

Appendix 6 – Cases with Merit to support changes through Examination

| Comment ID | Consultee Organisation | Broad Categories | Summary | Modification Sought |
|------------|------------------------|--|--|--|
| PP365 | Scottish Government | 5. Protecting Our Heritage; 5a. Natural Environment | Wishes references to Scottish Planning Policy in policy ENV9 amended to remove reference to 'guidance' as SPP is solely policy not guidance, and reference to the word 'watercourse' removed in policy ENV9 as SPP applies to all types of flooding. | Deletion of words 'watercourse' and 'guidance' from policy ENV9. |
| PP366 | Scottish Government | 5. Protecting Our Heritage; 5a. Natural Environment | Considers that policy ENV9 does not accord with the policy position of the SPP, and seeks amendment to revised text, viz. " The functional flood plain will be protected; in undeveloped and sparsely developed areas development may be acceptable in areas at medium to high risk of flooding if the location is essential for operational reasons and an alternative, lower risk location is not available. Where flood protection measures to the appropriate standard already exist or are planned (under the adopted Local Flood Risk Management Plan) in built-up areas, development for residential, institutional, commercial and industrial development may be suitable. Any loss of flood storage capacity should be mitigated to achieve a neutral or better outcome. All proposals should be considered in accordance with the flood risk framework " | Seeks change to 2nd paragraph of policy ENV9 to " The functional flood plain will be protected; in undeveloped and sparsely developed areas development may be acceptable in areas at medium to high risk of flooding if the location is essential for operational reasons and an alternative, lower risk location is not available. Where flood protection measures to the appropriate standard already exist or are planned (under the adopted Local Flood Risk Management Plan) in built-up areas, development for residential, institutional, commercial and industrial development may be suitable. Any loss of flood storage capacity should be mitigated to achieve a neutral or better outcome. All proposals should be considered in accordance with the flood risk framework " |

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| PP367 | Scottish Government | 5. Protecting Our Heritage; 5a. Natural Environment | Considers that references to 'Sustainable urban drainage systems' should be changed to Sustainable Drainage Systems (SuDS) and any abbreviations should be changed from SUDS to SuDS. | References to 'Sustainable urban drainage systems' should be changed to Sustainable Drainage Systems (SuDS) and change abbreviations from SUDS to SuDS. |
| PP369 | Scottish Government | 5. Protecting Our Heritage; 5a. Natural Environment | In its current form Policy ENV11 provides for woodland removal as an exception, but does not address habitat connectivity matters that may occur. The suggested amendment below is required to bring Policy ENV11 in accordance with Scottish Planning Policy paragraph 217. | Paragraph two of Policy ENV11 should be amended to include an additional sentence at the end, so that it reads as follows: "Where an exception to this policy is agreed, any woodland, trees or hedges lost will be replaced with equivalent. Removal of woodland, trees and hedges will only be permitted where it is clearly demonstrated that significant and clearly defined benefits will be achieved. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network ". |

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| PP371 | Scottish Government | 6. Encouraging Sustainable Energy and Waste Management; 6a. Renewable and Low Carbon Energy Projects, incl Wind | Figure 6.1. Midlothian Spatial Framework for Wind Farms States a number of changes are required to ensure that the terminology and approach to the spatial framework for wind farms in Figure 6.1 reflects Scottish Planning Policy (Table 1: Spatial Frameworks). | In Figure 6.1. of the Proposed Plan, the following changes are required to reflect Scottish Planning Policy: Change: Site of Special Scientific Importance to read " Site of Special Scientific Interest ". Change: 2km Settlement Buffer to read " 2km area for community separation for consideration of visual impact ". Change: In the key, add in notation that identifies the white area within the planning authority boundary as being " Areas with potential for wind farm development ". The above modifications are required to accord with Scottish Planning Policy Table 1 which is clear that there are three groups of area to be identified, albeit where no National Parks or National Scenic Areas exist it is reasonable not to address group 1 of Table 1 of Scottish Planning Policy. Change: Delete the title 'Wind farm opportunity areas*' and replace with " Areas of strategic capacity for wind farms ". The above modification is required as Scottish Planning Policy does not provide for the identification of opportunity areas as a sub set of groups 2 or 3 of Table 1 of the policy. However, it does provide for the identification of areas where there is strategic capacity for wind farms, which can be informed by landscape capacity assessment as set out in Scottish Government advice: http://scotgovplanningarchitecture.com/2014/12/05/onshore-wind-questions-answered/ . Should this approach not be accepted the Wind Farm Opportunity Areas should be removed from Figure 6.1 and be presented elsewhere as they do not form part of the spatial framework approach set by Table 1 and paragraph 163 of Scottish Planning Policy. |

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| PP372 | Scottish Government | 6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy | Objects to the Proposed Plan because the phrase "and energy which is required supplied efficiently" is used, it not being considered clear what efficient supply is and how proposals would be assessed against this provision; and because the 2007 Building Standards referred to are out of date/superseded. | Deletion of the phrase referred to and replacement of "2007" with "2015". |
| PP374 | Scottish Government | 6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy | Objects to the Proposed Plan because Policy NRG 5 does not provide clarity on the co-location of development with heat demand with sources of heat, to adequately reflect the policy position in paragraph 158 of SPP. | In second paragraph of Policy NRG 5, add "to be co-located with and" after "seek". |
| PP376 | Scottish Government | 6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy | Objects to the Proposed Plan because Policies NRG 5 and NRG 6 focus on implementation and do not address the strategic heat context, whereas SPP paragraph 159 states "Local Development Plans should identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support their implementation". | Suggests that the scope of supplementary guidance on Community Heating in Table 7.1 could be widened to include: "Identifies where heat networks, heat storage and energy centres exist and policies to support their implementation." |

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| PP377 | Scottish Government | 4. Promoting Economic Growth; 4f. Rural Development | Objects to policy RD1 due to the provision relating to applying a planning condition restricting occupancy of new houses. Considers that this is contrary to letter from Chief Planner of November 2011. | Seeks removal of provision relating to applying a planning condition restricting occupancy of new houses. |
| PP379 | Scottish Government | 4. Promoting Economic Growth; 4b. Transport | Objects to wording in paragraph 4.5.8. Considers that the wording should be changed to say that the cross-boundary study is an assessment of the current SDP and not SDP2. | Considers that the wording should be changed to say that the cross-boundary study is an assessment of the current SDP and not SDP2. |
| PP906 | Historic Scotland Heritage Management Directorate | 5. Protecting Our Heritage; 5b. Built Environment | Consider that policy ENV21 provides robust protection for Historic Battlefield, suggest rewording in line with SPP and upcoming guidance on battlefields. Consider that this provides a more defined scope for the policy with concerns that it would be difficult to implement the policy in its current form, particularly with regards to 'appearance' and 'setting'. | Change policy to: "Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have an adverse effect on the key landscape characteristics and special qualities of the battlefield." Also suggest moving second paragraph of the policy into the preamble as this appears to be more general advice (as in 5.2.3 for conservation areas). |
| PP907 | Historic Scotland Heritage Management Directorate | 2. The Strategy for Sustainable Growth; 2c. Housing Allocations; Housing - Shawfair | Notes that Hs1 is located within the boundary of an Inventory Garden and Designed Landscape. Wishes LDP to make reference to the potential for direct impacts on this designation. | Seeks reference to the potential for direct impacts on Inventory Garden and Designed Landscape designation, in connection with site Hs1. |

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| PP1446 | SEPA | 6. Encouraging Sustainable Energy and Waste Management; 6b. Decentralised Energy | Recommend 'NRG' policies are updated to confirm production of a localised Midlothian Heat Map and policy wording to require subsequent consideration of this heat map when determining location for new heat networks and/or opportunities for significant anchor development (with the potential to establish and/or connect to heat networks within the Plan area). Also recommend that production of this Heat Map is identified as a specific outcome within the LDP Action Programme. Email elaborates. | 'NRG' policies are updated to confirm production of a localised Midlothian Heat Map and policy wording to require subsequent consideration of this heat map when determining location for new heat networks and/or opportunities for significant anchor development (with the potential to establish and/or connect to heat networks within the Plan area). Also recommend that production of this Heat Map is identified as a specific outcome within the LDP Action Programme. |
| PP1494 | TyneWater Community Council | 4. Promoting Economic Growth; 4f. Rural Development | Consider that reference in policy RD1 to BREEAM rating is incorrect. The BREEAM 'eco-home 2006' methodology is no longer supported by BRE, who are about to introduce a new rating methodology, Home Quality Mark (HQM). | No change specified but reference to Home Quality Mark rather than BREEAM is inferred. |
| PP1527 | Shawfair LLP | 2. The Strategy for Sustainable Growth; 2a. Committed Development | Supports inclusion of Shawfair as a committed development under Policy STRAT1. Supports Council maintaining an established economic and housing land supply. Refers to status of Shawfair at time of submission, including signing of S75 agreement, and lodging of MSC application, considers that reference to Shawfair at Appendix 1A, Table 1A.3 and reference in paragraph should be altered from 'Minded to Consent' to read 'Consent' | Supports main thrust of policy, but seeks minor amendment to reflect progress with Shawfair site. |

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| PP1628 | Shawfair Business Park Ltd | 4. Promoting Economic Growth; 4a. Economic | Broadly supports the allocation of Ec1 (see attached statement) but considers the reference to "ancillary support services" on the existing Shawfair Park site (e27) should also apply to Ec1. | Amend third sentence of the "Development Considerations" text in table 8.3 Danderhall/Shawfair Employment Allocation to state "The MLDP has identified this site for business (class 4) and industry (class 5) uses (plus ancillary support activities)." |