



MIDLOTHIAN LOCAL DEVELOPMENT PLAN UPDATE

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report provides an update on the current stage reached in the preparation of the Midlothian Local Development Plan, and advises on the remaining stages to the point of final adoption by the Council.

2 BACKGROUND

- 2.1 The preparation of a development plan is a statutory requirement on all Councils. The Planning, etc. (Scotland) Act 2006 introduced new Strategic and Local Development Plans (SDPs and LDPs). Strategic Development Plans cover the main city regions in Scotland (Edinburgh, Glasgow, Dundee and Aberdeen). Local Development Plans are prepared for each Council area. Within Strategic Development Plan Areas the SDP provides a long term vision, spatial framework and policy direction to LDPs as well as the proposed land requirements, particularly housing and employment land. The LDPs must be consistent with the SDP.
- 2.2 Development plans are important documents as they inform the development and change of use of land within an area over a prescribed period – SDPs cover a 20 year period and LDPs cover a 10 year period. Each is subject to a review every five years. They provide a policy framework within which planning applications can be considered and determined and appeals against refusal of planning permission defended. They are accompanied by an Action Programme which identifies the infrastructure and facilities required to support the development strategy of the plan (roads, schools, health, leisure, transport etc) and how this can be delivered. Each year the Council prepares a Development Plan Scheme (DPS) which outlines the progress of the development plan in terms of preparation and review and a participation statement indicating when and how any consultation on the plan may take place and who can expect to be involved. The DPS is available to view on the Council's web site.
- 2.3 Midlothian forms part of the Edinburgh City Region strategic planning area (comprising City of Edinburgh, West Lothian, Midlothian, East Lothian, Scottish Borders Councils and the southern part of Fife

Council. The development plan for Midlothian therefore consists of the Strategic Development Plan for South East Scotland (approved June 2013) and the Midlothian Local Plan (MLP) 2008 – currently subject to review. The emerging Midlothian Local Development Plan (MLDP) will replace the current MLP once adopted – anticipated later this year or the start of next year.

- 2.4 The process of preparing a development plan is broken down into key stages and project managed accordingly. The stages include -

Stage	Activity
Preliminary stage and evidence gathering	Prepare Monitoring Statement
Main Issues Report (MIR) Stage	Prepare MIR/Environmental Report (ER)
MIR Consultation	Main opportunity for engagement in plan process
Proposed Plan (PP)	Prepare Proposed Plan, Action Programme and Revised ER if required
Proposed Plan Deposit Period	Opportunity to make representations to PP
Post Deposit Period	Consideration of Representations/Propose Modifications or not
Submission to Ministers	Submit plan and unresolved issues to Ministers
Examination	Reporter considers unresolved issues and makes recommendations to Council
Examination Report	Consider recommendations/publish modifications & proposed plan as modified/Revise ER if required
Adoption	
Publish Action Programme	Within 3 months of adoption date of the plan

3 MIDLOTHIAN LOCAL DEVELOPMENT PLAN

- 3.1 All local planning authorities in Scotland are required by legislation to prepare local development plans for their respective areas. In Midlothian the emerging Midlothian Local Development Plan (MLDP) will, on adoption, supersede the current Midlothian Local Plan (2008). The Main Issues Report of the MLDP was published for public consultation in 2013 and, following consideration of responses received, the Council published the MLDP Proposed Plan in 2015, with a notification period for the receipt of representations ending on 26 June 2015.
- 3.2 A report advising on the scale and nature of the representations received was considered by Committee in November 2015, with two workshops and a drop-in session for Members provided in February

2016. An update report on progress was presented to the 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.

- 3.3 The Council submitted its MLDP Proposed Plan to Scottish Ministers on 9 September 2016. The submission included the Council's consideration of all of the representations received following publication of the Proposed Plan. Along with the Proposed Plan the Council sent to Scottish Ministers copies of all unresolved objections to the Proposed Plan together with the Council's written responses, these being known as 'Schedule 4' documents. The Scottish Government's Department of Planning and Environmental Appeals (DPEA) appointed a Reporter/s to conduct an Examination in Public into the unresolved objections to the Plan.
- 3.4 The examination has reached an advanced stage. The DPEA has set a target date of 9 July 2017 to conclude the examination and submit the report of the Examination to the Council.
- 3.5 The Reporters appointed to conduct the examination have:
- Finalised the examination of conformity with the participation statement (checking the Council has followed the correct procedures);
 - Carried out a comprehensive set of unaccompanied site inspections of sites, proposals, and alternatives;
 - Issued 8 further information requests on topics including housing land; education capacity; health provision; transportation; site appraisal; and the Pentland Film Studio proposals;
 - Held a hearing session on housing land supply matters (including education capacity and provision);
 - Finalised around half of the report of examination with drafting on-going on the remaining Issues
- 3.6 It is interesting to note at this stage of the examination that:
- No further site inspections are required;
 - No further oral sessions are anticipated;
 - Further written information requests are currently on-going in relation to transportation matters and the Pentland Film Studio proposals; and
 - No further written submission requests are anticipated.
- 3.7 Updates on the progress of the Examination are available on the DPEA's web site - <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117629>
- 3.8 Assuming the examination is concluded by the target date of 9 July 2017 then it is anticipated that a report will be presented to Council around September/October seeking approval to undertake the necessary steps to adopt the Proposed MLDP as may be Modified by

the Reporter's recommendations. The MLDP identifies a requirement for Supplementary Guidance (SG) and Planning Guidance (PG) to be prepared on a range of policy topics including, amongst others, developer contributions, community heating, Midlothian Green Network and resource extraction. SG and PG provide a level of additional information and detail (not appropriate to be included in the plan) as to how a particular policy or proposal will be implemented. SG is statutory and has to be subject of consultation and submission to Scottish Ministers, PG is not. SG can be a material consideration in determining planning applications. Work is underway to prepare draft SG to coincide with receipt of the report of examination and to ensure any changes arising from the report can be incorporated into the SG and enable publication in tandem with the adoption of the MLDP.

3.9 The current SDP is under review and a replacement Proposed SDP2 has been published, representations received and unresolved issues considered by the SESplan (the Strategic Planning Authority) Joint Committee. Subject to approval at the next Joint Committee meeting on 26 June 2017 it will be submitted to Ministers thereafter with a request to have a Reporter/s appointed to hold an examination in due course.

3.10 The submission of SDP2 to Ministers will trigger the start of early engagement work for the Council on MLDP2 at the beginning of 2018.

4 RECOMMENDATION

4.1 The Committee is recommended to note the content of this report.

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Background Papers: The Midlothian Local Development Plan