

## **Midlothian Local Development Plan 2017 – Delivery Programme**

**Report by Kevin Anderson, Executive Director Place**

### **Report for Decision**

#### **1 Recommendations**

Council is recommended to:

- i. Note the outcome of the public consultation undertaken on the draft Midlothian Local Development Plan 2017 (MLDP) Delivery Programme;
- ii. Approve the MLDP Delivery Programme (attached to the report in Appendix B);
- iii. Note the position that a Strategic Environmental Assessment (SEA) is not required as recommended by officers and on the basis that a response has not been received from the Scottish Government SEA Gateway Consultation Authorities on the pre-screening notification for SEA of the draft MLDP Delivery Programme; and
- iv. Instruct the Planning, Sustainable Growth and Investment Service Manager to: inform the Scottish Government and interested parties of the approval of the MLDP Delivery Programme; arrange for copies to be placed in Council libraries; and for a copy to be placed on the Council's website.

#### **2 Purpose of Report**

- 2.1 This report asks Council to approve the MLDP Delivery Programme (attached to this report as Appendix B). The Delivery Programme has been amended to incorporate comments received during a public consultation undertaken on a draft version of the document between 20 December 2024 and 14 February 2025.

**Date:** 7 March 2025

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### **3 Background**

- 3.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019 (hereafter referred to as the Act) and associated Scottish Government's Local Development Planning Guidance May 2023 (hereafter referred to as the Regulations) requires a Delivery Programme to be prepared in relation to its existing adopted local development plan, the MLDP (not the replacement MLDP2 currently being progressed). The Act and associated Regulations requires the Delivery Programme to be:
- Subject to a minimum six-week public consultation;
  - To be prepared on a biennial basis;
  - For its production to be led by the Council's Chief Executive Officer (effectively delegated to the Planning Service); and
  - For it to be approved by Council (rather than Planning Committee).
- 3.2 The Scottish Government Chief Planner wrote to all local authority Chief Planning Officers in Scotland in June 2024 setting out the Scottish Government's expectation that planning authorities should have an adopted Delivery Programme for their local development plan by 31 March 2025 (the Scottish Government has been advised that the Delivery Programme is being reported to Council at its meeting on 1 April 2025 and that the agenda papers are publicly available prior to the 31 March 2025 deadline).
- 3.3 Delivery Programmes replace Action Plans which were previously required for local development plans. The most current Action Plan for MLDP was approved by the Council in 2021.

#### MLDP Delivery Programme

- 3.4 This Delivery Programme relates to MLDP and not the ongoing work to produce MLDP2. While work is underway to produce MLDP2, MLDP is the adopted local development plan for Midlothian and remains so until it is superseded. MLDP contains significant development allocations and the policy framework against which planning applications in Midlothian are assessed. The Delivery Programme sets out how the spatial strategy and development allocations are/will be delivered.
- 3.5 The purpose of a Delivery Programme is to set out how the local development plan's spatial strategy and development allocations will be delivered. Delivery Programmes must include:
- a list of actions required to deliver each of the policies and proposals contained in the local development plan and an explanation as to how those actions are to be taken;
  - the timescale for the conclusion of each such action; and
  - the sequencing of, and timescale for, the delivery of housing sites allocated in the local development plan.

## MLDP Delivery Programme Public Consultation

- 3.6 At its meeting of 17 December 2024 Council approved the draft MLDP Delivery Programme for public consultation for a minimum period of six weeks. The public consultation was undertaken over the eight-week period 20 December 2024 to 14 February 2025. In total 10 separate bodies responded, raising 34 points. Appendix B of this report provides a summary of the responses received and a proposed Council response to them. These proposed changes have been incorporated into a final version of the MLDP Delivery Programme for which approval is sought from Council through this report.
- 3.7 The Planning, Sustainable Growth and Investment Service undertook a targeted public consultation on the draft MLDP Delivery Programme. The document was available on the Council's website and in Council libraries. The following were directly contacted to inform them of the consultation and encouraged to engage: all Midlothian Community Councils and the Midlothian Federation of Community Councils, those who have registered an interest in MLDP2, Scottish Government, Scottish Government Key Agencies including NHS Lothian, Sportscotland, Pentland Hills Regional Park, Newbattle Abbey College, adjacent local authorities, known owners and promoters of development sites listed in the MLDP, Mineral Products Association Scotland, Network Rail, Homes for Scotland, Midlothian Housing Forum (social housing providers), Hub South East (Scotland) and TWIC (The Wildlife Information Centre).

### Bodies Who Responded to the Public Consultation

1	Roslin and Bilston Community Council	6	Pentland Plants (Agent: John Handley Associates)
2	Homes for Scotland	7	Midlothian Science Zone Group
3	Barratt-David Wilson Homes (Agent: Lanpro)	8	University of Edinburgh (Agent: Montagu Evans)
4	Cala Management Ltd. and Allanvale Land (Pentland) Ltd (Agent: Stantec)	9	Transport Scotland
5	Lochay Homes (Agent: TMS Planning and Development Services)	10	SEPA

- 3.8 A variety of comments were received, as set out in the summary in Appendix B of this report. A number of comments relate to pressure on road infrastructure. The house building industry submitted that further housing allocations will be required in MLDP2. In the summary of responses in Appendix B, the proposed Council response sets out these are matters for MLDP2. The Local Housing Land Requirement of 8,851 homes for MLDP2 agreed by Council at its 25 June 2024 meeting was, as reported to Planning Committee on 29 October 2024, accepted by the Scottish Government Reporter from the DPEA (Planning and Environmental Appeals Division) who undertook the Gate Check of the MLDP2 Evidence Report in 2024.

- 3.9 Internal Council colleagues were consulted in the preparation of the draft MLDP Delivery Programme.
- 3.10 During the consultation, while working on MLDP2 matters and not submitted as formal submissions, information was provided on behalf of site owners of Additional Housing Development Opportunity sites AHs2 (Burghlee, Loanhead) and AHs3 (Belwood Crescent, Penicuik). Updates to Table 3 in the proposed Delivery Programme in Appendix B of this report have been made to reflect these comments. The updates related to site constraints and status of the land respectively.
- 3.11 In response to internally received elected member comments, sites identified in previous Midlothian Local Plans (pre MLDP) have been included in the Delivery Programme. Therefore, the Delivery Programme now provides information on all development sites identified in the MLDP - the draft MLDP Delivery Programme had only provided information on new sites allocated through MLDP.

## **4 Report Implications (Resource, Digital and Risk)**

### **4.1 Resource**

Where relevant to the Council, the resources required for delivering the spatial strategy of the MLDP are/were identified in the Council's current/previous Capital Plans. Landowners and developers taking forward development allocations identified in the MLDP are responsible for the relevant resource/investment necessary to implement the relevant planning permissions.

### **4.2 Digital**

There are no digital implications from this report.

### **4.3 Risk**

The Council is required by Scottish Government to adopt a Delivery Programme for its adopted local development plan by 31 March 2025. Failure to not meet this within a reasonable timescale would result in the Council not meeting this Scottish Government requirement – to mitigate the risk the Scottish Government has been advised that the Delivery Programme is being reported to Council at its meeting on 1 April 2025 and that the agenda papers are publicly available prior to the 31 March 2025 deadline.

### **4.4 Ensuring Equalities (if required a separate IIA must be completed)**

An integrated impact assessment (IIA) is not required for this report. The Delivery Programme provides details on the delivery of the spatial strategy of the already adopted MLDP which complied with the relevant equalities requirements in 2017.

#### **4.5 Additional Report Implications (See Appendix A)**

See Appendix A

#### **Appendices**

**Appendix A – Additional Report Implications**

**Appendix B – Background information/Links**

## **APPENDIX A – Report Implications**

### **A.1 Key Priorities within the Single Midlothian Plan**

Delivery of the spatial strategy of the MLDP relates to and supports the delivery of all seven themes of the Single Midlothian Plan 2023-27.

### **A.2 Key Drivers for Change**

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

### **A.3 Key Delivery Streams**

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

### **A.4 Delivering Best Value**

External work required by the Council to help deliver the spatial strategy of MLDP would be procured following local government procurement rules.

### **A.5 Involving Communities and Other Stakeholders**

Communities and stakeholders were consulted on the draft MLDP Deliver Programme. Responses received are set out in Appendix B of this report.

Internal Council colleagues were consulted in the preparation of the draft MLDP Delivery Programme.

### **A.6 Impact on Performance and Outcomes**

The MLDP sets out the Council's adopted spatial strategy. It provides the policy framework against which development proposals and planning applications are assessed. It helps guide the location and form of development in a manner consistent with Scottish Government's National Planning Framework 4.

## **A.7 Adopting a Preventative Approach**

The MLDP policy framework helps assist the Council in resisting development in locations, and in forms, it considers inappropriate and/or undesirable and consequently helps prevent unacceptable impacts on communities and the environment.

## **A.8 Supporting Sustainable Development**

The spatial strategy and policy framework of the MLDP seek to promote sustainable development, while accommodating the strategic development requirements that were placed on the Council at the time of its production.

A Strategic Environmental Assessment (SEA) was undertaken as part of the production and adoption of MLDP.

The Council had sent a pre-screening notification to the Scottish Government SEA Gateway setting out why it did not consider an SEA necessary or appropriate for the MLDP Delivery Programme. Reference was made to an SEA having already been undertaken on the MLDP. No response was received, and the Council is proceeding on the basis no SEA is necessary for the Delivery Programme.

## **APPENDIX B**

### **Background Papers**

Reports on the MLDP Draft Delivery Programme were presented to Planning Committee at its meetings of 29 October 2024 and Council at its meeting of 17 December 2024.

### **Documents Contained in Appendix B**

- i) Summary of public consultation responses received on MLDP Draft Delivery Programme
- ii) The Midlothian Local Development Plan 2017 Delivery Programme 2025-2027