

Midlothian Local Development Plan Update

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to bring to the Committee's attention the attached report by the Director, Education, Communities and Economy.

2 Background

The report was considered by the Cabinet on 8 October 2013, when it was agreed, as follows:-

- (a) To note that the consultation stage for the Midlothian Local Development Plan Main Issues Report and Environmental Report had been completed;
- (b) That a further report providing an analysis of the issues arising from the consultation be brought to a future meeting of Cabinet; and
- (c) To remit the report to the Planning Committee for its information.

3 Report Implications

These are as outlined in the attached report by the Director, Education Communities and Economy.

4 Recommendations

The Committee is invited to note the attached report by the Director, Education, Communities and Economy.

12 November 2013

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Cabinet
~~Tuesday 8 October 2013~~
Item No 7

Midlothian Local Development Plan Update

Report by Mary Smith, Director Education Communities and Economy

1 Purpose of Report

- 1.1** This report provides an update on progress on the preparation of the Midlothian Local Development Plan, principally early feedback on the consultation undertaken on the Main Issues Report.

2 Background

- 2.1** Councils are required to prepare development plans for the whole of their areas. Within city regions, such as South East Scotland, these comprise both strategic and local development plans. For Midlothian the development plan will consist of the South East Scotland (SESplan) Strategic Development Plan (which is subject of a separate report to this Cabinet meeting), and the Midlothian Local Development Plan (MLDP)(which will replace the current adopted Midlothian Local Plan in due course).
- 2.2** The first statutory stage in preparing the MLDP is the publication of a Main Issues Report. This is not a draft plan, but it is the main opportunity for the public, local communities, landowners, developers and key stakeholders to respond to areas of potential change, identified as main issues by the Council. This does not preclude comments being submitted on other matters not specifically raised in the report.
- 2.3** At its 19 March 2013 meeting, Council approved, for consultation purposes, the Main Issues Report for the MLDP. Council also noted that the Environmental Report (and its Non-Technical Summary), prepared in connection with the environmental assessment of the Main Issues Report, was also being made available for consultation. A number of documents were made available in support of the consultation, namely the Monitoring Statement, Technical Notes (covering a range of topics such as Green Networks; Green Belt; Minerals and Waste) and an Equalities and Human Rights Impact Assessment.
- 2.4** Council agreed that the consultation on the Main Issues Report and Environmental Report would be conducted between 1 May and 31 August 2013, a period of over 17 weeks, which well exceeds the statutory minimum requirement of 6 weeks.

Consultation Programme

- 2.5** The consultation programme included a number of pre-planned events, which were supplemented by officer attendance at, and support of, related events. This, along with the use of social media, helped to disseminate information about, and encourage involvement in, the Main Issues Report consultation.
- 2.6** In accordance with statutory requirements, copies of the Main Issues Report, Environmental Report and its Non-Technical Summary were made available in all Midlothian public libraries and Fairfield House, Dalkeith. Leaflets were placed in these and other local venues, providing information on the programme of consultation drop-in events. A statutory public notice was placed in the Advertiser providing notification of the consultation period.
- 2.7** A series of 12 drop-in events was arranged between 21 May and 25 June, visiting Bonnyrigg, Bilston, Danderhall, Roslin, Loanhead, Newtongrange, Dalkeith, Penicuik, Pathhead, Mayfield & Easthouses, Gorebridge and Rosewell. Posters were displayed locally in advance of the events, and the Council's website provided details. Where there was potentially short notice between the advert and the events to be held early in the programme, households in the vicinity of potential development sites (both preferred and reasonable alternative sites) received leaflets directly. The events had a mixed level of public attendance ranging from 6 people at Pathhead to over 100 at Rosewell.
- 2.8** The legislation governing local development planning now requires that neighbour notification is undertaken for all proposed development sites included in a Proposed Plan, to ensure that anyone who may be directly affected by a development proposal has the opportunity to make a representation. This will be a requirement for the MLDP Proposed Plan. However it was considered worthwhile to undertake a similar neighbour notification process at the Main Issues Report stage of the MLDP. This is the main consultation stage, and views received now can more effectively be considered. For this reason, those neighbouring any of the preferred or reasonable alternative sites identified in the Main Issues Report, together with those neighbouring the area affected by the alternative routes for the A701 realignment, were notified (in a similar manner to that used for planning applications, i.e. distance from the site boundary). The aim was to provide those with a potential interest in the development strategy with the opportunity to attend an event and/or submit representations.
- 2.9** The consultation 'drop-in' events were supplemented by two specific workshops for representatives of all of Midlothian's Community Councils, as an introduction to the consultation exercise. Where requested, Community Council meetings were attended and meetings arranged with concerned residents; the consultation was promoted through the Midlothian Economic Recovery Plan consultation events; presentations were given at community planning thematic group (Sustainable Midlothian) and Working Group meetings and staff involved in neighbourhood planning were present at a number of the 'drop-in' sessions; and other events were attended, e.g. Access Forum;

National Mining Museum Scotland Governance & Strategy Committee. The Midlothian News (April and June editions) included articles relating to the consultation, and there have been several items in The Advertiser and Evening News relating to local issues arising from the consultation. Press releases were provided to Black Diamond FM radio.

- 2.10** One of the more significant changes from previous consultations is the use of a new online development plan consultation portal. This has allowed individuals, developers and organisations to submit their representations online, directly on each of the issues raised in the Main Issues Report. Once processed, these comments can be viewed publicly, ensuring a wider involvement in the process at an earlier stage than has been achieved in previous consultations. Access to the portal has been 'branded' in line with the MLDP document style, and it is hoped that this 'branding' will provide a connection throughout the relatively lengthy statutory local development plan preparation process, making it easier to recognise and engage.

Response summary

- 2.11** The consultation period ended on 31 August 2013. As this is the main consultation phase of plan preparation, the deadline has not been strictly adhered to, and a few late submissions have been received and accepted. In addition some contributors have not utilised the online consultation portal, and these submissions are being input by Policy and Environment staff. As a result the processing of all of the representations is not complete. At this stage the consultation has received around 2100 responses as follows:

- 200 responses direct to the online consultation portal
- 170 responses by mail/ e-mail
- 1,700 responses by standard (proforma) letters [all figures approximate]

The standard letters received relate to the following matters:

	No of letters
Site E1: Kippielaw	1,280
Sites R1, R3, R5: Rosewell	140
Site A1a: Auchendinny	28
Site LD3: Burghlee	64
A701 Realignment	58
Opencast coal - Chesters Wood* (with variations)	110

**Note – Chesters Wood is not raised as an issue in the MLDP Main Issues Report; comments were received due to publicity in relation to the Cauldhall Moor planning application on an external website.*

- 2.12** Members can access the portal to view the submissions at:
<http://midlothian-consult.objective.co.uk/portal/planningpolicy/mldp/mir?pointId=2500541>

The submissions are logged in response to the issues identified in the Main Issues Report. Some of the submissions include attachments with additional information.

Next stage

- 2.13** A full analysis of all the comments received is now in progress, with any new matters raised being investigated. A further report on the responses received, together with any update on related matters e.g. the SESplan supplementary guidance, will be brought to a future meeting of Cabinet, with a recommendation that a seminar be held to provide all Members with the opportunity to discuss the issues arising through the consultation. The purpose of this seminar and subsequent report to Council will be to inform the future direction of the MLDP Proposed Plan which is due to be brought to Members for approval in Spring 2014.

3 Report Implications

3.1 Resource

The resource implications relating to the analysis of the representations are provided for within the current budget.

3.2 Risk

There is a statutory requirement to replace the Midlothian Local Plan 2008 within five years, and to adopt the MLDP within two years of the approval of the Strategic Development Plan for Edinburgh and South East Scotland by Scottish Ministers. An update report on progress on SESplan (on this agenda) explains that SESplan was approved with modifications by Scottish Ministers on 27 June 2013. This forms the base date for the two year deadline. Failure to meet this deadline could lead to legal challenge or Scottish Government intervention.

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 Impact on Performance and Outcomes

This report contributes to meeting the target of publishing and consulting on the Main Issues Report and supporting Environmental Report, and preparing the Proposed Plan on the basis of the responses received, by Spring 2014. The back office system to accompany the online development planning portal will introduce efficiencies into the plan-making process and is making it more transparent.

3.5 Adopting a Preventative Approach

When prepared and adopted, the MLDP, together with its Action Programme, will provide strategic guidance and forward planning for investment in future growth and development in Midlothian over the period to 2024. Together, they 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.

3.6 Involving Communities and Other Stakeholders

An early awareness-raising exercise was undertaken in 2010 with a wide range of statutory agencies, communities, development interests and other interested parties, to inform preparatory work for the Main Issues Report and supporting documents.

Pre-consultation on the content of the Main Issues Report was carried out, as required by legislation, with officers in Scottish Government, with the wider group of key agencies (Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA), Transport Scotland, Historic Scotland, NHS Lothian, the South East Scotland Transport Partnership (SEStran), Scottish Enterprise, Scottish Water, Forestry Commission Scotland and Architecture+Design Scotland) and with SESplan and the neighbouring planning authorities.

Consultation on the Main Issues Report and Environmental Report is required under the terms of the legislation and has now been undertaken, with the consultation period having closed on 31 August 2013. A Development Plan Scheme for Midlothian No.5 has been approved and made available, and this includes a Participation Statement as the basis for a more detailed communications plan.

All those who submitted representations to the Main Issues Report were encouraged to utilise a new online development planning portal on the Council's website as a way of keeping in touch with, and providing input to, the various stages in the MLDP process.

Arrangements are underway to follow up with the Strategic Environmental Assessment (SEA) Consultation Authorities (Historic Scotland, SNH and SEPA), statutory key agencies (Historic Scotland, SNH, SEPA, Transport Scotland, SEStran, NHS Lothian, Scottish Enterprise, Scottish Water) and other stakeholders (including Forestry Commission Scotland, Lothians and Fife Green Network Partnership) to consider the resolution of matters raised in submissions made by them on the Main Issues Report and Environmental Report, and developing the best approach for the MLDP Proposed Plan and Action Programme.

3.7 Ensuring Equalities

An Equalities and Human Rights Impact Assessment was prepared in relation to the Main Issues Report and is available in the Members' library. Its findings can be summarised as follows:

- the impact of the Main Issues Report on the following equality target groups was positive: age, disability, and people experiencing poverty or at risk of poverty;
- the impact on other target groups was considered to be neutral; and
- no negative impacts were found.

The assessment considered the public engagement arrangements for the Main Issues Report, with additional contacts being identified for consultation purposes, and further consideration being given to the suitability of consultation venues from an equalities point of view. The assessment has been subject to high level overview from the Council's Corporate Improvement Section.

3.8 Supporting Sustainable Development

The Main Issues Report is a 'strategic action' requiring SEA. Following scoping and consultation with the SEA Consultation Authorities (see paragraph 3.6 above), environmental assessment of the Main Issues Report was undertaken and an Environmental Report prepared for consultation. Habitats Regulations Appraisal (HRA) has been carried out, through screening out any requirement for Appropriate Assessment (in relation to significant environmental effects on European Protected sites). Both the SEA and the HRA will be kept under review during the plan-making process. Scottish Ministers were notified, as required, of the intended consultation timescales which had previously been agreed with the Consultation Authorities.

3.9 IT Issues

There are no IT issues arising from this report.

4 Recommendations

4.1 It is recommended that Cabinet:

- (a) notes that the consultation stage for the Midlothian Local Development Plan Main Issues Report and Environmental Report has been completed;
- (b) requires that a further report providing an analysis of the issues arising from the consultation be brought to a future meeting of Cabinet; and
- (c) remits this report to Planning Committee for its information.

Date 9 September 2013

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Background Papers:

- Strategic Development Plan for Edinburgh and South East Scotland - (SESplan) Proposed Plan, as submitted to Scottish Ministers, August 2012
- The Town And Country Planning (Scotland) Act 1997: SESplan – The Strategic Development Plan For Edinburgh And South East Scotland - Ministerial Approval - letter of approval with modifications, 27 June 2013
- Development Plan Scheme for Midlothian No. 5, March 2013
- Midlothian Local Development Plan Main Issues Report 2013
- Environmental Report
- Monitoring Statement
- Technical Notes on Housing, Retail and Town Centres, Transport and Infrastructure, Sites Assessment, Green Belt, Green Network, Minerals and Waste, Landscape, Nature Conservation, and Strategic Flood Risk Assessment
- Equalities and Human Rights Impact Assessment

