Finalised Midlothian Local Plan

Schedule of Proposed Post-Inquiry Modifications

June 2008

Planning Unit
Strategic Services Division
Midlothian Council
(i) Modify paragraph 1.1.8 by deleting the first 2 sentences and replacing them with the following text:
“The current planning system is undergoing major review with the coming into force of the provisions of the Planning etc. (Scotland) Act 2006 and relevant secondary legislation. New obligations have been placed upon the planning authorities comprising the Edinburgh city region, including the four Lothian Councils, together with Scottish Borders and Fife Councils, to prepare a strategic development plan for the area.”

(ii) Delete the last sentence of paragraph 1.2.5 and replace it with the following text:
“The NPFS is currently under review.”

(iii) Modify the 1st bullet in paragraph 1.2.14 to replace “2011” with “2013”

(iv) Delete the last sentence of paragraph 1.2.15 and replace it with the following text:
“The first tranche of development at Shawfair commenced in 2008.”

(v) Modify the 2nd sentence of paragraph 1.2.21 by replacing “will” with “was intended to”; delete the 3rd, 4th, 5th and 6th sentences and replace them with the following text:
“An Alteration to the ELSP 2015 was commenced in 2006 but was abandoned in 2007, with the approval of Scottish Ministers, in favour of refocusing resources on the early work required for preparation of the strategic development plan for the wider city region under the new planning legislation.”

(vi) Modify the last sentence of paragraph 1.3.1 to replace “2005” with “2006”, “79,190” with “79,290”, and “792,600” with “801,330”.

(vii) Modify the 2nd sentence of paragraph 1.3.5 to replace “2004-based” with “2006-based” and “between 2004 and 2024” with “between 2006 and 2024”.

(viii) Delete paragraph 1.3.17 and replace it with the following text:
“This is the RMLP as adopted by the Council as its statement of policies and proposals for the whole of Midlothian. During its preparation, two rounds of public engagement were undertaken, and a public local inquiry was held between 1 May and 31 October 2007 to consider objections to the Finalised RMLP. The findings of the independent Reporter who
conducted the inquiry have resulted in a number of modifications to the Plan. Upon adoption, this Plan supersedes the 2003 Midlothian and Shawfair Local Plans, subject to the provisos given in para. 1.3.13.”

(ix) Following the 5th sentence of paragraph 1.5.3, insert the following sentence: “Consideration has been given to the environmental effects of subsequent modifications to the RMLP.”

[Reason: To provide factual updates to the background information.]

PIM 2  Resource Protection - Natural Heritage - Policy RP1

(i) Modify criterion A of policy RP1 by deleting “essential” and replacing it with “required”. [See Detailed Development Policies section below for related Post-Inquiry Modification 28(i)]

(ii) Further modify policy RP1 by deleting “rural” in the last sentence of the policy and inserting “proposal ECON1,” after “(refer to”.

[Reason: The Council does not consider replacing “essential” with “required” is materially different and therefore accepts the Reporter’s recommendation. Further changes are consequent on the Reporter’s findings in respect of sites E2 and E7.]

PIM 3  Resource Protection - Natural Heritage - Policy RP4

Modify Inset Maps 1 and 5 to remove policy reference “3” (policy RP4 Prime Agricultural Land) from land at Nazareth House and Pittendreich House. [Refer to PIM 3 map]

[Reason: The Reporter’s recommendation is acceptable given the current use of the Nazareth House site. Adjoining this site, Pittendreich House is also being removed from the Prime Agricultural Land policy for the sake of consistency.]

PIM 4  Resource Protection - Natural Heritage - Policy RP12

(i) Modify paragraph 2.1.53 by inserting “/or” after “and” in the 5th sentence.

(ii) Further modify paragraph 2.1.53 by inserting the following text at the end of the paragraph: “Sites that emerge during the local plan period or which are not shown on the Proposals Map are protected by policy RP12. In line with the new guidance on Establishing and Managing Local Nature Conservation Site Systems in Scotland published in March 2006, the Council is currently developing a new system of Local Biodiversity Sites to replace the current Listed Wildlife Site system in Midlothian. The guidance requires sites proposed as Local Biodiversity Sites to be assessed against the following factors: species diversity, species rarity, habitat rarity, habitat naturalness, habitat extent and connectivity. The guidance states that direct benefits to local communities should be taken into account when assessing sites that are considered to be on the threshold for biodiversity importance.”

(iii) Modify policy RP12 at 3rd bullet point by inserting “or Local Biodiversity Site” after “a Wildlife Site (SWT non-statutory wildlife site)”.

[Reason: To ensure that all existing wildlife sites, and wildlife sites designated during the lifetime of the plan, would fall to be protected under policy RP12 and to provide information on the Council’s approach regarding the Local Biodiversity Sites system.]
Modify Inset Map 15 to include the established garden ground of existing properties on the eastern side of Howgate village (7-17 Howgate (odd numbers only)) within the village envelope and under policy reference “10” (policy RP20 Development within the Built-Up Area) and remove this area from designation under policy reference “1” (policy RP1 Protection of the Countryside). [Refer to PIM 5 map]

[Reason: The change proposed by the Reporter is of a minor nature, tidies the village envelope and provides a logical boundary.]

Modify paragraph 2.2.13 by inserting at the end of this paragraph the following text: “Conservation Area appraisals and any subsequent enhancement schemes will be the subject of consultation with appropriate organisations including community groups”

[Reason: To reflect the intentions and current practice of the Council regarding Conservation Area appraisals.]

Modify the Proposals Map and Inset Maps 1 and 2 by removing the field lying to the south east of the B6392 Bonnyrigg distributor road, including Dalhousie Mains (but excluding Cockpen Church and cemetery), from the Dalhousie Conservation Area under policies RP22/23. [Refer to PIM 7 maps]

[Reason: The key heritage features of the proposed Dalhousie Conservation Area are retained within this new Conservation Area designation, and therefore the deletion of the field adjoining Bonnyrigg is accepted. Further consideration may be given to this matter during preparation of the Conservation Area appraisal.]

Modify policy RP30 by inserting, after the text already inserted through Pre-Inquiry Change PIC8, the following additional text at the end of the sentence: “, to demonstrate that the provision of open space would not be adversely affected by the proposed development.”

[Reason: The Reporter’s recommendation largely accords with the Council’s position as outlined in the FMLP.]

(i) Insert a new paragraph between paragraphs 3.2.5 and 3.2.6 with the following text and amend the paragraph numbering accordingly:

3.2.6 SPP 3 confirms that local plans must conform to the structure plan and requires that they provide sufficient effective land to meet the housing land requirement for at least five years from adoption. It also states that, if development plans do not keep pace with the need to maintain a supply of land, planning permission should be granted in advance of local plan adoption provided that the proposals comply with other policies of the development plan.”

(ii) Insert the following 2 new paragraphs and table between paragraphs 3.2.7 and 3.2.8 and amend the paragraph numbering accordingly:
3.2.8 In line with national policy, the Structure Plan, through policy HOU 10, requires the maintenance of an effective five-year housing land supply for Edinburgh and the Lothians as a whole. The performance of the land supply will be monitored annually. Where the Lothian-wide housing land supply fails to meet the requirements of this policy, the individual Council or Councils experiencing the shortfall (as defined by the policy) will be required to make good the deficit. This can be by way of a local plan alteration or through the granting of planning permission in advance of local plan adoption. Land brought forward in accordance with policy HOU 10 will be in the CDAs, comply with the other policies of the Structure Plan and must have infrastructure either available or committed.

3.2.9 This Local Plan has brought forward housing sites to meet the requirements of policy HOU 3 of the Structure Plan. The adequacy of this land, along with committed sites and potential windfall, has been assessed as part of the Local Plan inquiry process and the annual ELSP 2015 housing monitoring exercise. This has demonstrated that the Midlothian five-year housing land supply has satisfactorily met the requirements of policy HOU 10. This is set out in the following table (for information only). As required by policy HOU 10, this will be assessed annually. The table confirms that there is adequate housing land to meet the requirements of the entire Structure Plan period to 2015.

<table>
<thead>
<tr>
<th>Housing Land Supply as at 31 March 2007</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Completions 2001 -2007</td>
</tr>
<tr>
<td>01/02 - 06/07</td>
</tr>
<tr>
<td>07/08 - 11/12</td>
</tr>
<tr>
<td>12/13 - 14/15</td>
</tr>
<tr>
<td>Total ELP 2015</td>
</tr>
<tr>
<td>Post 2015</td>
</tr>
<tr>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Committed sites programme</td>
</tr>
<tr>
<td>5,301</td>
</tr>
<tr>
<td>1,062</td>
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<tr>
<td>6,363</td>
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<tr>
<td>Local Plan sites programme</td>
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<tr>
<td>2,684</td>
</tr>
<tr>
<td>931</td>
</tr>
<tr>
<td>3,615</td>
</tr>
<tr>
<td>Potential windfall (inc. social housing)</td>
</tr>
<tr>
<td>400</td>
</tr>
<tr>
<td>73</td>
</tr>
<tr>
<td>473</td>
</tr>
<tr>
<td>Total programmed 2007 - 2015</td>
</tr>
<tr>
<td>8,385</td>
</tr>
<tr>
<td>2,066</td>
</tr>
<tr>
<td>10,451</td>
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<tr>
<td>Structure Plan requirement 2001 - 2015</td>
</tr>
<tr>
<td>11,200</td>
</tr>
<tr>
<td>Structure Plan requirement 2007 - 2015</td>
</tr>
<tr>
<td>10,293</td>
</tr>
<tr>
<td>Structure Plan 5-year requirement 2007 –</td>
</tr>
<tr>
<td>2012</td>
</tr>
<tr>
<td>6,433</td>
</tr>
<tr>
<td>Land programmed post-2015</td>
</tr>
<tr>
<td>(for information only)</td>
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<tr>
<td>4,039</td>
</tr>
</tbody>
</table>

[Reason: The Reporter’s recommendation is accepted as clarifying the Council’s approach and providing additional context.]

PIM 10 Housing - Proposal HOUS1

(i) Modify proposal HOUS1 by deleting headings “House Numbers” in both tables and replacing them with “Indicative Capacity”.

(ii) Modify proposal HOUS1 by deleting the figure “1350” in the final row of the table entitled “A7/A68/Waverley Line Corridor Core Development Area” and replacing it with “1370”.

[Reason: This clarifies that house numbers in proposal HOUS1 are indicative and some variation in site capacity can be expected. In addition, this PIM updates the total indicative capacity for the A7/A68/Waverley Line Corridor Core Development Area.]
(i) Modify paragraph 3.2.15 by deleting “Three” in the 1st sentence and replacing it with “Four” and deleting “200” and replacing it with “250”.

(ii) Further modify paragraph 3.2.15 by inserting, at the end of the paragraph, the following text: “The fourth site, site H7 Dykeneuk, is identified for 50 houses located towards the northern part of the site with the remainder being utilised for community woodland with public open space and footpaths linked where possible to the local access and wider core paths network in order to promote public access between the urban areas and the surrounding countryside. The design and layout of the site and delivery of development will come forward within the context of the development briefs for the adjoining committed development sites (h34, h35 and h38). Given that additional pressure will be placed on the local roads network, the planned improvements to the B6482 Bryans Road to Gowkshill and the new link to Bogwood Road will have added importance. Appropriate contributions towards the implementation of the Waverley rail line proposals and provision of educational infrastructure to accommodate the additional housing will require to be made.”

(iii) Modify proposal HOUS1 by inserting in the table entitled “A7/A68/Waverley Line Corridor Core Development Area” the following row:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>H7</td>
<td>Dykeneuk, Mayfield</td>
</tr>
</tbody>
</table>

after:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>H6</td>
<td>Langlaw Road, Easthouses</td>
</tr>
</tbody>
</table>

(iv) Modify Inset Map 2 to include land at Dykeneuk, Mayfield, under policy reference “10” (policy RP20 Development within the Built-Up Area) and remove it from the area covered by policy reference “1” (policy RP1 Protection of the Countryside) and adjust the policy boundary accordingly. In addition, identify the site as a strategic housing allocation under proposal HOUS1 by defining it with a red boundary and labelling it as “H7”. [Refer to PIM 11(iv) map]

[Reason: The Council accepts, on balance, the Reporter’s recommendations that the Dykeneuk site should be included in the strategic housing land allocations. Bearing in mind community concerns regarding coalescence, the indicative capacity of the site is identified as 50 units located towards the northern part of the site and integrated with committed housing sites.]

(i) Insert a new paragraph between paragraphs 3.2.19 and 3.2.20 with the following text and amend the paragraph numbering accordingly:

“Site H9 Robertson’s Bank has an indicative capacity of 55 units; if necessary, through the development brief and planning application process, the capacity of the site may need to be adjusted to ensure that a development sensitive to the wooded environment can be achieved, taking into account the steep slope of the site and proximity of the Gore Water / any potential flood risk. The majority of the existing woodland on site should be retained and brought under management; significant structural landscaping will be required on the south-eastern edge to define the long-term boundary of Gorebridge. The site will benefit from proximity to the station at Gorebridge to be established in connection with the Waverley rail line project. Appropriate contributions towards the Waverley rail line, the provision of educational infrastructure to accommodate the additional housing, and a community/leisure facility and town centre improvements will require to be made. The scrapyard at Scally’s Yard will be
decontaminated to render it suitable for housing development. Robertson’s Bank will be improved to provide an acceptable road access.”

(ii) Modify proposal HOUS1 by inserting in the table entitled “A7/A68/Waverley Line Corridor Core Development Area” the following row:

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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>H9</td>
<td>Robertson’s Bank, Gorebridge</td>
<td>55</td>
</tr>
</tbody>
</table>

after:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>H7</td>
<td>Redheugh/Prestonholm new community</td>
<td>700</td>
</tr>
</tbody>
</table>

(iii) Modify Inset Map 2 to include land at Robertson’s Bank, Gorebridge, under policy reference “10” (policy RP20 Development within the Built-Up Area) and remove it from the area covered by policy reference “1” (policy RP1 Protection of the Countryside) and adjust the policy boundary accordingly. In addition, identify the site as a strategic housing allocation under proposal HOUS1 by defining it with a red boundary and labelling it as “H9”. Refer to PIM 12 (iii) map

[Reason: The Council accepts, on balance, the Reporter’s recommendations that the Robertson’s Bank site should be included in the strategic housing land allocation, but for 55 units (as opposed to 56 units which is too specific to be regarded as indicative).]

(i) Modify paragraph 3.2.12 by deleting “60” in the 1st sentence and replacing it with “50”.

(ii) Modify proposal HOUS1 by deleting “60” in the 3rd column in the row relating to site H2 Larkfield North, Eskbank in the table entitled “A7/A68/Waverley Line Corridor Core Development Area” and replacing it with “50”.

[Reason: The Reporter has clearly left an option open to the Council to consider retaining this site in the strategic land allocations if required to bolster the housing land supply. His recommendation for deletion relates to the fact that alternative sites exist that do not involve the release of Green Belt land. The Council considers that, on balance, site H2 should be retained for 50 units, the reduced capacity allowing for adequate structural planting to mitigate the landscape impact on Eskbank and take account of Green Belt objectives.]

(iii) Modify proposal HOUS1 by deleting from the table entitled “A7/A68/Waverley Line Corridor Core Development Area” the following row:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>H10</td>
<td>Rosewell Road, Rosewell</td>
<td>75</td>
</tr>
</tbody>
</table>

(iv) Modify Inset Maps 3 and 6 by deleting the red line and label “H10” defining the site known as site H10 Rosewell Road, Rosewell. In addition, remove policy reference “10” (policy RP20 Development within the Built-Up Area) relating to this site and include the site in the...
area covered by policy references “1” (policy RP1 Protection of the Countryside) and “3” (policy RP4 Prime Agricultural Land) and adjust the policy boundary accordingly. [Refer to PIM 14(iv) map]

[Reason: On balance, the Council accepts the Reporter’s findings regarding the Rosewell Road site as his concerns regarding the site’s relationship to the existing built form of the village are difficult to overcome, at least in the short term. The village is currently experiencing very significant expansion, including a substantial windfall development at Whitehill House, and the deletion of this site would not raise an issue as regards achieving a spread of development sites.]

PIM 15

<table>
<thead>
<tr>
<th>Housing - Proposal HOUS1</th>
</tr>
</thead>
</table>
| (i) Modify paragraph 3.2.22 by deleting “200” in the 2nd sentence of this paragraph, and replacing it with “170”.
| (ii) Further modify paragraph 3.2.22 by deleting “landscape buffer” in the last sentence of this paragraph, and replacing it with “consisting of significant structure planting”.
| (iii) Modify proposal HOUS1 by deleting “200” in the 3rd column in the row relating to Ashgrove, Loanhead in the table entitled “A701 Corridor Core Development Area” and replacing it with “170”.

[Reason: The Council accepts the Reporter’s conclusions that a reduced capacity would allow for the landscaping required to protect Straiton Pond Local Nature Reserve and the C-Listed Ashgrove House. In addition, this modification progresses an earlier commitment by the Council to change the plan to resolve objections lodged by Scottish Natural Heritage.]

PIM 16

<table>
<thead>
<tr>
<th>Housing - Proposal HOUS1</th>
</tr>
</thead>
</table>
| (i) Modify paragraph 3.2.25 by inserting in the 1st sentence “, Seafield Road East (site H14)” after “Seafield Moor Road, Bilston (site H13)”. Note that the Seafield Moor Road site is renumbered from site H12 to site H13 under PIM 18.
| (ii) Further modify paragraph 3.2.25 by deleting “220” in the 1st sentence of this paragraph, and replacing it with “150, 150”.
| (iii) Further modify paragraph 3.2.25 by deleting “Both” in the 2nd sentence, and replacing it with “All three sites”.
| (iv) Further modify paragraph 3.2.25 by deleting “both” in the 3rd sentence, and replacing it with “these”.
| (v) Insert a new paragraph between paragraphs 3.2.25 and 3.2.26 with the following text and amend the paragraph numbering accordingly: “The indicative capacities for the sites at Bilston have been reduced to ensure that there is scope, through the development brief and planning application process, to provide for substantial structural planting to mitigate landscape impact, particularly in the case of site H13 Seafield Moor Road, and to provide a strong defensible Green Belt boundary to the north of site H14 Seafield Road East. The reduced capacity at site H13 should also provide scope to accommodate the additional space requirements for the new primary school, and at site H14 should allow visual separation to be created between Bilston and Loanhead through significant open space and landscaping, together with an access road into the site.”
(vi) Modify paragraph 3.2.26 by inserting “this scale of” after “Support for” in the 3rd sentence, and inserting the following text after the 4th sentence:

“New community facilities could form part of the new school and will be the subject of consideration and consultation through the requirement to review supplementary planning guidance on developer contributions following adoption of the Plan. The Sports Pitch Needs Assessment will be updated in line with the revised allocations for Bilston.”

(vii) Modify proposal HOUS1 by deleting “220” in the 3rd column in the row relating to Seafield Moor Road, Bilston in the table entitled “A701 Corridor Core Development Area” and replacing it with “150”.

(viii) Modify proposal HOUS1 by inserting in the table entitled “A701 Corridor Core Development Area” the following row:

<table>
<thead>
<tr>
<th></th>
<th>Seafield Road East, Bilston</th>
<th>150</th>
</tr>
</thead>
<tbody>
<tr>
<td>“H14”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

after:

<table>
<thead>
<tr>
<th></th>
<th>Seafield Moor Road, Bilston</th>
<th>220</th>
</tr>
</thead>
<tbody>
<tr>
<td>“H13”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(ix) Modify paragraph 3.2.26, 4th sentence, by inserting “both Bilston sites” after “The developers of” and delete “site H12”.

(x) Modify Inset Map 4 to include land at Seafield Road East, Bilston, under policy reference “10” (policy RP20 Development within the Built-Up Area) and remove it from the area covered by policy reference “[1]” (policy RP1 Protection of the Countryside), Green Belt (green shading)(policy RP2 Protection of the Green Belt) and “3” (policy RP4 Prime Agricultural Land) and adjust the policy boundary accordingly. In addition, identify the site as a strategic housing allocation under proposal HOUS1 by defining it with a red boundary and labelling it as “H14”. [Refer to 16(x) map]

[Reason: Given that the Reporter’s arguments for and against the two sites at Bilston are finely balanced, the Council has accepted that both sites are allocated in the Plan, but with capacities of each site reduced to 150 units. This will allow for substantial structural planting to mitigate landscape impact at the Seafield Moor Road site, and to accommodate the space requirements of the proposed new primary school. At the Seafield Road East site, it will allow for adequate open space and structural planting between Bilston and Loanhead and allow for substantial structural planting to create a defensible boundary along the northern edge. These allocations offer the significant benefit of supporting the provision of a new primary school for this community.]

PIM 17    Housing - Proposal HOUS1

(i) Modify paragraph 3.2.27 by deleting “450” in the 1st sentence of this paragraph, and replacing it with “400”.

(ii) Further modify paragraph 3.2.27, by deleting the 2nd sentence “This will include an ...”

(iii) Modify proposal HOUS1 by deleting “450 (to include 150 Council houses)” in the 3rd column in the row relating to North West Penicuik in the table entitled “A701 Corridor Core Development Area” and replacing it with “400”.

[Reason: The Council accepts that there is insufficient evidence to support the requirement for 150 Council houses at the North West Penicuik site as a special case and that there are no similar allocations in other settlements. Whilst the recommendation to delete the reference is accepted, the
Council considers that the site capacity should be reduced to 400 units to take account of this and allow flexibility in the design and layout of this sensitive site. This should still achieve 100 affordable units under policy HOUS4.

PIM 18

(i) Modify proposal HOUS1 in the table entitled “A7/A68/Waverley Line Corridor Core Development Area”, by deleting “H7” from the 1st column (relating to Redheugh/Prestonholm new community), and replacing it with “H8”.

(ii) Modify proposal HOUS1 in the table entitled “A7/A68/Waverley Line Corridor Core Development Area”, by deleting “H8” from the 1st column (relating to Gorton Loan, Rosewell), and replacing it with “H10”.

(iii) Modify proposal HOUS1 in the table entitled “A7/A68/Waverley Line Corridor Core Development Area”, by deleting “H9” from the 1st column (relating to Gortonlee, Rosewell), and replacing it with “H11”.

(iv) Modify proposal HOUS1 in the table entitled “A701Corridor Core Development Area”, by deleting “H11” from the 1st column (relating to Ashgrove, Loanhead), and replace it with “H12”.

(v) Modify proposal HOUS1 in the table entitled “A701Corridor Core Development Area”, by deleting “H12” from the 1st column (relating to Seafield Moor Road, Bilston), and replacing it with “H13”.

(vi) Modify proposal HOUS1 in the table entitled “A701Corridor Core Development Area”, by deleting “H13” from the 1st column (relating to Penicuik Road, Roslin), and replacing it with “H15”.

(vii) Modify proposal HOUS1 in the table entitled “A701Corridor Core Development Area”, by deleting “H14” from the 1st column (relating to North West Penicuik), and replacing it with “H16”.

(viii) Modify the 1st sentence of paragraph 3.2.17 by deleting “H7” and replacing it with “H8”.

(ix) Modify the 3rd sentence of paragraph 3.2.29 by deleting “H7” and replacing it with “H8”.

(x) Modify the 2nd sentence of paragraph 3.2.20 by deleting “H8” and replacing it with “H10”.

(xi) Modify the 1st sentence of paragraph 3.2.21 by deleting “H9” and replacing it with “H11”.

(xii) Modify the 2nd sentence of paragraph 3.2.21 by deleting “H9” and replacing it with “H11”.

(xiii) Modify the 2nd sentence of paragraph 3.2.22 by deleting “H11” and replacing it with “H12”.

(xiv) Modify the 1st sentence of paragraph 3.2.23 by deleting “H11” and replacing it with “H12”.

(xv) Modify the last sentence of paragraph 3.2.23 by deleting “H11” and replacing it with “H12”.

(xvi) Modify the 4th sentence of paragraph 3.2.19 by deleting “H11” and replacing it with “H12”.

(xvii) Modify the 1st sentence of paragraph 3.2.25 by deleting “H12” and replacing it with “H13”.

Housing - Proposal HOUS1
(xviii) Modify the last sentence of paragraph 3.2.26 by deleting “H12” and replacing it with “H13”.

(xix) Modify the 1st sentence of paragraph 3.2.25 by deleting “H13” and replacing it with “H15”.

(xx) Modify the 1st sentence of paragraph 3.2.27 by deleting “H14” and replacing it with “H16”.

[Reason: To provide for a more logical referencing of the housing sites in light of the findings of the Report of Inquiry.]

PIM 19  Housing - Policy HOUS 4

(i) Delete paragraph 3.2.42 except for the 1st sentence and replace the deleted portion with the following text:
“Affordable housing can be provided as shared equity or low cost market housing by private sector developers, although it is expected that a proportion of the affordable housing provision in each community will be for social rented housing. Supplementary planning guidance will be prepared within 1 year of the adoption of the plan, taking account of the provisions of PAN 74, and will include advice on the requirements for, and delivery of, affordable housing. Full consultation will take place with Homes for Scotland and other stakeholders with an interest in affordable housing before the supplementary guidance is adopted by the Council.”

[Reason: It is appropriate to refer to other forms of affordable housing and this clarifies the Council’s intentions. The Reporter’s recommendation is accepted as confirmation of the urgency which the Council attaches to the preparation of SPG to deal with issues such as tenure split, delivery mechanisms, scope for commuted sums and other relevant matters.]

PIM 20  Housing - Policy HOUS6

(i) Modify the List of Policy Titles by deleting “HOUS6” and replacing it with “HOUS5”.

(ii) Modify the 1st sentence of paragraph 2.1.7 by deleting “HOUS6” and replacing it with “HOUS5”.

(iii) Modify policy RP1 by deleting “HOUS6” in the last paragraph of this policy, and replacing it with “HOUS5”.

(iv) Modify Policy Title by deleting “HOUS6” and replacing it with “HOUS5”.

(v) Modify paragraph 3.2.48 by deleting the first 2 sentences and “Both areas have” from the start of the 3rd sentence and inserting the following text at the start of the 3rd sentence:
“An area along the A701 near Springfield and Leadburn was considered to best meet these criteria. Four sites selected within this area for this purpose are those where this very low density housing development could best be accommodated into the landscape. This area has”

(vi) Modify paragraph 3.2.49 by deleting from the 1st and 2nd sentences “, especially in the Springfield area where moorland drainage is generally poor. In this area, three sites have been identified, at Springfield, Netherton and Wellington.” and replacing it with “. Four sites have been identified at Springfield, Leadburn, Netherton and Wellington.”

(vii) Further modify paragraph 3.2.49, in the sentence commencing “The initial choice of sites …”, by inserting after “SEPA” the following text:
“, causing Leadburn to be excluded at the FMLP stage, but it has since been confirmed that this site can proceed to be included within the scope of the policy.”
(viii) Further modify paragraph 3.2.49 by deleting “three” in the sentence commencing “All three sites …”, and replacing it with “four”.

(ix) Further modify paragraph 3.2.49 by removing the last sentence.

(x) Modify paragraph 3.2.50 by deleting “HOUS6” in the 1st sentence and replacing it with “HOUS5”.

(xi) Further modify paragraph 3.2.50 in the 2nd sentence by deleting “10 houses over the five sites, that is, an average of 2 houses per site” and replacing it with “8 houses over four sites, and no more than 2 houses per site will be permitted”.

(xii) Further modify paragraph 3.2.50 in the 3rd sentence by insert after “sites” the following text: “, and there may be cases where only a single dwelling on a site is appropriate.”

(xiii) Modify paragraph 3.2.51 by deleting “HOUS6” in the 1st sentence, and replacing it with “HOUS5”.

(xiv) Insert a new paragraph after paragraph 3.2.51 with the following text:

“3.2.52 Policy HOUS5 will be reviewed in the next review of the Local Plan. The success or otherwise of the policy in providing very low density rural housing, in areas of the countryside which require landscape enhancement and meet the policy criteria, will determine whether or not the policy may be extended to other potential areas in the future, if appropriate. This will ensure that no undesirable precedent for housing in the countryside is set.”

(xv) Modify policy HOUS6, 1st paragraph, by deleting “five sites identified in the Springfield and Middleton areas,” and replacing it with “four sites (Springfield, Wellington, Netherton and Leadburn),”.

(xvi) Further modify policy HOUS6, 2nd paragraph, be deleting “, no more than 10 units in total will be permitted during the Plan period across the five sites. The Council will produce supplementary planning guidance to determine the appropriate allocation of units to sites.” and replacing it with the following text:

“and, to avoid an excessive number of houses on any one individual site, no more than 8 units in total will be permitted during the Plan period across the 4 sites, and no more than 2 units will be allowed on any one individual site.”

(xvii) Further modify policy HOUS6 at criterion B, by inserting “and in particular PAN 72” after “countryside”.

(xviii) Further modify policy HOUS6, in the paragraph commencing “Small-scale rural business…”, by inserting “the growing of local crops in so far as this may require the permission of the council, or” after “such as”.

(xix) Further modify policy HOUS6, in the paragraph commencing “Supplementary planning guidance…”, by deleting “on matters including unit size and numbers” and replacing it with “where only a single dwelling for a particular site is considered appropriate, and on unit size.”.

(xx) Further modify policy HOUS6, in the paragraph commencing “Supplementary planning guidance…”, by inserting “the location, layout and design of the house(s), and” after “suitable associated business uses,”.
(xxi) Further modify policy HOUS6 by deleting “HOUS6” from the title of this policy and replacing it with “HOUS5”.

(xxii) Modify paragraph 3.3.36, in the 2nd sentence, by deleting “HOUS6” and replacing it with “HOUS5”.

(xxiii) Modify the Proposals Map and Inset Map 13 by deleting the policy area reference “12” (policy HOUS6 Low Density Rural Housing) as applied to two sites at Middleton and replace with policy reference “1” (RP1 Protection of the Countryside). [Refer to PIM 20(xxiii) maps]

(xxiv) Further modify the Proposals Map by identifying the site at Leadburn by means of a policy boundary and applying the policy reference “12” (policy HOUS6 Low Density Rural Housing) within it and removing the same site from policy reference “1” (RP1 Protection of the Countryside). [Refer to PIM 20(xxiv) map]

[Reason: The Reporter’s recommendations are helpful in terms of recognising that this policy is a significant change from existing policy/practice. In addition, the changes assist in meeting the objectives of the policy, providing a useful context for SPG, providing clarification that the continuation of agricultural uses is an acceptable form of business and for clarifying the situation with regards to number of units per site.]

<table>
<thead>
<tr>
<th>PIM 21</th>
<th>Economic Development - Proposal ECON1 (&amp; Policy RP2 Green Belt)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Modify paragraph 2.1.14 by deleting “, Sheriffhall South (north of Dalkeith),” from the second last sentence, and replacing it with “and”.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Further modify paragraph 2.1.14 by deleting “and Oatslie (by Roslin).” from the second last sentence.</td>
</tr>
<tr>
<td>(iii)</td>
<td>Further modify paragraph 2.1.14 by inserting, between the second last sentence and the last sentence, the following text: “However, sites designated for economic development at Sheriffhall South (north of Dalkeith) and Oatslie (by Roslin) have been retained in the Green Belt to ensure that the development of these sites respects Green Belt objectives.”</td>
</tr>
<tr>
<td>(iv)</td>
<td>Modify policy RP2 criterion D by deleting “policies” before “RP3” and replacing it with “policy”; by inserting “, proposal ECON1,” after “RP3”; and by inserting “policy” before “ECON7”.</td>
</tr>
<tr>
<td>(v)</td>
<td>Modify paragraph 3.3.15 by inserting the following text at the end of this paragraph: “It is intended that the site should remain in the Green Belt in order to ensure that the layout of the development and provision of open space respects Green Belt objectives and the character of the surrounding area.”</td>
</tr>
<tr>
<td>(vi)</td>
<td>Modify Inset Map 1 by deleting the policy area boundary and reference “10” (policy RP20 Development within the Built-Up Area) from site E2 and including the site under policy designations “1” (policy RP1 Protection of the Countryside), Green Belt (policy RP2 Protection of the Green Belt) (green shading), and “3” (policy RP4 Prime Agricultural Land). [Refer to PIM 21(vi) map]</td>
</tr>
<tr>
<td>(vii)</td>
<td>Modify Inset Maps 3 and 4 by deleting the policy area boundary and reference “10” (policy RP20 Development within the Built-Up Area) from site E7 and including the site under policy designations “1” (policy RP1 Protection of the Countryside), Green Belt (policy RP2 Protection of the Green Belt) (green shading), and “3” (policy RP4 Prime Agricultural Land). [Refer to PIM 21(vii) map]</td>
</tr>
</tbody>
</table>
Protection of the Green Belt) (green shading), and “3” (policy RP4 Prime Agricultural Land). [Refer to PIM 21(vii) map]

Reference should also be made to PIM 3.

[Reason: Retention of these economic sites within the Green Belt will reinforce the need for careful design as well as ensuring that these designations should not be regarded as a precedent for further development in these areas.]

<table>
<thead>
<tr>
<th>PIM 22</th>
<th>Economic Development - Proposal ECON1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Modify paragraph 3.3.14, 1st sentence by deleting “East” before “(site E1)” and replacing it with “Extension”.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Further modify paragraph 3.3.14 by deleting “It is intended that site E1 will be accessed through the Todhills Business Park, as an extension to it” and replacing it with the following text: “It is intended that site E1 will be an extension to Shawfair Park and not developed in advance of it. Site E1 will be accessed through Shawfair Park. Any additional secondary means of access will be assessed by the Council on its merits”.</td>
</tr>
<tr>
<td>(iii)</td>
<td>Further modify paragraph 3.3.14; in the sentence commencing “The site benefits from …”, insert “.” after “facility” and delete the rest of the sentence.</td>
</tr>
<tr>
<td>(iv)</td>
<td>Modify proposal ECON1, by deleting “East” under the entry “E1 Shawfair Park East” and replacing it with “Extension”. (Note that PIC 20 already changed the name from Todhills to Shawfair Park)</td>
</tr>
</tbody>
</table>

[Reason: This reflects changes to the Plan agreed through negotiation prior to the inquiry.]

For Post-Inquiry Modification relating to Economic Development - Policy ECON7, refer to PIM 33 below

For Post-Inquiry Modification relating to Community Facilities and Recreation – Proposal/Policy COMF4, refer to PIM 34 below

<table>
<thead>
<tr>
<th>PIM 23</th>
<th>Community Facilities and Recreation - Proposal COMF6</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Modify paragraph 3.6.30 to delete the final sentence.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Modify paragraph 3.6.31 by deleting it and replacing it with the following text: “It has not yet been possible to identify a suitable alternative site that is likely to be realised during the lifetime of the Local Plan. Therefore, in order to meet future needs, the Council will seek to identify a suitable site during the lifetime of the Plan which will be included in the next review of the Local Plan.”</td>
</tr>
<tr>
<td>(iii)</td>
<td>Modify Inset Map 1 to delete the Lauder Road Cemetery site denoted by a red proposal boundary and “CEM” and include the area under policy designations “1” (policy RP1 Protection of the Countryside) and “3” (RP4 Prime Agricultural Land). [Refer to PIM 23(iii) map]</td>
</tr>
<tr>
<td>(iv)</td>
<td>Modify proposal COMF6 Cemetery by removing “(PROPOSAL)” from the title of the policy.</td>
</tr>
</tbody>
</table>
[Reason: A site for this contentious proposal is proving elusive. Alternative sites are few and far between. While it is less than satisfactory to await another review of the Plan, it is likely that the site at Lauder Road would be difficult to secure due to an unwilling landowner. Furthermore, there appears to be sufficient capacity at present to allow the matter to be considered at a future date.]

PIM 24 Minerals - Policy MIN1

(i) Modify paragraph 3.9.17 by inserting, at the end of this paragraph, the following sentence: “Provision is made in policy MIN1 to allow specific mineral working proposals in exceptional circumstances to extend beyond the boundaries of the areas of search for operational purposes.”

(ii) Modify policy MIN1, in the paragraph commencing “Identification as an area of search...”, after “operational matters set out below. . .” insert the following text: “The Council recognises that specific mineral working proposals in exceptional circumstances may extend beyond the boundaries of the areas of search for operational purposes, and the acceptability of the use of any such land will be included within the assessment referred to above.”

[Reason: The Reporter’s recommendations provide for some operational flexibility which is not contrary to the Structure Plan.]

PIM 25 Energy - Policies NRG1-3

(i) Modify paragraph 3.7.2 by deleting paragraph and replacing with the following text: “Paragraph 39 of SPP 6 requires that, in updating development plan policies, such policies should support Scottish Ministers’ commitment to renewable energy and provide positively for its development; identify broad areas of search where projects for wind farms above 20 MW will be supported; indicate areas that will be given significant protection from wind farms over 20 MW; guide developers on broad criteria to be considered for all renewable energy development proposals; include policies supporting wider application of medium and small-scale renewable technologies; and provide a clear development management framework.”

(ii) Modify paragraph 3.7.3 by deleting the first 2 sentences and replacing them with the following text: “SPP 6 sets out a national policy for low or zero on-site carbon reduction requirements for new development. PAN 84 Reducing Carbon Emissions in New Development provides further information and guidance on these requirements.” In the 3rd sentence, delete “The annex to” and, after “PAN 45”, insert ”and its Annex”; replace “NPPG” with “SPP”. In the final sentence, replace “policy” with “policies”, replace “is” with “are” and replace “NPPG” with “SPP”.

(iii) Modify paragraph 3.7.5, 4th sentence, by deleting “In line with current and emerging national planning policy, NPPG 6 and Draft SPP 6 respectively,” and replacing with “In order to enhance its understanding,”; by inserting “wind energy development in” after “a landscape capacity study for”; by inserting “.” after “Midlothian”; and by deleting “(the summary findings are attached as Appendix 7 to the Plan)”.

(iv) Modify paragraph 3.7.6, 2nd sentence, by deleting “no landscape” and replace with “limited; after “in Midlothian for” by inserting “wind energy development and that a policy focused on giving priority to smaller “domestic” or “community” scale development in the lowlands would be appropriate.”; and by deleting the rest of the sentence. Delete the 3rd sentence commencing “However, the study . . .”.
Further modify paragraph 3.7.6 by inserting, at the end of the paragraph, the following text: “The Scottish Government Reporter found, in his report to the Council on the public local inquiry on the Finalised RMLP, that the Landscape Capacity Study justifies the Council’s intention not to identify search areas for wind energy development in Midlothian. He concluded that the area is too small, and has a diversity of landscape character that makes the identification of search areas impractical.”

Further modify paragraph 3.7.6, by deleting “,” at the end of the sentence commencing “The study provides information”; replacing it with “and as a result, it”; and deleting “It” from the following sentence to link these two sentences.

Further modify paragraph 3.7.6, by deleting “commercial wind farms” at the end of the sentence commencing “The Council endorses” and replacing it with “wind energy”.

Further modify paragraph 3.7.6, last sentence by deleting “and emerging policy” after “guidance” and inserting “policy and” after “national”.

Modify paragraph 3.7.7, 1st sentence, by deleting “commercial wind farms unacceptable in Midlothian, the RMLP” and replacing with “that there is limited capacity for wind energy development in Midlothian, the Local Plan”.

Further modify paragraph 3.7.7, 1st sentence by inserting “biomass” after “for example,”.

Modify paragraph 3.7.8, by deleting “There is a developing consensus” at the start of the 1st sentence, and replacing it with “SPP 6 and PAN 84 require”.

[Note that paragraph 3.7.8 was inserted as PIC 53(xviii)]

Delete the proposed new Appendix 7 which was to provide a summary of the Landscape Capacity Study for Wind Turbine Development in Midlothian. This appendix was proposed through PIC 54.

[Reason: The Reporter’s recommendations will help to ensure that the Plan is compliant with SPP 6 and PAN 84 so that it reflects current policy and guidance while still taking account of the Landscape Capacity Study specific to Midlothian. The deletion of the summary of the findings of the latter (Appendix 7) means that the Study will need to be referred to in full.]

PIM 26

<table>
<thead>
<tr>
<th>Energy - Policies NRG1-3</th>
</tr>
</thead>
</table>
| (i) Modify policy NRG1, criterion A, by deleting “significantly affect” in the 1st sentence, and replacing it with “cause a significant adverse effect upon”.
| (ii) Further modify policy NRG1, criterion A, by inserting “Pentland Hills Regional Park” in the 1st sentence after “significant archaeological sites,”, and deleting the existing reference to “Pentland Hills Regional Park” in criterion A after “Green Belt,”.
| (iii) Further modify policy NRG1, 1st sentence, by replacing "in particular individual and community scale wind turbines*” with "including wind energy”.
| (iv) Further modify policy NRG1, criterion C by inserting "landscape and/ or" after "by reason of" and, after "impact", inserting "*g1, q2*".
| (v) Further modify policy NRG1 by:  
  - inserting two line spaces in between criteria G and H and, on the 2nd line space, insert "and, in the case of wind energy proposals:". Insert a line space between this new text and criterion H; |
• inserting a line space after criterion I, and replacing the current text starting “*There will be a …” after criterion I with the following text:

“*1 The cumulative landscape and/ or visual impact of such proposals will be taken into consideration when assessing individual planning applications.

*2 In assessing wind energy proposals against this criterion, the Council will have regard to the findings of the "Landscape Capacity Study for Wind Turbine Development in Midlothian (2007)" which will be given significant weight as a material consideration. Reference should be made to the guidance provided on siting, design and location in the study and good practice as set out in PAN 45.”

(vi) Modify policy NRG2 by deleting "development …individual" in the 1st sentence and replacing it with "individual”; and, in the 2nd sentence, inserting "landscape and/ or" after "cumulative”; and deleting the 3rd to 6th sentences inclusive and replacing them with the following text:

“Reference should be made to the guidance provided on siting, design and location in the report Landscape Capacity Study for Wind Turbine Development in Midlothian (2007) and good practice set out in the Annex to PAN 45 (2006).”

(vii) Modify policy NRG3 by inserting between paragraphs 2 and 3 the following new paragraph:

“Proposals with a total cumulative floorspace of 500 m², and windfall development of any size, should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ in terms of the 2007 building regulations CO₂ emissions standard.”

(viii) Modify policy NRG3, in the 3rd paragraph, by deleting “gross” after 1000m² and replacing it with “total cumulative”.

(ix) Further modify policy NRG3, in the 3rd paragraph, by inserting between “windfall developments” and “proposals must”, the following text:

“(where proposals exceed 1000m² total cumulative floorspace in the case of non-dwellings; and, in the case of housing sites, where proposals exceed 14 units or that site is 0.5 hectares or more in size)”

(x) Further modify policy NRG3, in the 3rd paragraph, by inserting “demonstrate a “Good” or better BREEAM or bespoke BREEAM rating or its equivalent.” after “proposals must”.

(xi) Further modify policy NRG3 by deleting criteria A and B.

[Reason: The Reporter’s recommendations will help ensure that the plan is compliant with SPP6 and PAN 84 and that it reflects current policy and guidance while still taking account of the Landscape Capacity Study.]

PIM 27

**Implementation - Policies IMP1-3**

(i) Modify paragraph 3.12.14 by inserting at end of this paragraph, a new paragraph with the following text:

“3.12.15 The Council has prepared a statement, which has been made publicly available, setting out the basis for the proposed developer contributions listed in policies IMP2 and IMP3 and giving indicative costs related in scale and kind to the strategic housing sites. The Council will review the existing supplementary policy guidance on developer contributions at the earliest opportunity following the adoption of the Local Plan.”

(ii) Modify policy IMP1, in the paragraph commencing “Development briefs or master plans…”, after “will be prepared” and before “for all allocated…” insert “by the Council in conjunction with prospective developers”. 

(iii) Modify policy IMP2 by inserting a paragraph after the one relating to Redheugh/Prestonholm new community with the following text:

**Gorebridge**
- extension to Gorebridge Primary School
- extension to St Andrew’s RC Primary School
- contributions to extra capacity at Newbattle High School

(iv) Modify policy IMP3 by inserting a paragraph after the one relating to Redheugh/Prestonholm new community with the following text:

**Gorebridge**
- a community/leisure facility
- town centre improvements

and, by inserting a paragraph after the one relating to Rosewell with the following text:

**Bilston**
- a community facility / community space

**Reason:** The Council supports the early identification of infrastructure requirements and facility provision arising from new development. It acknowledges the benefit of providing further clarification on the nature and extent of the requirements in IMP2 and IMP3 as far as possible at this juncture and, where practicable, the likely costs of provision. The additional requirements for Gorebridge arise from the inclusion of the site at Robertson’s Bank (in light of the Reporter’s findings) and are consistent with the contributions sought from the committed development sites in Gorebridge. Additional requirements arising from other housing allocations introduced in light of the Reporter’s findings are contained within the requirements already identified in policies IMP2 and IMP3.[/]

**PIM 28**

<table>
<thead>
<tr>
<th>Detailed Development Policies - Policy DP1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Modify policy DP1, Section 1.1, in the 1st sentence commencing “New houses will be permitted...”, by deleting “essential” and replacing it with “required”.</td>
</tr>
<tr>
<td>(ii) Further modify policy DP1, Section 1.1, in the 1st sentence of the 2nd paragraph commencing “In approving the new house...”, delete “will be subject to a legal agreement.” and replace it with “...will be the subject of an occupancy condition and/or a legal agreement. It will generally be the case that a legal agreement will be required.”</td>
</tr>
<tr>
<td>(iii) Modify policy DP1, Section 1.2, at criterion c) by deleting “(minimum service frequency of 1 bus per hour weekdays, weekends and evenings)”.</td>
</tr>
<tr>
<td>(iv) Further modify policy DP1, Section 1.2, after the sentence commencing “Supplementary planning guidance …”, by inserting the following text: “The success or otherwise of this new policy will be reviewed before consideration is given to widening its application in future Local Plans, if appropriate.”</td>
</tr>
<tr>
<td>(v) Modify policy DP1, Section 1.3, at criterion b), delete “very” before “minor nature.”.</td>
</tr>
</tbody>
</table>

**Reason:** The Council generally accepts the Reporter’s minor amendments in respect of Section 1.1, 1.2 and 1.3 of DP1; in respect of the Section 1.1 reference to the use of planning conditions and legal agreements, the proposed modifications clarify the Council’s intentions whilst still allowing for the use of planning conditions where more appropriate. However, in respect of section 1.2 of DP1 relating to the addition of new dwellings to existing groupings of houses, the Council does not accept the Reporter’s recommendation but instead proposes a modification which would allow the Council to review the success or otherwise of this new policy before giving consideration to the widening of its application in future Local Plans, if appropriate.}
In policy DP, the following passages are to be shaded to indicate that they formulate part of the policy rather than the supporting text:

(i) **Section 1** “The Council will require good design in both the overall layout of sites and their constituent parts and a high quality of architecture in both the overall layout of sites and their constituent parts.” [Note: Includes PIC 47(ii)]

(ii) **Section 2** “The Council will expect development proposals to have regard to the following principles of sustainability:
   a) building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter, and unifying natural features;
   b) fostering and maintaining biodiversity;
   c) treating and conserving water on site in line with best practice and guidance on sustainable drainage;
   d) reducing consumption of energy;
   e) recycling of construction materials and minimising the use of non-renewable resources (refer also to policy WAST4 – waste minimisation);
   f) facilitating accessibility and adaptability;
   g) providing for waste recycling in accordance with standards which will be set out in supplementary planning guidance on waste separation, collection and recycling requirements for new developments.”

(iii) **Section 3** “All development proposals must be accompanied by a comprehensive scheme of landscaping. This will be designed to provide shelter, help create species, add colour and add to the interest and appearance of the development.

New tree planting will be used to define the edge of development areas within sites. The Forest Habitat Network (Forestry Commission Scotland) provides guidance in planning greenspace within new developments.

Where developments abut the countryside, tree belts of an average of 30 metres wide will be required except where a development brief indicates a lesser figure will be acceptable. This width is required to ensure the effect of planting is maintained as the trees mature.

A high standard of landscaping is required throughout sites. Tree and shrub species should be selected primarily for their good appearance, hardiness, low maintenance and suitability to the character of the site and layout design.

Indigenous species should form the basis for landscape schemes.

Finishing materials, surface textures and street furniture, together with the design of walls and fencing should combine with the landscaping to establish a theme for the development as a whole.”

(iv) **Section 4** “Open spaces designed for children’s play should be large enough to absorb such activity with minimum disturbance to local residents or undue damage to grass and planted areas. Similarly, the location of pitches for older sections of the population within open spaces should take account of the potentially adverse effect on amenity if situated too close to housing.”

(v) **Section 4a** “Unless otherwise determined within development briefs for housing sites proposed in this Plan, provision for outdoor sport will be made in accordance with the
National Playing Field Association’s (NPFA) minimum standards and the Council’s open space strategy once approved.”

(vi) **Section 4b** “The design and location of play spaces should be convenient to their users. They should be subject to passive supervision and open sunlight during the majority of the day. They should be fenced in order to avoid children running out of the play area and to discourage dogs making their way in.

In general terms, their design and location should accord with the advice provided in NPPG 11 *Sport, Physical Recreation and Open Space* and PAN 46 *Designing Out Crime*.

Provision for children’s play space will normally be provided within new housing areas in accordance with the NPFA’s recommendations.”

(vii) **Section 4c** “Arrangements for the long-term maintenance of open spaces shall be agreed with the Council prior to consent being issued. Maintenance arrangements can be through adoption by the Council or through alternative measures, either being subject to agreement with the Council.

Acceptable provision, including long-term funding for the maintenance of open spaces, landscaping and play equipment will be a perquisite of planning permission of new residential and other developments.” [Note: Subject to PIM 30(i) below]

(viii) **Section 4d** “Public open spaces provided in association with new development will be subject to conditions and, where appropriate, agreements requiring that they continue in use as communal open space.”

(ix) **Section 4e** “Equipment for communal play will be required in association with all new residential development, with the exception of housing specifically designed for the elderly.”

(x) **Section 5** “The detailed planning, layout and appearance of new housing developments must reflect national planning advice and guidance. In accordance with the encouragement therein of imaginative and innovative design, proposals showing exceptional ingenuity may be exempted from the usual space requirements, provided that the quality of public and residential amenity is demonstrably not compromised.”

(xi) **Section 5a** “Care is required in grouping of buildings. The houses forming a group must relate well in terms of scale, angle and alignment of roof pitch, choice of finishing materials and detailing.

A good level of security for the residents of a scheme must be provided and in this respect attention should be paid to linking buildings together by means of walls or garages. Open spaces should be designed as features to be looked onto from the front and sides of houses as should pedestrian routes and roads. Houses should not, as a general rule, be designed to back onto such features.

Housing layouts should be designed to be convenient for pedestrians, with special attention being paid to the provision of direct footpath/cycleway links between houses, schools, shops and community facilities. [Note: Includes PIC 47(viii)]

The housing layout and house types should be designed to provide for a high standard of passive energy gain; in this respect buildings should be arranged as to avoid unduly overshadowing one another.”
(xii) **Section 5b** “For detached and semi-detached houses private open space should be provided, as a minimum standard, on the following basis:

a) houses of 3 apartments should have usable garden areas no less than 110 m²;
b) houses of 4 apartments or more should have usable garden areas no less than 130 m². Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100 m².”

(xiii) **Section 5c** “Spaces between houses may vary depending on the types of houses and the nature of the sites. Certain minimum standards must be observed. These are as follows:

a) back to back distance, whether between single storey or two storey houses, of 25 metres;
b) between gable and rear of such property 16 metres; and

c) between the front elevations 22 metres.”

(xiv) **Section 5c** “Flatted properties should be provided with a communal private open space conveniently located for the residents. The area of land supplied for this purpose should be provided to half the standard used for terraced housing.”

(xv) **Section 5d** “Conventionally designed housing should observe the following criteria:

a) roofs should be conventionally pitched and be symmetrical;
b) roof pitches should be not less than 35 degrees and not greater than 45 degrees;
c) there should be a dominant roof and ridge line where the floor plan is not a single rectangle as in ‘L’ or ‘T’ or other more irregularly shaped floor plans;
d) the dominant ridge line should normally run parallel to the road;
e) the colours of wall finishes and roof materials should be sympathetic to one another;
f) windows should have a vertical emphasis;
g) a variety of wall finishes on single buildings should be avoided;
h) variety of finishes on groups of buildings should generally be avoided, interest should be achieved by the use of different architectural detailing; and

i) underbuilding should be kept to a minimum and base courses should not be obvious if built from a different material from that of the rest of the wall.”

(xvi) **Section 5e** “Within HOUS1, HOUS2 and HOUS3 sites of 15 units or more, it is desirable to seek, within limited parts of each site, an added emphasis on quality of design. This is to apply to individual building or groups of buildings, and in the use of materials both in finishes to dwellings (for example, slate and wet dash render, stone detailing, rosemary and clay pantiles) and also in walls and ground surfaces.”

[Reason: The Council accepts the Reporter’s recommendations to clearly identify which parts of the Development Guidelines are Council policy and which parts are supporting text.]

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**PIM 30**

**Detailed Development Policies - Policy DP2**

(i) Modify policy DP2, Section 4c by inserting after the paragraph commencing “Acceptable provision including long-term…”, a new paragraph with the following text: “For the purposes of this section, ‘long-term’ will typically be a period of at least 15 years.”

(ii) Modify policy DP2, Section 5b, PIC47(x), in the paragraph commencing “Garden areas referred to…”, by inserting “any available” after “three hours of”.

[Reason: The Council accepts the Reporter’s recommendations as reasonable clarification of the Council’s intentions.]
Modify Inset Map 1 to include land at Dalhousie Road, Eskbank (south of the former Jewel & Esk Valley College site) within the settlement boundary by applying policy area reference “10” (policy RP20 Development within the Built-Up Area) and removing policy reference “1” (policy RP1 Protection of the Countryside). [Refer to PIM 31 map]

[Reason: The Council accepts the Reporter’s recommendation as it would provide a reasonable and logical extension to the settlement boundary. However, it should be noted that any future development proposals will be required to address the terms of other policies and proposals in the Local Plan, including policy RP30 for the protection of open space in towns and villages, and must relate satisfactorily to the layout, form and design of development proposed on the larger sites to the north and west.]

(i) Modify Appendix 1B by inserting “*7” after “Business/General Industry” in the entry for site e10 Thornybank Industrial Estate, and, the footnote, add “*7: The Council will undertake a joint marketing exercise with the owner of site e10. This may involve other agencies as appropriate and the possibility of a mixed use development will be considered. If interest in the site for business/general industrial development (or a mixed use development involving these uses) is not secured through these processes, then the status of the site will be reviewed in the next review of the Local Plan (or in advance, if circumstances dictate).

(ii) Modify Appendix 1B by inserting “*8” after “Business/General Industry” in the entry for site e24 Gorton Road, Rosewell. The Council will undertake a joint marketing exercise with the owner of site e24. This may involve other agencies as appropriate. If interest in the site for business/general industrial development is not secured through these processes, then the status of the site will be reviewed in the next review of the Local Plan.

[Reason: The Council accepts the Reporter’s recommendation as it will retain the sites in the economic land supply whilst allowing for joint marketing exercises to be undertaken to demonstrate market demand for the sites and comply with SPP 2 on Economic Development and the ELSP 2015.]

Modify paragraph 3.3.31, 2nd sentence, by inserting “where there is no suitable alternative site within the urban envelope,” after “However,” and deleting “also” after “policy ECON7”.

[Reason: Although the Council has not accepted the Reporter’s recommendations with respect to policy ECON7, it has agreed to add this statement to further confirm the criteria which must be satisfied for any proposals brought forward under this policy to be acceptable. This clarifies the Council’s intention to seek demonstrable evidence from the developer/promoter of any hotel development that no suitable alternative sites exist within the urban envelope. Additional criteria are already clearly articulated. The Council considers that removing the text relating to hotel development in business area from the policy would weaken the Council’s objectives in terms of developing tourism in Midlothian, a fact acknowledged by the Reporter.]

Modify policy/proposal COMF4 Leisure and Community Facilities by inserting a paragraph after the one relating to Redheugh/Prestonholm new community with the following text:

“Bilston
❖ a community facility / community space”
Reason: This requirement arises from the scale of development now proposed in the village of Bilston. As with all other settlements, the nature of this facility will be determined through the development brief and be subject to community consultation.