



# Midlothian

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## SUPPLEMENTARY GUIDANCE: SPECIAL LANDSCAPE AREAS

Report by Head of Communities and Economy

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### 1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek agreement to the adoption of the Special Landscape Areas Supplementary Guidance.

### 2 BACKGROUND

- 2.1 At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP). The MLDP included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance is required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needs further detail is with regard Special Landscape Areas. Specific support for and protection of the Special Landscape Areas is provided through MLDP policy ENV6: Special Landscape Areas.
- 2.2 At its meeting of 3 April 2018 the Committee approved the draft Special Landscape Areas Supplementary Guidance for consultation and agreed to consider a further report on the Guidance following the proposed consultation.
- 2.3 The consultation period ran for six weeks from 24 April to 7 June 2018 with discussions with interested parties continuing after the specified period.
- 2.4 The draft Special Landscape Areas Supplementary Guidance was published on the Council's website and available for inspection at Fairfield House and in all Midlothian Council libraries. All Midlothian Community Councils were consulted, as were a variety of other Midlothian community groups, those who had commented on the Special Landscape Areas section of the Proposed Midlothian Local Development Plan and other known parties considered to have an interest in the document. This included Midlothian residents, adjoining local authorities, Government agencies, third sector organisations, representatives of the development industry and developers with a known interest in sites identified in the Local Development Plan with

Special Landscape Areas implications from the draft supplementary guidance and the adopted Midlothian Local Development (2017).

### **3 REPRESENTATIONS**

- 3.1 As part of the consultation process responses from 17 parties were received. Responses were received from a spread of consultees including, community councils, individual members of the public, community organisations, third sector groups and Government.
- 3.2 A summary of the consultation responses received with the proposed officer response and a track change copy of the draft Special Landscape Areas Supplementary Guidance document showing proposed deletions and additions to the document arising from the consultation is attached to this report. New text within the Guidance document is shown in red.
- 3.3 The responses received comprised:
  - suggested changes to the descriptive text in the 'Statements of Importance';
  - strong support for the guidance and the protection it provides for Midlothian's landscapes;
  - concern about development pressures in the North Esk Valley around Lasswade/Polton Road;
  - concern about woodland planting on the scarp slope of the Moorfoot Hills south of Gladhouse Reservoir and potential from the document for investigation of additional car parking provision to help encourage additional visitors to Gladhouse Reservoir;
  - request for addition of references to historic battlefields;
  - request for the document to state support for the maintenance of traditional stone walls in Midlothian and partnership working to help address matters raised in the document; and
  - concern that the importance of views and vistas in Midlothian is not covered adequately in the document.

### **4 STRATEGIC ENVIRONMENTAL ASSESSMENT**

- 4.1 All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. This process is known as Strategic Environmental Assessment (SEA).
- 4.2 As required by the Environmental Assessment (Scotland) Act 2005, screening for likely significant environmental effects from the draft supplementary guidance has been undertaken with the Consultation Authorities - SEPA, Scottish Natural Heritage and Historic Environment Scotland. The Consultation Authorities agree with the Council's opinion that no such effects are likely.

- 4.3 The Council is now in a position to make a formal determination that no such effects are likely, thereby exempting the supplementary guidance from any requirement for Strategic Environmental Assessment ('SEA'). The supplementary guidance cannot be considered adopted until such a determination has taken place. The determination requires to be advertised in a local paper within 14 days and copied to the consultation authorities.
- 4.4 The guidance has also been screened for a Habitats Regulations Appraisal (HRA) and because of the protection of sites within the MLDP a HRA is considered not to be required.

## **5 SPECIAL LANDSCAPE AREAS SUPPLEMENTARY GUIDANCE**

- 5.1 The Midlothian Local Development Plan (2017) has a commitment to prepare supplementary guidance on Special Landscape Areas. Not adopting this Supplementary Guidance would weaken the Council's position in safeguarding the landscape character of Midlothian. It would also result in less information being available for preparing and assessing development proposals.
- 5.2 The supplementary guidance sets out why areas are designated as Special Landscape Areas and what are their important characteristics and components. The guidance provides information on what should be taken into account in the preparation and assessment of development proposals. It also provides information to be considered regarding the long-term management of locations designated as Special Landscape Areas.
- 5.3 Section 22 of the Planning etc. (Scotland) Act 2006 requires the Council to send Scottish Ministers a copy of the Special Landscape Areas Supplementary Guidance intended for adoption, together with a statement setting out the publicity measures undertaken for the consultation, the comments received and how comments submitted were taken into account. Unless Scottish Ministers have directed otherwise, after at least 28 days have elapsed the Council may adopt the Supplementary Guidance,

## **6 RECOMMENDATION**

- 6.1 The Committee is recommended to:
  - a) adopt the Special Landscape Areas Supplementary Guidance (as amended following the consultation process);
  - b) agree that the Special Landscape Areas Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
  - c) instruct the Head of Communities and Economy to undertake the required notification/advertisement advising that the Special

- Landscape Areas Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- d) instruct the Head of Communities and Economy to notify the Scottish Ministers of the Council's intention to adopt the Special Landscape Areas Supplementary Guidance; and
- e) be advised of the outcome of the notification to the Scottish Ministers.

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 2 October 2018

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**Background Papers:** MLDP 2017 adopted 7 November 2017.