan arising from the Report of Examination (prepared by the Directorate of Planning and Environmental Appeals) do not fundamentally change the objectives, policies and proposals of the plan which represents the settled position of the Council and therefore it does not warrant further equalities assessment.

This report is seeking Council approval to adopt the Proposed Plan in line with the Reporter's recommendations. As part of that process the Council has a requirement to notify people who made representations to the Proposed Plan prior to the Examination that the Proposed Plan (as modified) has been adopted and where and when it can be viewed.

5.9 Supporting Sustainable Development

Preparation of the plan to proposed plan stage was subject to and informed by the requirements of the Environmental Assessment (Scotland) Act 2005 ('strategic environmental assessment'). The environmental authorities agree that no further significant environmental effects are likely as a consequence of the modifications recommended in the Report of Examination. Accordingly, and as required, the Council made a determination to this effect and sent a copy of the determination to the environmental authorities and published it in the local press and online.

5.10 IT Issues

There are no IT issues arising from this report.

6 Recommendations

6.1 The Council is recommended to:

- a) adopt by resolution the Midlothian Local Development Plan (2017);
- b) require the Head of Communities and Economy to make the necessary arrangements to:
 - i. publish the adopted plan, including electronically;
 - ii. place copies of the adopted plan in all public libraries and online;
 - iii. advertise its adoption, publication and availability in a local newspaper; and
 - iv. notify people who made representations on the Proposed Plan or modified plan of its publication and its availability in public libraries
- c) require the submission of a further report to Council with an updated Action Programme for adoption; and
- d) require the submission of the following documents to Scottish Ministers in accordance with statutory requirements:
 - i. two copies of the adopted plan; and
 - ii. the adopted Action Programme (within 3 months of adopting the plan).

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Date: 30th October 2017

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Background Papers:

- Scottish Ministers determination