

**Scottish Borders Local Development Plan Main Issues Report****Report by Ian Johnson, Head of Planning and Development****1 Purpose of Report**

- 1.1** Scottish Borders Council is undertaking consultation on its Scottish Borders Local Development Plan (LDP) Main Issues Report. The Scottish Borders and Midlothian Councils are partner authorities, along with the City of Edinburgh, East Lothian, Fife and West Lothian Councils, in SESplan, the Strategic Development Planning Authority for South East Scotland. The preparation of LDPs is a statutory requirement for each of these Councils, as a means to implement the SESplan Strategic Development Plan.
- 1.2** As a partner authority, as well as a neighbouring authority, with shared strategic requirements, Midlothian Council has an interest in the preparation of the Scottish Borders LDP and has been invited to submit a response to this consultation. A copy of the Scottish Borders LDP Main Issues Report has been placed in the Members' library.

**2 Background**

- 2.1** The SESplan Proposed Strategic Development Plan (SDP) was approved by the SESplan Joint Committee on 26 July 2011. The process of ratification by the individual SESplan Councils was completed on 6 October 2011 and the Proposed Plan was published for the representation period between 7 November and 19 December 2011. The representations received are currently being considered prior to the SESplan Proposed Plan being submitted to Scottish Ministers. Approval of the Plan is unlikely to be achieved until 2013.
- 2.2** The introduction of the new planning regime was accompanied by Scottish Government aspirations that the SDP and LDP processes would be 'twin tracked' as far as possible. The publication of the Scottish Borders LDP Main Issues Report is in line with this aspiration and its early publication is welcomed as confirmation of the Scottish Borders' clear commitment to updating its development plan. However it should be noted that there is a risk that the examination process for the SESplan Proposed Plan may result in changes which will need to be accommodated in the Scottish Borders LDP, potentially requiring a re-run of the Main Issues Report, if new issues are raised. For example, additional housing land may have to be identified in the event that the Reporter for the SDP Examination determines that the housing land supply is deficient.
- 2.3** This question of timing for the publication of a Main Issues Report is a risk for all the Local Authorities within the SESplan area, and a judgement needs to be taken regarding early consultation versus certainty of strategic direction.

This will equally be an issue regarding the timing of publication of the Midlothian LDP Main Issues Report which is programmed for September 2012 (as set out in the Development Plan Scheme for Midlothian No 4, approved by Cabinet on 6 March 2012).

- 2.4** The key matters raised in the Scottish Borders LDP Main Issues Report which are of interest to Midlothian are covered in the following paragraphs, and it is proposed that this report forms this Council's response to Scottish Borders Council's invitation to comment.

**2.5** Employment Land

Along with the rationalisation of an existing employment site and promotion of two new locations, the Scottish Borders Main Issues Report (MIR) preferred option seeks to promote the establishment of a hierarchy of employment sites whereby some sites would be protected for employment uses, whilst others may be considered for mixed (non-retail) uses. Although this latter proposal is in line with the SESplan SDP and could be seen as a pragmatic approach to supporting development in some areas, there is the risk that land could be lost to future employment uses, with possibly little chance to replace the land, and this could have an impact on future job opportunities.

**2.6** Housing

As statutorily required, the MIR sets out both preferred and alternative strategies for meeting the SDP housing land requirements within the Scottish Borders area. However, the alternative strategy proposes increasing the scale of additional housing land from that set out in the SDP. It is difficult to assess how this approach could be consistent with the SDP unless it is intended to promote such additional housing land through the provisions of SDP Policy 7, i.e. outwith the Strategic Development Areas and small scale. If this is the intention of the MIR, it would be helpful for this to be clarified.

- 2.7** It is suggested that it would also have been helpful if the MIR had listed how the SDP requirements would be met both through the preferred housing sites, but also how the alternative sites might contribute. It would appear that the separately identified 'preferred sites', when totalled, exceed the SDP requirement for the Eastern Strategic Development Area; and do not meet the requirement in the Central or Western Strategic Development Areas (although it may be proposed that the shortfall is made up by additional capacity on existing sites, as set out in the Technical Report rather than the MIR, but this is not clear). Setting out how the SDP requirements could be met would clarify the likely LDP Proposed Plan strategy.

- 2.8** This Council concurs with the sentiment regarding the likely difficulty in delivering affordable housing as a result of current funding restrictions. The SDP reaffirms the 25% benchmark, which is promoted as the LDP preferred approach.

The MIR suggests, as an alternative approach, that the requirement for affordable housing could be reviewed to take account of the current economic downturn. The SDP enables LDPs to establish such an approach, but this should be taking account of local housing waiting lists and Housing Needs and Demand Assessment evidence (SDP paragraph 116), rather than deliverability problems, and it may be helpful if the Housing Needs and Demand Assessment evidence could be clarified to ensure the LDP is consistent with the SDP.

## **2.9 Retailing**

It is acknowledged that the MIR identifies a network of retail centres, which is a requirement of the SDP. However the status assigned to these centres appears not to be consistent with the definitions in the SDP. For clarity it is suggested that the term 'strategic town centre' is removed (as the SDP identifies only Livingston, Kirkcaldy, Dunfermline and Glenrothes as strategic town centres within the SESplan area), and that the 'strategic' and 'sub-regional' town centres are renamed, (possibly 'sub-regional' and 'other principal' or other alternative definition respectively) to be consistent with the SDP.

## **2.10 Regeneration**

The SDP expects a level of housing provision to be generated through windfall development. The regeneration opportunities identified in this section of the MIR may be suitable to contribute to this provision. There may be benefit in clarifying the SDP support for windfall and the scope for some of these regeneration opportunities in meeting this housing requirement.

## **2.11 Green Networks**

This Council supports the development of the green networks, and it would be worthwhile exploring whether there is scope to create cross boundary green network links with Midlothian. This will be dependent on the detailed proposals to be brought forward for the green network in the Western Borders (in the vicinity of Peebles) and further consideration of options could be progressed in conjunction with the preparation of the Midlothian Local Development Plan.

## **2.12 Climate Change**

In general there is support for the preferred approaches to climate change (climate change mitigation and adaptation; and sustainable waste management).

However, in respect of the approach to wind energy proposals, this Council would request that full account is given to the sensitivity of the landscape in neighbouring council areas, cumulative impact and any representation made in this regard by the relevant council.

### **2.13 Minerals**

It is noted that the Scottish Borders LDP intention is to identify areas of search for mineral sites through supplementary guidance, and that it is intended to define local market areas for assessing demand and ensuring availability of an adequate supply. It would be preferable if the areas of search were set out in the LDP, rather than in guidance, as this would enable any concerns to be subject to scrutiny by a Scottish Government Reporter. It would also be of some concern to this Council if the review of the minerals market and supply was limited to the local Scottish Borders area and did not consider Scottish Borders' contribution to the need and supply of minerals within the context of the wider SDP area. It is requested that any such review is conducted as part of an SDP-wide review.

### **2.14 Transport**

It is of some concern to this Council that the transport network does not feature as a main issue in the MIR, particularly as this is a key SDP issue. It is acknowledged that the level of new housing allocations for which the Scottish Borders LDP will have to make provision is relatively modest, i.e. 400 houses. However, as with all the SESplan Councils, this will be in addition to the housing and economic land which is already committed through previous development plans, including 10,000 houses in Scottish Borders area. Although the re-opening of the Borders Railway will have the potential to reduce the impact of car-based commuting to some extent, there are significant concerns that the impact of this scale of development on the strategic road network through Midlothian has not been assessed and transport interventions identified for incorporation into the Proposed Plan and Action Programme. Scottish Borders Council is requested to assess the impact of this scale of development and to enter into dialogue with this Council and Scottish Government (including Transport Scotland) to seek solutions to this issue.

## **3 Report Implications**

### **3.1 Resource**

There are no resource implications arising directly from this report.

### **3.2 Risk**

The Main Issues Report is the principal consultation opportunity in the new plan preparation process.

By not taking the opportunity provided by Scottish Borders Council to respond to its MIR, Midlothian Council could risk losing the chance to express its views and to provide comment on the implications for the shared delivery of the SESplan SDP.

### **3.3 Policy**

## Strategy

As Scottish Borders Council is a part of the strategic planning area within which this Council lies, responding to the Scottish Borders MIR consultation is relevant to the following Midlothian Council Corporate and Service priorities:

### *Corporate Priorities 2012-13:*

Objective 1: Supporting healthy, caring and diverse communities where local needs are met;

Objective 2: Maximising business opportunities;

Objective 4: Conserving and improving Midlothian's natural environment.

### *Service Priorities 2012-13:*

- Prepare the South East Scotland Strategic Development Plan (SESplan) in partnership with the five other partner Councils;
- Prepare the Midlothian Local Development Plan.

In terms of the Single Outcome Agreement, the implementation of the SESplan SDP (and associated LDPs) enables the following Local Outcomes to be promoted or protected:

- provide access to quality, affordable housing by delivering affordable homes for rent and sale;
- continue to improve Midlothian's growing economy;
- make Midlothian a more attractive place for doing business;
- promote inward investment and create quality and sustainable business locations;
- improve accessibility by sustainable modes of travel; and
- safeguard and enhance the amenity of Midlothian.

## Consultation

The Scottish Borders Local Development Plan Main Issues Report is that Council's main consultation opportunity in their LDP preparation process. In preparing this Cabinet report no consultation was required.

## Equalities

The preparation of the Scottish Borders Local Development Plan will require the preparation of an Equalities and Human Rights Impact Assessment by that Council.

## **Sustainability/ Sustainability**

The Scottish Borders Local Development Plan will implement the SDP which is based on the principles of a sustainable development strategy and is itself subject of strategic environmental assessment (an Environmental Report accompanies the Scottish Borders MIR).

### **4 Recommendations**

#### **4.1 Cabinet is recommended to:**

- (a) note and welcome the public consultation by Scottish Borders Council in relation to its Scottish Borders Local Development Plan Main Issues Report; and
- (b) agree to submit this report as this Council's response to the consultation.

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#### **Background Papers:**

- Scottish Borders Local Development Plan: Main Issues Report 2012
- SESplan Proposed Plan, November 2011
- SESplan Action Programme, November 2011
- Supporting documents for the SESplan Proposed Plan