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## MIDLOTHIAN LOCAL DEVELOPMENT PLAN 2: OUTCOME OF EVIDENCE REPORT GATE CHECK, UPDATE ON THE CALL FOR IDEAS EXERCISE AND NEXT STEPS

Report By Chief Officer Place

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### 1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee with regard:
- The outcome of the Scottish Government Planning and Environmental Appeals Division (DPEA) 'Gate Check' of the Midlothian Local Development Plan 2 (MLDP2) Evidence Report (Section 2 of this report);
  - The 'Call for Ideas' exercise for MLDP2 undertaken between 1 July and 1 October 2024 (Section 3 of this report); and
  - The next steps in the production of MLDP2 (Section 4 of this report).

### 2 MLDP2 EVIDENCE REPORT GATE CHECK OUTCOME

- 2.1 At its meeting of [25 June 2024](#) Council approved the MLDP2 Evidence Report for Gate Check and as a consequence the Evidence Report was submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) on 28 June 2024.
- 2.2 On 19 September 2024 the Council received formal notification that the appointed DPEA Reporter is satisfied that the submitted Evidence Report contains sufficient information for the Council to prepare MLDP2 – a copy of the formal decision is attached to this report as Appendix A and has been uploaded onto the Council's website via the following link [DPEA assessment of the MLDP2 Evidence Report](#).
- 2.3 The Council did not receive any 'Further Information Requests' or correspondence relating to 'Points of Clarification' from the DPEA during the Gate Check assessment.
- 2.4 The Reporter undertaking the assessment provided a report (Appendix A) with recommendations and conclusions on a number of matters and by topic area as they relate to the structure of the Evidence Report.
- 2.5 Annex 1 of the Gate Check assessment report (pages 3 - 8 of Appendix A) sets out where the Reporter considered there to be uncertainties regarding some of the evidence, or a need for "minor

clarification to secure alignment with the advice set out in Scottish Government Guidance”. These are highlighted with, what the assessment report terms as, “advisories” and that “These are matters for the council to consider in proceeding to prepare its local development plan (including the assessment of sites)”.

- 2.6 Annex 2 of the assessment report (pages 9 - 12 of Appendix A) provides conclusions on where there were alternative or disputed evidence recorded in the Evidence Report.
- 2.7 The Reporter has confirmed the Council can proceed with a Local Housing Land Requirement (LHLR) of 8,851 for MLDP2, as set by Council at its meeting of 25 June 2024. The implication of this is that at the point of adoption of MLDP2, the plan must identify land capable of delivering 8,851 homes. MLDP2 is programmed to cover the 10-year period 2026-2036.
- 2.8 National Planning Framework 4 (NPF4) identified a Minimum All Tenure Housing Land Requirement (MATHLR) of 8,850 homes for Midlothian. NPF4 sets out an expectation that a planning authority’s LHLR should be ambitious and exceed the MATHLR. The Reporter’s recommendations explain that the Council’s evidence justified an LHLR one number above the 8,850 MATHLR figure.
- 2.9 The matters raised by in the Reporter’s recommendations/assessment report will be taken forward and considered in the preparation of the MLDP2 Proposed Plan.
- 2.10 Overall, the Reporter found the Evidence Report a thorough piece of work with a structure that aligned with NPF4 and national planning guidance, which helped ease the Gate Check process. The Reporter considered a good level of consultation and engagement was undertaken with parties they would have expected to have been involved. The Reporter flagged up an apparent lack of engagement with Sportscotland. Over the summer the Council has liaised with Sportscotland and will be engaging with them during production of the MLDP2 Proposed Plan.

### **3 MLDP2 CALL FOR IDEAS EXERCISE**

- 3.1 A Call for Ideas exercise for MLDP2 was undertaken between 1 July and 1 October 2024 (as set out in the MLDP2 report to Committee at its meeting of 4 June 2024 and Council at its meeting of 25 June 2024). The Council’s Planning, Sustainable Growth and Investment Service contacted known interested parties and used the Council’s website and social media to seek ideas for MLDP2. Scottish Government’s Local Development Planning Guidance (May 2023) sets out that a Call for Ideas exercise is something that planning authorities can consider if they wish to undertake an engagement exercise to capture ideas from local communities and other interested parties - it is not compulsory to undertake such an exercise.

- 3.2 Midlothian's Call for Ideas exercise was open to anyone to submit ideas relating to any aspect of MLDP2. This included individuals, communities, landowners, developers, businesses, organisations and any other interested parties. In particular, it is helpful to receive ideas and suggested locations regarding the safeguarding of land from development and for promoting development, policy matters and the overall spatial strategy. The collated information, once evaluated, can potentially inform the drafting of the MLDP2 Proposed Plan.
- 3.3 Below is a brief summary of the scale and nature of responses received during the 'Call for Ideas':

Issue	Submitting Body	Scale of Response
<b>Promotion of sites/locations for protection from development in MLDP2</b>	Primarily from community groups, but also commercial organisations and infrastructure bodies.	Nine submissions  Covering a range of locations and significant areas of land
<b>Promotion of sites for development in MLDP2</b>	Primarily from developers, agents and landowners	170 submissions  Including housing, business and mixed-use development at a variety of scales in a variety of locations across Midlothian.  Housing sites promoted for approximately 16,500 homes, although not all promoted sites have indicative site capacities.
<b>Ideas and policy suggestions for MLDP2</b>	Submitted by a mix of individuals, community groups and commercial organisations.	60 submissions  Submissions cover multiple ideas including: renewable energy, community hubs, support for farmers markets, more active travel connections and safe cycling, use of old railway lines for active travel, public realm improvements, town centre improvements, outdoor recreation investments and opportunities, support for increased sport, promotion of physical activity, better play parks and outdoor learning, support for local theatre, film making and live music, lack of public transport to access facilities and services in Midlothian and promotion of small scale rural development. In addition, comments have been received expressing concern both over the volume of house

		building, and equally that there isn't enough house building.
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- 3.4 In the coming months/year officers will hold a series of workshop sessions with elected Members to go through the submissions and outcomes of the Call for Ideas exercise and to discuss the content of MLDP2 and its spatial strategy.

#### **4 MLDP2 PRODUCTION – NEXT STEPS**

- 4.1 Officers are currently reviewing and assessing the Reporter's recommendations/ assessment report on the Gate Check and also the ideas and promotion of sites submitted during the Call for Ideas exercise.
- 4.2 Work on drafting the spatial strategy and policy framework of the MLDP2 Proposed Plan will occur in late 2024 and 2025. The timetable for the production of MLDP2 is set out in Development Plan Scheme no. 16 (DPS16) approved by the Committee at its meeting of 30 April 2024.
- 4.4 As required by planning legislation, the annual update replacement for the DPS will be consulted on and then presented to Committee for approval in the first part of 2025. That document will be DPS17 and it will contain the programme, with any updates on DPS16, for the production of MLDP2.

#### Housing Land Supply

- 4.5 As already stated in this report, the Gate Check of the MLDP2 Evidence Report has confirmed support for the Council proceeding to produce MLDP2 with a LHLR (Local Housing Land Requirement) of 8,851 homes for the plan's 10-year life span – programmed to be 2026-2036. That means MLDP2 when adopted, programmed for late 2026, must identify deliverable land for 8,851 homes. The emerging Housing Land Audit 2024 indicates at the programmed point of adoption of MLDP2 (HLA 2024 is also presented on the October 2024 Committee agenda). A significant quantity of that 8,851 will already be identified and available to meet this requirement. The sites coming forward will provide other options for consideration by the Council, should they be needed, to help ensure that the 8,851 LHLR requirement is identified in MLDP2.
- 4.6 As part of the sites assessment process needed for MLDP2 preparation, the constrained sites and long term safeguarded sites need to be assessed as part of MLDP2 production to determine what scale of housing might be delivered from these and contribute to meeting MLDP2's LHLR of 8,851 homes.
- 4.7 The Quality Homes section of Scottish Government's NPF4 sets out that areas that may be suitable for new homes beyond 10 years (i.e. after 2036) are also to be identified (in MLDP2). This identification

does not need to be in detail and will be a matter for the Council to consider. The sites and locations promoted through the Call for Ideas exercise can help inform the Council with its considerations on longer term growth post MLDP2, for MLDP3 and the period 2036-2046.

## **5 RECOMMENDATION**

- 5.1 It is recommended that Committee notes the content of this report in relation to the outcome of the Gate Check of the Midlothian Local Development Plan 2 (MLDP2) Evidence Report, the Call for Ideas exercise undertaken between 1 July and 1 October 2024 and the next stages in the production of MLDP2.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 18 October 2024

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**Background Papers:** Reports on MLDP2 to Planning Committee at its meetings of 28 February 2023, 16 May 2023, 31 October 2023, 28 November 2023, 30 April 2024, 4 June 2024 and Council at its 25 June 2024 meeting

**Appendix A:** Scottish Government Planning and Environmental Appeals Division Gate Check Assessment Report (Reporter's Recommendations) of the Evidence Report for Midlothian Local Development Plan 2 (MLDP2)



Town and Country Planning (Scotland) Act 1997

## Gate Check: Section 16B(9) Notification of Sufficiency

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Decision by Stephen Hall, a Reporter appointed by the Scottish Ministers

- Evidence Report Reference: GATE-290-1
- Midlothian Local Development Plan Evidence Report Gate Check
- Date of submission to Gate Check : 28 June 2024
- Procedure: No further procedure

Date of Notice: 19 September 2024

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### Decision

I find the evidence report, as referenced above, sufficient to enable the planning authority to proceed to prepare its Local Development Plan.

### Assessment

I was appointed to carry out the required Gate-Check on 16 July 2024. I have carried out my assessment in the context of the relevant legislative provisions of the 1997 Act. In doing so I have taken account of National Planning Framework 4 (NPF4) and its associated guidance (Guidance on Local Development Planning in Scotland 2023). My assessment relies on the evidence report including its linked documentation.

A copy of this notice has been sent to the council and to the Scottish Ministers.

In carrying out my assessment I found some aspects of the evidence where there is some remaining uncertainty or need for minor clarification to secure alignment with the advice set out in the Scottish Government Guidance. Given the extent and nature of these matters, as set out in Annex 1, I do not consider they require to be addressed by further process or impact overall on the sufficiency of the evidence report. Rather they are included as advisories to this notice. These set out matters for the council to consider in proceeding to prepare its local development plan (including the assessment of sites).

In Annex 2 I set out some brief conclusions on relevant matters where there was alternative or disputed evidence recorded as part of the council's process of engagement and consultation. Confirmation of Midlothian Council's approval of the evidence report, with a local housing land requirement (LHLR) of '8,850 plus 1', was received by email of 20 August 2024 in the form of a draft minute of the council meeting of 25 June 2024. In making my assessment I have been conscious of the expectation expressed in NPF4 for the LHLR to promote an ambitious approach. The Midlothian figure is only one above the minimum all-tenure housing land requirement (MATHLR) set by NPF4 so may initially

appear to fall short of that expectation. However, I have carefully considered the supporting evidence and explanation of the particular circumstances that apply in Midlothian. I find the council's evidence sufficient in supporting its conclusion in this case, and the accompanying explanation to be clearly expressed and transparent.

### Conclusion

Overall I find nothing to alter my conclusion on the overall sufficiency of the submitted Evidence Report.

### Next Steps.

Consequently the planning authority can now proceed to prepare its local development plan.

*Stephen Hall*

Reporter

## **Annex 1 – Gate Check Advisories**

### **General Comments**

1. Overall I found the evidence report to be a thorough piece of work presenting a clear and comprehensive summary of the body of evidence available to the council at this stage of its plan preparation journey. In particular, the use of the template supplied at Figure 7 of the Local Development Planning Guidance to brigade the information helped ensure that the expected evidence was, generally, supplied, and this will have assisted the authority towards achieving comprehensive coverage of the required topics as well as easing the gatecheck process. It was helpful that the topic papers aligned largely with the policy topics of NPF4. And it was good practice to include Table 1 summarising identified disputes and information gaps and Part 4 evaluating the delivery of the extant plan. The preparation of detailed evidence notes that sat behind certain topics was useful, and could fruitfully have been used throughout.
2. Generally the collation of relevant information presented in the evidence report was impressive, though in occasional topics some tendency was evident to over-emphasise the exposition of theoretical concepts rather than concentrating on more hard-edged, and particularly local, qualitative and quantitative evidence.
3. The inclusion of Part 4 evaluating the delivery of the extant plan was useful and good practice, though I found this to be stronger in some areas (such as the delivery of land) than others (the achievement of policy objectives). Some parts of the analysis came across as generic, excessively high level and not fully considered.
4. Some material relating to work with the key agencies group and on developer contributions was repeated between topics with little variation. It would have been more useful if these sections had been used to more systematically pick out the particular factors of relevance to each particular topic.
5. No reference was made to Habitats Regulations Assessment (HRA). While I understand that this formal requirement will only be applied later in the process, some recognition of the potential implications of HRA could usefully have been mentioned under various topics.
6. A good level of consultation and engagement was evident from the 'summary of stakeholder engagement' sections of each topic paper and from the participation report (MC011). Most parties I would have expected to have seen involved were indeed engaged with. In particular it was clear that the views of the key agencies were taken into account, including seeking their validation of the relevant draft topic papers that make up the report. However one important body that I could find no mention of was Sportscotland.

### **Topic 2: Biodiversity (including Soils)**

7. I would have expected to see some reference made to the council's Biodiversity Duty Report.

### **Topic 3: Forestry Woodland and Trees; and Topic 4 Natural Places and Landscape**

8. These topics provide a useful overview of existing assets, and I note that an up-to-date Forestry and Woodland Strategy is in place (albeit only currently in draft form). However, this section could have been enhanced by including some analysis of gaps in the woodland/ biodiversity network and opportunities for enhancement particularly in terms of



improved connections between sites/ filling gaps, perhaps in association with new development.

### **Topic 5: Historic Assets and Places**

9. I note that a post-survey report being carried out by Historic Environment Scotland on the buildings at risk survey is to be shared with the council in due course. Analysis of this report should inform the proposed plan and be used to identify priorities for action. There is some coverage of non-designated historic sites at paragraphs 5.12 and 5.13, but the evidence report could have been clearer about how this information would potentially be used.

### **Topic 7: Green Belt and Coalescence**

10. The absence of an up-to-date green belt review is unfortunate. NPF4 states that green belts should be reviewed as part of the preparation of LDPs and the Local Development Planning Guidance states that if the plan area contains an existing green belt, planning authorities would be expected to review whether the existing boundary remains effective. It appears (from MC301) that there has been no such review since 2007. The staffing and resource implications, the need to work with neighbouring authorities, and NatureScot's support for a review taking place later in the process are recognised. It may also be that there are advantages to carrying out this exercise following the gatecheck when the scale of the local housing land requirement, the extent of the deliverable land supply, and the need to find additional sites is better understood. However, in accordance with the guidance I advise that a green belt review should be carried out ahead of the preparation of the proposed plan. Any review should also take place ahead of the site selection exercise, especially given that it is proposed to include green belt status among the factors contained in the indicative site selection methodology (MC080). I recognise the likely need to carry out this exercise jointly or in concert with the other green belt authorities. The scale and nature of the review exercise, including how fine-grained or strategic it needs to be, and whether it requires to be fully comprehensive or can build upon earlier reviews, will need to be discussed and agreed where appropriate with the neighbouring authorities and other stakeholders.

11. The success of the Newbattle Strategic Greenspace Safeguard is stated in the evidence report, but little evidence is presented in support of this assertion. Particularly given that this is a local designation not directly supported by any policy provision in NPF4, it will be beneficial for the council to put in place a stronger evidence base in support of this policy should it be maintained into the proposed plan.

### **Topic 10: Roads**

12. No reference was found to any liaison with neighbouring roads authorities over the content of this topic, though the Local Development Planning Guidance mentions this as being expected. I note that Transport Scotland did not dispute this aspect of the evidence report despite this expectation. Nevertheless, I suggest that the council should consider consulting the neighbouring roads authorities as it moves forward into the next stage of plan preparation.

### **Topic 11: Wind Energy**

13. I note that the Midlothian Landscape Wind Capacity Study (MC248) dates from 2014, and so may now no longer fully reflect changes in the wind energy industry (including the typical scale of modern turbines - I note the largest typology considered in the Study is

turbines of 80+ metres) and the current policy context in respect of wind farms. It could therefore be beneficial for the council to refresh this guidance.

#### **Topic 14: Zero Waste**

14. I note and support the intention to develop a Local Waste Strategy in 2024/25. This should be taken into account in the proposed plan. The evidence report does not mention any specifically local waste or recycling targets. This may be a matter the authority could usefully consider through its emerging local waste strategy. Nor did the evidence report arrive at any explicit statement as to whether any new waste management facilities are likely to be required over the plan period, and if so what the locational requirements may be. While I appreciate this may be dependent on the emerging local waste strategy, it would have been helpful for this information to have been included in the evidence report. Going forward it is to be hoped that the local waste plan will provide this information and that the emerging LDP can plan proactively (either in policy or locational terms (the identification of suitable site(s))) for any necessary new provision.

#### **Topic 15: Design, Quality and Place**

15. The council could usefully consider whether the Design Version of the Place Standard can be used in the site assessment for the plan and in bringing forward development briefs, frameworks and masterplans.

#### **Topic 16: Local Living and 20-minute Neighbourhoods**

16. Topic 16 contains and references some good background analysis relating to 20-minute neighbourhoods (MC183 and MC271). However, a chance was perhaps missed in the evidence report itself to draw out sharper-edged settlement-specific explanations of why 20-minute neighbourhood 'scoring' was not higher. Such analysis could perhaps be carried out going forward and can potentially act as a springboard for actions in the proposed plan.

17. I note the references at paragraph 16.23 to public conveniences and water refill locations. While the statutory requirement may be to address these matters in the LDP itself, it would have been helpful to have included at least analysis of existing provision and gaps in the evidence report. It is unclear if the single Scottish Water refill tap in Penicuik Park mentioned in MC271 is the full extent of provision.

#### **Topic 17: MATHLR and Local Housing Requirement**

18. I address general matters on the sufficiency of the evidence supporting the indicative local housing land requirement (LHLR) in my overview of consideration of the comments received by Homes for Scotland (Annex 2). Some evidence relating to housing market signals (such as rising local housing prices) is contained in the Housing Land Audit (MC050) (and in Homes for Scotland's submissions) but this matter does not feature strongly in the evidence report as having contributed to the identification of the LHLR. I suggest that the council should explore this matter more thoroughly ahead of its preparation of the proposed plan, including considering whether market signals could indicate that a higher proportion of overall need may be for owner-occupied/ private rented housing. Some analysis of how market demand operates across authority boundaries could also be beneficial, including the extent to which any 'overspill' demand from the Edinburgh market may continue to be a factor under the NPF4 policy framework.

19. Related to the above, the council will need to consider carefully how the high proportion of the Housing Need and Demand Assessment (HNDA) figure represented by

affordable housing need (64% of the total) is deliverable and fits with the supposedly lower level of demand for market housing and with affordable housing contribution policies that must remain fair, viable and compliant with NPF4. As suggested at paragraph 18.61 of the evidence report, I recognise that the potential role of development on council-owned land, other sites emerging through the SHIP, and allocations of land for 100% affordable housing may all be relevant to this analysis.

20. The evidence report contains references to the self-build register. It would have been helpful if this had been submitted to the Gatecheck (suitably redacted as necessary).

21. The evidence report acknowledges a potential evidence gap in relation to engagement with Newbattle Abbey College. I agree that further discussion with the College regarding student housing needs would be useful ahead of the preparation of the proposed plan.

22. I acknowledge the difficulty the council has experienced in accessing the views of disabled people on their future housing needs, and I support the expressed intention to hold further dialogue with this group.

### **Topic 19: Site Selection Methodology**

23. As noted under Topic 7, the Newbattle Strategic Greenspace Safeguard would benefit from a stronger evidential base. I consider that such evidence should be in place before including this designation as a step 1 exclusion factor in the site selection methodology.

24. MC107 illustrates the extent of prime agricultural land around Midlothian's towns, and paragraph 2.37 of the evidence report acknowledges the possible need for allocations on prime land. I recognise the council has sought to address this matter through a footnote to step 1, but I consider it should consider if there are better ways to balance the importance of protecting prime land with a realistic site selection process that can produce a supply of suitable land.

### **Topic 21: Education**

25. The formula used in school roll projections was provided at Table 21.4 of document MC207, but remains difficult to interpret (as highlighted by Homes for Scotland). A fully referenced worked example would have assisted in the proper understanding of this formula. I suggest this material be presented in a clearer fashion going forward so that stakeholders can fully understand the detail of what is being proposed.

### **Topic 22: Health**

26. This topic goes some way to explaining the pressures inflicted on this sector by new development, and includes some useful data, particularly on GPs and pharmacies, that could be useful in developing future planning policy. However, other parts of the evidence base presented are quite high level and theoretical. I agree with the council as to the need for further engagement to pin down the place-based provision that is required and the possible role of the planning system in helping to deliver this. I note at paragraph 22.106 that the council commits to giving consideration during MLDP2 production 'to how and if developer contributions may appropriately form part of addressing [healthcare] challenges'. At paragraph 22.119 the report acknowledges 'that data gaps remain in terms of details quantifying the exact future service needs/ interventions and exactly where interventions are required'. Clearly it would have been better if these matters had been resolved and

explained in the evidence report. With the partial exception of GP premises, I find that the level of information provided in terms of health provision is significantly less comprehensive than that set out in relation to education for instance. Should the council seek to establish a firm basis for seeking developer contributions for health and social care infrastructure, I suggest that a similar level of evidence would require to be established as is set out in relation to education.

### **Topic 23: Energy Infrastructure**

27. This topic identifies that much of the electricity supply network is 'category red' and requires re-enforcement work either to sub-stations or overhead lines. It is also stated that investment in this infrastructure is confirmed. The impression given is that electricity supply is not likely to constrain future built development in Midlothian, but this is not stated explicitly. A clear statement on this matter would have been useful.

### **Topic 24: Water and Drainage Infrastructure**

28. Similarly, references are made to some water treatment works requiring future investment, but there having been a reduction in the level of water demand. Clearer statements would have been useful as to whether or not water supply and drainage constraints to additional development are significant in Midlothian.

### **Topic 25: Blue and Green Infrastructure**

29. The council's acknowledgement that the existing open space strategy is out-of-date, and its commitment to its replacement are welcome. However I could find no reference to any timescale for this work. It would be helpful for the council to set out such a timetable, and to consider the benefits of drafting the strategy in parallel with the emerging LDP so that the spatial implications of both documents can inform each other.

30. The evidence report contains little data or information pertaining to blue infrastructure beyond sustainable urban drainage systems. I suggest that the open space function and potential of the area's waterbodies should be addressed in the forthcoming open space strategy.

### **Topic 26: Flood risk and water management**

31. I note that the draft strategic flood risk assessment (SFRA) (MC210) contains some data gaps, including relating to the mapping of historic flood events and recent changes to the climate change allowances to be used in calculating future fluvial flooding. As a consequence SEPA has not yet provided a statement of agreement on the SFRA. The council's explanations for the existence of these gaps appear reasonable, and I am satisfied with its proposed approaches to considering flooding matters going forward, including with regard to site selection. I advise that liaison with SEPA is maintained going forward with a view to agreeing a final form of the SFRA ahead of the preparation of the proposed plan, and that the council remains cognisant of the limitations of the SFRA when considering flooding matters through the site selection process.

32. I note the stated intention to prepare surface water management plans for various parts of the authority area. The completion of this work in good time so as to enable it to inform the preparation of the proposed plan would be desirable.

### **Topic 30: Town, Local and Commercial Centres and Retail**

33. At paragraph 30.83 of the evidence report the council acknowledges a number of data gaps, including in relation to an up-to-date household survey and retail study, and up-to-date town centre health checks. I consider that the council should confirm in response to stakeholders whether an additional household survey and retail study will be undertaken, and the timescales for this to inform the preparation of the LDP. In particular, the Local Development Planning Guidance highlights the benefits that town centre audits can bring, and I therefore suggest the council considers carrying out such audits to inform policy direction (including the LDP and potentially town centre strategies) and monitors progress towards identified place-specific ambitions.

34. Data and understanding appears to be somewhat lacking in terms of jobs and investment in the creative sector, culture, heritage and the arts. The council could usefully pay further attention to this topic ahead of the preparation of the proposed plan.

### **Topic 33: Business, Industry and Community Wealth Building**

35. I note that the council's economic development strategy is due to be replaced in 2024. It will be important that an up-to-date position on the economic strategy for the area is in place to inform the preparation of the LDP. Efforts, including from independent sources, should also be made to better understand the reasons for businesses having difficulty finding sites in the area. It will be important that the council has a strategy for community wealth building for the area in place to inform the preparation of the LDP.

### **Topic 34: Minerals**

36. Topic 34 provides a good overview of minerals matters but some further interrogation of the Landbank Assessment provided by Breedon Aggregates (MC090) would be useful ahead of the proposed LDP. It appears that this can contribute to a fuller understanding of the topic than one solely based on the Scottish Aggregates Survey. This is a topic that requires to be studied on a regional basis and so I suggest that (as already hinted at in paragraph 24.48 of the evidence report) further dedicated liaison takes place with the other authorities of the East Central Scotland region with the aim of arriving at a robust and coordinated position on this matter.

## Annex 2: Overview of reporter’s consideration of the main unresolved matters

<b>Respondent</b>	<b>Topic</b>	<b>Reporter’s Consideration</b>
Homes for Scotland	6 – Brownfield, Vacant and Derelict Land and Empty Buildings	It appears from the notes of meetings supplied that the council has carried out some urban capacity work. There is no policy requirement for councils to prepare an urban capacity study, though the potential for them to do so is highlighted in the Local Development Planning Guidance. I am aware that some authorities have publicised or consulted upon such studies in the past, but I also understand there are some sensitivities about doing so. On balance I am satisfied that the council is equipped to take a view as to how much external involvement to seek to this work. That said, if the work is not made public it would seem more difficult to place significant reliance on it at the proposed plan examination stage.
Homes for Scotland	7 – Green Belts and Coalescence	I agree that a green belt review is desirable and have advised that such a review should be carried out. I also consider that stronger evidence would be beneficial to demonstrate the need for, and success or otherwise of, the Newbattle Strategic Greenspace Safeguard, and I have mentioned this in my advisory comments accordingly.
Homes for Scotland	17 – MATHLR and Local Housing Land Requirement	<p>Homes for Scotland disputes the selection of Option 1 for the local housing land requirement (LHLR). I note that the LHLR of 8,851 identified in the evidence report exceeds the NPF4 MATHLR figure by only one unit. However, I note the particular unusual circumstances pertaining in Midlothian explained by the council at topic 17 in the evidence report. These include the facts that:</p> <ul style="list-style-type: none"> <li>• Midlothian’s population has grown more quickly than any other Scottish authority in recent years,</li> <li>• the MATHLR figure itself is the equivalent of an increase of over 20% on Midlothian’s current number of households, and that this represents the highest percentage household growth level in Scotland; and</li> <li>• an annualised level of completions equivalent to the MATHLR would significantly exceed long-term completion rates and has only been exceeded in one of the past years for which data is presented.</li> </ul> <p>Overall I accept that the council’s suggested indicative LHLR may not be perceived as being ambitious given its minimal uplift from the MATHLR figure. However, I find the council’s explanation to be coherent and sufficiently evidenced, and its conclusion to be a reasonable one. I have therefore concluded that the council may proceed to prepare the LDP on this basis.</p> <p>Homes for Scotland present an alternative methodology based on its own primary research which indicates there may be significantly higher levels of concealed households than identified by the Housing Need and Demand Assessment (HNDA). However the HNDA has been found to be robust and credible by the Scottish Government’s Centre for Housing Market Analysis in July 2022, and the MATHLR figure for Midlothian (which is based on the HNDA) is contained in NPF4. I recognise that evidence reports should</p>

		<p>make use of more recent information where available, and in this regard the Homes for Scotland research is an interesting and potentially useful piece of work. However, I note that page 6 of the research itself acknowledges that it does not set out to provide definitive figures but rather an indication of need. It may be that the way in which existing HNDAs account in particular for concealed households may need to be examined further at the national level. But my remit is to consider the sufficiency of the evidence base and whether the council's view of that evidence is sufficiently clear and transparent. In that context and given the unverified nature of the Homes for Scotland research, I am satisfied that it was not inappropriate for the council to rely on a robust and credible HNDA assessment that confirms the MATHLR. There is nothing in that approach that is inconsistent with current guidance. Whilst the council has chosen in this case not to further increase that figure, I find its explanation of the reasons for this sufficient in the particular circumstances of the evidence rehearsed for this council area. On this basis I do not consider that it was necessary for the council to adjust its conclusions regarding the indicative LHLR in response to this evidence.</p> <p>In addition, I note that the proposed indicative LHLR figure would significantly exceed average historic completion rates, as sought by Homes for Scotland.</p> <p>I have some sympathy that the evidence report may possibly underplay the proportion of housing demand in Midlothian that is for market housing given the little apparent account that has been taken of market signals. I have advised the council in this letter to explore this matter in more depth ahead of the preparation of the proposed plan.</p> <p>I agree with Homes for Scotland that it would appear unsafe to assume that the entirety of the remaining post 2033 portion of the established housing land supply would be built out by the end of the forthcoming LDP period in 2036. However, I am not clear that either the housing land audit (MC050) or the evidence report make this assumption. In preparing the proposed LDP the council will need to carry out an up-to-date assessment of the likely potential contribution from the established deliverable supply towards meeting the LHLR in the plan period.</p>
Homes for Scotland	19 – Site Selection Methodology	<ul style="list-style-type: none"> <li>- Regarding whether sites with planning permission should be re-assessed, it would seem risky for the council to assess such sites and potentially remove them when there is a clear potential for them to be developed anyway.</li> <li>- Regarding areas of biodiversity value and semi-natural woodlands, I understand the argument that such sites may only need to be protected from development that would harm the designated interest, i.e. that such designations may not be an absolute bar and should not necessarily be screened out at step 1.</li> </ul>

		<p>However, the circumstances under which development on such designations would be desirable must be very unusual and so I consider these occasions could potentially be treated as individual exceptions.</p> <ul style="list-style-type: none"> <li>- Regarding whether the Newbattle Strategic Greenspace Safeguard should be used as a step 1 exclusion factor, I have advised elsewhere that this particular designation would benefit from stronger evidencing, and suggest that such evidence should be in place before including this designation as such a stringent constraint.</li> <li>- Regarding prime agricultural land, while NPF4 does adopt a restrictive approach I accept that there may need to be some such releases in certain situations. MC107 illustrates the extent of land around Midlothian's towns that constitutes prime land. In these circumstances it does not appear appropriate to absolutely rule out new sites on prime land as implied by this criterion's inclusion in step 1. Paragraph 2.37 of the evidence report acknowledges the possible need for allocations on prime land. I recognise the council has sought to address this concern through a footnote to step 1, but I consider the council should consider if there are better ways to balance the importance of protecting prime land with a realistic site selection process that can produce a supply of suitable land. I have included an advisory comment above to this effect.</li> <li>- Regarding the Midlothian Science Zone, the council's aspiration to reserve this land for high value economic uses does not appear unreasonable.</li> </ul>
Homes for Scotland	21 - Education	Homes for Scotland raises disputes with the Education Topic in relation to a lack of evidence presented to account for the discounts to planning capacity used and a lack of explanation of the school roll projections. Overall it appears the council has included plausible responses to these matters within the final version of the evidence report, largely within paragraphs 21.24 and 21.36. Some outstanding queries remain but overall it appears that a workable mechanism is in place, albeit one that might require some further explanation to affected parties. That said, this gatecheck is not the forum to resolve disputes regarding detailed policy mechanisms.
Peel Holdings	30 – Town, Local and Commercial Centres and Retail	I agree with the council that the issue raised by Peel Holdings is site specific and more appropriately dealt with in the preparation of the LDP.
University of Edinburgh	33 – Culture and Creativity	The matters raised by the University of Edinburgh are detailed locational matters affecting specific sites and the delivery of land. Therefore, I agree with the council that the information in the evidence report is sufficient for this stage, and preparation of the LDP and the Delivery Programme will consider the issues raised.
Breedon Aggregates	34 - Minerals	Breedon Aggregates have supplied an alternative assessment of the aggregates landbank applicable in Midlothian (MC090) which suggests a supply of only 8.8 years. I consider it was reasonable for the council



		<p>to base its approach on the Scottish Aggregates Survey which is the principal source of recognised data for this topic. However I recognise that MC090 provides useful additional information on this topic, and I have advised the council to give this further consideration. It is not appropriate for me to state a definitive view on the actual scale of the current landbank as part of this gatecheck process.</p>
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