

Notice of meeting and agenda



Midlothian Council

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 17 May 2016

Time: 14:00 - 17:00

John Blair
Director of Resources

Contact:

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Further Information:

This is a meeting which is open to members of the public.

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1 Welcome, Introductions and Apologies

Including any apologies received from Members who are unable to attend

2 Order of Business

Including notice of new business submitted as urgent for consideration during the meeting.

3 Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Deputations

No deputations received for consideration

5 Minutes of Previous Meeting

- 5.1** Note of meeting of Midlothian Council of 22 March 2016 (circulated)
– submitted for approval as a correct record.

- 5.2** Minutes of meetings for noting and consideration of any recommendations

Meeting	Date of Meeting
Cabinet	1 March 2016
Cabinet	1 March 2016
Local Review Body	8 March 2016
Performance, Review and Scrutiny Committee	8 March 2016
Performance, Review and Scrutiny Committee	9 March 2016
Performance, Review and Scrutiny Committee	9 March 2016
Audit Committee	15 March 2016

6 Questions to the Council Leader

No questions submitted for consideration

7 Motions

No motions for consideration have been received

8 Public Reports

- | | | |
|------------|---|------------------|
| 8.1 | Midlothian Council Local Scrutiny Plan 2016-17 - Report by the Chief Executive | 5 - 14 |
| 8.2 | Midlothian Local Development Plan - Report by Head of Communities and Economy | 15 - 84 |
| 8.3 | Strategic Development Plan for Edinburgh and South East Scotland - Budget and Governance - Report by Head of Communities and Economy | 85 - 126 |
| 8.4 | Appointment to South East Scotland Strategic Development Plan Joint Committee - Report by Chief Executive | 127 - 130 |
| 8.5 | Community Empowerment Act Consultation - Report by Director, Education, Communities and Economy | 131 - 152 |
| 8.6 | Midfest - Report by Head of Property & Facilities Management | 153 - 166 |
| 8.7 | Lothian Mineworkers Convalescent Home - Report by Joint Director, Health and Social Care | 167 - 172 |
| 8.8 | Housing Allocation Policy Review - Report by Joint Director, Health and Social Care | 173 - 180 |
| 8.9 | Creating a World-Class Education System - Raising Attainment - Closing the Gap an Examination of Attainment - Report by Head of Education | 181 - 190 |

9 Private Reports

THE COUNCIL IS INVITED (A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPH (S) 6, 9 and 10 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 – THE RELEVANT REPORTS AND THEREFORE NOT FOR PUBLICATION; AND (B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004

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|------------|--|
| 9.1 | Dalkeith Town Centre - Regeneration Feasibility Study - Report by Chief Executive |
| 9.2 | Structural Safety of Midlothian Schools - Report by Chief Executive |
| 9.3 | Asset Management Rationalisation - EWiM Phase 3 Depot - Report by Head of Property and Facilities Management |
| 9.4 | Straiton Bing - Report by Head of Property and Facilities Management |

- 9.5** Educational Use of Former Hopefield Primary School Site - Report by Director, Education, Communities and Economy
- 9.6** Gorebridge Community Development Trust Hub Project - Joint Report by Director, Education, Communities and Economy and Head of Property & Facilities Management

Midlothian Council Local Scrutiny Plan 2016/17**Report by: Kenneth Lawrie, Chief Executive****1. Purpose of the Report**

The purpose of this report is to inform Council of the Local Scrutiny Plan 2016/17 provided by Audit Scotland.

2. Background

- 2.1 Audit Scotland works with a number of local government inspectorates in what is known as a Local Area Network (LAN) of local audit and inspection representatives. The LANs undertake a shared risk assessment process for all 32 local authorities, drawing on a range of evidence in order to identify targeted, risk-based scrutiny requirements for each council.
- 2.2 The shared risk assessment process results in each council receiving a Local Scrutiny Plan which identifies the risk areas that the LAN has identified as requiring scrutiny or where scrutiny is planned as part of a national programme. Plans for each council are available on the Audit Scotland website.

3. Local Scrutiny Plan 2016/17

- 3.1 The Local Scrutiny Plan focuses on key risks previously identified by the LAN and also identifies potential new risks.
- 3.2 The Council's Local Scrutiny Plan 2016/17 does not propose any additional scrutiny beyond the range of nationally driven scrutiny activity during 2016/17 (as shown in Appendix 1), however the following are areas of note and those requiring further monitoring during 2016/17 for Midlothian Council:

The LAN noted:

- It will continue to monitor the outcomes of the Council's Transformation Programme and improvements to Performance Reporting via the work of the council's external auditor, Grant Thornton.
- The integration of the Council and their Community Planning Partners plans into the Single Midlothian Plan with a focus on prevention, accessibility and co-production and capacity building and targeting key geographical areas.
- The progress of the Integrated Joint Board and the anticipated production of the final plan by April 2016.
- The need for rigour and transparency around the Delivering Excellence framework and the financial sustainability and savings required from the repositioning of services and a focus on priorities.
- The scope to strengthen the impact of performance reporting and further development and reporting of self-evaluation using the Midlothian Excellence Framework as well as the need for a higher profile and better strategic focus for Risk management.
- Progress towards improving health and social work outcomes with services to children and young people noted as performing above the Scottish

average in some areas though also noting areas for improvements across all services.

- Progress in relation to the implementation of the Community Empowerment Act.
- No scrutiny risks in relation to Education whilst also noting its very clear vision and strong leadership and direction and a steady improvement in a number of key measures of attainment over recent years.
- That Midlothian's performance across a number of areas fall within the bottom quartile for social landlords and whilst recognising that plans are in place to improve future performance the Scottish Housing Regulator will continue to engage with the council during 2016/17.

3.3 In addition to the areas noted above and those detailed in Appendix 1, routine, scheduled audit and inspection work will be carried out through the annual audit process and the ongoing inspection of school and care establishments by Education Scotland and the Care Inspectorate respectively.

4. Next Steps

4.1 The Local Scrutiny Plan 2016/17 will inform the ongoing performance and scrutiny activity undertaken by the Council.

5. Report Implications

5.1 Resource

There are no additional resource implications.

5.2 Risk

The Local Scrutiny Plan 2016/17 provides the Council with the LANs assessment of areas of risk and potential areas for further scrutiny.

5.3 Single Midlothian Plan

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

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:-

- Early years and reducing child poverty
- Economic Growth and Business Support
- Positive destinations for young people

Clear reference is made in the Local Scrutiny Plan 2016/17 to the Council's priorities, approaches to deliver them and the focus on key geographies within Midlothian.

5.5 Impact on Performance and Outcomes

The report directly impacts Midlothian's ability to monitor and evaluate performance and outcomes by ensuring a strong focus on scrutiny activities and reporting.

5.6 Adopting a Preventative Approach

This report does not directly relate to adopting a preventative approach but reference to the intention to adopt a preventative approach is noted in the Local Scrutiny Plan 2016/17.

5.7 Involving Communities and Other Stakeholders

This report does not directly relate to involving communities however reference to co-production and capacity building is noted in the Local Scrutiny Plan 2016/17.

5.8 Ensuring Equalities

This report does not directly impact people or propose any change to policy or practice however any subsequent actions identified as part of ongoing scrutiny will be subject to and EQIA as appropriate.

5.10 Supporting Sustainable Development

The recommendations in this report contribute to a sustainable approach to the continuous improvement of Council services.

5.11 IT Issues

There are no IT issues arising from this report at this time.

6. Recommendations

Council is asked to:

- a) Note the Local Scrutiny Plan 2016/17

Appendix 1 – Scrutiny Plan 2016/17

Date: 19 April 2016
Report Contact: Myra Forsyth, Quality & Scrutiny Manager
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Background Papers:

Audit Scotland Report, March 2016

Midlothian Council, Local Scrutiny Plan 2016/17 -
http://www.audit-scotland.gov.uk/uploads/docs/report/2016/lsp_160331_midlothian.pdf

Midlothian Council

Local Scrutiny Plan 2016/17

Introduction

1. This local scrutiny plan sets out the planned scrutiny activity in Midlothian Council during 2016/17. The plan is based on a shared risk assessment undertaken by a local area network (LAN), comprising representatives of all the scrutiny bodies who engage with the council. The shared risk assessment process draws on a range of evidence with the aim of determining any scrutiny activity required and focusing this in the most proportionate way.
2. This plan does not identify or address all risks in the council. It covers only those risk areas that the LAN has identified as requiring scrutiny, or where scrutiny is planned as part of a national programme. Planned scrutiny activity across all councils in Scotland informs the National Scrutiny Plan for 2016/17, which is available on the Audit Scotland website.

Scrutiny risks

3. Last year's local scrutiny plan covering the period 2015-16, highlighted the difficult decisions that needed to be taken regarding the level and priority of services Midlothian Council could deliver. The LAN did not identify any specific areas where scrutiny was required, but noted that it would continue to monitor the outcomes of the transformation programme and the improvements to performance reporting through the work of the council's appointed auditor's (Grant Thornton). In addition, the Scottish Housing Regulators would monitor aspects of the performance of the council's housing and homelessness services.
4. The council, and its community planning partners, have integrated the Single Outcome Agreement (SOA), Midlothian Community Plan and Midlothian Council Corporate Strategy into a single document: the Single Midlothian Plan. The plan sets out national and local priorities, as well as three approaches to delivering improved outcomes, based on preventative intervention, changing access, capacity building and co-production. The Plan also identifies key geographies within Midlothian where outcomes have historically been lower than the rest of Scotland and the area.
5. The Midlothian Partnership has established an Integration Joint Board and appointed a joint chief officer who oversees adult care, criminal justice services as well as local health care services (former community health partnership services). The joint chief officer also has oversight of other service areas including housing. Integration plans are progressing well, with an integration scheme published in 2015 and draft joint strategic

commissioning plan consulted upon in late 2015. A joint performance framework is in preparation based around the nine national integration outcomes and the Single Midlothian Plan. The LAN notes that the draft joint strategic commissioning plan was high level, broad and descriptive. It is anticipated that the final plan due by April 2016 shall be 'SMART' with a detailed implementation plan and associated resource commitments and disinvestments.

6. The council again delivered a significant underspend against budget in 2015-16. In June 2015, the council approved the next stage in delivering financial stability. The Delivering Excellence framework aims to reposition services to have a greater emphasis on the priorities and outcomes within the Single Midlothian Plan. Based on the assumptions set out within the updated Financial Strategy, the projected budget gap over the period is estimated at £23 million. To achieve financial sustainability in the context of the projections requires the repositioning of services and a focus on priorities. The council's recent record of financial management has delivered service improvement and development. However, making required savings of £23 million and the hard choices that entails will be challenging for both elected members and officers. It is too early to assess the impact of the revised approach but the LAN notes that, in recent years, the council has delivered lower than anticipated savings through the Business Transformation scheme and rigour and transparency is therefore required in order to help bridge the projected gap.
7. The council has worked effectively towards improving its scrutiny functions and strengthening its approaches to self-evaluation. There continues to be scope to strengthen the impact of performance reporting and the LAN notes that, while the council continues to develop its approach to self-evaluation, the Midlothian Excellence Framework has not yet been rolled out across services consistently, and outcomes have not yet been reported to the Council or Performance Review and Scrutiny Committee. Risk management arrangements have improved in recent years but still need a high profile and better strategic focus.
8. The LAN notes that the council and its partners are making progress towards improving the health and social work outcomes for service users. The Health and Social Care Partnership's services and services for children and young people are performing well in some areas, at above Scottish average levels. However, there are still important areas where performance is below Scottish average levels. Midlothian Council and its partners are steadily improving their performance delivery. The overall assessment is that Midlothian Council is incrementally improving the delivery of local services. While there are still areas for improvement across all services, there are no significant risks identified for Midlothian from the evidence available.
9. In preparation for the implementation of the Community Empowerment Act, the council and its community planning partners have a clear policy on the management of arrangements for dealing with the transfer of assets to community groups at all levels. Some familiarisation work has been carried out by officers with elected members.

Working through the Community Planning Partnership, a plan is being developed to identify needs and build capacity across the council.

10. The LAN has identified no scrutiny risks in relation to the education service. The education service has a very clear vision for Midlothian's children and young people and benefits from strong leadership and direction. There are effective processes in place to monitor and improve the performance of the service and there has been steady improvement in a number of key measures of attainment over recent years. The service recognises that there continues to be scope to improve educational attainment and, in line with the Scottish Attainment Challenge, the service is using data to help to improve the attainment of groups of learners living in areas of multiple deprivation.
11. To assess the risk to social landlord services SHR has reviewed and compared the performance of all Scottish social landlords to identify the weakest performing landlords. We found that Midlothian Council is in the bottom quartile for all social landlords in relation to percentage of tenants satisfied with the overall service provided; percentage of tenants satisfied with opportunities given to them to participate in their landlord's decision-making; percentage of complaints dealt with within Scottish Public Services Ombudsman timescales; percentage of rent due collected; and percentage of gross rent arrears as a percentage of rent due; and, with regard to homelessness, the length of stay in bed and breakfast accommodation has increased. SHR will therefore engage with the council about these areas during 2016/17. Council officials have assured SHR that they are aware of areas of weaker performance and have a number of plans in place to improve future performance; some of these are already showing encouraging outcomes. SHR is also aware of an unique housing situation which the council has been dealing with over the past two years which had the potential to impact on several areas of housing and homelessness services.

Planned scrutiny activity

12. As shown in [Appendix 1](#), the council will be subject to a range of risk-based based and nationally driven scrutiny activity during 2015/16. For some of their scrutiny activity in 2015/16, scrutiny bodies are still to determine their work programmes which specific council areas they will cover. Where a council is to be involved, the relevant scrutiny body will confirm this with the council and the appropriate LAN lead.
13. The Care Inspectorate and Healthcare Improvement Scotland have been asked by the Scottish Government to undertake a joint review across Alcohol and Drug Partnerships to support the validation of Alcohol and Drug Partnerships and services' self-assessment of performance and progress of implementing the Quality Principles: Standard Expectations of Care and Support in Drug and Alcohol Services, within the Quality Improvement Framework. This work is planned to take place across all Alcohol and Drug Partnerships in Scotland during late 2016/17. The purpose of this work will be to assess and support the effective implementation of the Quality Principles across Alcohol and Drug Partnerships and services.

14. The Care Inspectorate will work together with partner regulatory agencies to continue to deliver a co-ordinated programme of joint scrutiny of community planning partnerships and integration joint boards. Partner agencies are reviewing the methodology for joint inspections of Adults' services. As well as joint strategic scrutiny programmes, the Care Inspectorate will also be reviewing its approach to strategic commissioning and undertaking a variety of thematic programmes of work.
15. In relation to its housing services, SHR will engage with Midlothian Council to monitor its progress in addressing the weaknesses identified. SHR will review the council's quarterly performance management reports and will meet council officials if considered necessary.
16. HMICS will continue to inspect local policing across Scotland during 2016/17 as part of its rolling work programme. These inspections will examine, amongst other things, local scrutiny and engagement between Police Scotland and councils. HMICS will identify and notify LANs and the local Policing Divisions to be inspected approximately three months prior to inspection.
17. In addition to specific work shown in [Appendix 1](#), routine, scheduled audit and inspection work will take place through the annual audit process and the ongoing inspection of school and care establishments by Education Scotland and the Care Inspectorate respectively. Audit Scotland will carry out a programme of [performance audits](#) during 2016/17 and individual audit and inspection agencies will continue to monitor developments in key areas of council activity and will provide support and challenge as appropriate. This will help to inform future assessment of scrutiny risk.

Appendix 1: Scrutiny plan

Scrutiny body	Scrutiny activity	Date
Audit Scotland		
Care Inspectorate and Healthcare Improvement Scotland	Joint review of Alcohol and Drug Partnership to support validation of Alcohol and Drug Partnerships and services' self-assessment of performance and progress of implementing the <i>Quality Principles: Standard Expectations of Care and Support in Drug and Alcohol Services</i> , within the Quality Improvement Framework.	To be confirmed
Education Scotland	Review of the quality of Careers Information Advice and Guidance services delivered by Skills Development Scotland to be carried out over the next two years.	To be confirmed
Her Majesty's Inspectorate of Constabulary (HMICS)	No specific work planned at present.	
Her Majesty's Fire Service Inspectorate (HMFSI)	No specific work planned at present.	
Scottish Housing Regulator (SHR)	<p>The Scottish Housing Regulator (SHR) will monitor the council's progress in addressing the weaknesses identified. It will review the council's quarterly performance management reports and meet council officials as necessary.</p> <p>SHR will publish the findings of its thematic inquiry work completed during 2015-16. It will carry out further thematic inquiries during 2016-17.</p> <p>SHR will review the Charter data submitted by landlords and carry out data accuracy visits during quarter 2.</p> <p>If the council is to be involved in a thematic inquiry or a data accuracy visit, SHR will confirm this directly with the council and the LAN lead.</p>	<p>Quarterly</p> <p>To be confirmed</p> <p>Quarter 2</p>

Midlothian Local Development Plan

Report by Report by Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to inform Council of the responses to representations received to the Proposed Midlothian Local Development Plan (MLDP), to proposed changes to the plan arising from those representations and to seek approval for the submission of the proposed MLDP to the Scottish Ministers.

2 Background

- 2.1 At its meeting of 16 December 2014 the Council approved the content of the proposed MLDP subject to the addition of the housing site at Cauldcoats to the north of Shawfair (previously identified as reasonable alternative housing site) and the deletion of the housing site at Kippielaw, Easthouses.
- 2.2 The MLDP Proposed Plan was published in May 2015 with the period to make representations expiring 26 June 2015.
- 2.3 A progress report was considered at Planning Committee on 17 November 2015 and it was agreed to hold elected member workshops to consider the nature of the representations received in more detail. Workshop sessions were held on 2 and 4 February 2016. The workshops addressed the key issues arising from the representations received (including Key Agency, Community Council, individual, interest groups and organisations objections' and comments). A final drop-in session was held on 9 February 2016 to allow Members the opportunity to follow-up on any outstanding matters from the previous sessions.
- 2.4 An update report on progress was presented to the Planning Committee on 19 April 2016 which explained the remaining statutory stages of plan preparation, noting that the next major stage is the consideration of objections to the Plan by an independent Scottish Government Reporter at an Examination in Public.
- 2.5 The Planning team has summarised all representations, considered suggested modifications and prepared draft responses for each representation made. The next stage in the process is to consider the responses received and decide what, if any modifications to the plan should be made. If no modifications are made then the objections are considered "unresolved issues" and as such would be reported to and form part of an Examination into the Proposed Plan.

3 Representations Received

- 3.1 The Council received a total of 2,766 separate objections and comments to the Proposed Plan (and the Action Programme) submitted by 837 representors. In addition, a total of 20 separate opinions were expressed by 9 representors to the Revised Environmental Report which accompanies the Proposed Plan. A breakdown of the objections and comments received are attached as Appendices 1, 2, and 3 to this report.
- 3.2 All representations have been summarised and uploaded to the online local plan portal ready for publication. The summaries (including a proposed response) extend to around 600 A3 pages making it unsustainable and impractical to print and circulate individual copies with this report. Instead the list has been made available for Members electronically.
- 3.3 A summary of the representations received from the Scottish Government, Key Agencies, Community Councils and Homes for Scotland are outlined below and in further detail in Appendices 4 and 5 to this report.

Response from Scottish Government

- 3.4 The Scottish Government submitted objections to a number of parts of the plan including transport issues and transport interventions which are addressed under the Transport Scotland response below.
- 3.5 The objections focused on the wording of policies and to some associated sections of text (2.1.2 – strategy for sustainable growth, 5.1.26 – water environment and 6.2.3 – wind energy). The policies subject to objection and comment relate to strategic employment land allocations (STRAT5), town centres (TCR1), prime agricultural land (ENV4), special landscape areas (ENV6), flooding (ENV9), woodland, trees and hedges (ENV11), Interpretation of energy policy NRG3 (NRG4), heat supply sources & development with high heat demand (NRG5) and community heating (NRG6). It also sought changes to Figure 6.1 – Wind Energy and Table 7.1 Interpretation of NRG3.
- 3.6 The nature of the objections largely focused on consistency with National Planning Framework 3 and Scottish Planning Policy as well as providing more clarity on the purpose of the policy/proposal. The objections to the Renewable and Low Carbon Energy Projects (NRG) policies largely relate to new areas of planning policy, therefore it is perhaps not surprising that they have submitted a representation on the matter.
- 3.7 The Government's response did not include any reference to the housing land requirement, the housing land supply or the approach of the plan in respect of delivering the strategic housing land requirement.

Responses from Key Agencies

- 3.8 **Transport Scotland** object to the proposed access to HS1 (Newton Farm) from the A720/A68 junction; the Council's position regarding grade separating Sheriffhall roundabout and the omission of a potential rail halt at Redheugh from the transport appraisal of the Proposed Plan. They also highlighted that the outcomes of the transport appraisal had been omitted from the Action Programme and that there was insufficient information relating to the contributions required of sites Hs0 and Hs1 towards the grade separation of Sheriffhall. They also cited an incorrect reference to the ongoing SESplan cross boundary transport study.
- 3.9 **SESTRANS'** the regional transport authority, supports the Proposed Local Development Plan for Midlothian. It provides a clear vision of how the area will grow and develop and goes some way in addressing the range of issues facing the area and is focused on promoting and managing achievable sustainable growth.
- 3.10 **Scottish Enterprise** is broadly supportive of the plan and the Council's approach towards economic development. However, they do feel more could be done to protect and promote the life science sector development at 'The Bush'.
- 3.11 **Scottish Water** are broadly supportive of the Proposed Plan, but have suggested some minor amendments.
- 3.12 **Scottish Environmental Protection Agency (SEPA)** is supportive of many parts of the plan but raises objection to aspects relating to flooding and the stated need for flood risk assessment for committed and proposed development sites. SEPA objects to the committed development sites having not been subject to site assessment in the production of the Proposed Plan.
- 3.13 **Historic Environment Scotland (HES)** is not making formal representations to the plan. Instead HES offers informal commentary and advice. It states that the plan is clearly presented and structured, accessible and clearly written. The policy framework is robust and provides an adequate level of clarity.
- 3.14 **Scottish Natural Heritage (SNH)** is broadly supportive of the plan and considers it to be clearly written and generally easy to navigate. SNH agree with the plan's vision (but considers it will be challenging to deliver) and the Council's approach to sustainable place making, active travel, Green Network and designated sites.
- 3.15 The **NHS** submitted comments at the Main Issues Report stage of the plan, but made no representation in respect of the Proposed Plan.

Responses from Community Councils

- 3.16 The comments from the **Community Councils** are summarised in Appendix 5 of this report. As well as objections there were comments supporting the position of the plan in respect of removing the site at

Kippielaw/Easthouses, the Newbattle Strategic Greenspace safeguard and for not including Airfield Farm as an area of search for coal extraction.

- 3.17 Objections to the Proposed Plan, from Community Councils covered a range of issues but clearly focused on the strategy for growth and scale of development planned, and the impact this would have on infrastructure and services. Transport issues and the impact of the proposed realignment of the A701 were a concern for some as was the insufficient level of support given to Town Centres over out of town retail facilities and the lack of promoting small local opportunities. Specific objections to the housing sites at Bilston (Hs16), Penicuik (Hs22), Pomathorn Mill (Ahs4) and Wellington School (AHs5) and concern that the affordable housing sector is not well defined or provided for. Having supported the exclusion of Airfield Farm as an area of search for coal extraction there were concerns expressed that the area at Halkerston was retained in the Proposed Plan despite being identified for deletion at the Main Issues stage. In addition there were concerns expressed about the plan preparation and consultation process and lack of Supplementary Guidance to consider along with the Proposed Plan.
- 3.18 The representations submitted by the Community Councils have been considered, but it is not proposed to make any formal modifications to the proposed plan at this stage. If no modifications are made then the objections are considered “unresolved issues” and as such would be reported to and form part of the Examination into the Proposed Plan. No modifications are proposed in response to the Community Council comments for one of the following reasons:
- it is considered that the issue raised has been satisfactorily addressed in preparing the plan and the submission does not raise any new issues that are of a material nature to consider modifying the plan;
 - there is a disagreement with the proposed modifications;
 - no modifications are proposed;
 - the issue raised is a matter for consideration at the planning application stage; or
 - although there is merit in the suggested modification the planning authority is content to allow the Reporter to determine the issue through Examination rather than delay the process at this stage.

Response from Homes for Scotland

- 3.19 **Homes for Scotland** (HfS) submitted comments and objections to the Proposed Plan regarding the housing land requirement and land supply, committed development, affordable housing, developer contributions for new development, masterplans and development briefs and policy NRG3 on energy use and low and zero carbon technology. Their principal objection is to the lack of any detail as to how the plan will meet the strategic housing requirement up to 2019 and between 2019-24 and that the Council has not applied any generosity allowance to the overall housing land requirement in the plan, which in HfS opinion is not consistent with Scottish Planning

Policy. They acknowledge that the Proposed Plan meets the strategic housing land requirement set out in SESplan SPG but would not meet the increased housing land requirement that would result from a 10% generosity allowance being applied.

- 3.20 HfS welcomed the recognition given to ensuring committed sites remain deliverable as well as the general approach to affordable housing requirements although the difference in requirements from the 2003 plan (from 5-10% to 25%) may affect the deliverability of some sites. In addition viability may be affected by the lack of detail on the level of developer contributions identified in policy IMP1 and the Action Programme or revised supplementary guidance. HfS objects to the scope of energy policy NRG3 stating that planning policy should not be used to exact higher standards in terms of energy use and carbon emissions than are stipulated in through the Building Standards regime.

4 Scope for Modifying the Proposed Plan

- 4.1 The Proposed Plan as originally approved in December 2014, represents the settled opinion of the Council. Many of the matters raised through the representations have been dealt with in the preparation of the plan and therefore, do not raise any new material issues which would significantly change the Council's agreed position; are considered to be matters which are more appropriately dealt with at the planning application stage or are simply disagreements with the Council's position. In such cases these matters are ordinarily best dealt with through the independence of the Examination process. In some cases there are no modifications or changes suggested to the plan.
- 4.2 Regulations allow for modifications to be made in respect of representations received and the scope for making modifications is set out in Appendix 7 to this report. However pre-examination negotiations and notifiable modifications can cause significant delays and should not be undertaken as a matter of course but only where an authority is minded to make significant changes to the plan (paragraph 87 of Circular 6/2013: Development Planning, Appendix 7). In addition making notifiable modifications at this stage of the process (adding, removing or significantly altering any policy or proposal in the plan) would require the Council to republish the plan, offer a further opportunity to make representations and carry out a further neighbour notification process on the proposed changes. In the event that the Council were to make modifications that change the underlying aims or strategy of the Proposed Plan then it would be required to prepare and publish a totally new proposed Local Development Plan. In each case the modification process would introduce delays, increase uncertainty within the development sector (and affected communities) and incur additional cost.
- 4.3 For expediency, proceeding from the Proposed Plan to Examination, Circular 6/2013 highlights that the Examination process provides an opportunity for the Council to support a change to the plan. If an authority sees merit in a particular representation and modification they can indicate that position in their response to the Reporter (in the

Schedule 4 submission) and let them make an appropriate recommendation based on the evidence presented.

- 4.4 Having carefully considered the representations/objection received, then in the vast majority of cases it is recommended that no modifications are made to the plan at this stage. Likewise, having taken account of the opinions expressed in respect of the revised Environmental Report it is considered that they would not have significantly influenced the assessment process or outcome which would require changes to the Proposed Plan. However, in 16 cases it is considered there would be merit in the proposed changes but to modify the plan at this stage would delay the Examination and subsequent adoption process. Therefore it is recommended that the Council (through the schedule 4 submission) allow the Reporter to determine the matter at Examination. A list of these cases is attached in Appendix 6.
- 4.5 The list of summaries and responses will form the basis for identifying the unresolved issues to be submitted to Ministers along with the Proposed Plan, Action Programme and Revised Environmental Report. The list of unresolved issues will also inform the preparation of the Schedule 4 templates as part of this and the Examination process.

5 Report Implications

5.1 Resource

The cost associated with producing the Local Development Plan has to date been met within existing budgets. Budget provision has been made to cover the costs of the Examination in Public. However, if the Plan were to be modified and republished, any additional resource requirements arising from notifiable modifications, associated neighbour notification procedures and publication requirements would require supplementary budget provision.

5.2 Risk

Circular 3/2012 clearly states that while pre-examination negotiations can take place and notifiable modifications to the plan can be made, they can also result in significant delays and so should not be undertaken as a matter of course, but only where the authority is minded to make significant changes to the plan. Delays to plan preparation at this stage would:

- risk slippage, not only in the local development plan timetable but also with the emerging Strategic Development Plan (SESplan 2) timetable;
- introduce uncertainty for the development sector and existing businesses and restrict economic investment opportunities with a detrimental consequential impact on the local economy and jobs;
- continue uncertainty for communities, local organisations and interested parties affected by the proposals in the plan;
- risk increased challenge to the effective housing land supply and raise the spectre of planning by appeal.

- 5.3 Single Midlothian Plan and Business Transformation**
The development plan process is relevant to the themes of Adult health care and housing, improving opportunities in Midlothian and sustainable growth.
- 5.4 Key Priorities within the Single Midlothian Plan**
The Midlothian Local Development Plan (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 opportunities across Midlothian.
- 5.5 Impact on Performance and Outcomes**
This report represents the final stages of preparing the Midlothian Local Development Plan before examination and adoption. Once adopted, it will provide the policy and development framework to support improving opportunities in Midlothian and supporting 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 2024 and will help to inform the future spending 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) and the Proposed Plan was placed on deposit for a period of representations to be made which ran throughout May and June 2015. The latest Development Plan Scheme No. 8 sets out the remaining stages of the development plan process.
- 5.8 Ensuring Equalities**
The Main Issues Report and Proposed Plan was the subject of an Equalities and Human Rights Impact Assessment and approved by Council.
- 5.9 Supporting Sustainable Development**
The MLDP is subject to Strategic Environmental Assessment. An interim Environmental Report accompanied the Main Issues Report. An updated report was prepared to accompany the Proposed Plan published in May 2015.
- 5.10 IT Issues**
There are no IT issues arising from this report.

6 Recommendations

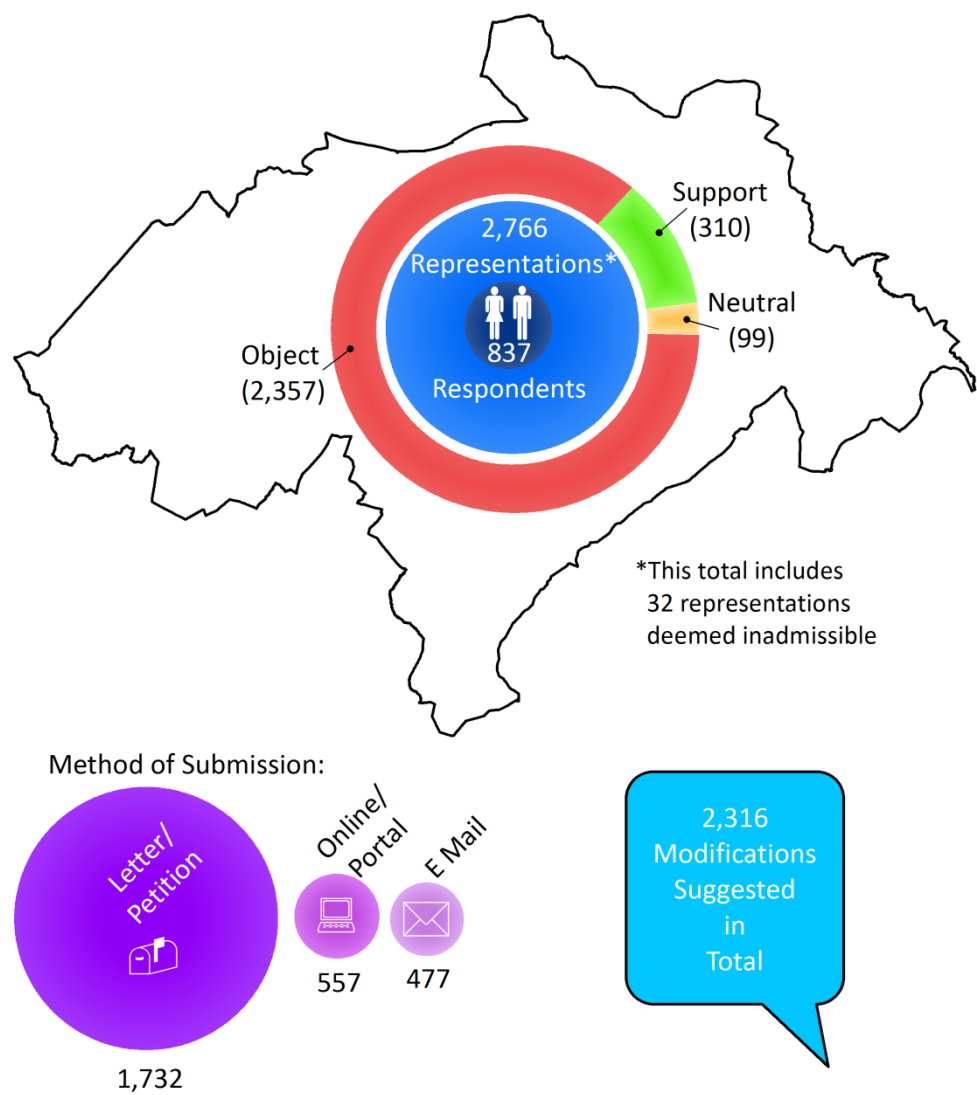
6.1 The Council is recommended to:

- a) approve the responses to the representations and those cases identified in Appendix 7 as the recommended position in respect of modifying the Proposed Plan;
- b) make the list of summaries and responses to the representations available to view online, on the public access terminal in Fairfield House and to make it available in electronic document format on request.
- c) direct the Planning Manager to make the necessary arrangements to submit the Proposed Plan and summary of unresolved issues to Scottish Ministers by end of June 2016 (subject to liaison with the Directorate of Planning and Environmental Appeals); and
- d) direct the Planning Manager to monitor progress and update Council of any changes to the proposed submission timetable and provisional examination programme.

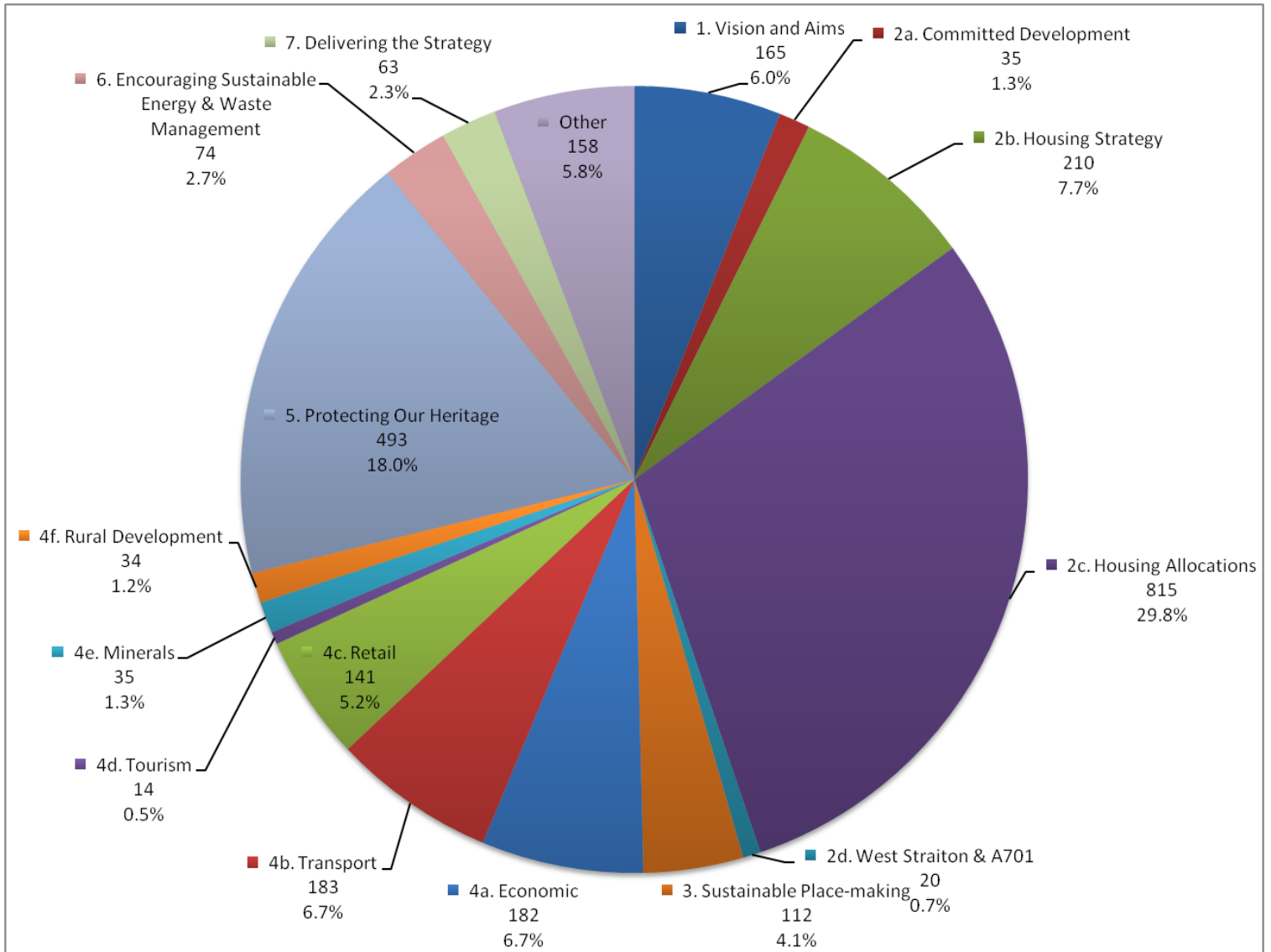
Date: 10 May 2016

Report Contact: Peter Arnsdorf, Planning Manager
0131 271 3310
peter.arnsdorf@midlothian.gov.uk

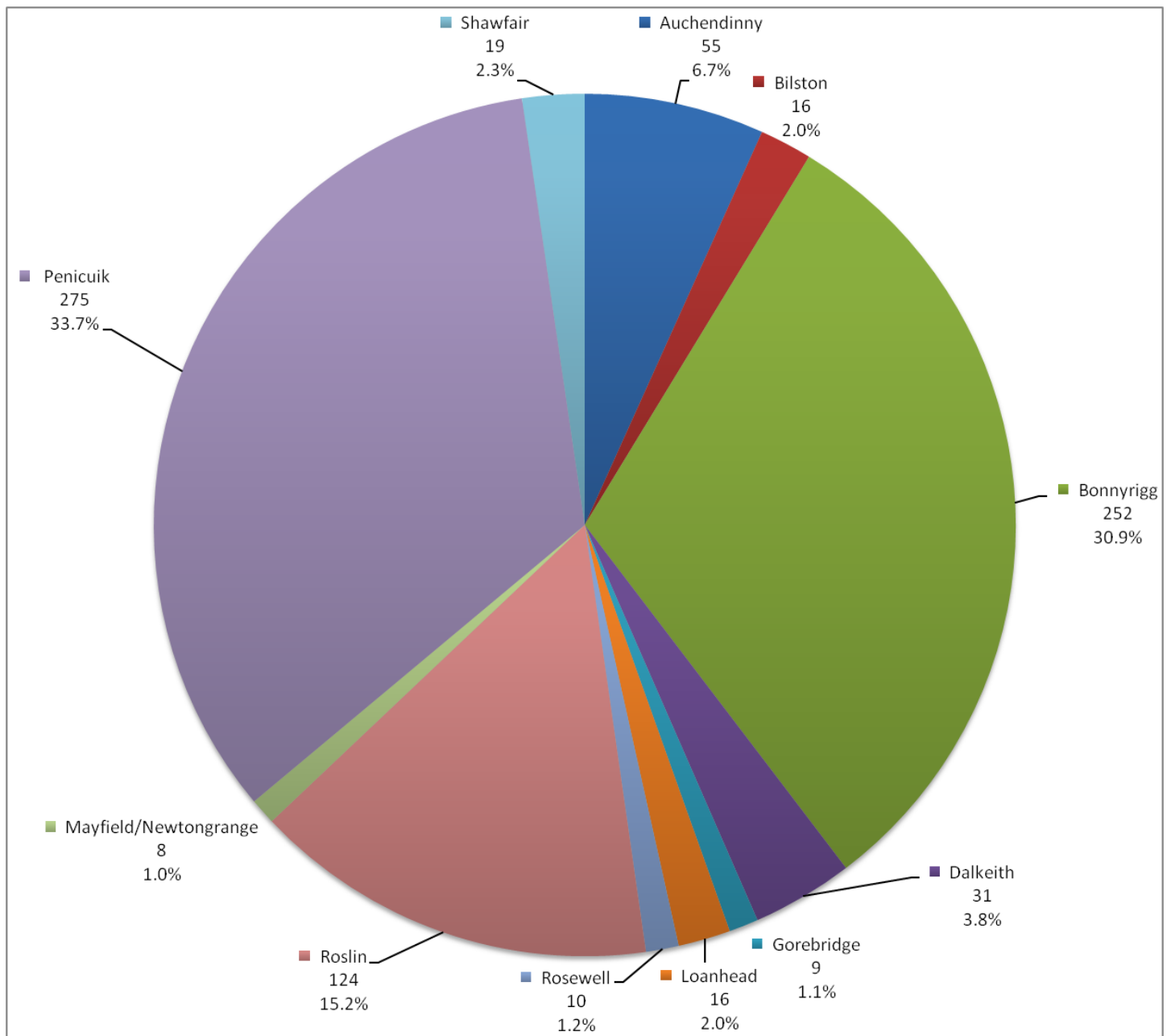
Background Papers: None



Appendix 2 – Comments by Topic



Appendix 3 – Comments by Housing Allocations



Appendix 4 – Key Agency Responses

Transport Scotland

Objects

- Proposed access to A68/A720 junction from Newton Farm housing site and proposed Park & Ride site (SESplan Action Programme) not in alignment with SPP
- Potential rail halt at Redheugh not included in transport appraisal of Proposed Plan (TRAN2)
- Does not support Council's position on grade separating Sheriffhall roundabout - No appraisal of impact of MLDP on junction/no information of scale of impact/no funding mechanism identified (TRAN3)
- Outcome of MLDP transport appraisal not included in Action Programme
- Insufficient deliverability information in Action Programme relating to sites Hs0 and Hs1 contributions to grade separating Sheriffhall roundabout.
- Incorrect reference to SESplan Cross boundary transport study

Suggested Modification(s)

- Remove reference to the link road from TRAN2, IMP2 and Shawfair settlement statements & Action Programme until Transport Scotland is satisfied of case to support.
- Remove Redheugh Station from TRAN2, IMP2 & Gorebridge settlement statement infrastructure requirements
- Provide greater clarity on statement in TRAN3 regarding MLDP impact on junction, constraints, funding mechanisms & outcomes of cross boundary study.
- Include reference to MLDP transport appraisal in Action Programme (TRAN2, page 9)
- Amend paragraph 4.5.8 to reflect correct context of SESplan cross boundary transport study.

Proposed Council Response

Propose no change to the plan at this stage. Acknowledge the matters raised but do not agree with most of the suggested modifications. However, consider merit in suggested change in respect of - amending reference to SESplan cross boundary work in the MLDP - and content to allow Reporter to determine through Examination.

SESTRAN

Supports

The Proposed Local Development Plan for Midlothian provides a clear vision of how the area will grow and develop and goes some way in addressing the range of issues facing the area and is focused on promoting and managing achievable sustainable growth -

- Considers the plan is a positive step and supports the Proposed Plan and Action Programme.
- Provides clear vision of how Midlothian will grow and develop, identifies transport issues arising from development and interventions to mitigate problems i.e. the proposed A701 relief road.
- Is focused on promoting and managing sustainable growth.

Suggested Modification(s)

- Would like to see Council incorporate a set of standards for design of walking and cycling facilities
- Would like to see reference to monitoring travel plans
- Considers that the orbital bus route be shown on the proposals map – map 1 Shawfair Park & Ride north of A68/A720 junction and map 6 dedicated link between Straiton and Lothianburn Park & Ride

Proposed Council Response

Propose no change to the plan at this stage – acknowledge the matters raised but consider issues have been satisfactorily addressed in preparing the plan and submission does not raise any new issues that are of a material nature to consider modifying the plan.

Scottish Enterprise

Scottish Enterprise is broadly supportive of the plan and the Council's approach towards economic development. However, they do feel more could be done to protect and promote the life science sector development at The Bush.

Objects

- Regionally and Local Nature Conservation site (ENV14) covers part of The Bush at the south side. Considers that this may be a potential constraint to future development opportunity.
- Greater emphasis needed in vision for completion of life science development at The Bush
- Expressed concern that the need for developer contributions may restrict economic investment, particularly in the life science sector at The Bush.

Suggested Modification(s)

- Remove designation from part of Bush allocated for development.

- If this is not acceptable consider amending wording of ENV14 to give priority to economic development in respect of sites b1, b2 and b9.
- Add specific reference to completing life science development at Bush and reference the enterprise area status of the Biocampus as part of vision.
- Suggest the Council reviews the requirement for developer contributions for developments at The Bush.

Proposed Council Response

Propose no change to the plan at this stage – acknowledge the matters raised but consider issues have been satisfactorily addressed in preparing the plan and submission does not raise any new issues that are of a material nature to consider modifying the plan.

Scottish Water

Supports

Broadly supportive of Proposed Plan and suggested amendments to sections of plan listed are generally of a minor nature.

Proposed Council Response

Propose no change to the plan at this stage – acknowledge the matters raised but do not consider they affect the underlying aims or strategy of the Proposed Plan. Consider merit in suggested change and content to allow Reporter to determine through Examination.

Scottish Environmental Protection Agency (SEPA)

SEPA is supportive of many parts of the plan but raises objection to aspects relating to flooding and the stated need for flood risk assessment for committed and proposed development sites.

Objects

- Objects to committed development sites identified in the plan not having been reassessed in production of the Proposed Plan. States it is essential the plan provides sufficient protection for the environment.
- Requires policy DEV5 to include reference to new development being designed to reduce flood risk.
- Supports the objective of policy ENV8 Protection of River Valleys but objects until evidence is provided of River Basin Management Planning data having been considered in support of the Proposed Plan in policy ENV10. Objects to policy ENV9 Flooding requesting it is removed and replaced with text provided by SEPA.

- Objects to section 6.5 of the plan on Encouraging Sustainable Waste Management and to policy WAST1.
- Objects to particular sites in the plan not having a stated requirement for a flood risk assessment.

Suggested Modification(s)

- Amend policy DEV5 to include reference to new development being designed to reduce flood risk.
- New bullet point is added to policy MIN2 – text provided.
- Align RD1 Development in the Countryside with The Water Framework Directive.
- Supports policy ENV2 Midlothian Green Network but recommends change.
- Supports the objective of policy ENV8 Protection of River Valleys but objects until evidence is provided of River Basin Management Planning data having been considered in support of the Proposed Plan in policy ENV10 Water Environment.
- Policy ENV9 Flooding replaced with text provided by SEPA.
- Amend policy EN17 Air Quality to address cumulative effects of development and address increased greenhouse gas emissions generated from car journeys from the Proposed Plan.
- Objects to section 6.5 of the plan on Encouraging Sustainable Waste Management unless the need for waste facilities is based on Scottish-wide waste capacity.
- Objects to policy WAST1 unless reference is made in the policy to provision of waste facilities in all designated employment sites.
- Add requirement for flood risk assessments for sites identified in the Settlement Statements where no such reference currently exists. Provides recommended changes on the Water Environment and Co-location (where current or previous uses on or near to a proposed site might impact upon its development).

Proposed Council Response

Propose no change to the plan at this stage – acknowledge the matters raised but consider issues have been satisfactorily addressed in preparing the plan and submission does not raise any new issues that are of a material nature to consider modifying the plan.

Historic Environment Scotland

Historic Environment Scotland (HES) is not making formal representations to the plan. Instead HES offers informal commentary and advice. Overall plan is clearly presented and structured, accessible and clearly written. Broadly content that policy framework is robust and provides an adequate level of clarity.

Supports

Generally welcomes policy approach to design matters in new developments and Conservation Areas, to protect designed landscape and the new battlefield designations. Advises on very minor word changes to add clarity and promote enhancements in the policy areas listed.

- Support the Action Programme but advise that the Council's archaeological advisers also be listed as a responsible body for policies ENV19, ENV20, ENV21, ENV22 and ENV23
- Welcome acknowledgement that sites Hs1 and Hs7 are in boundary of a nationally important garden & designed landscape but considers need for specific reference to potential impact of development on these designations.
- Welcomes reference in plan to potential impact of sites Hs18, Hs19 and AHs 2 on battlefield designations

Proposed Council Response

Propose no change to the plan at this stage – no modifications/changes specified.

Scottish Natural Heritage

Broadly supportive of the plan and considers it to be clearly written and generally easy to navigate. Agrees with the plan's vision (but considers it will be challenging to deliver) and the Council's approach to sustainable place making, active travel, Green Network and designated sites.

Objects

- Suggests a revised Bush masterplan be adopted as supplementary guidance
- ENV1 requires minor revision to comply with SPP relating to protection of and access to open space
- ENV11 inconsistent with SPP
- Wording of policies NRG1 and NRG2
- Hs0, Hs1, Ec1, Ec3 – Unclear as to relationship with Edinburgh developments. At Shawfair and Straiton there is need for an area development framework to plan and deliver proposals.
- Considers there are some inconsistencies relating to SNH involvement in the Action Programme and suggests minor revisions.

Suggested Modification(s)

- Amend wording to parts A and B of policy NRG1
- Amend wording regarding the direction of development to the west of A701
- Seek a revised Bush masterplan be adopted as supplementary guidance
- Amend TRAN2 regarding wording of cycling & walking provision
- Alternative wording to ENV11

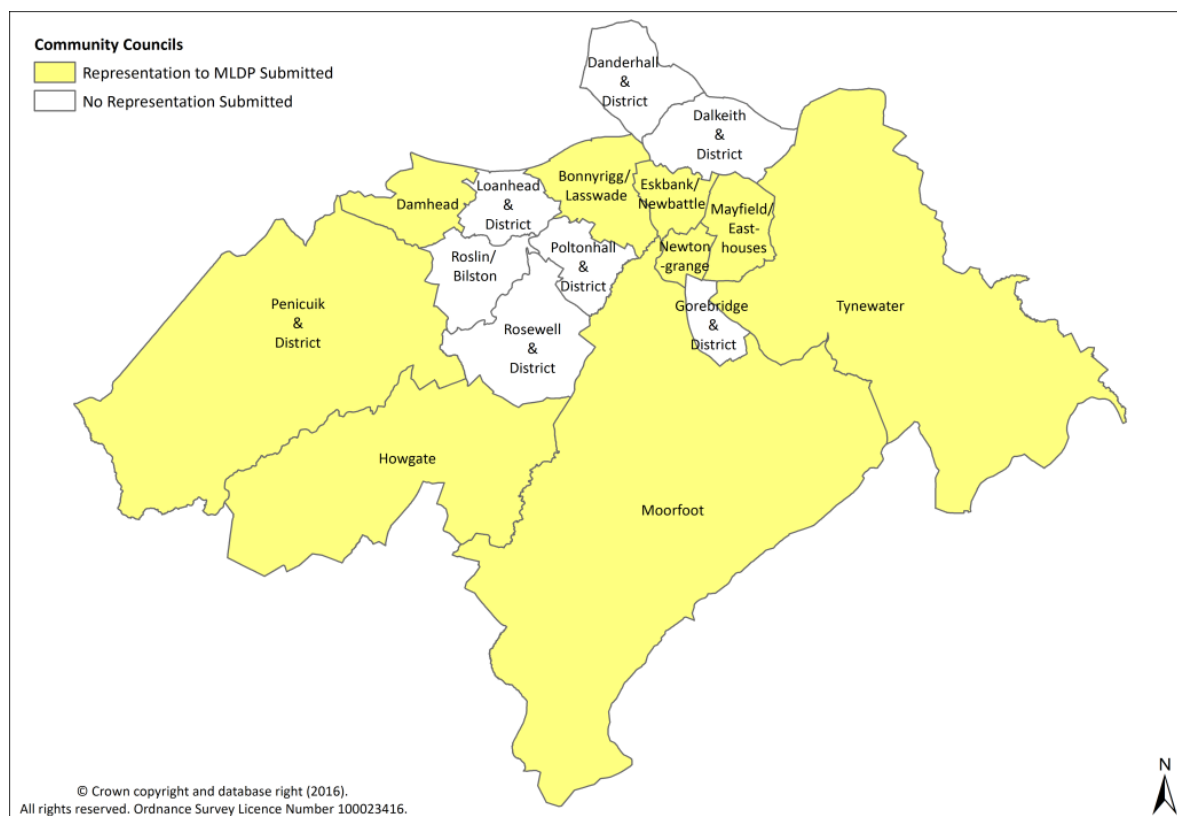
- Word changes to NRG1 and NRG2
- Include reference to need for area development framework in development considerations section of settlement statements.
- Amend Action Programme to consistently include reference to SNH involvement including the preparation of supplementary guidance on quality of place

Proposed Council Response

Propose no change to the plan at this stage – acknowledge the matters raised but consider issues have been satisfactorily addressed in preparing the plan and submission does not raise any new issues that are of a material nature to consider modifying the plan.

Appendix 5 – Community Council Responses

Of 16 community councils, representations were lodged by Bonnyrigg and Lasswade (BLCC), Damhead and District (DDCC), Eskbank and Newbattle (ENCC), Howgate (HCC), Mayfield and Easthouses (MECC), Moorfoot (MCC), Newtongrange (NCC), Penicuik and District (PDCC), and Tynewater (TCC) Community Councils.



Highlights of some of the key points raised

Objections

- Objections to the Strategy for sustainable growth, principally to the scale of development
- Concerns at impact on infrastructure and services
- Site specific objections to housing allocations at site Hs16 (Bilston), Hs22 (Penicuik Kirkhill Road), AHs4 (Pomathorn Mill), and AHs5 (Wellington School)
- A sense in some representations that while policies may seem helpful, will the Council implement them and ensure that developers abide by them?
- In respect of affordable housing, concern expressed that this housing sector is not adequately defined or provided for
- Concern that existing Halkerston Area of Search for coal; which had been proposed for deletion in the MIR, was proposed for retention in the Proposed Plan.

- A701 re-alignment project, the approach to transport more generally, and the impact of growth emerged as concerns
- Concern that approach to wind energy is too negative
- Concern that town centres are not supported enough over out of town facilities, and that small local opportunities are not encouraged more
- Concern about process by which plan was approved and consulted upon, and non-availability of Supplementary Guidance until it has finished.

Support

- Support for removal of Main Issue Report site at Easthouses and for there being no further allocations in Mayfield and Easthouses area
- Support for the Newbattle Greenspace Safeguard, although concern that Council may not enforce its protection
- Support for non-inclusion of Airfield Farm as an area of search for coal extraction.

Suggested modifications

- Reduce scale of growth, including deletion of particular sites in some cases
- Desire to have more fully worked out infrastructure plan
- Stronger approach to implementation, to ensure policies are carried out
- Deletion of Halkerston Area of Search, A701 re-alignment
- More supportive approach for town centres, local shops and wind energy.

Proposed Council Response

Generally propose no change to the plan at this stage – acknowledge the matters raised but consider issues have been satisfactorily addressed in preparing the plan and submission does not raise any new issues that are of a material consideration.

May adjust emphasis on local shops to make this more of a requirement in certain cases where new development is poorly served by existing centres and provided it is of a scale that it does not harm an existing town centre.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1158	Bonnyrigg and Lasswade Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Considers that housing allocations are excessive, and based on significant contradictions, errors and omissions; and that there has not been proportionate infrastructure planning or adequate traffic analysis, or costing analysis of implications [point on building standards picked up under separate cover]. Considers that potential population growth has not been estimated correctly, and that this means conclusions on infrastructure and environmental impact cannot be drawn. Considers that plan does not articulate provision for social housing. Seeks drawing up of costed infrastructure plan (using updated transport appraisal), to aid in developer contribution negotiations, consideration of impact on cost of providing public services (for Council and other organisations), and plan to mitigate impact of growth on emissions. Seeks additional requirements to future proof new houses, including that they be zero carbon, and consideration of Community Empowerment (Scotland) Bill.	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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1160	Bonnyrigg and Lasswade Community Council	4. Promoting Economic Growth; 4b. Transport	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.	An updated and comprehensive Transport Appraisal including a forecast of future traffic impact is necessary. Reprioritise pedestrian/cyclist needs and improve road safety.
PP1159	Bonnyrigg and Lasswade Community Council	7. Delivering the Strategy; General Delivery issue	Other than information on growth of school provision, considers there is no overall Infrastructure Plan in the plan. States with the population to grow by 30% a detailed wide ranging Infrastructure Plan is required. Otherwise the proposed scale of housing could lead to serious coalescence, decrease in road safety, and inadequate road capacity, health service provision, recreational facilities, and public services. Considers this will create housing estates with few amenities for new residents. Considers the Council's approach to infrastructure provision has proven to have fallen short and lacking in Bonnyrigg. States there are no costings or financial consequences of the Local Development Plan. Provides information on current Council staffing and spending levels to service a current population of 85,000 residents and gives pro rata figures for the extra funding required for the expected population growth. Consider the policy approach to developer contributions is too generous to developers and does not provide adequate community infrastructure, as exemplified by the significant failures of the Hopefield development at Bonnyrigg.	The Local Development Plan needs to have an Infrastructure Plan setting out how all infrastructure requirements will be met and addressed. The Local Development Plan needs to articulate clearly where the extra money will come from and how it will be apportioned to the 32 public service organisations currently providing vital services to the Midlothian Community. The Local Development Plan should obtain more developer contributions from developers for community infrastructure.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1161	Bonnyrigg and Lasswade Community Council	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because does not deal adequately with developer tendency to apply minimal standards. Letter elaborates.	Relevant UK Government guidelines/policy paper should be acknowledged and enforced.
PP1162	Bonnyrigg and Lasswade Community Council	3. Sustainable Place-making; 3b. Affordable Housing	Bonnyrigg and Lasswade Community Council 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 in the Proposed Plan.	Sites for Social Housing (Council Housing) must be allocated in the Local Development Plan. To create a balanced community environment the Local Development Plan must include detailed information on how many housing units they (assumed to be the Council) will build, where and when.
PP644	Bonnyrigg and Lasswade Community Council	3. Sustainable Place-making; 3b. Affordable Housing	Bonnyrigg and Lasswade Community Council State the Proposed Plan does not articulate any provision for Social Housing (other than “affordable homes) to be built by Midlothian Council in the 8 year period of the Plan. Further state paragraph 3.2.4 does not recognise that there are currently 4500 people on the waiting list for social housing in Midlothian and that it is assumed that those on the waiting list will never aspire to owning a private dwelling, such as those prescribed in the Proposed Plan.	Sites for Social Housing (Council Housing) must be allocated in the Local Development Plan. To create a balanced community environment the Local Development Plan must include detailed information on how many housing units they (assumed to be the Council) will build, where and when.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP656	Bonnyrigg and Lasswade Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Green Network & Newbattle Strategic Greenspace Safeguard	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.	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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP657	Bonnyrigg and Lasswade Community Council	3. Sustainable Place-making; 3c. Development Design	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.	
PP641	Bonnyrigg and Lasswade Community Council	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because Policy NRG3 does not deal adequately with developer tendency to apply minimal standards. Letter elaborates.	Relevant UK Government guidelines/policy paper should be acknowledged and enforced.
PP658	Bonnyrigg and Lasswade Community Council	3. Sustainable Place-making; 3a. Coalescence	Raises concern about coalescence in Midlothian.	None stated
PP659	Bonnyrigg and Lasswade Community Council	3. Sustainable Place-making; 3d. Open Space	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.	Seeks infrastructure plan to address recreation requirements and for defined proportion of land (3%) be kept as parkland

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP660	Bonnyrigg and Lasswade Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Raises concerns regarding the scale of housing proposed for Bonnyrigg. Feels that new estates require appropriately sized retail units (not so small that they stay empty); there is a requirement for clear social/council housing allocation to complement the 25%; developer contributions have proven to be insufficient; each new estate needs small meeting hall for baby/toddler groups and residents meetings etc; new schools need to be designed to include plans for expansion; needs to be clear allocation of green corridors away from roads for people to walk; need to allocate land for allotments/food growing; requirement for more teachers, fibre broadband, adequate residential parking and drainage systems and additional council staff for maintenance. General concern regarding new developments producing emissions from increased traffic.	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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP637	Bonnyrigg and Lasswade Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	In respect of section 2 'Strategy for Sustainable Growth', raises concerns that plan contains contradictions, errors and omissions - in particular concerned that population demands and hence infrastructure requirements and assessment of environmental impact need to be rationalised. Considers that apart from schools provision there is no overall infrastructure plan to accompany the LDP. Concern expressed that the financial implications of population growth have not been costed (not just for MC but for other public service organisations). Concern expressed that the MLDP does not articulate how the environmental implications of population growth will be addressed. [representation goes on to consider other matters, addressed under separate cover, including energy standards, transport appraisal, detail on type of houses/affordable housing, facilities in new housing, community empowerment, site specific matters relevant to Bonnyrigg on themes of transport, facilities/ green space].	Inference of representations is that fundamental strategy of MLDP should be reviewed. 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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP638	Bonnyrigg and Lasswade Community Council	7. Delivering the Strategy; General Delivery issue	Other than for school provision, considers there is no overall infrastructure plan in the Proposed Plan. Consider 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.	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.
PP642	Bonnyrigg and Lasswade Community Council	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because Policy NRG 4 does not deal adequately with developer tendency to apply minimal standards. Letter elaborates.	Relevant UK Government guidelines/policy paper should be acknowledged and enforced.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP650	Bonnyrigg and Lasswade Community Council	4. Promoting Economic Growth; 4b. Transport; Strategic Roads	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.	An updated and comprehensive Transport Appraisal including a forecast of future traffic impact is necessary. Reprioritise pedestrian/cyclist needs and improve road safety.
PP651	Bonnyrigg and Lasswade Community Council	4. Promoting Economic Growth; 4c. Retail	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.	Inference is that policy should be changed so that new estates are served by appropriately sized units such as corner shops, not medium sized units.
PP655	Bonnyrigg and Lasswade Community Council	3. Sustainable Place-making; 3c. Development Design	Additional requirements should be made in the plan to ensure that new housing is future proofed.	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.
PP2792	Bonnyrigg and Lasswade Community Council	Other	Considers the production of the Local Development Plan has been undemocratic and has displayed a complete disregard for the issues and concerns of Midlothian residents.	Requests the Reporter makes certain proper public consultation is undertaken on the plan, that account is taken of public concerns, and changes made accordingly.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1060	Damhead and District Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Considers that the scale of new housing development around the A701 corridor is flawed, as it does not take into account local factors (particularly around Bilston) and the benefits of developing on other areas (particularly brownfield opportunities in the A7/A68 corridor). Considers that several recent developments in the Bilston area have been developed at higher density than originally envisaged - DDCC does not object to this as it is a more efficient use of land - but raises concerns about effect of growth if both committed and allocated sites are developed at higher densities than originally envisaged. Considers that insufficient priority has been given to brownfield sites, and that there is insufficient evidence base to justify release of Green Belt/ greenfield/ prime agricultural land, and that the plan so fails to meet SPP, SDP (and its own) requirements. [further site specific comments lodged in relation to Hs16, considered in separate report]	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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP433	Damhead and District Community Council	2. The Strategy for Sustainable Growth; 2d. West Straiton and A701 Relief Road	<p>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 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</p>	Seeks removal of the proposed A701 Relief Road from the plan, particularly references in policy TRAN2.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
			<p>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.</p>	

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP435	Damhead and District Community Council	2. The Strategy for Sustainable Growth; 2d. West Straiton and A701 Relief Road	<p>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 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</p>	Seeks removal of the proposed A701 Relief Road from the plan, particularly references in policy TRAN2.

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			<p>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.</p>	

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1061	Damhead and District Community Council	2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Bilston	<p>Objects to the proposed Seafield Road site (Hs16). Considers that this represents nearly 50% of the total allocations for the A701 corridor; that it is in effect development within the countryside community of Damhead; with the additional 200 houses safeguarded, would represent a significant loss of prime agricultural land and Green Belt; views of Damhead community have been ignored in preparing the Plan; houses will be at a considerable distance from services in Bilston. Damhead DCC considers that the Plan lack sufficient evidence to justify further Green Belt/greenfield and prime agricultural loss over brownfield development for the following reasons: contrary to SPP and Housing Land SG (also references Environmental Report, Urban Capacity Studies and Housing Technical Note; brownfield windfall development could account for nearly 1000 houses, therefore focus on greenfield/Green Belt considered premature; need for community facilities in Bilston already address need for additional community facilities; there is no requirement for improvements/expansion to Roslin Health Centre; while greenfield sites cheaper to develop, given the provision for community facilities by committed sites, the additional cost for brownfield development should be easier by reducing the levels of infrastructure provision for new development on such sites. In the development of the committed Seafield Road East site (h56 in Proposed Plan), it is considered that the Council has prejudiced an objective assessment for new sites by increasing the number of houses on the site, which had a lower density to accommodate landscaping/strong Green Belt boundary, and by allowing for a gap in the landscaping on the northern edge of this site for access.</p>	Seeks removal of the proposed Seafield Road site (Hs16), with more focus being given to the development of brownfield land.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1064	Damhead and District Community Council	4. Promoting Economic Growth; 4b. Transport; Strategic Roads	<p>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</p>	Seeks removal of the proposed A701 Relief Road from the plan, particularly references in policy TRAN2.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
			<p>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.</p>	

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP426	Eskbank & Newbattle Community Council	3. Sustainable Place-making; 3a. Coalescence	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.	Requests a clear policy preventing, not mitigating, coalescence.
PP430	Eskbank & Newbattle Community Council	4. Promoting Economic Growth; 4c. Retail	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.	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, though not expressly stated, that expansion of Straiton should not be supported in the MLDP.
PP444	Eskbank & Newbattle Community Council	Other	Raises concerns regarding the increase on reliance on Supplementary Guidance compared with adopted Local Plan. Removal of policy areas from plan limits ability of public to assess merits/demerits of the plan.	Suggests that Supplementary Guidance documents should be published for consultation alongside the amended MLDP, or alternatively, the policies should be brought back into the plan itself.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP424	Eskbank & Newbattle Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Objects to the Proposed Plan. Not satisfied that the underlying argument for requiring Midlothian to provide so many houses is sound - there must be a question mark over the whole strategy for Midlothian set out in the MLDP. Allocating large numbers of sites for housing – and associated infrastructure – that may never be taken up prevents those sites being used for other purposes and effectively prevents any alternative strategy from being pursued.	The number of identified sites for development should be reduced.
PP434	Eskbank & Newbattle Community Council	4. Promoting Economic Growth; 4e. Minerals	Considers that it is not possible to determine the changes the Council is proposing to policy in advance of publication of the SG.	Seeks delay in approval of plan until SG on Resource Extraction is published.
PP439	Eskbank & Newbattle Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Green Belt	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.	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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP442	Eskbank & Newbattle Community Council	6. Encouraging Sustainable Energy and Waste Management; 6a. Renewable and Low Carbon Energy Projects, incl Wind	States policy on wind energy (policy NRG2) 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. Considers the policy should not be biased to a presumption that the physical impact is always negative.	Remove the presumption in the Proposed Plan that the physical impact of wind farms is always negative.
PP449	Eskbank & Newbattle Community Council	3. Sustainable Place-making; 3b. Affordable Housing	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. The term "affordable housing" should be defined. The Proposed Plan should articulate how the demand for affordable housing will be met.	The term "affordable housing" must be defined in the plan. The Proposed Plan should articulate how the demand for affordable housing will be met.
PP415	Eskbank & Newbattle Community Council	Other	Raises concerns regarding consultation process. Community groups raised extensive concerns at MIR stage with no list of issues published saying what had been accepted; members of public excluded from meeting in December 2014 discussing the plan; no public meetings held; non-availability of Supplementary Guidance.	No modification to Proposed Plan suggested.
PP446	Eskbank & Newbattle Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Considers that plan should not be approved until future infrastructure and service needs are addressed.	Considers that proposals to address infrastructure and services are needed before approval of the plan.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP425	Eskbank & Newbattle Community Council	3. Sustainable Place-making; 3c. Development Design	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.	AD&S should be a consultee on major planning applications/sensitive sites.
PP2905	Eskbank & Newbattle Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Green Network & Newbattle Strategic Greenspace Safeguard	Midlothian's Green Network Eskbank and Newbattle Community Council supports the creation of Green Networks and the proposed Newbattle Strategic Greenspace Safeguard. However 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 the environment as a whole.	
PP2715	Eskbank & Newbattle Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	ID PP424 B Kerr-Smith Eskbank and Newbattle Community Council Not satisfied that underlying arguments for allocating so many houses are sound, seem to be based on encouraging in-migration, and there is some uncertainty that this will take place. Considers that the SDP targets have been overshoot to provide flexibility, so should be room to accept reductions. Considers that allocating for development prevents them being allocated back to agriculture/ green space.	Seeks reduction in the number of identified sites for development.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP253	Howgate Community Council	2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Penicuik	Objects to site AHs4. 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.	
PP254	Howgate Community Council	2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Penicuik	Objects to site AHs5. 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 RD1 and set an irresponsible precedent for other areas identified for low density rural housing.	

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP901	Mayfield and Easthouses Community Council	2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Mayfield/Newtongrange	Supports non allocation of site at Kippielaw Farm and the Council not proposing to allocate other sites in the area.	None sought - support
PP902	Mayfield and Easthouses Community Council	7. Delivering the Strategy; General Delivery issue	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 occupies 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 does not have the requisite amenities for a community of its size.	Wishes Council to work with developers to ensure that funding to address local infrastructure, education, amenities and town centre improvements is made available timeously.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP19	Moorfoot Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Green Network & Newbattle Strategic Greenspace Safeguard	Moorfoot Community Council strongly supports Policy ENV 3 – the Newbattle Strategic Greenspace Safeguard. Consider 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.	No specific modification given, but states that it will be imperative to ensure that the wording of policy ENV3 – “strategic safeguard” is reflected in practice in the determination of future planning applications that could adversely affect the protection of this area.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP18	Moorfoot Community Council	4. Promoting Economic Growth; 4e. Minerals	<p>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 Repor 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 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 Planniong 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.</p>	Seeks deletion of Halkerston North area of search for opencast coal extraction.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP17	Moorfoot Community Council	3. Sustainable Place-making; 3c. Development Design	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.	Considers that requirement for allotments or space for local food growing should be county-wide, perhaps through policies DEV5 and/or DEV6.
PP16	Moorfoot Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Concern that strategy is leading to increased out-commuting from Edinburgh, with attendant problems for infrastructure and public services, and that there is a lack of provision of social housing/ affordable housing. Concern about enforcement of standards on sustainability of housing.	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.
PP2787	Moorfoot Community Council	3. Sustainable Place-making; 3b. Affordable Housing	Considers that recent experience with housing developments is that developers are very reluctant to incorporate features that meet the principles of sustainable place making. Considers affordable housing provision in the plan is inadequate with the current waiting list standing at over 4000; affordable housing is not defined in the plan; considers that 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 considered inadequate.	Considers that sites allocated in the 2003 Local Plan should be required to provide more affordable housing. States some sites are only being subject to 5% affordable housing requirement. More affordable housing should be provided for in the Proposed Plan and the term "affordable housing" should be defined in the plan.
PP2885	Moorfoot Community Council	4. Promoting Economic Growth; 4e. Minerals	While supporting MIN3, considers that it is not possible to evaluate properly, until SG is published. Considers that text of SG should be published alongside any amended plan or incorporated into the plan.	Considers that text of SG should be published alongside any amended plan or incorporated into the plan.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP489	Newtongrange Community Council	4. Promoting Economic Growth; 4c. Retail	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.	Within new housing areas, support small convenience stores in preference to larger stores.
PP490	Newtongrange Community Council	7. Delivering the Strategy; General Delivery issue	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.	Seeks provision to replace Newtongrange Primary School, so that all children in community can attend it.
PP491	Newtongrange Community Council	2. The Strategy for Sustainable Growth; 2a. Committed Development	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.	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.
PP2857	Newtongrange Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Green Network & Newbattle Strategic Greenspace Safeguard	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.	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.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP2858	Newtongrange Community Council	3. Sustainable Place-making; 3a. Coalescence	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 [note h34 listed twice on representation, but from context reasonable to assume it is a reference to h35], h38 and h49.	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.
PP948	Penicuik Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Notes scale of allocations from previous local plans and raises questions over ability of infrastructure to cope with impact of housing. Does not consider that new housing will create jobs in the longer term.	Inference of submission is that housing strategy and scale of housing allocations should be reconsidered.
PP949	Penicuik Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Objects to the strategy adopted in the A701 Strategic Development Area. The planned housing development at Penicuik, Auchendinny, Roslin and Bilston will generate increased traffic on the A701. Considers that the planned relief road will need to be a dual carriageway to take account of existing cross boundary traffic from South Lanarkshire and Peeblesshire and local traffic which builds up from Leadburn to Howgate and through Auchendinny onto the A701 putting pressure on Gowkley Moss. Also considers that the relief road, housing development and the latest application for a film studio will result in the further loss of precious farmland and greenfield land. Considers there is overdevelopment of private housebuilding and not enough rented accommodation and that a better balance between the two sectors needs to be struck.	No Modification suggested.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP947	Penicuik Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Considers that there is a danger that delivery of houses will lead to Midlothian losing its rural environment. Expresses concern at possible future uses of Wellington School site.	Inference of submission is that housing strategy and scale of housing allocations should be reconsidered.
PP946	Penicuik Community Council	3. Sustainable Place-making; 3d. Open Space	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 of 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).	Seeks the provision of a new public park in Penicuik on the committed housing site at Mauricewood - site h26 Deanburn.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP2840	Penicuik Community Council	2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Penicuik	Objects to site Hs22 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).	Seeks the provision of a new public park in Penicuik on the committed housing site at Mauricewood - site h26 Deanburn.
PP2839	Penicuik Community Council	2. The Strategy for Sustainable Growth; 2a. Committed Development	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 alternate access or have site deallocated.	No modification proposed.
PP1489	Tynewater Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	Considers overall policy for Tynewater area, (with only two exceptions) restrictive on almost any development.	Not expressed, but inference is that a more pro-development stance should be embodied in strategy.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1495	Tynewater Community Council	3. Sustainable Place-making; 3c. Development Design	Welcomes the intent of policies DEV5 and DEV6 but regret that Supplementary Guidance no available. Expresses concern that previous policy on spacing between houses not location specific.	No change to plan proposed.
PP1491	Tynewater Community Council	4. Promoting Economic Growth; 4f. Rural Development	STRAT 4. 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.	Seeks looser boundaries around villages in the Tynewater area.
PP1496	Tynewater Community Council	3. Sustainable Place-making; 3c. Development Design	Welcomes the intent of policies DEV5 and DEV6 but regret that Supplementary Guidance no available. Expresses concern that previous policy on spacing between houses not location specific.	No change to plan proposed.
PP1493	Tynewater Community Council	4. Promoting Economic Growth; 4f. Rural Development	While paragraph 3.2.12 deals with self-build housing and provides support, it is considered that policy RD1 promotes the contrary view.	Intimates that policy RD1 should be amended to promote self-build housing.
PP1494	Tynewater Community Council	4. Promoting Economic Growth; 4f. Rural Development	Consider that reference in policy RD1 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).	No change specified but reference to Home Quality Mark rather than BREEAM is inferred.
PP1498	Tynewater Community Council	3. Sustainable Place-making; 3c. Development Design	Objects to provision in policy DEV7 regarding 30m tree belts as it is considered impractical in almost all potential development sites within Tynewater.	Considers that the policy should be qualified to take account of the scale of new development.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1503	Tynewater Community Council	4. Promoting Economic Growth; 4a. Economic; 4b. Transport	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.	No modification suggested.
PP1484	Tynewater Community Council	1. Vision and Aims	Objects to the Proposed Plan. The MLDP 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. Email refers.	None.
PP1490	Tynewater Community Council	2. The Strategy for Sustainable Growth; 2b. Housing Strategy	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.	Seeks looser boundaries around villages in the Tynewater area.
PP1513	Tynewater Community Council	4. Promoting Economic Growth; 4b. Transport	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.	None specified.
PP1516	Tynewater Community Council	4. Promoting Economic Growth; 4b. Transport	Concerned that TRAN2 makes no mention of integrating Borders Railway into other public transport networks. Safeguarding cycling/walking routes to 'complement Borders Rail' seems unambitious.	MLDP should seek to integrate Borders Rail with public transport network.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1518	Tynewater Community Council	4. Promoting Economic Growth; 4a. Economic	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.	No change proposed.
PP1520	Tynewater Community Council	4. Promoting Economic Growth; 4c. Retail	States that the number and variety of retail business has declined significantly, and notes that Pathhead only identified as a 'local centre'. Considers that policy TCR2 should be much more supportive of existing small scale retail facilities, which are typically less than 150sqm in scale.	Considers that policy TCR2 should be much more supportive of existing small scale retail facilities.
PP1523	Tynewater Community Council	4. Promoting Economic Growth; 4d. Tourism	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.	Suggest that this can be effectively controlled by Supplementary Guidance, possible prepared in collaboration with the Caravan Club.
PP1508	Tynewater Community Council	4. Promoting Economic Growth; 4a. Economic	Objects to policy Econ 6 - see attached statement 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.	No modification suggested.
PP1534	Tynewater Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Special Landscape Areas & Landscape Character	States this policy appears a rather crude "catch all" policy that could be applied to almost any location in Midlothian. Considers without further specific guidance it is difficult to see how this policy will enhance or otherwise sound planning decisions.	Further guidance is required for the interpretation and application of this policy.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1535	Tynewater Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Other Natural Environment	Supports Policy ENV 8 in respect of the River Tyne valley.	None
PP1537	Tynewater Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Flooding & Water Environment	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.	Considers that it would be appropriate for additional Supplementary Guidance to bring the various publications, plans and guidance together.
PP1540	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6a. Renewable and Low Carbon Energy Projects, incl Wind	Supports Policy NRG 1 Renewable and Low Carbon Energy Projects.	None stated.
PP1525	Tynewater Community Council	4. Promoting Economic Growth; 4e. Minerals	Supports policy MIN1, and commends submission of Communities Against Airfield Open Cast (CAAOC), although regrets no availability of Minerals supplementary guidance.	None sought - support

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1528	Tynewater Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Green Network & Newbattle Strategic Greenspace Safeguard	Welcomes the apparent intent of Policy ENV 2 but is 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.	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.
PP1526	Tynewater Community Council	4. Promoting Economic Growth; 4e. Minerals	Supports Policy MIN 2, and commends submission of Communities Against Airfield Open Cast (CAAOC), although regrets non-availability of Minerals supplementary guidance.	None sought - support
PP1541	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6a. Renewable and Low Carbon Energy Projects, incl Wind	Supports Policy NRG 2 Wind Energy but regrets the Supplementary Guidance on Wind Energy Development in Midlothian was not available.	None stated.
PP1542	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because compliance with Policy NRG3 may be unduly and unreasonably onerous, appearing to require a full SAP assessment. 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.	No change sought.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1544	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	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. Heat loss from network pipes are significant.	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 attachment.
PP1545	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6c. Waste Management	WAST 3. Considers that the policy 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.	Inference is that more control is sought in planning policy over non-MSW waste.
PP1539	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6a. Renewable and Low Carbon Energy Projects, incl Wind	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.	Policy is welcomed but believe that it should be linked with Policy NRG 2 Wind Energy.
PP1543	Tynewater Community Council	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because there is no Section 3F of the TCP(S)A, and having a policy specifically to interpret another policy seems unnecessarily confusing.	No change specified.

ID	Company / Organisation	Broad Categories	Council Summary	Modification Sought
PP1532	Tynewater Community Council	5. Protecting Our Heritage; 5a. Natural Environment; Special Landscape Areas & Landscape Character	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.	None stated.

Appendix 6 – Cases with Merit to support changes through Examination

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP365	Scottish Government	5. Protecting Our Heritage; 5a. Natural Environment	Wishes references to Scottish Planning Policy in policy ENV9 amended to remove reference to 'guidance' as SPP is solely policy not guidance, and reference to the word 'watercourse' removed in policy ENV9 as SPP applies to all types of flooding.	Deletion of words 'watercourse' and 'guidance' from policy ENV9.
PP366	Scottish Government	5. Protecting Our Heritage; 5a. Natural Environment	Considers that policy ENV9 does not accord with the policy position of the SPP, and seeks amendment to revised text, viz. " 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 "	Seeks change to 2nd paragraph of policy ENV9 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 "

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP367	Scottish Government	5. Protecting Our Heritage; 5a. Natural Environment	Considers that references to 'Sustainable urban drainage systems' should be changed to Sustainable Drainage Systems (SuDS) and any abbreviations should be changed from SUDS to SuDS.	References to 'Sustainable urban drainage systems' should be changed to Sustainable Drainage Systems (SuDS) and change abbreviations from SUDS to SuDS.
PP369	Scottish Government	5. Protecting Our Heritage; 5a. Natural Environment	In its current form Policy ENV11 provides for woodland removal as an exception, but does not address habitat connectivity matters that may occur. The suggested amendment below is required to bring Policy ENV11 in accordance with Scottish Planning Policy paragraph 217.	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 ".

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP371	Scottish Government	6. Encouraging Sustainable Energy and Waste Management; 6a. Renewable and Low Carbon Energy Projects, incl Wind	Figure 6.1. Midlothian Spatial Framework for Wind Farms 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).	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.

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP372	Scottish Government	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because the phrase "and energy which is required supplied efficiently" is used, it not being considered clear what efficient supply is and how proposals would be assessed against this provision; and because the 2007 Building Standards referred to are out of date/superseded.	Deletion of the phrase referred to and replacement of "2007" with "2015".
PP374	Scottish Government	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	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 SPP.	In second paragraph of Policy NRG 5, add "to be co-located with and" after "seek".
PP376	Scottish Government	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Objects to the Proposed Plan because Policies NRG 5 and NRG 6 focus on implementation and do not address the strategic heat context, whereas SPP paragraph 159 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".	Suggests that the scope of supplementary guidance on Community Heating in Table 7.1 could be widened to include: "Identifies where heat networks, heat storage and energy centres exist and policies to support their implementation."

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP377	Scottish Government	4. Promoting Economic Growth; 4f. Rural Development	Objects to policy RD1 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.	Seeks removal of provision relating to applying a planning condition restricting occupancy of new houses.
PP379	Scottish Government	4. Promoting Economic Growth; 4b. Transport	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.	Considers that the wording should be changed to say that the cross-boundary study is an assessment of the current SDP and not SDP2.
PP906	Historic Scotland Heritage Management Directorate	5. Protecting Our Heritage; 5b. Built Environment	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'.	Change policy to: "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).
PP907	Historic Scotland Heritage Management Directorate	2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Shawfair	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.	Seeks reference to the potential for direct impacts on Inventory Garden and Designed Landscape designation, in connection with site Hs1.

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP1446	SEPA	6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy	Recommend '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 recommend that production of this Heat Map is identified as a specific outcome within the LDP Action Programme. Email elaborates.	'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 recommend that production of this Heat Map is identified as a specific outcome within the LDP Action Programme.
PP1494	TyneWater Community Council	4. Promoting Economic Growth; 4f. Rural Development	Consider that reference in policy RD1 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).	No change specified but reference to Home Quality Mark rather than BREEAM is inferred.
PP1527	Shawfair LLP	2. The Strategy for Sustainable Growth; 2a. Committed Development	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'	Supports main thrust of policy, but seeks minor amendment to reflect progress with Shawfair site.

Comment ID	Consultee Organisation	Broad Categories	Summary	Modification Sought
PP1628	Shawfair Business Park Ltd	4. Promoting Economic Growth; 4a. Economic	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.	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)."

PLANNING CIRCULAR 6/2013: Development Planning

Modifications

85. Section 18(3) to 18(9) and regulations 12 and 15 deal with pre-Examination modifications. Following the close of the period for representations on the Proposed Plan, planning authorities may make modifications, but only so as to take account of representations, consultation responses or minor drafting and technical matters.

86. There are four possible ways forward:

- (1) Where **no representations** have been received, or **all representations have been withdrawn or fully taken account of by 'non-notifiable modifications'** (i.e. only minor modifications such as minor wording or typographical changes):
 - the authority are to publish the plan, submit it to Scottish Ministers and advertise their intention to adopt it.

Where there are **unresolved representations** and the authority:

- (2) **decides not to make 'notifiable modifications'** (i.e. makes no significant modifications):

- they are to publish the plan (they may make non-notifiable modifications such as minor wording or typographical changes), and submit it to Scottish Ministers;

- (3) **decides to make 'notifiable modifications'** (defined in Regulation 15 as those that add, remove or significantly alter any policy or proposal in the plan):

- section 18(5) of the Act sets out that the planning authority are to publish the proposed local development plan as modified – i.e. not just a list of the modifications.

- The minimum publication requirements are the same as at the Main Issues Report stage, as set out at paragraph 73 above.

The making of 'notifiable modifications' brings with it a further opportunity to make representations. The modified version of the whole of the Proposed Plan will be subject to consultation, although the authority may wish to separately highlight the modifications.

Where the planning authority proposes notifiable modifications, they are required (under Regulation 15(2)) to give notice to the owner, lessee or occupier of any premises situated on a 'relevant site' or on neighbouring land. Relevant site means land in respect of which a modification removes, alters or introduces a specific proposal for the development of that land which if implemented would be likely to have a significant effect on the use or amenity of that land or neighbouring land (Regulation 15(4)).

A form is provided in Schedule 3 to the Regulations for the planning authority to use to as the form of notice for 'Notification of modifications made to the proposed local development plan' when notifying the owner, lessee or occupier of any premises situated on a 'relevant site' or on neighbouring land. It should also be accompanied by a map showing the location of the relevant site in question (Regulation 15(3)).

The authority must specify a date (at least 6 weeks ahead) by which further representations may be made.

- The authority would also have to update the Environmental Report, considering the potential environmental impacts of the modifications. Following receipt of any representations on the modified plan, the authority may then further modify the plan or submit it to Ministers.

(4) intends to make modifications that change the underlying aims or strategy of the Proposed Plan:

- they are required to prepare and publish a new proposed LDP.

Following the preparation of a new Proposed Plan, there would be publication and notification requirements, including notifying the owners, lessees and occupiers of all sites specifically proposed in the plan to be developed, and the neighbour notification of the owners, lessees and occupiers of the neighbouring land as set out in paragraphs 82–83 above.

87. From the Proposed Plan stage, Scottish Ministers expect an authority's priority to be to progress to adoption as quickly as possible. Pre-Examination negotiations and notifiable modifications can cause significant delay and so should not be undertaken as a matter of course, but only where the authority is minded to make significant changes to the plan. However, if authorities do wish to support a significant change to the plan, this should be done by pre-Examination modification, as set out in paragraph 86 (3) above. The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.

Submission to Scottish Ministers

88. On submitting the plan to Scottish Ministers, sections 18(4) and 19(1) of the Act also require authorities to submit:

- their proposed Action Programme;
- a report of conformity with their current Participation Statement; and
- (if there are unresolved representations) a request that Scottish Ministers appoint a person to examine the Proposed Plan.

If possible, it would also be good practice to submit the material required under regulation 20 (and set out in paragraph 109 below) at this time.

89. The planning authority should include a Habitats Regulations Appraisal Record with the submission of their proposed LDP to Scottish Ministers. The HRA record should be a short document setting out in succinct terms:

- how the authority has determined that there is not likely to be a significant effect on a European site (if that is the case); and
- where a likely significant effect has been determined and an Appropriate Assessment has been undertaken, the conclusions reached and what action is proposed or has been taken to comply with the Habitats Regulations;
- a copy of any relevant correspondence from SNH.

**Strategic Development Plan for Edinburgh and South East Scotland
(SESplan): Budget and Governance****Report by Ian Johnson, Head of Communities and Economy****1 Purpose of Report**

- 1.1 The purpose of this report is to present the minutes of the SESplan Joint Committee meeting of the 14 December 2015 and to seek ratification for matters arising from the meeting relating to its operating budget for 2016/17 and amendments to its governance arrangements.

2 Background

- 2.1 The Minute of the SESplan Joint Committee of 14 December 2015 is attached as Appendix 1 to this report.

Financial Update and Approval of Proposed Operating Budget for period 2016/17

- 2.2 At its meeting of 28 September 2015 the Joint Committee agreed that financial monitoring statements would be prepared twice a year, once in October and once in April. The statement presented at the December meeting covered the period up to October 2015. A copy of the report is attached as Appendix 2 to this report. The report highlighted a forecast overspend on staffing costs of £4,792 for 2015/16 to cover increased costs relating to maternity leave and a forecast overspend of £1,800 on travel expenses and mileage, primarily a result of relocation expenses for the core team associated with the office accommodation move from central Edinburgh to Livingston. It is considered that travel expenses will remain at £5,100 for 2016/17 and into 2017/18 and 2018/19.
- 2.3 The planned administration support to assist with the Main Issues Report 2 consultation period was not required leading to a forecast underspend of £3,000. It was also reported that the full variable budget of £44,000 will be spent and that the difference between income and expenditure in 2015/16 will be covered by funding expenditure from reserves brought forward from previous years. The Joint Committee approved an operating budget of £286,336 for 2016/17 including member Council contributions of £46,550 per authority.

SESplan Governance Review

- 2.4 The review identified changes to the SESplan constitution, scheme of delegation and its financial rules. The changes and reasons for change together with copies of the updated documents are attached as Appendix 3 to this report. The main changes relate to:

- Extending the convenership of SESplan from one year to two in order to provide greater continuity to the process of preparing the Strategic Development Plan (SDP);
- Allowing the Joint Committee to approve Supplementary Guidance for consultation and reducing the requirement for, and delay caused by each member authority having to ratify this type of decision;
- adopt standing orders to clarify the arrangements for managing SESplan's business; and
- amend financial rules to confirm that the SESplan audit will be completed by an independent auditor.

It is noted at this stage that the outcome of the ongoing review by Scottish Ministers of the planning system in Scotland is unknown but may necessitate further review of, and changes to the governance of the Strategic Development Plan Authority.

3 Report Implications

3.1 Resource

Ratification of the SESplan operating budget requiring member Council contributions of £46, 550 per authority can be met within budget. Any future cost savings or reductions in operational costs would accrue to the Council in subsequent years.

3.2 Risk

The budgetary allocation of £46, 550 per member Council should be sufficient to accommodate most reasonable costs arising. If sufficient funding is not available to progress the SDP2 at a rate which provides an up-to-date strategic planning policy context, there are risks for the timeous progression of Local Development Plans.

3.3 Single Midlothian Plan and Business Transformation

The development plan process is relevant to the themes of adult health, care and housing, improving opportunities in Midlothian and sustainable growth.

3.4 Key Priorities within the Single Midlothian Plan

The Strategic Development Plan (SDP) provides the spatial land use and development framework for the SESplan area for the next twenty years. It also provides a framework for the preparation and adoption of the Midlothian Local Development Plan. Both documents are vital components in ensuring economic growth and business support opportunities across Midlothian, together with meeting housing need and environmental quality of life factors.

3.5 Impact on Performance and Outcomes

This report contributes to the final stages of preparing the South East Scotland proposed SDP2. The plan is prepared in partnership with the five other SESplan partner Councils and once approved forms the basis for the preparation of the second Midlothian Local Development Plan in due course.

3.6 Adopting a Preventative Approach

The SDP provides strategic guidance and forward planning for investment in future growth and development in the wider city region, including Midlothian, over the period from 2018 to 2038. Together with the MLDP, it will help to inform the future spending priorities of the Council and its community planning partners as well as other public, private and voluntary sector bodies.

3.7 Involving Communities and Other Stakeholders

The SESplan Main Issues Report was the subject of public consultation in line with the SESplan Development Plan Scheme participation scheme. The latest Development Plan Scheme (No. 8) sets out the provisions for further engagement following publication the proposed SDP2.

3.8 Ensuring Equalities

The SDP Main Issues Report and Proposed Plan were the subject of an Equalities and Human Rights Impact Assessment, approved by the SESplan Joint Committee and ratified by the member Councils.

3.9 Supporting Sustainable Development

The SDP is subject to Strategic Environmental Assessment. An interim Environmental Report accompanied the Main Issues Report. An updated report will accompany the proposed plan when published.

3.10 IT Issues

There are no IT issues arising from this report.

4 Summary

- 4.1 Governance arrangements require each of the Strategic Development Planning Authority (SESplan) member Councils to approve the SESplan budget, as well as any changes to governance of the Authority as may have been agreed by the SESplan Joint Committee. The budget set by the Joint Committee is considered to be reasonable, with member Council contributions set at an appropriate level. The proposed changes to the constitution, the scheme of delegation and the financial rules are all considered to be acceptable.

5 Recommendations

5.1 Council is recommended to:

- a) note the minutes of the meeting of the SESplan Joint Committee meeting on 14 December 2015 and matters arising;
- b) ratify the 2016/17 operating budget of £286,336, including member Council contributions for 2016/17 of £46,550 per authority; and
- c) ratify the changes to the SESplan constitution, Scheme of delegation and its financial rules.

Date: 10 May 2016

Report Contact: Peter Arnsdorf, Planning Manager
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Appendices to the Report:

- Appendix 1: SESplan Joint Committee Minute, 14 December 2015
- Appendix 2: SESplan Joint Committee, 14 December 2015 – Item 8 Finance Report
- Appendix 3: Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules.
- Appendix 4: SESplan Joint Committee Standing Orders

**MINUTE OF MEETING OF THE SESPLAN JOINT COMMITTEE HELD ON 14
DECEMBER 2015**

Committee Members Present:

Councillor Ian Perry (Convener)
Councillor Stuart Bell (Vice Chair), Scottish Borders Council
Councillor Denis Dixon, City of Edinburgh Council
Councillor Tony Boyle, West Lothian Council
Councillor Norman Hampshire, East Lothian Council
Councillor John Wincott, Fife Council

In Attendance:

Mr Craig McCorriston, West Lothian Council
Mr Brian Frater, Scottish Borders Council
Mr Iain McFarlane, East Lothian Council
Mr David Leslie, City of Edinburgh Council
Mr Robin Presswood, Fife Council
Mr Ian Angus, Strategic Development Planning (SDP) Manager, SESplan
Ms Alice Miles, Lead Officer, SESplan
Mr Peter Arnsdorf, Midlothian District Council
Ms Pam Ewen, Fife Council
Ms Lynne McMenemy, SESplan
Mr Ivan Clark, SESplan
Ms Aileen McGregor, City of Edinburgh Council (Clerk)

1. **APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies were received from Councillors Bryant, Midlothian Council; Councillor Smith, Scottish Borders Council; Councillor Muldoon, West Lothian Council and Councillor Laird, Fife Council. There were no substitute members.

2. **ORDER OF BUSINESS AND ANY URGENT MATTERS**

The Clerk reported that there were no changes to the order of business or urgent matters to be considered.

3. **MINUTE OF PREVIOUS MEETING – 28 SEPTEMBER 2015**

Decision

To approve the minute of meeting of the SESplan Joint Committee of 28 September 2015 as a correct record.

4. **MAIN ISSUES REPORT 2 CONSULTATION**

Details of responses received in respect of the second SESplan Main Issues Report (MIR2) were provided.

Decision

- 1) To note that all responses received on MIR2 were available to view/download on the SESplan Consultation Portal with supporting documents submitted available on the SESplan website.
- 2) To note the overview of responses received on MIR2 by theme and question as set out in Section 3 of the report.
- 3) To note the summary of the responses received on MIR2 set out within Appendix 1 to the report.
- 4) To note the summary of the comments raised by the key agencies and Scottish Government set out within appendix 2 to the report.

(Reference – report by the SESplan SDP Manager, submitted)

5. **PLANNING REVIEW**

Details of a written submission to the independent review of the Scottish Planning System, initiated by the Scottish Government was submitted to the Joint Committee for consideration.

Decision

1. To approve the submission of the written evidence set out in Appendix 2 to the report, with regard to the review of the Scottish Planning System.
2. To circulate details of the principle issues for all SESplan local authorities to assess if there is broad agreement or if any differences are highlighted.

(Reference – report by the SESplan SDP Manager, submitted)

6. **FINANCE**

Details were provided of the expenditure against the approved Operating Budget for 2015/16 up to October 2015, the total forecast expenditure against the approved Operating Budget for 2015/2016 and the Operating Budget for 2016/17, 2017/18 and 2018/19.

Decision

- 1) To note the expenditure against the approved Operating Budget for 2015/2016 up to October 2015 as set out in Appendix 1 of the report.
- 2) To note the total forecast expenditure against the approved operating budget for 2015/16 as set out in Appendix 1 of the report.
- 3) To approve the Operating Budget for 2016/17 as set out in Appendix 1 of the report.
- 4) To note the Operating Budgets for 2017/18 and 2018/19 as set out in Appendix 1 of the report.
- 5) To agree that member contributions for financial year 2016/17 would be set at £46,550 (excluding VAT) per authority, payable to Fife Council by 20 April 2016.
- 6) To note that Member Authorities would be required to ratify the approval of the Operating Budget for 2016/17 at Recommendation 3 of the report and to

make their required contributions by the due date.

(Reference – report by the SESplan SDP Manager, submitted)

7. **RISK MANAGEMENT**

An update on Risk Management and an updated Risk Register was provided.

Decision

To note the SESplan Risk Register at Appendix 1 to the report.

(References – report by the SESplan SDP Manager, submitted)

8. **SESPLAN GOVERNANCE REVIEW**

Details of proposed amendments to SESplan's governance were provided.

Decision

- 1) To approve the amendments to the SESplan Constitution as set out in Appendix 1 to the report and incorporated in the Constitution as set out in Appendix 2 to the report.
- 2) To approve the proposed amendments to the Scheme of Delegation as set out in Appendix 1 to the report and incorporated in the Scheme of Delegation attached as set out in Appendix 3 to the report.
- 3) To approve the proposed amendment to the Financial Rules, as set out in Appendix 1 to the report and incorporated in the Financial Rules as set out in Appendix 4 to the report.
- 4) To refer the amendments to the SESplan Constitution, the Scheme of Delegation and Financial Rules (a, b, c above) to the constituent Councils for ratification.
- 5) To remit the Clerk to prepare a revised Constitution and Scheme of Delegation for execution by the SESplan constituent Councils on the amendments being duly ratified.
- 6) To adopt the draft Standing Orders as set out in Appendix 5 to the report.

(References – report by the SESplan SDP Manager, submitted)

9. **APPOINTMENT OF CONVENER AND VICE CONVENER**

A proposal for the appointment of the Convener and Vice Convener of the SESplan Joint Committee over the two year period from 1 January 2016 to 31 December 2017 was circulated for agreement.

Decision

To agree the appointment of Councilor S Bell as Convener, and Councillor L Laird as Vice Convener of the SESplan Joint Committee for the period 1 January 2016 to 31 December 2017.

(References – report by the SESplan SDP Manager, submitted)

10. **JOINT COMMITTEE WORK PLAN**

Details of the Work Plan of the SESplan Joint Committee to the end of 2016 were provided.

Decision

- 1) To approve the SESplan Joint Committee Work Plan as set out in Appendix 1 to the report.
- 2) The SDP manager is to circulate Joint Committee workshop dates and topics to all members for information.

(References – report by the SESplan SDP Manager, submitted)

11. **THE CITY OF EDINBURGH – HOUSING LAND AUDIT**

Details of a paper on the City of Edinburgh Housing Land Audit 2015 noted by the Planning Committee of City of Edinburgh Council on 3 December 2015 was provided.

Decision

- 1) To welcome that the City of Edinburgh Council had considered land for market and affordable housing in its Housing Land Audit 2015.
- 2) To note that the difficulty in maintaining the 5 year effective supply in Edinburgh was not related to a shortage of unconstrained land in that area.
- 3) To note that the SDP Manager would consider the approach and recommendations in the paper as set out in Appendix 1 to the report in consultation with the member authorities and bring a report on the matter to a future meeting of the Joint Committee.
- 4) Further discussion with the Scottish Government was required on the issues surrounding responses to Main Issues Report Questions 12 – A Generous Supply and Question 13 – Affordable Housing.

(References – report by the SESplan SDP Manager, submitted)

12. **AOCB**

SDP and LDP CYCLES

Decision

A letter relating to issues raised by SDP and LDP cycles to the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights is to be drafted by the SDP Manager. The letter is to be approved by the Convener and Vice Convener of the Joint Committee and thereafter circulated to the membership of the Joint Committee for information.

For Decision	✓
For Information	

ITEM 8 – FINANCE

Report by: Ian Angus, SDP Manager

Purpose

This Report presents the following for SESplan Joint Committee consideration:

- Expenditure against the approved Operating Budget for 2015 / 2016 up to October 2015;
- Total forecast expenditure against the approved Operating Budget for 2015 / 2016; and
- Operating Budget for 2016 / 2017, 2017 / 2018 and 2018 / 2019.

Recommendations

It is recommended that the SESplan Joint Committee:

1. Notes the expenditure against the approved Operating Budget for 2015 / 2016 up to October 2015 as set out in Appendix 1;
2. Notes the total forecast expenditure against the approved Operating Budget for 2015 / 2016 as set out in Appendix 1;
3. Approves the Operating Budget for 2016 / 2017 as set out in Appendix 1;
4. Notes the Operating Budgets for 2017 / 2018 and 2018 / 2019 as set out in Appendix 1;
5. Agrees that member contributions for financial year 2016 / 2017 will be set at £46,550 (excluding VAT) per authority, payable to Fife Council by the 30 April 2016; and
6. Notes that Member Authorities will be required to ratify the approval of the Operating Budget for 2016 / 2017 at Recommendation 3 of this Report and to make their required contributions by the due date.

Resource Implications

As set out below and in Appendix 1.

Legal and Risk Implications

There are risks to the process if sufficient funding is not available to progress the Strategic Development Plan (SDP) at a rate which provides up to date strategic planning policy context for the timeous progression of the member authorities' Local Development Plans (LDP), as is required by the relevant legislation. All risks and responses to these are detailed in the SESplan Risk Register and reported to Joint Committee on an annual basis.

Policy and Impact Assessment

No separate impact assessment is required.

1. Operating Budget 2015 / 2016

Monitoring Expenditure to Date

- 1.1 The Annual Audit identified one action related to the presentation of financial monitoring reports to the Joint Committee. This was identified as a risk as the Joint Committee may not be fully informed of the ongoing financial position and emerging financial risks of the Authority. It was agreed at the 28 September meeting of the Joint Committee that detailed financial monitoring reports would be submitted for Committee consideration twice a year with one occasion being at the end of each financial year. This Report therefore notes the total expenditure to October 2015 of £151,014 against the approved Operating Budget for 2015 / 2016 of £300,874 (See Appendix 1).
- 1.2 To date spend on variable costs totals around £25,917. Expenditure on technical support to date includes amongst other items around £16,210 for GIS and graphics support provided by Scottish Borders and City of Edinburgh, £1,300 for placing the statutory notice advertising the publication of MIR2 within the Scotsman newspaper, £3,600 for printing hard copies of MIR2 and supporting documents for distribution to Community Councils, Member Authority planning receptions, key agencies and neighbouring authorities amongst others and £900 consultants fees for finalising the second SESplan Housing Need and Demand Assessment for robust and credible assessment by the Centre for Housing Market Analysis within the Scottish Government.
- 1.3 In terms of income, to date, Fife Council only has paid the required contribution of £46,550. Invoices have been raised and forwarded to Member Authorities (City of Edinburgh, East Lothian, Midlothian, Scottish Borders and West Lothian) for the remaining member contributions of £232,750 to be paid.

Forecast Expenditure against Approved Operating Budget

- 1.4 This Report also notes the total forecast expenditure in 2015 / 2016 relative to the Operating Budget for 2015 / 2016 which was approved at SESplan Joint Committee on the 15 December 2014 (See Appendix 1).
- 1.5 The 2015 / 2016 Budget included provision for staffing within the Core Team of the SDP Manager, Lead Officer (0.8 FTE), Planner and Temporary Planner (contract to December 2016). To provide technical and administrative support to the Core Team, a Student Planner was appointed on a temporary (one year) full time contract in August 2014. The contract was extended for a further year in August 2015 on a part time basis (0.4 FTE) and will end in August 2016.
- 1.6 There is a forecast total overspend of £4,792 on staffing in 2015 / 2016 due to additional costs related to maternity leave (assumed 12 months from January 2016).

- 1.7 In terms of other fixed costs there is a forecast total overspend of £1,800 on travel expenses and mileage, with total forecast spend for 2015 / 2016 estimated at £5,100. This is primarily a result of the relocation expenses for the Core Team associated with the office accommodation move from Edinburgh to Livingston which are payable for a four year period (December 2014 – December 2018). Ordinary travel expenses have also increased following the move from central Edinburgh to Livingston and it has been assumed that expenses will remain at the £5,100 level for 2016 / 2017 and into 2017 / 2018 and 2018 / 2019. Additional travel expenses were also incurred in the current financial year as a result of the Main Issues Report 2 consultation.
- 1.8 There is a total forecast underspend of £3,000 on administration support. It was envisaged that administration support would be sought from West Lothian Council to assist with the Main Issues Report 2 consultation. Administration support was not required and it is anticipated that minimal support will be required over the period to March 2016. The total allowance has therefore been reduced from £4,000 to £1,000 to cover any administration support should it be required.
- 1.9 The forecast is that the full variable budget of £44,000 will be spent over the financial year 2015 / 2016.
- 1.10 The difference between income and expenditure in 2015 / 2016 will be covered by funding expenditure from reserves brought forward from prior years.

2. Operating Budget 2016 / 2017 and Forecast Operating Budgets 2017 / 2018 and 2018 / 2019

- 2.1 Appendix 1 sets out a proposed Operating Budget for the financial year, 2016 / 2017. As is required under SESplan's Financial Rules, the Budget is presented for discussion and approval by the Joint Committee before ratification of that decision by the Member Authorities.
- 2.2 The 2016 / 2017 Operating Budget includes an allowance for staffing within the Core Team of the SDP Manager, Lead Officer (1 FTE – Maternity Leave cover over the period January 2016 – January 2017), Planner and Temporary Planner, a total of £227,199. The existing contract for the Temporary Planner ends in December 2016. It is proposed that the Temporary Planner post will be extended for a further year to December 2017. This will provide for stability within the Core Team over the period to submission of Strategic Development Plan 2 to Ministers (programmed for Spring 2017), allow for work streams relating to engagement and improved graphics to be progressed and take forward the actions from the lessons learned in the Main Issues Report 2 consultation.
- 2.3 The Student Planner post at 0.4 FTE will end in August 2016. There is no allowance for continuation of the Student Planner post.
- 2.4 The SESplan Core Team is also reliant on resources within the Member Authorities to assist with processing of responses received on consultations as well as technical assessments related to

transport, the spatial strategy and housing amongst other topics. It should be noted that there is a risk to the preparation of the SDP in not maintaining the resource within the Core Team, since the resources within Member Authorities to backfill any SESplan resource gaps are also limited and increasingly under pressure.

- 2.5 Accommodation costs within West Lothian Civic Centre in Livingston have been assumed at £7,500 in 2015 / 2016 with an increase of 1.5% per year for inflation. The Core Team moved into the Civic Centre in December 2014. Confirmation of the heads of terms and lease for the SESplan accommodation has been sought but the contract has yet to be signed with West Lothian Council. The issue has been identified as a risk on the SESplan Risk Register in the meantime.
- 2.6 In terms of IT / Software, the Operating Budget includes £12,000 for Objective and £1,500 per annum for Objective Connect. These systems allow management of the drafting of the plan and supporting documents and consultations on these and the sharing of papers with members and other stakeholders. Also included is the annual hosting of the SESplan website and recharge for West Lothian IT services who provide IT hardware and support to the Core Team.
- 2.7 Audit fees in 2014 / 2015 were £3,380 and costs have been assumed to be the same in future years (i.e. no reduction but also no inflation). The Budget also includes some provision for administrative support from West Lothian on an annual basis.
- 2.8 The 2016 / 2017 Operating Budget includes £20,000 for spend on technical support plus £2,000 contingency. The largest spend in this financial year will relate to GIS / Graphics support for the Proposed Plan and the Proposed Plan Period for Representations, primarily the costs of placing the statutory advert and printing hard copies of the Plan for distribution to Members Authorities and Community Councils amongst others.
- 2.9 The 2017 / 2018 Operating Budget includes £25,000 for spend on technical support plus £2,500 contingency. The largest spend in this financial year will relate to the Examination. The Examination for Strategic Development Plan 1 cost just under £25,000, therefore the Budget for 2017 / 2018 is considered realistic. However there is likely to be a requirement for Hearings on the Proposed Plan which may require the use of the contingency budget. TAYplan will be submitting its Proposed Plan for Examination ahead of SESplan and costs associated with that will provide an indication of likely costs for SESplan.
- 2.10 The 2018 / 2019 Operating Budget includes £20,000 for spend on technical support plus £2,000 contingency. The largest spend in this financial year will relate to pre Main Issues Report 3 engagement and evidence gathering.
- 2.11 Reserves would be maintained at around £20,000 per annum in each of the three years.

- 2.12 Each member authority is liable for one sixth of the annual Operating Budget. Members' contributions are payable to Fife Council on or before 30 April each year. In 2008, the members agreed a budget of £360,000 (£60,000 per authority). The actual budget for 2008 / 2009 only required a contribution of £17,000 per authority. The contributions increased to £40,000 per annum in 2009 – 2012, due to the Core Team then having a full staff complement and the costs of preparing the Main Issues Report and Proposed Plan. The one off government grant and 'carry forwards' were spent over these years and exhausted at the point when costs were expected to be the greatest, in 2012 - 2013.
- 2.13 Due to this combination of pressures, an increase in members' contributions to £49,000 per authority in 2012 / 2013 was agreed by the Joint Committee at its meeting on the 5 December 2011. Contributions were set at that level taking into account cyclical changes to the variable costs such as the Examination process and activity on SDP2 and to provide certainty to Member Authorities and the SESplan Budget planning process.
- 2.14 In anticipation of savings in 2014 / 2015, including in accommodation costs following the relocation of the Core Team, then expected early in that year, the Joint Committee agreed that a target of 5% savings would be set for 2014 / 2015 and following years. This is equivalent to a £2,450 reduction in the Member Authorities' annual contributions and this was refunded to members in 2014 / 2015. It was agreed that SESplan's costs continue at a reduced level in 2015 / 2016 and that contributions were maintained at £46,550 in 2015 / 2016. It is proposed that contributions continue to be maintained at £46,550 per authority per annum over the next three years.

3. Conclusion

- 3.1 The SESplan Financial Rules state that Member Authority contributions are to be in place by the end of April each year, within one month of the start of the financial year. It will therefore be requested that £46,550 be paid to Fife Council on or before the 30 April 2016.
- 3.2 It is requested that all member authorities take steps now in their budget setting to ensure that contributions will be in place by the start of the next financial year.

Appendices

- 1 SESplan Operating Budget 2015 / 2016 (Expenditure to October 2015 and Total Forecast) and Three Year Operating Budget (2016 / 2017 - 2018 / 2019)

Report Contact alice.miles@sesplan.gov.uk / 01506 282880

Report Agreed By: Ian Angus, SDP Manager

Author Name: Alice Miles, Lead Officer

Appendix 1 - SESplan Operating Budget 2015 / 2016 (Expenditure to October 2015 and Total Forecast) and Three Year Operating Budget (2016 / 2017 - 2018 / 2019)

DESCRIPTION	2015 / 2016 Operating Budget	2015 / 2016 Expenditure to October 2015	2015 / 2016 Forecast	2015 / 2016 Variance	2016 / 2017 Operating Budget	2017 / 2018 Operating Budget	2018 / 2019 Operating Budget
Single Status Staff Costs	218,708	121,972	223,500	4,792	227,199	217,384	220,984
Training	2,000	250	2,000	0	1,000	1,000	1,000
Rent	7,500	-2,084	7,500	0	7,613	7,727	7,843
Travel Expenses / Mileage	3,300	2,862	5,100	1,800	5,100	5,100	5,100
IT / Software	16,000	1,955	16,000	0	16,000	16,240	16,484
Telephone Rental	516	86	516	0	524	532	540
Audit Fees	3,350	0	3,350	0	3,400	3,400	3,400
Administration Support	4,000	0	1,000	-3,000	2,000	2,000	2,000
Consumables	1,500	56	1,500	0	1,500	1,500	1,500
Fixed	256,874	125,097	260,466	3,592	264,336	254,883	258,851
Technical Support	40,000	25,917	40,000	0	20,000	25,000	20,000
Contingency 10%	4,000	0	4,000	0	2,000	2,500	2,000
Variable	44,000	25,917	44,000	0	22,000	27,500	22,000
Expenditure	300,874	151,014	304,466	3,592	286,336	282,383	280,851
Member Authority Contributions	-279,300	-46,550	-279,300	0	-279,300	-279,300	-279,300
Sales	-250	0	-250	0	-250	-250	-250
Income / Interest on Revenue Balance	-1,000	0	-1,000	0	-1,000	-1,000	-1,000
Income	-280,550	-46,550	-280,550	0	-280,550	-280,550	-280,550
Net	20,324	104,464	23,916	3,592	5,786	1,833	301
(Take From) / Add to Reserves	-20,324		-23,916	-3,592	-5,786	-1,833	-301
NET TOTAL	0		0	0	0	0	0
Usable reserve balance	-30,512		-26,920	3,592	-21,134	-19,301	-19,000
Usable reserve balance at 1/4/15	-50,836						
Usable reserve as % of expenditure			-8.8%		-7.4%	-6.8%	-6.8%
Additional contributions							
Target reserve (1 month's operating costs)					23,861	23,532	23,404
Shortfall on target reserve of 1 month's operating costs					0	0	0
Councils					6	6	6
Additional contribution required per council					0	0	0

Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules

Constitution		
Paragraph	Amendment	Reason
1.3d	Remove reference local plans.	Updating to accord with statute.
1.3f	Replace reference to 'structure plans' with 'development plans'.	Updating to accord with statute.
1.3g	Replace 'strategies in structure plans or the SDP' with 'the spatial strategy of the SDP'.	Updating to accord with statute.
1.3g	Delete 'according to a Scheme to be agreed by Member Councils'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'. Note – the currently adopted Constitution is inconsistent in its use of 'code' and 'scheme'.
3.1	Delete.	This paragraph repeated what is established in statute, that the Joint Committee will be advisory only but its advice and decisions will be considered by the member authorities.
3.4	Remove para 3.4, which referred to Edinburgh and Lothians Structure Plan Joint Liaison Committee.	Updating to reflect the superseding of the Structure Plan by the approved SDP and the dissolution of the Joint Liaison Committee.
5.1-5.2 and 5.4-5.5	Amendments to establish a rotation of the Convenership and Vice Convenership of the Joint Committee once every two years.	Updating to accord with the decision of the Joint Committee on 18 November 2013.
9.7	Remove reference to amendments to the 'Code of Practice'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'.
14.1	Remove reference to the review of the 'Code of Practice'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'. Note – The amended Constitution retains the role of the Joint Committee to comment on planning applications referred to it by Member Councils.

Scheme of Delegation		
Paragraph	Amendment	Reason
2.3h	Remove references to consultation 'code of practice' but retain delegation to the Joint Committee to advise on planning proposals referred to the Joint Committee by member authorities.	Clarification and to accord with amendment to para 1.3g, 9.7 and 14.1 of Constitution.
2.3i	Remove reference to 'local plans'.	Updating to accord with statute.
2.3k - New	Add 2.3k: 'Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation'	To delegate the power to the Joint Committee to approve draft Supplementary Guidance for consultation without the requirement for ratification of that decision by Member Councils.
2.3l	Replace 'Adoption of the Action Programme' with 'Adoption and updating the Action Programme'.	Clarification.
2.5	Insert 'following the statutory period for representations' following 'any modifications' in first sentence	Clarification.
2.4 – 2.6A	Amendments to clarify text.	Clarification. There is no change in the substance of the section.
3.1a	Replace 'Recruitment below the management level' with 'Recruitment of the Strategic Development Plan Manager and project team'.	Clarification of increased delegation to the Project Board and to reflect practice.

Financial Rules		
Paragraph	Amendment	Reason
Audit	Amend to confirm that SESplan audit will be completed by independent auditor.	Update to accord with a statutory requirements.

Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Constitution

1 Strategic Development Planning Authority Duties, Objectives and Powers

- 1.1 The following planning authorities comprise the Strategic Development Planning Authority (“the Authority”) for the Edinburgh city region: the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council. This group of authorities has a statutory duty under section 4 of the Planning etc. (Scotland) Act 2006 (“the Act”) to work together and prepare, and keep under review, a Strategic Development Plan (SDP) for the Edinburgh city region.
- 1.2 The Statutory duties of the Authority are to
 - a) submit to Scottish Ministers, within a period of three months from designation as an SDPA, a plan showing the proposed boundary of the SDP area, with a justification statement as required by Section 5 of the Act;
and,
 - b) prepare, monitor and keep under review a Strategic Development Plan for the strategic development area.
- 1.3 Its other aims shall be to:
 - c) agree programmes of joint working to deal with matters arising from the above;
 - d) advise and make recommendations to the six Member Councils on conformity of local development plans with the Strategic Development Plan and on other issues arising from the statutory duties;
 - e) liaise with and make representations to central Government, Scottish Enterprise and other bodies and agencies as necessary on matters of relevance to strategic planning in the SDP area;

- f) respond to and comment on development plans, planning applications and other development proposals submitted to the Joint Committee for comment by adjoining non-Member Councils;
- g) receive reports from the Member Councils on development management matters that raise significant issues for the spatial strategy of the SDP, or would have significant cross-boundary impacts; and
- h) take such other action as may be necessary from time to time to sustain the policies contained in the SDP.

1.4 The Authority is empowered to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of these aims and objectives. Unlike Regional Transport Partnerships, primary and secondary legislation confers no independent powers to SDPAs. Specifically, the SDPA has no legal power to borrow money, give grants, employ staff, acquire land or enter into contracts. Where these are necessary, a constituent council will perform these functions on behalf of the SDPA.

2 The Joint Committee

2.1 The duties of the Authority will be carried out by a joint committee of members representing the constituent authorities. This will be called the Edinburgh and South East Scotland Strategic Development Plan Joint Committee (“the Joint Committee”). The following provisions set out a constitution for the Joint Committee.

3 Joint Committee Constitution

3.1 The Joint Committee shall have twelve members, to be appointed from the members of the six Member Councils. Each Member Council shall appoint two members to the Joint Committee.

3.2 The “constituent authorities” means the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council.

4 Appointment of Members by Member Councils

4.1 Each of the Member Councils shall appoint members to the Joint Committee and such members shall stay in office until re-appointed or replaced by the Member Councils. Each of the Member Councils, following an Ordinary Election, shall as soon as practicable appoint or re-appoint members.

- 4.2 A local authority member shall cease to be a member of the Joint Committee when he or she ceases to be a member of the constituent council which appointed him/her or on the appointment of another member in his/her place.
- 4.3 The Joint Committee shall have the ability to co-opt additional non-voting members to represent other interests or provide specialist expertise, for example a representative from the regional transport partnership.

5 Appointment of Convener and Vice-Convener

- 5.1 The Joint Committee shall be convened and chaired by one authority, which said role will commence on January 1 of the relevant year. The role will rotate every two years. The sequence of rotation of this role will be alphabetical by Council, unless otherwise determined by the Joint Committee.
- 5.2 The Joint Committee shall, at its final meeting in the second year of the Convenor's term of office appoint a Convener from the Committee members representing the authority which will next convene and chair the Joint Committee, to hold office for two years.. The Joint Committee shall appoint a Vice-Convener from the Committee members representing the authority to next take on the role of convening and chairing the Joint Committee, to hold office for two years.
- 5.3 The Convener, (or in his/her absence, the Vice-Convener) shall preside at any meeting. In the absence of (both) the Convener and the Vice-Convener, the members shall appoint another member to chair the meeting.
- 5.4 The administration of the Joint Committee will be the responsibility of the authority convening and chairing the Joint Committee.

6 Substitution

- 6.1 Any member of the Joint Committee may be represented by another member of the same authority.
- 6.2 A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

7 Vacancies

- 7.1 Where a casual vacancy occurs the Member Council shall appoint a new member.

- 7.2 Where a vacancy occurs in the case of the Convener, the Vice-Convener shall assume the office of Convener until the anticipated expiry of the outgoing Convener's term of office.
- 7.3 Where a vacancy occurs in the case of the Vice-Convener, the Joint Committee shall appoint a replacement until the anticipated expiry of the outgoing Vice-Convener's term of office.
- 7.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy or vacancies amongst members or any defects in the method of appointment of any of its members.

8 Quorum

- 8.1 The quorum of the Joint Committee shall be four, provided that not less than three Member Councils are represented.

9 Meetings

- 9.1 The Joint Committee shall meet not less than 2 times per year.
- 9.2 The Convener, in consultation with senior officers of the Member Councils shall fix the date, time and place of meetings, subject to any previous agreement by the Joint Committee.
- 9.3 A member council can request a special meeting in exceptional circumstances where a matter requires to be considered by the Joint Committee sooner than the schedule permits.
- 9.4 Meetings shall be held in public and the Local Government (Access to Information) Act 1985 shall apply.
- 9.5 All matters coming before the Joint Committee shall be decided by the majority of members present and voting thereon. In the case of equality of votes, the person presiding at the meeting will have a second or casting vote, except in the case of appointment of members, in which case the decision shall be by lot.
- 9.6 The Joint Committee, on simple majority, shall have the power to make representation on strategic planning matters and related issues to Member Councils or, where appropriate, the Scottish Government and other organisations. Documents can be published, and evidence given, in the name of the Joint Committee with the agreement of all Member Council. Individual councils have the right to separately put forward contrary views.

- 9.7 The Joint Committee shall have the power to adopt standing orders regulating its business.
- 9.8 Senior officers of each authority will have the right to submit individual reports and recommendations to the Joint Committee.

10 Professional Support

- 10.1 Professional support for the work of the Joint Committee shall be provided by a Strategic Development Plan Manager and a small dedicated team of officers. The SDP Manager will be managed by a project board comprising senior officers from each of the Member councils. Its duties shall include agreeing reports to be presented to the Joint Committee.
- 10.2 From time to time, planning officers and technicians in the Member Councils may be required to provide professional and technical support to the work of the small dedicated team.
- 10.3 The Member Councils shall use their reasonable endeavours to meet any request from the Joint Committee or the SDP Manager for the secondment of appropriate/relevant staff to help prepare, monitor and review the SDP. Any such secondment will be on terms as may be agreed between the Member Council and the Joint Committee.

11 Financial Arrangements

- 11.1 The Joint Committee shall have no dedicated budget of its own. Financial support will be provided by the Member Councils on the basis of an equal, one-sixth share of all costs incurred in relation to the Joint Committee and its operations.
- 11.2 The level of financial devolution will be kept under review by the Joint Committee and can be amended with the agreement of all Member Councils.
- 11.3 For employment law purposes and to aid financial accountability, one SDPA Member Council will act as the employing authority, to be agreed by the Member Councils. The Member Councils will pay to that council one-sixth of the total costs reasonably incurred by it in connection with employing the dedicated team.
- 11.4 Financial contributions from the constituent authorities to the work of the Joint Committee generally, not including dedicated team staff costs, will be channelled through one council, to be agreed by the Member Councils.

12 Scheme of Delegation

- 12.1 The Joint Committee will agree a Scheme of Delegation with the Member Councils. This will define the nature and amount of authority delegated from those councils to the Joint Committee, and from the Joint Committee to officers.
- 12.2 All major decisions, for example about the content of the Strategic Development Plan, but with the exception of submission of the Proposed Plan to Scottish Ministers when no Modifications are proposed, will require to be ratified by each of the six constituent member authorities. The level of delegated authority to the Joint Committee from Member Councils, and from the Joint Committee to officers, shall be governed by a separate Scheme of Delegation to be agreed by the councils.
- 12.3 The Scheme of Delegation will be kept under review by the Joint Committee and can only be amended with the agreement of all the Member Councils.

13 Commencement and Variation

- 13.1 This constitution shall be deemed to have commenced on xxxx (*date to be added on date of execution*) and may be varied only by the agreement of all the Member Councils.

14 Consulting on Planning Proposals

- 14.1 The Joint Committee shall have an advisory role in relation to planning proposals referred to it by Member Councils.

15 Annual Report

- 15.1 The Joint Committee will prepare an annual report on its work to each of the Member Councils on or around 31 August each year.

1.0 SCHEME OF DELEGATION

Powers delegated in this scheme must be carried out within the financial parameters set out by the separate minute of agreement on finance.

1.1 Commencement of the Scheme

The scheme shall commence and have effect as from xxxx (*date of execution to be added*).

1.2 The Interpretation of the Scheme

In the scheme the following words shall have the meanings assigned to them, that is to say:-

Member Councils are the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

2006 Act means the Planning etc. (Scotland) Act 2006;

“SESplan” means the Strategic Development Planning Authority for Edinburgh and South East Scotland;

“Officer” means an official carrying out a function of SESplan, whether the project board or its appointees, directly employed, seconded or otherwise.

1.3 Alteration of Scheme

This scheme of delegation will be kept under review and can be amended with the agreement of all Member Councils.

2.0 DELEGATION FROM MEMBER COUNCILS TO SESPLAN

2.1 Member Councils delegate to the joint committee (“SESplan”) the power to discharge the following functions conferred by the 2006 Act on the Member Councils as joint SDPA authorities.

2.2 This delegation does not prevent any or all the member councils from discharging those statutory functions.

2.3 Delegation covers:

- a) Approving responses to relevant consultations from other bodies;
- b) Managing work on SDP preparation, monitoring and review;
- c) Initiating public consultation and stakeholder engagement;
- d) Setting a programme for relevant studies to assist in the preparation of the SDP;
- e) Recruiting and managing staff in the SDP project team;
- f) Arrangements for team premises;
- g) Authorising spending within the financial parameters set out by the separate agreement on finance;
- h) Advising on planning proposals referred to the Joint Committee by member councils;
- i) Advising and making recommendations to the Member Councils on conformity of local development plans with the strategic development plan;
- j) Approving background documents to the Strategic Development Plan including background technical papers, Equalities Impact Assessment, Schedule of Responses to the Main Issues Report, Monitoring Statement and the Development Plan Scheme;
- k) Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation; and
- l) Adopting and updating the Action Programme.

2.4 Reports will be submitted to individual Member Councils, for information only, on substantive decisions taken and action authorised under delegated authority.

2.5 At the stage of submitting the Proposed Plan to Scottish Ministers the Joint Committee can decide, following consideration of representations received during the statutory period for representations, to submit the Proposed Plan without making any modifications. In addition to those functions listed at 2.3 above, where, and only where, the Joint Committee decide to make no changes, then the Joint Committee is authorised under delegated authority to submit the Proposed Plan and Summary of Unresolved Issues directly to Scottish Ministers without requiring the decision to be ratified by the Member Councils.

2.6 Other than those matters detailed in 2.3 and 2.5 above, and that matter detailed in 2.6A below, all other major decisions on SDP content will require to be ratified by all six Member Councils.

2.6A When the proposed plan is to be submitted to Scottish Ministers, the 2006 Act allows one or more Member Council to set out alternative proposals, along with their reasons for those alternatives. Therefore when the proposed plan is being submitted to Ministers (otherwise than in accordance with paragraph 2.5 above) ratification by at least four out of the six Member Councils will be required to allow the proposed plan to be submitted to Ministers

2.7 **Urgent Matters**

Where urgent decisions are required to be taken and do not fall within the scope of delegation to SESplan, Member Councils will convene special committee meetings, if necessary, to ensure that decisions can be made timeously and to prevent delay to the preparation of the SDP.

2.8 **Disputes**

If SESplan fails to reach consensus on matters delegated to it, then the matter will be referred to individual Member Councils. This provision does not apply in the circumstances of para 2.5 above.

3.0 **DELEGATION FROM SESplan TO OFFICERS**

3.1 SESplan delegates to officers:

- a) Recruitment of the Strategic Development Plan manager and project team, so long as such posts are within the approved structure and budget
- b) Day to day management of staff in the SDP project team

- c) Liaison with and representation of SESplan to central government and other bodies as necessary on matters relating to the SDP area
- d) Implementation of financial resources as authorised by SESplan
- e) Preparation of SDP up to drafting main stage outputs:
 - i. Preparation of main issues report and supporting documents – subject to approval by SESplan, and ratification by all Member Councils.
 - ii. Preparation of proposed plan – subject to approval by SESplan, and ratification by Member Councils
 - iii. Modification of proposed plan – subject to approval by SESplan and ratification by all Member Councils
- f) Initiation and management of consultation exercises subject to agreement of SESplan
- g) Responding to relevant consultations from other bodies
- h) Commissioning studies to assist in the preparation of the SDP

3.2 The provisions of the scheme of delegation to officers are intended to assist in the efficient and effective management of SESplan's activities. Officers must pay due regard to the need for appropriate periodic reporting of delegated decisions to SESplan.

3.3 **Urgent Matters**

Where urgent decisions are required to be taken to allow work on the SDP to progress and they do not fall within the scope of delegation to officers, SESplan will, if necessary, convene a special committee meeting.

SESplan FINANCIAL RULES

General

These rules apply to the operation of SESplan's finances. SESplan is the strategic planning authority for Edinburgh and South East Scotland. Its membership comprises East Lothian Council, City of Edinburgh Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council ("the member councils").

All transactions will be conducted in accordance with Fife Council's regulations, schemes and procedures.

Partner Liability

Fife Council, as Lead Authority, will adopt the role of "Partnership Banker" and will pay all legitimate approved expenditure including staffing & premises costs and hold all partnership balances which will be carried forward to the next financial year, unless agreed otherwise by the Joint Committee.

Fife Council will ensure that any monies that it receives on behalf of SESplan under its role as 'Partnership Banker' are clearly identified within its accounts and recorded separately from the rest of the Council's finances. Interest charged/accrued on any credit or debit on the SESplan budget will be retained within the identified SESplan accounts.

All partner authorities are liable equally for all legitimate approved expenditure and any other liabilities incurred. All partner authorities also have equal ownership over any SESplan assets.

Fife Council will invoice the other Partner Authorities at the beginning of each financial year to obtain their total annual contribution to the agreed SESplan budget.

This invoice will include VAT at the appropriate rate.

In the event that another partner authority incurs legitimate approved expenditure directly then they must invoice Fife Council, with VAT, to recover this. This expenditure will then be included in SESplan's costs.

Budget Setting

Operating Budgets for the next financial year should be proposed by the Strategic Development Plan (SDP) Manager, approved by the SESplan Joint Committee and ratified by the member councils by the end of December.

Authorising Expenditure

All expenditure relating to the SESplan budget is the responsibility of the Strategic Development Plan Manager and must be within budgets agreed by the Project Board.

No official may incur any expenditure beyond the agreed SESplan budget unless it has firstly been approved by the Project Board, in accordance with the SESplan Scheme of Delegation.

Suppliers' Invoices

The Strategic Development Plan Manager will be responsible for ensuring that invoices are properly certified for payment and for approving other officers who may authorise invoices and the limits of their authority.

All Invoices must be made out to Fife Council, to ensure payment. Any Invoices that are made out to the partnership directly or any other authority cannot be paid by Fife Council.

External Funding

Any external funding received in connection to the project from Central Government, Local Government and any other sources will be held by Fife Council.

Salaries and Wages

Appointments of all employees shall be made in accordance with the procedures approved by Joint Committee through the SESplan scheme of delegation and accord with the approved establishment, grade and rates of pay.

The processing and payment of salaries and wages shall be done through Fife Council's bureau payroll system.

Legitimate travel, hospitality and other expenses incurred in the course of duty, shall be reimbursed through Fife Council's bureau payroll system.

Audit

Expenditure & income will be recorded within Fife Council's financial ledger and will be audited by an independent auditor under Part VII of the Local Government (Scotland) Act 1973. Fife Council's internal audit service will act as SESplan's internal auditors.

Reporting Requirements

Every SESplan Joint Committee report is required to include the financial consequences of proposals for the current and future years to be stated.

The Treasurer, who will be an identified employee of Fife Council, in conjunction with the Strategic Development Plan Manager, is required to submit detailed monitoring reports to the SESplan Joint Committee **twice a year, with one occasion being at the end of each financial year**. These reports will compare actual expenditure to date and projected/final outturn expenditure with the budget position.

Further Information

For further information regarding these Financial Rules, please contact Lesley Burnie (Finance), Fife Council, Fife House, North Street, Glenrothes, KY7 5LT. Telephone - 03451 555 555 extension 444128. Email - lesley.burnie@fife.gov.uk.

STANDING ORDERS

of

**THE EDINBURGH AND SOUTH EAST SCOTLAND
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE**

These Standing Orders shall apply and have effect on and from the day they are adopted by the Joint Committee with such amendments as may be made by the Joint Committee from time to time. These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

PART I

MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Days and Times of the Meetings

1. (1) The ordinary meetings of the Joint Committee shall be held in accordance with the timetable to be determined by the Joint Committee.
- (2) All other meetings of the Joint Committee shall be held at such place and on such date and at such hour as the Joint Committee may, from time to time, direct.
2. The Convener, or, in his or her absence, the Vice-Convener, may in special circumstances (of which the Convener or the Vice-Convener, as the case may be, shall be the sole judge) alter the date of any ordinary meeting of the Joint Committee.

Special Meetings

3. The Clerk shall call a meeting of the Joint Committee at any time on being required to do so by the Convener or, in his or her absence, the Vice-Convener, or on receiving a requisition in writing for that purpose signed by at least three members of the Joint Committee specifying the business proposed to be transacted at the meeting, which meeting shall be held within fourteen days of receipt of the requisition.

Calling of Meetings

4. (1) Notice of all meetings of the Joint Committee shall be given by the Clerk and the notice shall specify the business proposed to be transacted at the meeting and the order in which such business is to be brought before the meeting.
- (2) Not less than three clear days before a meeting of the Joint Committee a summons to attend the meeting, specifying the business to be transacted thereat and signed by the Clerk shall be left at or sent by post either to the usual place of residence of every member of the Joint Committee or Sub-Committee thereof or (if a member gives notice in writing to the Clerk that he or she desires summonses to be sent to

some address specified in the notice other than his place of residence) to that other address.

- (3) Want of service of a summons on any member of the Joint Committee shall not affect the validity of a meeting of the Joint Committee.

Quorum

5. No business shall be transacted at a meeting of the Joint Committee unless four members representing no less than three of the four constituent Councils are present.

Order of Business

6. The business of the Joint Committee at an ordinary meeting shall (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) proceed in the following order:-
 - (a) Minutes of the Joint Committee and Committees and Sub-Committees thereof.
 - (b) Ordinary business including business on agenda at the request of members.
 - (c) Matters of urgency of which no previous notice has been given, provided that consideration of any such matters shall be subject to the provisions of Standing Order 7.

Matter of Urgency

7. An item of business shall not be considered at a meeting of the Joint Committee unless either:-
 - (a) a copy of the agenda including the item (or a copy of the item subject to exclusion as provided for in terms of Section 50B(2) of the Local Government (Scotland) Act 1973) is open to inspection by members of the public at the offices of the Constituent Authorities for at least three days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Convener / Vice Convener

9. A Convener and a Vice-Convener shall be appointed by the members of the Joint Committee at its first meeting. The Convener and Vice-Convener shall not both be persons appointed by the same Council. The Convener, if present, shall preside at meetings of the Joint Committee and in his or her absence the Vice-Convener shall preside. If both are absent another member of the Joint Committee, chosen by the members present, shall preside.

Powers and Duties of Convener

10. It shall be the duty of the Convener:-
- (a) to preserve order, and to ensure that every member of the Joint Committee shall have a fair hearing;
 - (b) to decide all matters of order, competency and relevancy;
 - (c) to decide between two or more members of the Joint Committee wishing to speak by calling on the member who has first caught his or her eye; and
 - (d) to ensure that due and sufficient opportunity is given to members of the Joint Committee who wish to speak to express their views on the subject under discussion.
11. The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.
12. Deference shall at all times be paid to the authority of the Convener. When he or she rises to speak he or she shall be heard without interruption.

Membership

13. (1) With regard to the allocation of places on the Joint Committee, should it be necessary or expedient for any of the constituent authorities to change their nominated representatives at any time, other than at the meeting of the Joint Committee immediately following an election, it shall be competent for such changes to be intimated to the Joint Committee and the change shall have effect from the next meeting of the Joint Committee.

- (2) Notwithstanding the provisions of any Standing Order, it shall be competent for substitutions to be intimated and effected for individual meetings of the Joint Committee.

Suspension of Members

14. If any member of the Joint Committee disregards the authority of the Convener, or obstructs the meeting, or conducts himself or herself offensively at the meeting, such member may be suspended for the remainder of the sitting. A motion to suspend a member shall be made and seconded without discussion and forthwith put to the meeting. Any member of the Joint Committee so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses to leave the meeting when so required by the Convener he or she may immediately by order of the Convener be removed from the meeting by a Joint Committee officer or by any other person authorised by the Convener to remove him/her.

Adjournment

15. (1) In the event of disorder arising at any meeting of the Joint Committee, the person in the chair may adjourn the meeting to a date he or she may fix or which the Convener of the Joint Committee may afterwards fix, and the quitting of the chair by the Convener shall be the signal that the meeting is adjourned.
- (2) The Joint Committee may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener of the Joint Committee or, in his or her absence, the Vice-Convener, may thereafter fix.
- (3) A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

Reception of Deputations

16. (1) All applications requesting the Joint Committee to receive a deputation shall be in writing, duly signed, addressed and, where possible, delivered to the Clerk at least five clear working days prior to the date of the meeting at which the subject may be considered. Any later requests for deputations to be received shall be reported to the meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order.

- (2) An application requesting the Joint Committee to receive a deputation shall in the first instance be submitted to the Joint Committee and the deputation shall, if so resolved, be received and heard by the Joint Committee.
- (3) No deputation exceeding ten in number shall be received by the Joint Committee.
- (4) Not more than two speakers on any deputation shall be heard, and the time allowed to the deputation for speaking shall not exceed seven minutes except at the discretion of the Convener.
- (5) Any member of the Joint Committee may put any relevant question to the deputation, but no member shall express an opinion upon, nor shall the Joint Committee discuss, the subject on which the deputation has been heard, until the deputation has withdrawn.

Order of Debate

17. (1) Any member of the Joint Committee desiring to speak at any meeting of the Joint Committee shall indicate accordingly and when called upon shall address the Convener, and direct his/her speech:-
 - (a) to the matter before the meeting by proposing, seconding, or supporting a motion or any amendment relative thereto;
 - (b) to a point of order; or
 - (c) to asking a question.
- (2) A member shall not speak supporting a motion or any amendment until the same shall have been seconded.
- (3) Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Joint Committee, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- (4) The mover of an original motion shall have a right of reply, but he/she shall introduce

no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in the immediately preceding paragraph of this Standing Order.

Motions and Amendments

18. (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to.
- (2) All amendments must be relative to the motion and after the first amendment has been voted upon, all subsequent amendments must be substantially different from the first amendment.
- (3) In any case where a motion or an amendment has been duly seconded neither the motion nor the amendment, as the case may be, shall be altered in substance or withdrawn without the consent of a majority of the members present.
- (4) Whenever an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment be carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.

Closure of Debate

19. A motion that the debate be adjourned, or that the question be now put, may be made at any stage of the debate, (not being in the course of a speech), and such motion, if seconded, shall be the subject of a vote without further debate.

Method of Voting

20. (1) The vote of the Joint Committee shall be taken by calling the roll of those present, beginning with the Convener, and the voting shall be recorded in the minutes.
- (2) After the Convener or the Clerk has announced the issue on which the vote is to be taken, no member shall interrupt the proceedings in any way whatsoever (except that, in the case where his or her name has not been called, a member may direct attention to the fact and request that his or her name be called) until the result of the division has been intimated.

- (3) A member who is absent from the meeting when his or her name is called in a division shall be entitled to record his or her vote if he or she enters the meeting before the result of the division has been intimated, provided the attention of the Clerk is directed to the return of such member before the result of the division has been intimated.

Casting Vote

21. Subject to the provisions of any enactment and of any Statutory Order or Instrument the person presiding at a meeting of the Joint Committee shall in the case of an equality of votes have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Joint Committee to any particular office or Committee, in which case the decision shall be by lot.

Points of Order

22. (1) Any member of the Joint Committee may, at any meeting of the Joint Committee, speak upon a point of order if he or she does so as soon as it arises, and if he or she states that they are making a point of order and forthwith states the point of order to which they rise.
- (2) The member who is then addressing the Joint Committee shall cease speaking, and the member who makes the point of order shall, when he/she has concluded, also cease speaking. No other member shall be entitled to speak to the point of order raised except by permission of the Convener.
- (3) The Convener shall thereupon decide the question, and, thereafter, the member who was addressing the Joint Committee at the time the point of order was raised shall be entitled (if the ruling permits him or her so to do) to continue to speak, giving effect to the ruling of the Convener.

Inclusion of Business on Joint Committee Agenda at the Request of Members

23. Subject to the provisions of the Local Government (Scotland) Act 1973 any Member of the Joint Committee who wishes brought before the Joint Committee any matter which can be competently considered thereby, shall submit to the Clerk a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to Members in order that the Clerk in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as included in Schedule 7A to the

said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

Alteration or Revocation of Previous Resolution

24. (1) Subject to the provisions of paragraph (2) of this Standing Order, no resolution of the Joint Committee shall be altered or revoked except by a subsequent resolution made by the Joint Committee and arising from a recommendation, involving alteration or revocation, approved by a majority of the members present at a meeting of the Joint Committee. Provided that no resolution shall be altered or revoked within six months of its adoption.
- (2) The alteration or revocation of any resolution of the Joint Committee shall not affect or prejudice any proceedings, action, or liability competently done or undertaken under any such resolution prior to its alteration or revocation.

Admission of Press and Public

25. (1) Subject to paragraphs (2) and (3) of this Standing Order, every meeting of the Joint Committee shall be open to the public and press.
- (2) The public and press shall be excluded from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which was confidential in terms of Part IIIA of the 1973 Act.
- (3) The Joint Committee may, by resolution, exclude the public and press from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part IIIA of the 1973 Act.
- (4) A resolution under paragraph 3 of this Standing Order shall:-
- (a) identify the proceedings or the part of the proceedings to which it applies; and
 - (b) state, in terms of the Act the category or categories of exempt information concerned.

Suspension of Standing Orders

26. It shall be competent, subject to the provisions of Standing Order 32(2), for a member of the Joint Committee at any time to move the suspension of any Standing Order as far as applicable which motion shall without any discussion be moved and seconded and be put to the meeting, and the motion shall be held to be carried if supported by a simple majority of those present and voting.

The Ethical Standards in Public Life Etc. (Scotland) Act 2000

27. All members of the Joint Committee shall be guided by the provisions of the Code of Conduct for Councillors.

PART II

CONSTITUTION, MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

Appointment of Sub-Committees

28. The Joint Committee may, as they shall deem necessary from time to time, appoint Sub-Committees for the fulfilment of any of the functions of the Joint Committee.
29. The Constitution of Standing Sub-Committees shall, so far as is practicable, reflect the geographical balance of the Joint Committee's membership.

Membership of Sub-Committees

Delegation to Sub-Committees

30. Subject to the provisions of the constitution, any enactment and of any Statutory Order, Instrument, or Scheme, the Joint Committee may at any time delegate any function to a Sub-Committee or a Principal Officer of the Joint Committee.

Quorum of Sub-Committees

31. Unless otherwise stipulated by the Joint Committee the quorum of all Sub-Committees shall be four.

PART III

REVISION OF STANDING ORDERS

- (1) Subject to the terms of any enactment and of any Standing Order, Instrument or Scheme, the foregoing Standing Orders may be altered or revoked at any ordinary meeting of the Joint Committee, if at least seven days prior notice of the motion is given to the Clerk and the motion for alteration or revocation is supported by a majority of the Joint Committee present and voting.
- (2) The preceding paragraph of this Standing Order shall not apply to these Standing Orders or portions thereof which incorporate the provisions of Statutes or of Statutory Orders or Instruments which cannot be altered or revoked by the Joint Committee.

Appointment to South East Scotland Strategic Development Plan Joint Committee

Report by Kenneth Lawrie, Chief Executive

1 Purpose of Report

This report invites the Council to confirm Midlothian Council's representation on the South East Scotland Strategic Development Plan Joint Committee by filling the outstanding Elected Member vacancy.

2 Background

2.1 Joint Committee

The South East Scotland Strategic Development Plan Joint Committee comprises 12 Councillors, these being two from each of the six constituent Councils (City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian).

The Joint Committee is responsible for the Strategic Development Plan for South East Scotland (SESplan). There will shortly be some major decisions for the Joint Committee to make and therefore it is important that the views of Midlothian Council are adequately represented.

There is currently a vacancy for an Elected Member from Midlothian Council to sit on the Joint Committee. The other position in relation to Midlothian Council's representation is currently held by Councillor Bryant.

Given the urgency in relation to filling this position, the Council is requested to confirm who will fill the vacancy on the South East Scotland Strategic Development Plan Joint Committee.

3 Report Implications

3.1 Resource

There are no Resource implications as a result of the recommendation contained within this report.

3.2 Risk

This report invites the Council to appoint a representative to the South East Scotland Strategic Development Plan Joint Committee. Failing to fill the vacancy could result in Midlothian Council's views not being adequately represented on this body.

3.3 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

3.4 Key Priorities within the Single Midlothian Plan

Not applicable.

3.5 Impact on Performance and Outcomes

There is no impact on Performance Outcomes as a consequence of the recommendation contained within this report.

3.6 Adopting a Preventative Approach

Not applicable.

3.7 Involving Communities and Other Stakeholders

There are no Community or Other Stakeholder considerations as a consequence of the recommendation contained within this report.

3.8 Ensuring Equalities

There are no Equalities issues as a consequence of the recommendation contained within this report.

3.9 Supporting Sustainable Development

There are no Sustainable Development issues as a consequence of this report.

3.10 IT Issues

There are no direct IT issues as a result of the recommendation in this report.

4 Recommendations

Council is recommended to;

- (a) Confirm the representation on the South East Scotland Strategic Development Plan Joint Committee to fill the vacancy that currently exists.

25 April 2016

Report Contact:

Name: Kyle Clark-Hay, Democratic & Document Services Manager

Tel No 0131 270 5796

Kyle.Clark-Hay@midlothian.gov.uk

Community Empowerment Act Consultation

Report by Dr Mary Smith, Director, Education, Communities and Economy

1 Purpose of Report

Council is asked to approve the attached response to the formal consultation on the statutory guidance and regulations emerging from the Community Empowerment Act 2015. This consultation closes on the 13 June. The consultations can be found on the Scottish Government consultation hub at https://consult.scotland.gov.uk/advanced_consultation_finder?tx=community+empowerment+act&st=open&au=&in=&de=

2 Background

2.1 Expectations placed on CPP Boards

The Guidance makes clear the changed status of Community Planning Boards, which are now statutory and must include a set of named partner agencies, including the Council. The Guidance expects the Council and its partners to demonstrate:

2.1.1 Shared Leadership

- Partners demonstrate collective ownership, leadership and strategic direction of community planning.
- Partners use their shared leadership role to ensure the CPP sets an ambitious vision for local communities; the CPP involves all partners and resources that can contribute towards delivering on that vision; and those partners deliver on it.
- The CPP is clear about how they work with public service reform programmes (including health and social care integration and community justice reforms).

2.1.2 Governance and Accountability

- The CPP understands what effective community planning requires, and the improvement needs for it and its partners.
- The CPP and its partners apply effective challenge and scrutiny in community planning, built on mutual trust, a shared and ambitious commitment to continuous improvement, and a culture that promotes and accepts challenge among partners.
- The CPP organises itself in an effective way, which provides platforms for strong strategic decision-making and action, and effective scrutiny and challenge.
- The CPPs and partners can demonstrate, including to local communities through annual progress reports, how they are working effectively in partnership to improve outcomes as part of how they are held to account.

2.1.3 Community Participation and Co-production

- The CPP and community planning partners work with community bodies to ensure that all bodies which can contribute to community planning are able to do so in an effective way and to the extent that they wish to do so.
- The CPP and community planning partners have a clear understanding of distinctive needs and aspirations of communities of place and interest within its area, as a result of effective participation with community bodies.
- Effective community participation informs decisions about the CPP's priorities, how services are shaped and resources deployed; this includes working with community bodies on co-production where these bodies wish to do so.
- Effective community participation informs how the CPP manages and scrutinises performance and progress, and how it revises its actions to meet its ambitions as a result of its performance management.
- The CPP embraces the principles of effective co-production which is aimed at combining the mutual strengths and capacities of all partners (including community bodies) to achieve positive change.
- Understanding of local communities' needs, circumstances and opportunities.
- The CPP has a strong understanding of its local areas, including differing needs, circumstances and opportunities for communities (geographical and communities of interest) within its area.
- This understanding is built on appropriate data and evidence from partners and community perspectives flowing from effective community engagement.

2.1.4 Focus on Key Priorities

- The CPP uses its understanding of local needs, circumstances and opportunities to establish a clear and ambitious vision for its area and identify local priorities for improvement.
- The CPP is clear about the improvement it wishes to make locally in terms of better outcomes for specific communities, reducing the gap in outcomes between the most and least deprived groups and moderating future demand for crisis services.
- The Local Outcomes Improvement Plan places a clear emphasis on identifying local priorities which focus on how the CPP will add most value as a partnership to improve outcomes and tackle inequalities, and the CPP targets activities around these priorities.

2.1.5 Focus on Prevention

- The CPP and partners plan prevention and early intervention approaches as core activities which help people and communities to thrive and contribute to addressing poor outcomes and moderating future demand for services.
- The CPP places strong emphasis on preventative measures to achieve ambitious improvement goals on the local outcomes it prioritises.
- CPP partners provide resources required to support preventative measures to the scale required to fulfil these ambitions.
- The CPP works with local communities and uses a close understanding of local needs, circumstances and opportunities to design services and focus resources to where it has greatest preventative benefit.

2.1.6 Tackling Inequalities

- The CPP has a strong understanding of which households and communities in its area experience inequalities of outcome which impact on their quality of life.
- The CPP focuses its collective energy on where its partner's efforts can add most value for its communities, with particular emphasis on reducing inequalities.

- The CPP develops locality and thematic approaches as appropriate to address these, with participation from community bodies representing the interests of persons experiencing inequalities.
- The CPP should build the capacity of communities, particularly those experiencing inequality, to enable those communities, both geographic and of interest, to identify their own needs and opportunities; and support their efforts to participate effectively in community planning, including in the co-production of services.

2.1.7 Effective Performance Management

- The CPP has a deep-rooted commitment to continuous improvement.
- The CPP has effective processes and skills to understand and scrutinise performance.
- The CPP acts wherever appropriate to improve performance in light of this understanding and scrutiny.

2.1.8 Resourcing Improvement

- The CPP and its partners understand how their collective resources are supporting shared local priorities, and whether together these are sufficient and the right resources to enable the CPP to meet its improvement targets.
- Partners demonstrate strong shared leadership by working with other bodies to use collective resources in more effective and efficient ways to improve outcomes and reduce inequalities.
- Partners deploy sufficient resource to meet agreed ambitions for the CPP's local priorities.
- Partners align their collective resources in ways which support its local priorities effectively and efficiently.
- The CPP and its partners keep under review whether partners' deployment of resources remains appropriate for meeting its ambitions, and take corrective action where necessary.

2.1.9 Regulation – Locality Plans

- A clear expectation that there will be locality plans for areas of deprivation, and a regulation specifying a maximum population size of 30,000, with no minimum size, or use of electoral wards as boundaries for such plans.

Further sections of the Guidance arising from the Act set out other expectations on the Council and partners as summarised below.

2.2 Asset Transfer

Under the Act, an asset transfer request is a request made by a community transfer body to a relevant authority (these terms are explained in chapters 4 and 5). *The community transfer body can ask to buy, lease, manage or use any land or buildings which belong to or are leased to the relevant authority. They have to set out what they plan to do with the property, and how much they are prepared to pay.*

The relevant authority has to decide whether to agree to the request or not, taking into account whether the community transfer body's proposals (including the price) provide more benefit than the current use, or any other proposals that have been made. Equalities and the relevant authority's functions and obligations are also considered. *The request must be agreed to unless there are reasonable grounds for refusal.* Then the community transfer body makes an offer, and a final contract is negotiated.

If the request is refused, or no answer is given, or the community transfer body does not agree with conditions set by the relevant authority, *the community transfer body can ask for the decision to be reviewed or can*

appeal to the Scottish Ministers. They can also appeal if the request is agreed and an offer made but no contract is completed within 6 months of the date of the offer.

2.3 Participation Requests

These are the public authorities who can receive a participation request from a community participation body (as defined in the Act).

- A local authority
- A Health Board
- The board of management of a college of further education
- Highlands and Islands Enterprise
- A National Park Authority
- Police Scotland
- Scottish Enterprise
- The Scottish Environment Protection Agency
- The Scottish Fire and Rescue Service
- Scottish Natural Heritage
- A Regional Transport Partnership
- Or any other body added by Scottish ministers order

A Community Participation Body must:

- Specify an outcome that results from (or is contributed to by virtue of) the provision of a service provided to the public by or on behalf of the authority.
- Set out the reasons why the community participation body considers it should participate in the outcome improvement process.
- Provide details of any knowledge, expertise or experience the community participation body has in relation to the specified outcome.
- Provide an explanation of the improvement in the specified outcome which the community participation body anticipates may arise as a result of its participation.

2.4 Land Reform

When deciding whether land is eligible to be bought by a community body, either because it is abandoned or neglected or because the use or management of it is causing harm to the environmental wellbeing of the local community, Ministers are required to have regard to prescribed matters:

- The physical condition of the land or any building or other structure on the land, and the length of time for which it has been in such a condition.
- Whether, and to what extent, the physical condition of the land or any building or other structure on the land is detrimental to the amenity of land which is adjacent to it.
- Whether, and to what extent, the physical condition of the land is a risk to public safety.
- Whether the physical condition of the land or any building or other structure on the land is causing or is likely to cause environmental harm.
- Whether the physical condition of the land complies with the standards for good agricultural and environmental condition.
- The purpose for which the land or any building or other structure is being used or has been used, and the length of time for which it has been so used.
- If it appears to the Scottish Ministers that the land or any building or other structure on the land is not being used for any particular purpose, the length of time for which it has not been so used.
- Whether, and to what extent, the land or any building or other structure on the land is being used for public recreation.
- Whether, and to what extent, the land is being held for the purposes of permanent preservation for the benefit of historic or national interest and

for the preservation of its natural aspect and features and animal and plant life.

- Whether, and to what extent, any building or other structure on the land is being held for the purposes of the permanent preservation for the benefit of historic or national interest and for the preservation of its architectural or historical features so far as of national or historic interest.
- whether the land, or any part of the land, is or forms part of a nature reserve or conservation area.
- whether the land, or any part of the land, is designated a special site.
- whether any building or structure on the land is a listed building.
- whether any building or structure on the land is a scheduled monument.

Section 97C(5)(a) of the 2003 Act provides that land which is eligible for purchase by a community body does not include land on which there is a building or other structure which is an individual's home *other than a building or other structure which is occupied by an individual under the terms of a tenancy*. Similarly, land which is to be treated as a person's home will not be 'eligible land' which can be bought by community bodies, *unless that home is occupied by an individual under the terms of a tenancy*.

The Guidance considers that land pertaining to a person's home may include a number of elements. Each of these elements may have a number of roles for the home. It proposes that land within the curtilage of a home should be land 'pertaining to a home', with a series of detailed definitions.

Section 97C (5)(f) provides that Ministers may set out in regulations, descriptions or classes of other land which is not eligible land for the purposes of Part 3A of the 2003 Act. Comments are invited on what these should be.

Section 97C (6)(b) of the 2003 Act allows Ministers to set out in regulations the descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy for the purposes of Part 3A of the Land Reform (Scotland) Act 2003.

Section 97J(7) of the 2003 Act allows Ministers to, by regulations make provision for, or in connection with, enabling a Part 3A community body, in such circumstances as may be specified in the regulations, to apply to them to seek reimbursement of the expense of conducting a ballot under this section.

Section 97T of the 2003 Act allows any person, in the circumstances listed in section 97T(1) of the 2003 Act, including the current or former landowner, to recover loss or expense from either the community body (if the application was consented to) or Scottish Ministers (if the application was refused).

3 Report Implications

3.1 Resource

The guidance makes clear that there is now a legal duty that the 5 core partners, Council, NHS, Police, Fire and Scottish Enterprise share resources to deliver the outcomes agreed in the local outcomes improvement plan (which in Midlothian is the Single Midlothian Plan).

3.2 Risk

Failure to respond to the consultation runs the risk of finalised guidance imposing interpretations on the Council that elected members are unhappy with.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

All these are affected by the Guidance and Regulations.

- ☒ 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

3.4 Key Priorities within the Single Midlothian Plan

The Act is now the basis of community planning duties, expectations, structures and sharing of resources.

3.5 Impact on Performance and Outcomes

As the CPP and council have an agreed set of outcomes for the next 3 years , it is not anticipated that there will be significant change in what is to be worked on .What will change is the legal duty to report publicly and jointly with CPP partners on performance towards these outcomes.

3.6 Adopting a Preventative Approach

The Single Midlothian Plan already commits partners to working in this way.

3.7 Involving Communities and Other Stakeholders

The new Act and this guidance, makes a major shift in rights of community groups to request participation in public service decision making processes .new systems and procedures are required to address this duty.

3.8 Ensuring Equalities

The guidance makes clear that there must be a demonstrable effort to support involvement in decision making of excluded groups in the community. This includes requiring community facing staff to be provided to assist and enable such participation.

3.9 Supporting Sustainable Development

The guidance makes clear a continuing expectation that use of public land and assets is sustainable, including requiring a food strategy, provision of land for allotments, re- use of derelict land or surplus buildings by the community for social benefit.

3.10 IT Issues

There are no specific IT issues.

4 Recommendations

Council is requested to approve the attached response to the consultation.

Date 28/04/2016

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Background Papers:

Proposed Response

(Scotland) Act 2015: Consultation on Draft Guidance Section 2**Q1: The guidance identifies a series of principles for effective community planning. Do you agree with them? Should there be any others?**

Midlothian Council broadly welcomes the principles as set out in the Guidance. The Council would welcome further clarification regarding specific requirements for other statutory boards to collaborate with the CPP Board.

Please explain why

Shared leadership, a collective vision with and for local communities, shared resourcing and commitment to the principles of public sector reform are already matters Midlothian CPP has committed to in its Single Midlothian Plan (the local outcome improvement plan for Midlothian).

Working relationships between the CPP Board and the Integration Joint Board for adult health and care are well established with joint membership of both Boards at both Officer and Board level.

The new legislation for Community Justice is still to complete its passage into law, and work is well advanced in Midlothian to establish similar arrangements linking the new community justice duties to the existing Community Safety and Justice Board which operates as part of the CPP.

There is however some concern to ensure that local Boards with statutory duties fully understand how the expectations of the Community Empowerment Act and national policy expectations placed on other Boards to deliver specific targets interrelates.

Further to this, whilst all partners are committed to effective partnership working, as in all complex areas of resource management and policy implementation there is a potential for disputes to arise, which may require a dispute resolution system between Boards, and it would be helpful for the guidance to set out expectations in this regard.

Q2: The draft guidance sets out common long-term performance expectations for all CPPs and community planning partners. Each CPP will adopt its own approach towards meeting these expectations, reflecting local conditions and priorities. Even so, do you think there are common short- or medium-term performance expectations which every CPP and partner should be expected to meet? If so, what are they?

The Council as a partner is the sole locally democratically accountable body with responsibilities to the whole population of the partnership area. It is subject to statute and regulations from national governments at both UK and Scotland levels, and has welcomed the place it has been given in coordinating and facilitating community planning, adopting the broad national outcomes framework within this context and focussing on meeting its own communities expressed needs in partnership with other CPP partners.

The Single Midlothian Plan is based on a cycle of local evidence gathering, strategic assessment and public/ stakeholder engagement, and has been adopted by the Council as its strategic plan.

In terms of scrutiny and improvement processes, the Council and CPP are already subject to the existing local government benchmarking framework, the local audit network and its variety of sub sets of performance and quality audits, and are working with the Improvement Service's national CPP improvement support processes. The Council do not feel there is any need for further detailed national expectations to be set out as this would run counter to the principles of local partnership working and community participation in decision making set out in the Act.

Q3: The 2015 Act requires CPPs to keep under review the question of whether it is making progress in the achievement of each local outcome in their LOIP and locality plan(s). CPPs must from time to time review their LOIP and locality plan(s) under review, and to revise them where appropriate. Even with this, do you think the statutory guidance should require CPPs to review and if necessary revise their plans after a specific period of time in every case? If so, what should that specific period be?

No.

Please explain why

The Midlothian CPP has an annual cycle of planning and performance reporting well established. This supports a 3 and 10 year set of outcomes as set out in the 2003 Act guidance. The CPP has just completed a review of its three year outcomes resulting in a revision of key priorities and thematic outcomes. Given this is well established practice; there is no need for further specification of requirements at a national level.

At the locality planning level, the CPP agreed a five year cycle of neighbourhood plans, implementing these on a rolling programme across the 16 community council areas with capacity to undertake 3 planning processes with local communities each year. As a result all areas now have plans, and some are at the end of their first 5 year period and now being revised with communities involved in doing so.

A review of the neighbourhood planning processes two years ago indicated that there was a clear desire from community representatives for a greater emphasis on co- production and dialogue and less on a formal plan with static targets .This revised approach of using neighbourhood planning as a setting for public services and communities to engage in co- production is now being established , using participatory budgeting pilots as an additional element to further extend the role of communities in decision making . Given this the Council does not feel further setting of timetables in statutory guidance adds value.

Q4: What should the statutory guidance state as the latest date by which CPPs must publish progress reports on their local outcomes improvement plans and locality plans?

4 months 6 months other

If other please provide timescale. Please explain why

Six months provides sufficient time for end of year data analysis, partner approval and preparation of publications.

Q5: Do you have any other comments about the draft Guidance?

There are particular implications for a Council led by democratically elected local councillors regarding the governance arrangements for the new CPP Boards where expectations have not been clarified fully. These include:

- Will participation requests require amendments to standing orders of Councils, if so what kind of changes are envisaged?
- As no description of decision making processes to which requests to participate can be made is set out, is it the intention that community groups would participate in Council meetings where policy /resource/ budget setting decision making is taking place?
- How will any such arrangements (if required), ensure that the democratic mandate of the elected members is respected and not eroded by pressure groups representing small numbers of commonly interested parties?
- Further clarity would be helpful to confirm the role of Members of the CPP Boards – will there be a specific code of conduct;
- It would be useful to have further guidance in relation to the role of the Elected Member within the CPP Boards – specifically in respect of interests e.g. an Elected Member might be on the CPP Board and also the Chair of Planning Committee.

Q6: We propose that the draft regulation for locality planning should set one criterion only, which is a maximum population permissible for a locality. Do you agree? What are your reasons?

Yes. The scale of each CPP is radically different. In Midlothian we are small enough to be able to operate community planning at a level of recognisable local communities that residents identify themselves with. The Council ward structure (6 wards for the area) in most cases does not provide this recognisable geographic community of shared interests as the wards include separate settlements of a small scale nature that have strong identities and sense of community spirit not present at a ward level. Not specifying scale beyond the level set out in the regulation enables local decisions to be made suiting local circumstances.

Q7: The draft regulation sets a maximum population size for localities subject to locality planning of 30,000 residents. It also proposes an exception which allows a CPP to designate a local authority electoral ward as a locality even where its population exceeds 30,000 residents. Are there circumstances in which these criteria would prevent a CPP from applying a reasonable approach to locality planning?

Where areas of deprivation area adjacent to each other in larger urban areas, but cross ward boundaries it may be appropriate to designate the deprivation area as a locality planning area.

What difference would it make to how localities were identified for the purposes of locality planning in the CPP area(s) in which you have an interest, if the maximum population size were set at (a) 25,000 residents or (b) 20,000 residents?

For Midlothian with a total population of 85,000, already operating at smaller population scale, very little.

Q8: Do you have any other comments about the draft Regulation?

No.

Q9: Are there any equality issues we should be aware of in respect of local outcomes improvement plans and locality plans?

Care must be taken to ensure the focus on geographies of concentrated deprivation does not lead to reductions in focus on protected characteristics groups and the barriers and inequality they face. In Midlothian the Council agreed to retain poverty as a protected characteristic when this was removed from the Equality Act at UK level. More than 50% of Midlothian households living below the poverty line (as defined by Scottish Government) do not live in our three areas of multiple deprivations as defined by SIMD. In addition, wage inequality here as in the UK in general, still leads to women receiving less pay than men and contributing significantly in Midlothian to the lower than Scotland average weekly wage for all employees working in the area. Barriers faced by disabled residents and those with learning disabilities or autistic spectrum conditions remain non geographically concentrated, and efforts to close outcome gaps based on geography should not lead to reductions in support to these local people. Ethnicity, age and sexuality characteristics are also not geographically concentrated.

Participation requests Process

By a Community Participation Body (s.20)

- To a Public Service Authority (s.21, Sch. 2)
- The request must contain certain information (s.22)

- The Public Service Authority must assess the request (s.24 (3))
- Public Service Authority agrees or refuses the request (s.24(5))
- Public Service Authority informs the Community Body (s.24(6))

- Outcome Improvement Process proposed and discussed (s.25 & s.26)
- Outcome Improvement Process established with 90 days (s.28)

- At the end of the Process a report is published (s.31)
- Each year a Public Service Authority must publish a report on the Participation Requests they have received (s.32)

Q1: Should the use of a statutory form be required in the regulations? Please give reasons for your response.

On balance, no. Whilst the use of such a form would ensure consistency across Scotland, and avoid duplicate efforts being made at each CPP to set up a formal process to meet statutory duties, there is a concern that established engagement structures and processes would be reduced in effectiveness if statutory forms had to be filled in each time a request emerged to participate. It could be of value where new working relationships are emerging, or where formal legal decision making processes, for example at a Council elected member level were being opened up to Community body participants. The Council already operates a petitions committee, and this kind of request could be routed through this structure. As set out below, however, much work already takes place in partnership operationally.

Q2: Should it be possible for a community body to put in a participation request without using a form? Please give reasons for your response.

Yes, where the request by a community group is to participate in operational decision making as part of neighbourhood (locality) planning, or as part of wider CPP joint planning arrangements, there should be no requirement to submit a form. This would reduce the level of effective partnership and co-production already underway.

However, should it be decided to continue with this approach the form needs to remain simple to complete and additional help should be offered to community bodies who may struggle to fill in the form. To ensure accessibility there should be a simple form available online and by request. Where barriers exist statutory organisations should explore filling the forms in over the phone, and local support organisations should offer help to those that need it.

Q3: What else might a statutory form usefully cover beyond the example set out in Annex B?

If used, the form should allow community bodies to define what decision-making they would like to be involved in. There should be more details about the organisation, who they work with and what mandate they have to be involved in the specific decisions. The language on the form needs to be simplified. More thought should be given to a range of ways to engage with decision making. For example, does the group need to be informed, how they want to engage and what support they need to engage. The template form in its current form is not fit for purpose.

Q4: Is 14 days a reasonable amount of time for additional public service authorities to respond? If not, please suggest an alternative timescale and explain reasons for the change.

The requirements the Council for elected member decision making operate to a set timetable which would make this turnaround timing impossible. A 2 month period rather than 2 week period would be required where elected member decision making is required.

Q5: What, if any, are the particular/specific ways that public service authorities should promote the use of participation request?

There needs to be a nationally supported and resourced strategy for promoting participation requests. There also may be some merit in refining the options for how the public engage with public services where there are matters of resource allocation or policy decisions affecting a community of place or interest, where use of assets may change, where land uses owned by a public body may change and where reconfiguration of service delivery may be being considered. There should be a range of engagement options that link with democratic and governance arrangements in the specific public body. These options should be more creative than just filling in a series of forms. As part of the implementation of the Participation Requests the Government should carefully consider how these requests interlink with other statutory requirements for community participation. Other statutory provision such as alcohol licensing, pharmaceutical regulations, planning, community planning, school closures and major service change in the NHS all have detailed provision for community engagement. The rationalisation of the existing participation requirements and Participation Requests may help avoid confusion and duplication in the future.

Q6: What are the ways that public service authorities should support community participation bodies to make a participation request and participate in an outcome improvement process that should be set out in the regulations?

Public bodies should provide as much support as possible to support community bodies to make a participation request. The provision of effective community development staffing to support participation ensuring community groups are able to understand systems, processes and constraints is essential to making the community empowerment Act a reality. The Council has a small team of such workers assisted by colleagues in the TSI with complementary roles. Council staff are already targeted towards the areas of greatest need, but must also maintain commitments across the county to delivery of neighbourhood plans already agreed with public services and local people. There are also two staff in NHS who support community involvement in decision making.

Overall resources for such work are stretched both in staff and budget for practical actions such as events costs, funding for Charettes, Planning for real or other engagement tools.

There is a need for wider public service agency engagement with and support to the staff in these front line roles by delivery of agreed actions with communities to ensure credibility of participation is maintained with community agencies and the wider public.

Q7: What types of communities could the regulations specify that may need additional support? Please give reasons for your response.

Both geographic communities where there are high levels of multiple deprivation and low levels of engagement, and communities of shared interest where additional barriers arise, this would include protected characteristics groups such as learning or physically disabled people, those who face barriers due to mental health, members of minority ethnic communities, the elderly and children. In addition stigmatised groups such as drugs users, offenders, and victims of domestic violence all require assistance to actively participate in decision making with public bodies. Where there are local conflicts between community agencies there is a need for mediation, consensus building and agreeing shared goals, which will not emerge naturally but requires skilled and supportive interventions.

Q8: How long should the public service authority have to assess the participation request and give notice to the community participation body? Is 30 days a reasonable amount of time? If not, how long should the period for making a decision be? Please give reasons for your response.

Dependent on the complexity of the issues being addressed more time may be required to assess and respond, especially if there is a requirement for Councillors to be involved in decisions making to allow a response to be made. A 2 month period appears more feasible to allow for normal business cycles in Councils. Caution should be exercised in defining set timescales as participation requests should start a process of engagement and improvement that may take many years to be concluded.

Q9: Are there any additional information requirements that should be included in connection with a decision notice? Please give reasons for your response.

No. A decision notice sounds quite formulaic and formal, more suited to the outcome of planning application, for example. Decision making on complex areas of work such

as the allocation of resources, the closure of certain services or the development of new services are rarely a one-off decision where a notice can be issued in this way.

Q10: What other information, if any, should the regulations specify should be published in relation to the proposed outcome improvement process? Please give reasons for your response.

No further information requires to be specified in regulations; however there should be permission to go beyond the specified:

- Names of the community participation bodies and public service authorities which are involved in the outcome improvement process.
- The outcome to which the outcome improvement process relates.
- How the outcome improvement process is to operate.

The guidance encourages openness about decision making, but should also allow for openness about resource constraints that may delay or prevent implementation.

There is also an assumption in the draft regulations that community participation will lead directly to an outcome improvement process. It is important to embed practices so that community groups understand, and contribute to, the normal decision making processes of public bodies rather than creating an industry of publication of new improvement plans.

Q11: What other information, if any, should the regulations specify should be published in relation to the modified outcome improvement process? Please give reasons for your response.

Draft Regulation 10 requires the public service authority to publish information regarding the modification:

- The names of the community participation bodies and public service.
- Authorities involved in the modified outcome improvement process.
- The outcome to which the modified outcome improvement process relates.
- Identify the outcome improvement process which has been modified.
- How that outcome improvement process has been modified.
- How the modified outcome improvement process is to operate.

There is a need to allow these new expectations to become established practice before considering further expansion of detailed publication expectations. There could a greater emphasis in the outcome improvement process that relates to disadvantaged groups. If the ethos of the Act is to increase public engagement and reduce inequalities, this should be a focus of the improvement process.

Q12: Section 31 sets out the aspects that the report of the outcome improvement process must contain. What other information, if any, should the regulations require the report include? Please give reasons for your response.

Section 31 requires that each public service authority must publish a report each year setting out:

- The number of requests received.
- The number of requests agreed and refused.

- The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority.
- Any action taken by the public service authority to promote and support the use of participation requests.

There should be a greater on how the improvement process has addressed inequality. Consideration should be given to the additional resources required to produce the outcome report. There is a risk that the additional requirement will divert staff away from engagement with community groups, if the output is focused on the production of published reports.

Q13: Do you have any other comments on the draft Participation Request?

There is an opportunity in the draft regulations to increase community engagement in public sector decision making processes. The focus should be on the quality of the engagement rather than form filling.

In terms of participation requests, there is a risk that more empowered communities and those with a vested interest in the outcome of the decision making will be better placed to take advantage of this new provision. Disadvantaged groups may be unaware of how and who makes decisions. There needs to be an awareness raising campaign to ensure that people are aware of when and what decisions are being taken.

Consideration also needs to be given to the existing involvement standards and processes across different public bodies. How will the requests, for example, interlink with the Participation Standards in the NHS and what role, if any, will the Scottish Health Council have in assessing the requests. With the integration of health and social care and closer partnership working across the public sectors, there needs to be a consistent approach and culture for responding to participation requests. Also, careful consideration needs to be given to public sector processes where decision making areas are not, or only partly, devolved.

Procedure (Scotland) Regulations 2016 Land Reform

Q1: Ministers should also take into consideration when deciding if land is “eligible land” the position where a site is designated by the Council for future housing development or another use.

The Council welcomes this clarification.

Q2: Land on which the Council proposes to build houses or use for another purpose of benefit to the community to the category of classes of land should not be eligible for purchase by a Part 3A Community Body.

The Council supports this proposed interpretation.

Q3: Land where there is a building occupied by a person under a tenancy is not excluded.

This could cover Council owned land where there is a tenant of the Council; we suggest that such land should be excluded from the provisions of the Act.

Community Asset Transfer

Council Property section's emphasis has been on business plan and community capacity, whilst the act proposed seems to focus on the request criteria and the time taken to respond. The timescale issues are one's that can be included in Council procedures and mainly focus on how quickly the Council responds to requests and then deal with offers. The proposals put forward foresees a 6 month period to make a decision – this should be achievable provided the provision of a full business case by the requesting party is considered to form part of the required submitted information; i.e. the clock only starts once all the required information has been submitted

A comparison between the Council's current Community Asset Transfer policy and the Act's expectations is set out below.

	CE Act Asset Transfer Requirements Guidance	Current Midlothian CAT Policy Position	Amendments Required to Policy to address Risk /Variations
1	Asset register format non specific, but can be in Excel or pdf	Asset Register available as pdf	No Changes required
2	Must include basis description	Asset register includes basic description, property address; current use, proposed use account holder etc.	No Changes required
3	Must be available on line	Register, Policy and supporting guidance documentation to be made available on line.	No Changes required
4	Must be available for inspection by Members of the Public	Hard copy of information can be made available for inspection	No Changes required
5	Information request could include information on costs, structure, title burdens. If this information is eligible for release under FOI available etc. it would need to be made available	Policy provides that we are open ant transparent. (NB Act does not propose that the Council are required to provide surveys specific to any proposed new uses of a building /land)	
6	Asset Transfer Requests to be dealt with within specific timescales subject to variation by agreement with the requesting parties	Policy provides for timetabling for dealing with stages of requests	May be a requirement to review the timescales for dealing with requests to align with the requirements of the Act
7	Required to identify a clear process and appropriate single point of contact in respect of requests	Policy provides for timetabling and procedures for dealing with applications; it also provides for the need for a specific point of contact in relation to requests	

	CE Act Asset Transfer Requirements Guidance	Current Midlothian CAT Policy Position	Amendments Required to Policy to address Risk /Variations
8	Standard period for giving decisions should be 6 months from the date of validation of request (validation date commences when all required information has been provided)	Midlothian Policy allows for more flexibility in relation to timescales allowing community groups 12 months to develop business plans etc. No specific timescales are included for making of decisions	Consider adding specific timescales for responding to requests and delivering decisions to align with the provisions of the act. 6 months is a reasonable period on which to make a decision once a full business case has been presented for consideration
9	Robust decision making process required comprising of officers from property, legal, finance, community development and where relevant economic regeneration and specialist advice where required	Reference if made to Community Management Assessment Group (CMAG) but make up of the group has not been defined	Makeup of the CMAG group representation needs to be agreed and aligned with the requirements of the act
10	Asset transfer decision must be agreed unless there are reasonable grounds for refusal	Council Policy requires that the requesting party can demonstrate a robust business case as part of the process for acceptance. The Policy also considers various levels of transfer from license to full blown transfer depending on the needs ability and resources of the requesting party	No Changes required
11	Decision Notice requirements	Policy /supporting information makes no reference to content of decision notice	A standardised decision notice format needs to be adopted in order to comply with the acts requirements
12	Decision Notice must include reasons for decision	Policy provides for transparency of process and decision making	Need to ensure that Decision notice is clear and backs Council Policy; makes clear the terms and conditions of transfer and terms on which an offer must be made

	CE Act Asset Transfer Requirements Guidance	Current Midlothian CAT Policy Position	Amendments Required to Policy to address Risk /Variations
13	Post decisions requesting body required to make offer compliant with transfer decision within 6 months of the date of decision notice	Policy and procedure currently silent on the date for completion of any transfer agreement but Policy /procedure expectation would be that the terms of any transfer, lease, and sale would be agreed as part of the Business Case discussions	Timescale for completion of an agreement following approval should be included on the procedures attached to the policy
14	Right of appeal to Scottish Ministers is provided in the Act. In considering an appeal they must take into account the same terms and conditions as the original requests	The Policy does not provide for a right of appeal to Scottish Minister	Provision for a right of appeal to Scottish Ministers must be included in a revision to the policy

Q1: Do you agree that the types of land set out in the draft Community Empowerment (Registers of Land) (Scotland) Regulations 2016 need not be included in relevant authorities' registers? If not, please explain what you would change and why.

No comments.

Q2: Are there any other types of land that relevant authorities should not have to include in their register? Please explain what should not be included and why.

No comments.

Q3: Do you have any comments on the proposals for guidance on what information registers should contain and how they should be published?

No comments.

Q4: Is there any information you think a community transfer body should be able to request from a relevant authority, that it would not be able to obtain under FOISA or the EIRs?

No.

Q5: Do you think the proposed additional requirements for making an asset transfer request are reasonable? If not, please explain what you would change and why.

No comments.

Q6: Is there any other information that should be required to make a valid request?

The Council wishes to make it clear that where it has a property which is surplus and can be disposed of in support of a specific project it requires the market value for the site identified in any current register.

Q7: Do you have any comments on the proposals for acknowledgement of requests?

No.

Q8: Do you have any comments on the proposed requirements for notification and publication of information about a request?

No.

Q9: Is 6 months a reasonable length of time for the relevant authority to make a decision on an asset transfer request? (This time may be extended if agreed with the community transfer body.) If not, how long should the period for making a decision be?

This should be achievable provided the provision of a full business case by the requesting party is considered to form part of the required submitted information; the clock only starts once all the required information has been submitted.

Q10: Do you agree with the proposals for additional information to be included in a decision notice? If not, please explain what you would change and why.

The Decision Notice; this document needs to meet the prescribed format (see spreadsheet) and the Council need to have reasonable grounds for both acceptance and refusal. The assumption in the proposed act is that there will be a transfer – but there seems to be a provision that whilst community bodies can make an offer, in making a decision the Council can amend the terms provided they can justify doing so; so for example, if the Council require a capital sum or income from a specific asset provided the Council have made this clear then the Council can include this requirement in the decision.

Q11: Do you agree that the Scottish Ministers should be required to appoint a panel of 3 people to consider reviews of Ministers' own decisions? If not, how do you think these reviews should be carried out?

Yes.

Q12: Do you agree that a local authority should be required to make a decision on a review within 6 months? If not, how long should the period for making a decision be?

Yes.

Q13: Do you have any other comments about the draft Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 or draft Asset Transfer Request (Appeals) (Scotland) Regulations 2016?

No.

Q14: Do you agree that the Scottish Ministers should appoint a single person to consider an appeal where no contract has been concluded? If not, how do you think these reviews should be carried out?

No, a single person is not an adequate number. A small panel would be preferable.

Q15: Do you agree that the documents should not be published in relation to appeals where no contract has been concluded? Please explain your reasons.

Yes. It will often be the case that there are commercial and local community competitive elements that may be negatively affected by such publication.

Q16: Do you agree that no third party representations should be allowed in relation to appeals where no contract has been concluded? Please explain your reasons

No. The appeals come after consideration and local appeals process have been exhausted, so it is not appropriate to have further representations at this stage.

Q17: Do you have any comments on the proposed procedures for appeals where no contract is concluded?

No.

Q18: Do you have any comments on the proposed procedures for applications to Ministers for Directions?

No.

Midfest**Report by Garry Sheret, Head of Property and Facilities Management****1 Purpose of Report**

This report is presented to advise the Council of:-

- (a) Success and outcomes of Midfest 2015 festival and
- (b) Outline options going forward for the Midfest 2016 festival.

2 Background**2.1 Previous Reports****Midfest 2013**

In May 2013 a joint report by Director Corporate Resources and Director Education and Community Services entitled "Midfest" initiated the inaugural Midfest Festival of Arts and Culture which took place across Midlothian during the period 21 to 28 September 2013.

Midfest 2014

Based on the success of Midfest 2013, Midfest 2014 was held from the 6 to 14 September 2014 featuring opening events and local community based events. The addition of a pop concert (Grown in Scotland) broadened Midfest's reach. Furthermore the Director, Resources oversaw the event planning under the auspices of the Legacy 2014 Active and Connected themes as approved by Council in February 2014.

The formation of the Safety Advisory Group led by the Council included key partners involved in organising events.

To fund the event costs Council agreed to utilise funding of £30,000 from Members' environmental budget.

Midfest 2015

The Council report of February 2015 outlined on the success for Midfest 2014 and detailed the resources and financial implications of Midfest 2015. The report also highlighted the opportunity to use Midfest 2015 as a means of promoting Midlothian coinciding with the opening of Borders Railway during September 2015. Additionally Council requested the Director Resources pursue external funding with the intention of reducing the level of financial support from Council, with the provision that the Council would underwrite costs to allow the necessary event planning to progress.

The opening of the Borders Railway on the 6 September 2015 coincided with the planned Midfest weekend. At the meeting of the Safety Advisory Group the Director Resources considered the potential strain on Council resources to fully support both events. Accordingly the Director Resources gained agreement from the Midstock pop concert organisers, to reschedule the event to Saturday 12 September 2015 followed by Midfest Family Fun Day on Sunday 13 September 2015. These events were the closing events of the week long Midfest 2015 and coinciding with the opening of Borders Railway celebrations which took place earlier in the same week and put Midlothian on the world stage.

Approaches were made to a number of organisations regarding sponsorship however prospective companies either had committed funding to other projects or were unable to provide sponsorship support due to a range of factors.

Additionally the Multi Agency Safety Advisory Group were of the view that the introduction of an entry charge late in the events planning stage would impair the event and lead to logistical challenges as event publicity was already in place particularly for the Midstock Saturday event.

3 Midfest/Midstock 2015

3.1 Midfest Structure:

Midfest 2015 provided 61 events via four discrete elements: -

Community Events:

- Community based events at local venues, involving 59 individual events with 2,000 people attending.
- The four Borders Railway Golden Ticket Events with an estimated 5,650 attending including 4,500 at the National Mining Museum Scotland event in Newtongrange. These events utilised separate funding from the Council earmarked to celebrate the Borders Railway opening.

Dalkeith Country Park:

- Midstock Festival – Pop music event, Saturday 12 September 2015 as a private, ticketed venture with Council support for Safety Advisory Group management and 4,500 attending.
- Midfest 2015 Family Fun Day – Sunday 13 September 2015 offering local music bands, school bands, stalls remaining from the Midstock event and additional market stalls and Community Safety Village. This was a free ticketed, event with 8,900 tickets booked on-line and an estimated attendance in excess of 7,000 on the day.

Table 1 illustrates the attendances for Midfest 2014 and 2015 and the year on year percentage increase.

Table 1: Attendance Comparison 2014 and 2015

Event	Numbers attending 2014	Numbers attending 2015	Percentage increase
Midfest Fun Day	5,500	7,000	27%
Grown in Scotland /Midstock	3,500	4,500	29%
Community Venue Events	1,550	2,000	29%
<u>Total Midfest only</u>	<u>10,550</u>	<u>13,500</u>	<u>28%</u>
Borders Railway Golden Ticket events	0	5,650	
<u>Overall Total</u>	<u>10,550</u>	<u>19,150</u>	

Overall, Midfest 2015 was a success in terms of numbers attending the various events.

Summary additional information regarding the weeklong group of events is outlined in Appendix 1: Midfest 2015 Festival 'At a Glance'.

3.2 Saturday Event – Midstock Festival

The pop concert on the 12 September 2015, formerly known as Grown in Scotland, was renamed the Midstock Festival for 2015. This was organised by Clan Caterers/The Scullery Ltd following their involvement in Midfest 2013 and success of the 2014 event.

A legal agreement was established between Midlothian Council and Midstock Festival organisers (Clan Caterers/The Scullery Ltd) setting out clearly the defined roles and responsibilities.

Staffing event guidance, planning and support were provided by the Council, highlighting the need for Emergency Services support alongside Event Management and Planning as part of the Safety Advisory Group.

Police involvement saw 2 arrests. This highlighted security and policing lessons learnt which were considered as part of the Council's Safety Advisory Group. The Ambulance Service and British Red Cross also cited this as a successful event with only minor injuries.

3.3 Sunday Event – Midfest Family Fun Day

Midfest Family Fun Day was highly successful with positive working relationships established between Midlothian Council Staff event promoters and external security all co-ordinated under the direction of the Council's Safety Advisory Group.

Stalls were placed in the main arena in front of Dalkeith Palace. This arrangement included a Market style group of twelve stalls, Community Safety Village stalls comprising 10 tents organised by the Community Safety Partnership. Tents with fun activities for children and families included:-

- Rosslyn Chapel,
- National Mining Museum Scotland,
- Messy Church,
- Midlothian Science Festival,
- Rural and Urban Training Scheme (RUTS),
- Midlothian Healthy Food Alliance,
- Esk Valley Trust,
- Esk Valley Rotary Club
- Midlothian Young People's Advice Centre (MYPAS).

Ticketing and attendance

Tickets were available online via Eventbrite and through Council Libraries and on the day at park entry points. Publicity on social media included press releases and advertising saw ticket bookings increased compared to previous years.

It is estimated that more than 7,000 attended on the day with a steady flow for the whole of the event. This represents an increase of 1,500 or 27% on Midfest 2014 figures.

Entertainment

There were 8 music acts and one children's act performing on the day as listed below:

- Royal Scots Association Pipe Band
- Lasswade High School Jazz Band
- Beeslack High School Taiko Drummers and Samba Band
- Fun Box
- Aperture
- The Domestics
- Milestone
- Skababs

According to the Survey Monkey survey undertaken on the 14 September 2015, 88.5% of respondents agreed that *'There was good variety and appropriate for a family fun day'*.

Of the respondents 61% were either very positive or no further comment made. The Fairground ground comments were mainly regarding the cost of rides, especially if there are more than one or two children in a family or group. Many suggestions were to have a wristband system in place.

Colleagues within Economic Development advise that there is increased spending across Midlothian arising from the weekend events. However this is anecdotal at this stage and is difficult to quantify without undertaking a comprehensive survey.

3.5 Community Events

The total number of events promoted for Midfest 2015 was 59 based within communities across Midlothian.

Once again local arts organisations proved invaluable in organising events and artists within local communities.

Penicuik Community Arts Association supported a programme of events during Midfest totalling 30, of which 22 were free. Attendance at these events increased from 605 in 2014 to 744 for 2015. Dalkeith Arts and Music Events promoted activities centred on the opening of the Borders Railway. Many local businesses and attractions took part offering venues for performances including National Mining Museum Scotland, Rosslyn Chapel and Crichton Collegiate Church. Activities involving schools were in the evening for school band performances, one of which included a male choir. The Battle of the Bands contest was held in Lasswade High School in June and the final held in Dalkeith Miner's Club on 4 September 2015.

Assistance was provided by Midlothian Council in the organising and planning the performers, venues, marketing, and the various sound and lighting equipment necessary for performers to deliver their acts.

4 Resource

4.1 Financial Implications

In terms of the human resource implications, organising events, venues and publicity was managed by Council staff in conjunction with partner organisations. The Safety Advisory Group led by the Council established the principal forum for event co-ordination, management and facilitation, particularly with regard to the large scale events across the Council area.

The costs of the 2015 Midfest and associated events amounted to £37,000. The Director Resources has undertaken a review of the costs and it is possible to revise the budget to less than £25,000. This is on the basis of changing the way in which the event is resourced, the removal of the additional car parking facility and the reduced security requirements associated with a Family Fun Day.

Based on a critical review of the experiences gained over the last three years it is possible to provide the Sunday Fun Day event using reduced resources and introducing entry charges and seeking additional revenue to cover the costs of providing the event.

In view of the financial position facing the Council the following proposals have been based on significantly reduced cost to the Council of providing the Sunday event.

The week long community events are well established and it is proposed that the Council role is one of co-ordination and marketing if these events are to continue.

With regard to the Family Fun Day an entrance fee is proposed as follows:-

	In Advance	On the Day
Adults	£3.00	£5.00
Children(16 and under)	Free	Free

Additionally the Director, Resources is in negotiation with a number of organisations to determine and explore the opportunities for sponsorship of the event.

It is also intended to charge concessions and stall holders an increased fee in light of the high attendances at the previous events. The promotion of the event will commence as soon as possible to ensure maximum uptake and to ensure that costs are recovered via entrance fees and charges.

4.2 Risk

Midfest 2015 Family Fun Day saw minimum disruption due to close consultation with partners from the emergency services and their involvement within the Safety Advisory Group event planning meetings.

For any future large events the proposed risk related to crowd control, safety and local disturbance will be mitigated via close consultation with the Scottish Ambulance Service, Police and Fire Services. This will continue to be overseen by the Safety Advisory Group led by the Council and resulting in the compilation of detailed Event Management Plans involving key partners. The Safety Advisory Group is co-ordinated across the Council by the Head of Commercial Operations.

There is a risk that depending on the level of entry fees replaced the costs may not be fully recovered. This will be mitigated by event publicity and promotions.

4.3 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

4.4 Impact on Performance and Outcomes

Midfest alongside Midstock raises the profile of Midlothian on a wider stage. Major publicity surrounding the Borders Railway links will support continued promotion and marketing of Midlothian.

4.5 Adopting a Preventative Approach

Supporting the local economy by attracting visitors to the area is considered preventative and contributes to the overall well being of the Council area.

4.6 Involving Communities and Other Stakeholders

The initial preparation and planning for Midstock Festival 2016 is already underway. The establishment of the Safety Advisory Group provides an essential platform for the continuation and development events such as Midfest. The Director, Resources and relevant colleagues are in regular contact with the event organisers and the owners of Dalkeith Country Park.

4.7 Ensuring Equalities

There are no Equalities Implications arising from this report. Everything possible is being done to ensure that events are accessible to all and event partners also require to comply with Equalities legislation.

4.8 Supporting Sustainable Development

This report does not impact on sustainable development.

4.9 IT Issues

There are no IT implications associated with the proposals set out in this report.

5 Recommendations

The Council are invited to:-

- (a) Note the success of Midfest 2015;
- (b) Note the resource implications particularly arising from the Sunday event;
- (c) Instruct the Director Resources to continue to explore opportunities for reducing costs and maximising external funding opportunities should the event continue in 2016;
- (d) If minded to support Midfest 2016 Council are requested to approve entry charges as set out in this report.

5 May 2016

Report Contact: John Blair
john.blair@midlothian.gov.uk

Tel No 0131 271 3102

Background Papers:

Appendix 1: Midfest 2015 Festival 'At a Glance'

61 Events	Music (Pop, Jazz, Classical, Choirs, Americana bands, battle of the Bands, Ska, Folk), Artwork, Workshops, Open Studios Singing Workshop, Concerts, Story Telling and Horticultural Show, Massage, Jewellery making, Meditation, Writers Reading, Poetry a History Tour.
Range of Venues	21 – Village/Town Halls, Church Halls, Churches and also schools. Dalkeith Country Park, Pubs, Libraries and Dalkeith Art Centre, The Paper Mill Restaurant and tourist attractions (the National Mining Museum of Scotland and Rosslyn Chapel). Village greens, Open Studios and 4 Railway Stations.
Opening Weekend Attendance	Battle of the Bands Event 40 Borders Railway Golden Ticket Event – 5650 across the four events Core Council Working Group provided in-kind support to facilitate venues, programme of events, funding, logistical requirements, marketing and promotion.
Closing Weekend	Midstock Festival – 4,500 (12/9/15) Midfest Family Fun Day – 7,000 (13/9/15) 8,937 free tickets had been booked by the 12 September 2015 Core Council Working Group provided in-kind support to facilitate venues, programme of events, funding, logistical requirements, marketing and promotion.
Number of Free events	32 Free Events many operated on a voluntary basis.

Events: Type and Venues

Events were hosted across a wide range of interests and skills some including many performers in one event. This included:

- 31 musical performances including, folk, blues, choral, Americana soul and drumming, singing workshop
- 32 craft workshops including arts, printmaking, and exhibitions
- 2 Historical events
- 2 Film
- 2 Horticultural

Partners, key supporters and host venue organisation:

- Midlothian Community Safety Partnership (Community Safety Village)
- Dalkeith Country Park
- Dalkeith Arts, Music and Events
- Penicuik Community Arts Association
- Middleton Village Hall
- Midlothian Tourism Forum
- National Mining Museum Scotland
- Rosslyn Chapel
- St Nicholas Buccleuch Church, Dalkeith
- Crichton Collegiate Church
- Woodburn Miner's Club
- Shottstown Miner's Club
- Midlothian Libraries
- Paper Mill, Lasswade
- Lasswade High School
- Beeslack High School
- Dalkeith High School
- Art Studios and local Artists Open Studios.

Appendix 2: Midfest Family Fun Day Survey Monkey Facts.

An e-mail was sent on Monday 14 September 2015 to all those who had booked tickets on-line for the Midfest Family Fun Day on 13 September 2015 with a Survey Monkey survey for feedback. This was to over 2000 individuals. Results were very positive from the 226 respondents. These 226 accounted for at least 1247 people within their groups attending the event, 23% being adult male, 35% adult female and 42% children under the age of 16.

The survey asked 27 questions, but only a small number of these will be represented here.

Midfest 2015 Survey Monkey:

Midwest 2016 Survey Monkey.

1.	<table><tr><th colspan="3">Overall, how would you rate MIDFEST Family Fun Day?</th></tr><tr><th>Answer Options</th><th>Response Percent</th><th>Response Count</th></tr><tr><td>Excellent</td><td>27.0%</td><td>61</td></tr><tr><td>Very good</td><td>51.3%</td><td>116</td></tr><tr><td>Fairly good</td><td>14.6%</td><td>33</td></tr><tr><td>Mildly good</td><td>6.6%</td><td>15</td></tr><tr><td>Not good at all</td><td>0.4%</td><td>1</td></tr><tr><td colspan="2">answered question</td><td>226</td></tr></table>	Overall, how would you rate MIDFEST Family Fun Day?			Answer Options	Response Percent	Response Count	Excellent	27.0%	61	Very good	51.3%	116	Fairly good	14.6%	33	Mildly good	6.6%	15	Not good at all	0.4%	1	answered question		226															
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	<i>answered question</i> 105	
	<i>skipped question</i> 121	
10.	Please state which FUN ACTIVITY TENTS you and your children used (excluding the Fairground attractions)?	
	Answer Options	Response Percent Response Count
	Rosslyn Chapel and National Mining Museum Scotland Tent	30.1% 68
	Messy Church Tent	34.5% 78
	Midlothian Science Festival Tent	32.3% 73
	The Smoothie Bike and Mobile Library	20.4% 46
	Chair Massage	4.0% 9
	The Seatbelt Convincer	9.3% 21
	Children's Tent at the back	22.1% 50
	RUTS Cycle Cinema	15.5% 35
	<i>answered question</i> 226	
11.	Please choose which statement you think best describes the STAGE ENTERTAINMENT on the day.	
	Answer Options	Response Percent Response Count
	There was good variety, and appropriate for a family fun day	88.5% 200
	I would have preferred other entertainment - please specify	5.8% 13
	Other	5.8% 13
	Other (please specify)	26
	<i>answered question</i> 226	

Lothian Mineworkers Convalescent Home**Report by Eibhlin McHugh, Joint Director Health and Social Care****1 Purpose of Report**

The purpose of this report is to update Council on the review of the previous service level agreement between Midlothian Council and the Lothian Mineworkers Convalescent Home.

2 Background**2.1 Council Meeting, 12 May 2015**

The funding arrangements for Lothian Mineworkers Convalescent Home has previously been considered at the Council meeting on the 12 May 2015, when the following motion was presented:-

“In light of the invaluable service it offers to former mineworkers, their families and friends and any other Lothians resident in need of respite, Council agrees to restore the annual grant to Lothian Mineworkers Convalescent Home in Gullane”

2.2 Council Meeting, 23 June 2015

On 23 June 2015, Council agreed that:-

- the block grant should be continued for one year only;
- thereafter, funding for the service should be provided either through Self Directed Support or alternative sources of funding, including the “Wee Breaks Scheme”;
- the Service should also seek alternative sources of funding, including through an application to the Council’s grant process when this becomes available.

2.3 Council Meeting, 15 December 2015

On 15 December 2015, Council approved funding of £1,000 for the Miners Convalescent Home under the Midlothian Council Small Grants Scheme

2.4 Council Meeting, 23 March 2016

Council agreed a motion at the 22 March 2016 meeting seeking a review of the previous service level agreement between Midlothian Council and the Lothian Mineworkers Convalescent Home, including consideration of whether or not it provides value for money and meets Midlothian Council’s priorities.

The motion is set out below:-

“In light of the invaluable service it offers to former mineworkers, their families and friends and any other Lothians resident in need of respite, Council agrees to reinstate the previous Service Level Agreement with the Lothian Mineworkers Convalescent Home Trust.

Council also agrees, within a 12 month period, that officers should prepare a report on “Value for Money” on this agreement in terms of the benefits to the citizens of Midlothian using this facility.

At this meeting, the Council also received a deputation representing the Mineworkers Home.

3 Service Provision

- 3.1** In 2015, a total of 84 people from Midlothian accessed the service for periods ranging from 2 to 7 weeks each. This amounts to 63% of the total numbers who access the service. The cost of the service to guests is £10 per day, if guests have associations with the mining industry, and is £15 per day for other guests. It is considered that this represents extremely good value for money for the individuals accessing the services. For this cost, guests receive accommodation with full board, entertainment and assistance with transport. Some guests used the service more frequently because they were able to take up, at short notice, vacancies that arose because of cancellations.
- 3.2** Legislative and policy changes have required different approaches as to how social care services are funded and have impacted on the funding of the Mineworkers Convalescent Home. The Council’s requirement to “follow the public pound” resulted in a move from grant funding arrangements for voluntary organisations receiving more than £10,000 to service level agreements, which gave greater transparency of the services that are provided under such agreements.
- 3.3** The introduction of eligibility criteria in 2007-8 sought to ensure that Council services are prioritised for those in greatest need who meet strict eligibility criteria.
- 3.4** More recently, legislative and policy developments in relation to the support of carers have resulted in the needs of carers for respite being prioritised for funding support. The Midlothian Integrated Joint Board has affirmed the support of family carers as a priority across service delivery in its Strategic Plan.
- 3.5** The introduction of Self Directed Support has resulted in significant changes in how funding is allocated for services. Funding is allocated to individuals who meet assessed criteria related to identified outcomes. Individuals are therefore given greater control over the services that they use to meet their needs. Support for holidays and the respite needs of carers are now met through the Wee Breaks project.

- 3.6** These policy developments have required service providers to change their model of delivery to meet the new requirements. Because of these changes, the previous service level agreement that was in place for the Lothian Mineworkers Home is no longer compliant with Council's eligibility criteria and funding for respite under Self Directed Support legislation
- 3.7** In 2014, service managers worked intensively with the Lothian Mineworkers Home to encourage greater uptake of funding through the Wee Breaks project. This generated 15 applications for individuals using this service. In 2015, the Home did not continue to pursue this funding stream. To make better use of this funding stream, the Home would require to alter their pricing policy and promote the scheme amongst guests who are likely to meet the eligibility criteria.

4 Lothian Mineworkers Convalescent Home

- 4.1** Whilst there is no case for further funding under a service level agreement between Midlothian Council and the Midlothian Mineworkers Convalescent Home, in view of the history of the organisation, consideration may be given to transitional funding whilst the Home reviews its pricing policy for the 2017 intake of guests.

5 Report Implications

5.1 Resource

The Lothian Mineworkers Home's service agreement was terminated last year. Council Officers have worked with the managers to support them to access alternative funding through the Wee Breaks project as well as provide information on other funding opportunities. Although the Mineworkers Home accessed an additional £5,000 through this scheme in 2014, there has been limited success in 2015 because the Home did not actively support guests to seek the funding. However, the Home did access a grant of £1,000 through the Council's small grant fund last year as set out in para 2.3. On examination of accounts for the past two years, the Trust was retaining a balance of £50,371 at 31/12/15 while the annual running costs, based on last year, 2015, are £60,535.

The Trust's donations (Miners' Welfare Schemes, fundraising and rent) amounted to around £30,000, so Midlothian Council funding is not considered critical to the continuation of the service in the short to medium term. Changes to charging policy for guests could provide a source of additional funding to ensure the future sustainability of the service.

5.2 Risk

Entering into a further service level agreement involving block funding of this service would not be consistent with Council policy on the funding of care services, nor the strategic direction of the Midlothian Integrated Joint Board.

5.3 **Single Midlothian Plan and Business Transformation**

The implementation of Self Directed Support has required significant changes to contractual arrangements with providers in order to provide service users and family carers with more choice over the services that they receive.

- ☐ Community safety
- X ☐ 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 report relates to adult health and care community planning theme. A major priority for adult health and care planning theme is the support of family carers to enable them to continue caring.

5.5 **Impact on Performance and Outcomes**

Supporting family carers is a priority for the Health and Social Care Directorate. The new funding arrangements that are in place ensure greater access and choice for family carers to short breaks.

5.6 **Adopting a Preventative Approach**

Supporting family carers to access breaks enables them to continue caring for longer and support the rebalancing of care.

5.7 **Involving Communities and Other Stakeholders**

Older people and their carers are regularly consulted with through a variety of forums on the development of strategy and their wider experience of services. No specific consultation has been carried out in relation to this specific service.

5.8 **Ensuring Equalities**

This report relates to the operational implementation of Self Directed Support (Scotland) Act 2012. The legislation is accompanied by an Equalities Impact Assessment.

5.9 **Supporting Sustainable Development**

This report does not address the longer term sustainable issues faced by the Lothian Mineworkers Convalescent Home arising from their current model of care and the changing needs of older people.

5.10 **IT Issues**

There are no IT issues arising from this report.

6 **Summary**

Recent legislative and policy changes have required Council to change its approach to the procurement of services. Council officers have sought to work with the Lothian Mineworkers Convalescent Home to adapt to these changes and increase its capacity to provide a more

targeted service to carers in Midlothian and ensure that access to the service is compliant with the Council's eligibility criteria. The Home can ensure financial sustainability in the longer term by making appropriate adjustments to its pricing policy.

7 Recommendations

Council is asked to agree:-

- i. The Lothian Mineworkers Convalescent Home provides good value for Midlothian residents who use the service;
- ii. The re-instatement of a service level agreement is not consistent with Council policy on the funding of health and social care services.
- iii. The granting of transitional funding of £4,000 for 2016/17 to facilitate appropriate amendments to the Home's pricing policy to ensure the service's financial sustainability.

Date 9 May 2016

Report Contact: Eibhlin McHugh
eibhlin.mchugh@midlothian.gov.uk

Tel No: 0131 271 3605

Background Papers:

Housing Allocation Policy Review

Report by Eibhlin McHugh, Joint Director, Health and Social Care

1. Purpose of the Report

- 1.1** The Housing Allocation Policy was last revised in January 2013 with an agreement that it would be reviewed every 2 years. This Report details the review of the Council's Housing Allocation Policy and provides recommendations for changes in order that the Policy continues to address local needs and takes account of the Housing (Scotland) Act 2014 legislative changes.

2. Background

- 2.1** Midlothian Council's Housing Allocation Policy was completely revised in 2013 when a "Group and Points" model was introduced. In addition Midlothian Council now works in partnership with Melville Housing Association to provide a Common Housing Register ensuring applicants have increased housing opportunities from lets being made by both Midlothian Council and Melville HA.
- 2.2** Previously the Council's Allocation Policy was Transfer led meaning that current tenants were given the first option for new build lets. From 2013 three lettings groups were created to reflect applicant circumstances with annual targets set.
- 2.3** Group schemes are seen as less complex, easier to understand and fairer compared to points based ones, but a combination of preference groups and the relative priority awarded to housing or medical needs provides a clear and transparent system of prioritisation to meet the aims for groups, with the lettings targets to ensure fair access to housing.
- 2.4** The Group lists are:
- Choice List (Target 15%) – list for those applicants with no identifiable need.
 - Homeless List (Target 45%) – list for those applicants who have presented and been accepted as being homeless.
 - General Needs (Target 40%) – list for those applicants with a specific need. For instance those with medical need or who are living in overcrowded conditions.

2.5 An analysis of the outcomes of the Policy has reported each year to Cabinet and the Performance Review and Scrutiny Committee. The main points from this were:

- i) The Housing Allocation Policy has had positive lettings outcomes and is closely meeting the targets for Waiting List Groups, with the exception of the Choice Group, which had a reduced proportion of allocations than anticipated (9% in 2012/13 and 10% in 2013/14 as opposed to the 15% target).
- ii) There has been a reduction in lets due to fewer new build developments being completed in 2013/14 and 2014/15.
- iii) The Policy has also ensured that there has been a move away from Transfer-Led Allocations as there was a reduction in the number of lets to existing tenants.
- iv) There has been a significant increase in households waiting for 1 bedroom housing due to the change in household size eligibility. At the same time, the number of households requiring 2 bedroom housing has decreased significantly. 2 Bedroom housing continues to be the most common property size being let to applicants.
- v) There has been a reduction in lets to households with points for overcrowding and under occupation and an increase in lets to households with medical points and to homeless households.
- vi) Use of Ready to Rent procedures has improved the speed of relets for properties which have previously taken longer than average to let.
- vii) The use of Homeswapper was initially very successful at generating increased mutual exchanges although there was a reduction in 2014/15.
- viii) There has been a reduction in the number of Waiting List applicants refusing offers due to Applicants being given more choice of the property types they will be offered.

2.6 In 2013 the Housing Allocation Policy was changed for single people or couples only being eligible for 1 bedroom housing except in some circumstances. This was done to mitigate households affected by Welfare Reform from being penalised by the Under Occupancy Charge (Bedroom Tax). The Scottish Government has since mitigated against this charge by compensating affected households through Discretionary Housing Payments.

2.7 The Housing Allocation Policy has caused an increase in demand for 1 bedroom housing whilst the majority of council housing stock is 2 bedroom

in size. To make best use of housing stock it would be appropriate to meet housing need by reintroducing the choice of 1 or 2 bedroom housing for single people and couples.

2.8 The Housing (Scotland) Act 2014 has resulted in a number of planned changes to social housing tenancies – notably the abolition of the Right to Buy for all tenants of social housing in Scotland from August, 2016. In addition, it makes a number of important changes to the law on social housing allocations. It requires that Allocation Policies provide reasonable preference to: social housing tenants who under occupy their home; homeless persons with unmet housing needs; and persons living in unsatisfactory housing conditions with unmet housing needs.

2.9 At present Midlothian Council is legally required not to take into account whether an applicant is a homeowner. The Act will allow landlords to take into account if an applicant owns a home which could mean that home owners are given lower priority unless they have specific circumstances such as unmet medical needs. The Act also enables the Council to consider suspending applicants if a member of their household or a visitor has been engaged in antisocial behaviour in or near their home, or towards the landlord's staff.

3. Changes to the Housing Allocation Policy

3.1 During the autumn of 2015, Midlothian Council undertook a comprehensive consultation exercise with all tenants and housing list applicants (11,334 households) in order to take into account their views of the current Housing Allocation Policy and consider their responses to potential changes to the Policy). All suggested options for amendments were supported by the majority of respondents.

3.2 An Elected Member Seminar was held in March 2016 to present the key features of the Housing (Scotland) Act 2014 which will have an impact on the Housing Allocation Policy, also the findings of the Letting Analysis 2013/14 – 2014/15, and to report on the Consultation with Tenants and Housing List Applicants. Elected Members were presented with recommendations for changes to the Housing Allocation Policy and provided with the opportunity to consider if further amendments were required.

3.3 The key changes that are being recommended are as follows:

- i) Reintroduce the choice of 1 or 2 bedroom housing for single people and couples.
- ii) Change the Choice Group target to 10% of allocations, with the General Needs and Homeless Lists both having a target of 45% of allocations.
- iii) Introduce letting targets within the General Needs Group with 15% of allocations for households who are overcrowded/under occupying and

15% of allocations for medical needs, with 15% allocated for other General Needs.

- iv) Introduce a suspension for applicants where there is evidence of them engaging in anti social behaviour, with a time limit provision to change behaviours.
- v) Suspend applicants who are homeowners who do not have a specific need for council housing. Homeowners who have a suspended application would not accrue waiting time points during their period of suspension.
- vi) Support households to downsize by providing an increased incentive to move grant of £1,500 for downsizing by 2 bedroom sizes or more.
- vii) Give more priority to those resident in Midlothian by maintaining 20 residence points and reducing to 10 points those who work in Midlothian but are not resident in Midlothian (currently 72 applicants). Households who need to move to the area to provide care to a relative, or receive care, would still receive 30 points for Social Needs (currently 10 applicants).

3.4 The Letting Analysis has also indicated a substantial reduction in lets that have been made in recent years. In 2012/13 the total number of lets was 562, in 2015/16 the total number of lets was 272 – a reduction of 52%. This reduction can be partially attributed to lower numbers of new build properties being built in recent years and the need to provide temporary accommodation for homeless households. However, due to Phase 2 and Phase 3 new build plans the number of lets should increase in future years in addition to new affordable housing being developed by housing associations.

3.5 In addition to plans for new build council housing it is proposed that the Council undertakes buy back purchases for 10 houses in areas with very high demand and limited supply during 2016/17. These house purchases will be supported by grant funding from the Scottish Government and will not reduce the funding that is allocated for new houses being built by the Council.

3.6 The current Allocation Housing Policy makes provision for Local Letting Initiatives to be undertaken which could incorporate specific policies for a particular area or house type. It is proposed that Local Lettings Initiatives are developed for the Council's future new build housing sites and a proposed Local Letting Initiative for each site will be recommended to Cabinet prior to the allocation of properties.

4 Report Implications

4.1 Resource

The change to allowing single people and couples to choose 2 bedroom housing, in addition to 1 bed, could have resource implications for the Council.

If the Scottish Government's policy of providing Discretionary Housing Payment funds to mitigate the effect of the under occupancy charge ended there would be a risk of increased arrears as a result of under occupying households reliant on benefits being unable to fund the shortfall in their rent payments.

Also, a total sum of £1.3Million is required for buy back purchases which are funded from the Housing Revenue Account. Financial modelling suggests that the HRA can support this additional investment and is affordable without having to impose any further increases in weekly rents.

4.2 Risk

If the Council does not take into account the views of stakeholders and the analysis of letting outcomes in relation to the Housing Allocation Policy it will fail to take into consideration local needs which could have negative consequences for the community.

In addition, there is a risk to the Council where the Housing Allocation Policy does not comply with legislation or guidance from the Scottish Housing Regulator. Further guidance concerning how the Housing (Scotland) Act 2014 impacts upon housing allocation policy and practice due to be published in late 2015 has been delayed.

4.3 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- ☐ Early years and reducing child poverty
- ☐ Economic Growth and Business Support
- ☐ Positive destinations for young people.

The themes addressed in this report impact on the delivery of the Single Midlothian Plan outcome particularly in terms of priorities in relation to the delivery of affordable housing, homelessness and health and social care outcomes through the provision of specialist housing.

- ☐ Community safety
 - x Adult health, care and housing
 - x Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- x Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

4.4 Impact on Performance and Outcomes

The recommendations in this Report impact positively upon achieving the following Local Housing Strategy outcomes:

- Households have improved housing options across all tenures.
- Homeless households and those threatened with homelessness are able to access support and advice services and all unintentionally homeless households will be able to access settled accommodation.
- The needs of households with particular needs will be addressed and all households will have equal access to housing and housing services.

4.5 Adopting a Preventative Approach

The proposed changes ensure a continued focus on providing a clear framework for prioritising applicants based on housing need and the reasonable preference criteria which is set out in legislation. Regular monitoring and review is important to ensuring the Housing Allocation Policy makes best use of housing stock to meet housing need.

4.6 Involving Communities and Other Stakeholders

A Report has been prepared to provide detail on the level of consultation undertaken with tenants and prospective tenants when considering revisions to the existing Policy. Engagement with other stakeholders such as Social Work Adult Care, Children & Families, Legal and Audit Services, local RSLs, Shelter and the Scottish Government has also taken place.

4.7 Ensuring Equalities

The revised Housing Allocation Policy was subject to a full Equality Impact Assessment in accordance with the Council's Equalities Schemes to ensure equality of opportunity.

The policy ensures that discriminatory practices and procedures are eliminated and that the needs of women, ethnic minorities, people with disabilities and other target groups are assessed. The duties required of local authorities when letting their houses are set out in the Housing (Scotland) Act 1987, the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.

4.8 Supporting Sustainable Development

Not Applicable

4.9 IT Issues

Not Applicable

5. Recommendation

It is recommended that Council:

- a) Note the positive response to consultation with tenants and prospective tenants in relation to the Housing Allocation Policy;
- b) Agree to the recommended changes to the Housing Allocation Policy, detailed in Section 3.3 of this Report;
- c) Agree to the communication of the findings of the Consultation Report and the main changes to the Allocation Policy to tenants and prospective tenants.
- d) Agree to the publication of a revised Housing Allocation Policy which incorporates the agreed recommendations.
- e) Agree to the purchase of 10 "buy back" properties to increase the supply of affordable housing in areas of high housing need.

Date: 17th May 2016

Report Contact

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Background Papers (available in the Members Library):

- 1. Midlothian Council Consultation Report on the Housing Allocation Policy Review 2015/16
- 2. Midlothian Council Lettings Analysis 2014/15

**Creating a World-Class Education System:
Raising Attainment - Closing the Gap, an Examination of Attainment
(National Measures for 2014-15 Examination Diet)**

Report by Dr Grace Vickers – Head of Education

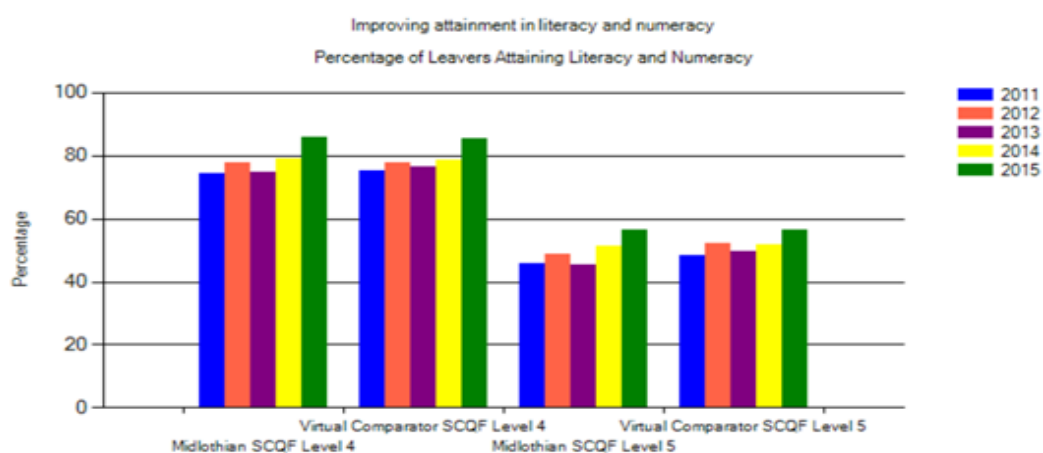
1 Purpose of Report

Further to the December Council Attainment Report outlining the local measures in respect of the 2014-15 examination diet, the purpose of this report is to provide an overview of secondary school examination attainment in session 2014-15 using the new senior phase national benchmarking attainment measures, called 'Insight'. The Report also seeks approval to adopt the term *Achieving a Level*, in line with the National Improvement Framework, as a replacement to the assessment language which is currently in place called *Developing, Consolidating and Secure*.

2. Background

As reported in the previous Attainment Report, during session 2013-14 the new senior phase benchmarking attainment measures, called 'Insight', were implemented replacing the former Standard tables and charts (STACS). The new measures provide a broader and deeper picture of how young people are progressing in our secondary schools and includes a wide range of new qualifications including vocational and wider achievement awards. The new measure also provides important data on the performance of young people in different contexts in order to help focus our improvement targets towards closing the attainment gap. The new measures report on the performance and progress of two main cohorts of students: the National Benchmarking measures report on the progress and performance of the summer leavers cohort from S4, S5 and S6 and the Local Benchmarking measures report on the progress and performance of the students who have continued their education in S4, S5 and S6. There are four Benchmarking Measures used to report on the progress and performance of students: Improving Attainment in Literacy and Numeracy; Increasing Post-School Participation; Improving Attainment for All; and Attainment versus Deprivation. To compliment the data provided by these Benchmarking Measures, Insight also provides Breadth and Depth Course measures which are used to provide data on the percentage of pupils gaining awards at specific levels by the end of each year stage. This data, when used in conjunction with the Benchmarking Measures, provides a richer picture of the progress and performance of Midlothian students. This Council report focuses on the National Benchmarking Measures which were published in February.

2.1 Improving attainment in literacy and numeracy: this measure shows the National Benchmarking data for the percentage of pupils attaining literacy and numeracy at SCQF level 4 and SCQF level 5:



	Year	Midlothian	Virtual Comparator	National
Level 4 Literacy & Numeracy	2011	74.4	75.1	74.9
	2012	77.9	77.6	76.7
	2013	74.6	76.7	77.9
	2014	78.9	78.5	81.3
	2015	85.7	85.3	85.8
	3yr avg	80.2	80.2	81.7
	4yr trend	2.5	2.5	2.7
Level 5 Literacy & Numeracy	2011	45.7	48.5	49.3
	2012	48.9	52.3	52.2
	2013	45.5	49.7	52.5
	2014	51.4	51.3	55.7
	2015	56.3	56.3	58.6
	3yr avg	51.1	52.4	55.6
	4yr trend	2.6	2.0	2.3

This data shows the following key strengths:

- Attainment in level 4 Literacy and Numeracy shows a positive improvement from 74.4% in 2011 to 85.7% in 2015 an improvement of 11.3%.
- Attainment is 0.4% higher than the virtual comparator leavers group and 0.1% lower than the national leavers group.
- Attainment in level 5 Literacy and Numeracy shows a positive improvement from 45.7% in 2011 to 56.3% in 2015 an improvement of 10.6%.
- Attainment is in line with the Virtual Comparator leavers group and 2.3% lower than the National leavers group.

Next steps for improvement: To bring literacy and numeracy at levels 4 and 5 in line with national measures for all school leavers.

2.3 Increasing post-school participation: this measure shows the National benchmarking data for the percentage of pupils either staying on at school or in a positive initial destination:

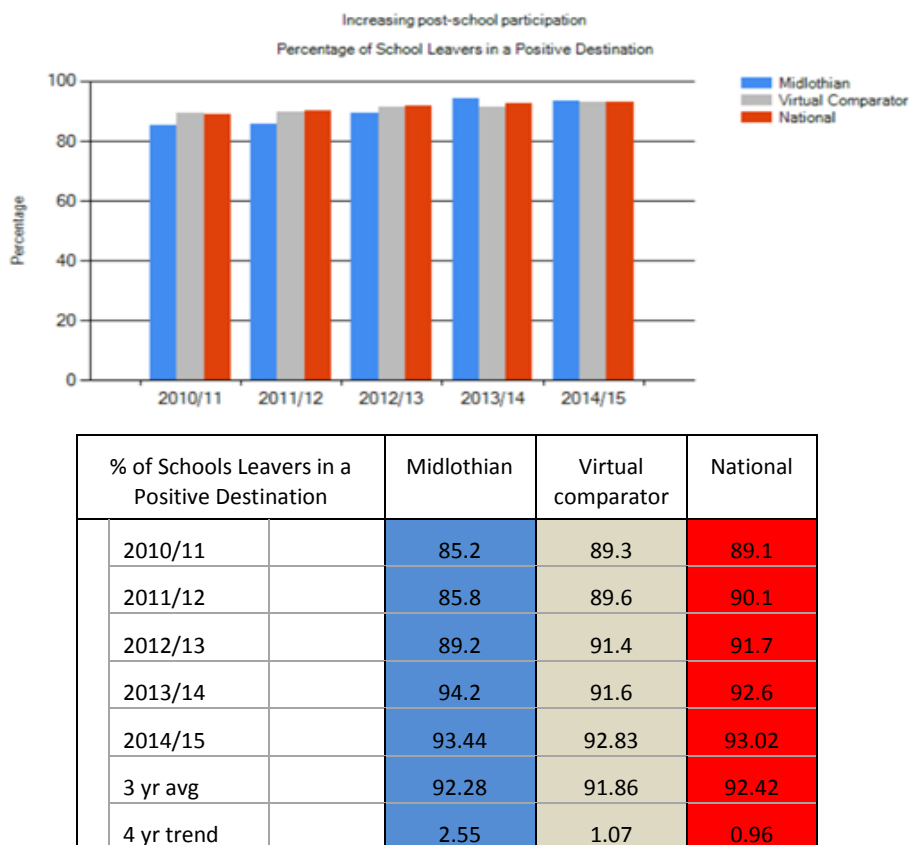


Figure 2: Increasing post-school participation: this measure shows the National Measure for the percentage of pupils either staying on at school or in a positive initial destination.

The data in figure 2 shows the following key strengths and next steps for improvement.

Strengths:

- The percentage of school leavers entering a positive destination has improved from 85.2% in 2010/11 to 93.44% in 2014/15. This has fallen slightly from 2013/14 when destinations reached a 5 year high of 94.2%.
- This compares positively with outcomes for the virtual comparator leaver cohort of 92.83% and national leaver cohort of 93.02%.
- Only one secondary school has less than 90% of leavers entering a positive destination (89.47%).
- All schools have shown sustained improvement over the last 5 years.

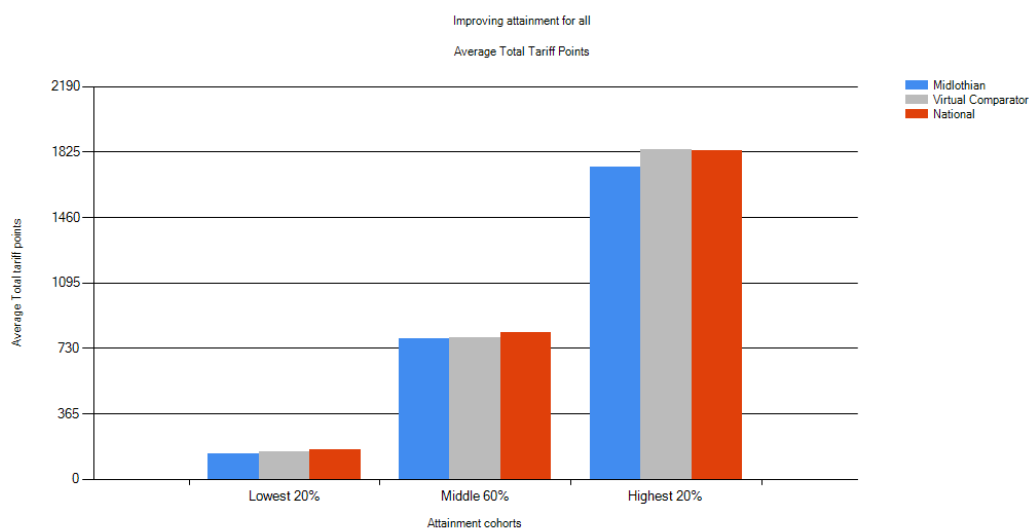
Next steps for Improvement:

- There are relatively high numbers of leavers going into employment (28.6%) compared to a virtual comparator figure 21.7% and a national one of 21%. Whilst this is recognised as a success there is a need to further breakdown the employment destination to consider the nature of employment, progression and salary opportunities.
- There are relatively low numbers of leavers going into Higher Education (29.4%) compared to the virtual comparator figure of 37.5% and a national

one of 38.4%. This potentially reflects a development need to continue to improve levels of attainment by end of S5.

- Maintaining positive destinations remains an ongoing priority for the Council with a target of 95% set for School Leaver Destinations and 90% for the new Participation measures which includes young people 16-19 years.

2.4 Improving attainment for all: this measure shows the national benchmarking data for the average total tariff score of pupils based on the attainment of the lowest 20%, middle 60% and highest 20% by performance;



	Midlothian			Virtual Comparator			National		
Year	Lowest 20%	Middle 60%	Highest 20%	Lowest 20%	Middle 60%	Highest 20%	Lowest 20%	Middle 60%	Highest 20%
2012/13	138	651	1663	146	711	1767	149	760	1789
2013/14	146	710	1754	140	728	1798	162	793	1809
2014/15	145	784	1742	155	789	1836	168	820	1832
3yr avg	143.	715	1720	147	743	1800	160	791	1810
2yr trend	4.0	67	40	5	39	35	10	30	22

Figure 3: Improving attainment for all: the average total tariff score of pupils based on the attainment of the lowest 20%, middle 60% and highest 20% by performance.

The numbers shown in the table are total tariff points gained by Midlothian's lowest performing 20%, the middle performing 60% and the highest performing 20%. Each qualification attained by pupils is given a Tariff score by SQA; highest performing 20% of students attain higher tariff scores as they tend to stay on to S6, complete more courses, and pass courses at higher levels. Figure 3 outlines the following key strengths and areas for improvement:

Key strengths:

- Total tariff scores for the lowest performing 20% of leavers' shows positive progression from 125pts in 2010/11 to 145pts in 2014/15, an improvement of 20pts resulting in a 3 year average of 143pts. This is in line with the

virtual comparator performance of 147pts and behind the national performance of 160pts.

- Total tariff scores for the middle performing 60% of leavers' shows positive progression from 636pts in 2010/11 to 784pts in 2014/15, an improvement of 148pts. This is in line with the virtual comparator on 789pts and behind the national performance of 820pts.
- Total tariff scores for the highest performing 20% of leavers' shows positive progression from 1676pts in 2010/11 to 1742pts in 2014/15, an improvement of 66pts. This is below the virtual comparator (1836pts) and the national average (1832pts).

Next steps for improvement: To close the gap which has emerged for the highest performing leaver groups.

2.5 Attainment versus deprivation: tackling disadvantaged by improving the attainment of lower attaining pupils relative to higher attaining pupils based on the average total tariff score of pupils, by decile, using the Scottish Index of Multiple Deprivation (SIMD):

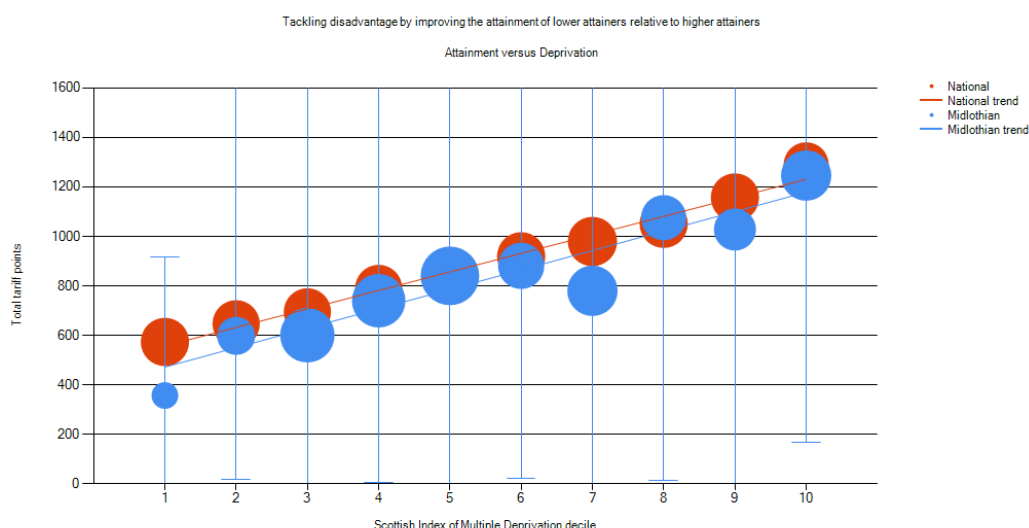


Figure 4: Attainment versus deprivation: tackling disadvantaged by improving the attainment of lower attaining pupils relative to higher attaining pupils based on the average total tariff score of pupils, by decile, using the Scottish Index of Multiple Deprivation (SIMD).

The discs presented in figure 4 represent the relative performance of Midlothian leavers in each SIMD deciles compared with the virtual comparator group. The size of the disc gives a visual indication of the number of students in the decile. The gradient of the line indicates the relative level of attainment vs. deprivation for Midlothian leavers. The graph confirms that Midlothian leavers are broadly attaining in line with other similar leavers across the country with the exception of deciles 1, 7 and 9. Figure 4 shows the following key strengths and areas for improvement:

Strengths:

- In 2014/15 Midlothian leavers performance was generally better than the virtual comparator for decile 5 and 8.

Next steps for improvement:

- On leaving the school system students in Decile 1 have attained a tariff score which is less than a third of that attained by students in Decile 10. The average tariff score for students in Decile 1 was 358pts compared with 1246pts in decile 10. Therefore the data confirms that students from

the least advantaged groups are leaving school earlier and as a result attaining fewer qualifications which undermine their ability to access a sustainable positive destination. For this reason, Midlothian's priority remains to maintain students from the least advantaged backgrounds in mainstream education and training until the end of S6. We aim to achieve this by targeting Developing Young Workforce resources to develop progression pathways for all pupils which promote vocational partnerships which are complemented by an educational experience which respects and meets their needs and secures a positive destination.

- To close the gap between the most and the least deprived learners at all stages.
- To continue to share best practice across the six secondary schools in order to ensure robust tracking and monitoring arrangements are in place to both support and challenge further improvements in attainment.

2.6 Assessing progress through the Broad General Education in line with the new National Improvement Framework

The National Improvement Framework was launched on 6th January 2016, the guidance contained within this new framework was shared with all Head Teachers in a professional seminar led by Education Scotland. In addition, further strategic guidance, tailored to Midlothian, was issued in the form of Professional Practice Paper 67 – Guidelines on planning for improvement. As part of our aspiration to create a World-Class Education System in Midlothian, in addition to the senior phase areas for improvement outlined on pages 2, 3, 5 and 6 of this report, the following key strategic outcomes for session 2016/17 have been prioritised:

1. To build excellence by raising attainment overall:
 - 2% increase in the number of children achieving the expected CfE level in Reading, Writing, Listening and Talking, Numeracy and Maths by the end of P1, P4, P7 and S3
 - 2% increase in attendance
 - 2% decrease in exclusions
2. To close the gap between the most and the least disadvantaged:
 - 5% increase in the number of children from SIMD 1 and 2 achieving the expected level in Reading, Writing, Listening and Talking, Numeracy and Maths by the end of P1, P4, P7 and S3
3. Teaching, Learning and Assessment:
 - To continue to support schools with moderation, tracking and assessment of progress through the Broad General Education (BGE).
 - Visible Learning should continue to underpin the development of assessment capable learners; and to support teachers to *know thy impact*.
4. Self-evaluation for Self-Improvement and Leadership of Change:
 - To implement the School Leadership Programme to support the delivery of the new Education (Scotland) Act; NIF; GIRFEC Named Person; and HGIOS 4
 - To grow our ASGs into Learning Communities in order to continue to build the self-improving system updating resources in line with HGIOS 4 and the new NIF.

Planning ahead, the timeline for the National Improvement Framework has also been published and the key national milestones are outlined below:

2016

- Development and piloting of new national standardised assessments
- Publication of advice and guidance on achievement of a CfE level in literacy and numeracy
- Interim reporting arrangements for schools and local authorities
- Increased moderation and support for teacher professional judgement
- Work with local authorities and parent organisations to improve the consistency of reporting to parents of children's progress
- Further work to develop evidence from early years activity and alignment with school years
- Inclusion of Key Performance Indicators from Developing Young Workforce programme
- Consideration of a wider range of awards and achievements including those gained from Community Learning and Development
- Development of statutory guidance on reporting duties under Education (Scotland) Bill

2017

- Introduction of new national standardised assessments in schools
- New reporting duties under Education (Scotland) Bill
- Introduction of more evidence on early years
- First statutory Framework reporting for schools and local authorities

2018

- Development of standardised assessments for Gaelic Medium Education
- Consideration of evidence of children's progress in other curricular areas
- Dashboard for school, local authority and national use

In line with the priorities for 2016, this report asks for approval to replace the current assessment terminology of *Developing, Consolidating and Secure* which is used in Midlothian to be replaced with the term *Achieving a level* in order to bring in line with the reporting arrangements required by the National Improvement Framework. During session 2016/17, a baseline average will be established and this reporting on CfE levels will be built into our quarterly reporting.

3 Report Implications

3.1 Resource

The Education Leadership Teams, all Head Teachers and staff are committed to closing the attainment gap and this will remain a key priority as we move forward.

3.2 Risk

Addressing Inequalities by closing the attainment gap is of significant importance in order to improve the life chances of children and young people in our care.

3.3 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

3.4 Key Priorities within the Single Midlothian Plan

GIRFEC 5: Our people will be successful learners, confident individuals, effective contributors and responsible citizens.

3.5 Impact on Performance and Outcomes

To close the gap by improving 'attainment versus deprivation' and 'attainment for all' outcomes for children and young people.

3.6 Adopting a Preventative Approach

The Education (Scotland) Bill aims to take preventative action in order to close the attainment versus deprivation gap by implementing key policies and programmes which are designed to target support to children and young people from disadvantaged communities. This second 2015 Attainment Report highlights our commitment to closing the attainment gap which compliments the strategies employed by Midlothian which were highlighted in the National Improvement Framework report which was presented to Council on 3 November 2015.

3.7 Involving Communities and Other Stakeholders

All Head Teachers update their Parent Councils on progress in terms of attainment and all schools publish their Standards and Quality reports for Parents and other stakeholders.

3.8 Ensuring Equalities

The recommendations in this report should continue to promote equity of attainment for disadvantaged children and support the steps being taken towards narrowing the attainment gap by imposing duties on education authorities and the Scottish Ministers in relation to reducing pupils' inequalities of educational outcome together with a duty to report on progress.

3.9 Supporting Sustainable Development

There are no impacts arising directly from this report

3.10 IT Issues

Ongoing dialogue is taking place with SEEMiS and Digital Services to ensure that we are on target for the introduction of the new system for data collection in line with the guidance on the National Improvement Framework.

4 Recommendations

Council is asked to:

- Note the significant improvements in performance outlined in this report.
- Note the next steps for improvement outlined on pages 2, 3, 5 and 6 of this report.
- Agree to provide a report to Council in June outlining progress with Visible Learning
- Agree to provide the opportunity for elected members to take part in a seminar on Visible Learning prior to the June Council report.

- To approve that the term 'achieving a level', in line with the new National Improvement Framework, be adopted which will replace the existing assessment terminology of developing, consolidating, secure.

Date 25 April 2016

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Appendix 1: Tariff Table

SCQF Level	Grade	SCQF Points	Tariff Score
7	A	32	480
	B	32	440
	C	32	400
	D	32	380
	Individual units	Varies	$17/2 \times \text{SCQF Points}$
6	A	24	204
	B	24	182
	C	24	160
	D	24	149
	Individual units	Varies	$14/3 \times \text{SCQF Points}$
5	A	24	84
	B	24	74
	C	24	64
	D	24	59
	Individual units	Varies	$11/6 \times \text{SCQF Points}$
4	Course – Pass	24	33
	Added value unit	6	15
	Individual units	Varies	$1 \times \text{SCQF Points}$
3	Total units	18	12
	Individual units	Varies	$2/3 \times \text{SCQF Points}$
2	Total units	18	6
	Individual units	Varies	$1/3 \times \text{SCQF Points}$
1	Individual units	6	1