Finalised Replacement Midlothian Local Plan: Objections to Proposed Post-Inquiry Modifications

Report by Ian L Young, Director Strategic Services

1 Introduction

1.1 At its Special Meeting on 17 June 2008, Council considered a report on the Report of the Public Local Inquiry into Objections to the Finalised Midlothian Local Plan (FMLP), received on 7 April 2008. At the meeting of the full Council on 24 June 2008, the Statement of Decisions and the Schedule of Proposed Post-Inquiry Modifications (PIMs) were agreed. The Schedule of PIMs was advertised and placed ‘on deposit’ for objection on 3 July until noon on 15 August, 2008.

2 Background

2.1 Copies of the Report of Inquiry, the Council’s Statement of Decisions, and the Schedule of Proposed Post-Inquiry Modifications were made available in Fairfield House and at all Midlothian Libraries during the six-week deposit period. The arrangements were advertised in the Advertiser and Peeblesshire News from 3 July.

2.2 Each objector to the FMLP was advised of the availability of the Report of Inquiry and informed of the Council’s response to the Reporter’s findings. The Report of Inquiry, the Statement of Decisions and Schedule of Post-Inquiry Modifications were made available on the Council’s website. Community Councils were also alerted to the Schedule of PIMs, and those who might be affected by the PIMs and had previously been in correspondence with the Council regarding the Local Plans review, were advised of the proposed changes to the Plan.

2.3 A total of 39 objections were received from 32 objectors before the deposit period deadline. A further 7 late objections were received, although these raise no relevant issues not already made in the objections which were submitted timeously.

2.4 Only a small number of topics are covered by the objections and these are listed in Table 1. The objections are summarised in Appendix 1. All of the issues raised were fully addressed by the Reporter during the proceedings of the 2007 Local Plan inquiry. A proposed response to each objection is included in Appendix 1. Appendix 2 summarises the late objections.
Table 1: Objections Received by Topic

<table>
<thead>
<tr>
<th>Topic</th>
<th>No of Valid Objs</th>
<th>No of Late or Invalid Objs</th>
</tr>
</thead>
<tbody>
<tr>
<td>PIM 16 Housing sites H13 Seafield Moor Road &amp; H14 Seafield Road East, Bilston</td>
<td>18 (15 opposing site H14, 2 opposing site H13 &amp; 1 related matter)</td>
<td>2 (opposing site H14)</td>
</tr>
<tr>
<td>PIM 17 Housing site H16 North West Penicuik</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>PIM 11 Housing site H9 Dykeneuk</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>PIM 12 Housing site H9 Robertson’s Bank</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>PIM 14 Removal of housing site H10</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>PIM 24 Areas of Search for Opencast Working</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>PIM 21 Economic site E2 – retention in Green Belt</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>PIMs 27/34 Implementation</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>PIM 20 Policy HOUS5 (formerly HOUS6) Low Density Rural Housing</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>PIM 28(iv) Policy DP1 Development in the Countryside</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Non-PIM related</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Objections</strong></td>
<td><strong>39</strong></td>
<td><strong>7</strong></td>
</tr>
</tbody>
</table>

Main issues raised in PIM objections

2.6 PIM 16 Site H14 (as renumbered) – Seafield Road East, Bilston: Members will recall that one of the few significant changes to the FMLP recommended by the Reporter was the inclusion of a housing site at Seafield Road East, Bilston (now numbered H14) under proposal HOUS1 Strategic Housing Land Allocations. He expressed a preference for allocating this site instead of the site identified in the FMLP at Seafield Moor Road, Bilston (now numbered site H13).

2.7 In response to his findings in detail regarding the relative merits of these sites, the Council decided to include both sites in the Plan through PIM 16 but for a reduced number of houses on each site; this was in recognition of the need to address specific issues at both sites whilst ensuring that sufficient development could be achieved to secure the necessary upgrading of the Bilston Annexe to a single-stream primary school in the best location to serve the whole community.

2.8 In total, 18 objections have been received to PIM 16, 15 of which oppose the allocation of site H14 Seafield Road East (plus a further 2 late objections on the same topic, including one from Damhead Community Council). Appendix 1 lists in detail the grounds of objection to site H14 which can be summarised as follows:

- impact on Green Belt, countryside, landscape, prime farmland, views & wildlife;
- damage to local amenity, recreational use & outdoor access;
- concerns about instability, contamination & drainage;
- lack of suitable infrastructure especially schools & access to community facilities;
- concerns about isolation from community/village centre/facilities;
- impact on road safety, traffic levels, noise, junctions on Seafield Road;
- distance from A701 & bus routes;
- danger of coalescence with Loanhead & lack of definition of northern boundary;
- lack of local demand for housing;
- doubts about deliverability of new primary school;
- overall scale of new development in Bilston & overprovision in A701 Corridor.

2.9 The Reporter’s arguments for and against both sites were finely balanced. Whilst he recommended the deletion of site H13 Seafield Moor Road, the retention of the site in the Plan but for a reduced number of houses gives ample scope for substantial mitigation of landscape impact and the additional space requirements for the new primary school. 9 of the objectors to the PIMs have expressed a preference for site H13 over site H14. These include the University of Edinburgh (UoE) as owners of site H13 who are asking for site H14 to be deleted and the site capacity at H13 to increase from 150 to 220 houses. In objections to PIMs 27 & 34, the UoE has raised concerns about possible ambiguity of meaning in the wording relating to the additional space requirements for the new primary school. Preliminary negotiations on this matter have confirmed that clarification of the scope for accommodating the school adjacent to the current Bilston Annexe, and the extent to which playing field/open space requirements may expand on to site H13, should allow these objections to be resolved.

2.10 Objections to site H13 have been received from Taylor Wimpey as the development interest at site H14, and Hallam Land Management who have development interests beyond site H14 and participated in the inquiry seeking a larger allocation to the north of Seafield Road. Both concur with the Reporter’s concerns about the landscape impact of site H13 and the extension of the built-up area into the countryside at this location. Both objectors ask for site H13 to be reduced further from 150 to 100 houses, Taylor Wimpey seeking a commensurate increase from 150 to 200 houses at site H14.

2.11 It should be noted that both parties have also lodged objections to PIM 17 which proposes a reduction in house numbers at North West Penicuik (now numbered H16) from 450 to 400 houses (following the removal of the reference to 150 Council houses at this location). The objectors are seeking a greater reduction in site capacity to 250 houses.

2.12 The Reporter carried out a comparative analysis of sites in the A701 Corridor, weighing the relative merits of each before making his recommendations. Similarly, at its meeting on 17 June 2008, the Council considered these sites in detail and, for sound reasons, decided to accept the Reporter’s view that site H14 should be allocated in the Plan but with reduced site capacity to allow for concerns about the site to be mitigated. However, it also agreed to retain site H13 in the Plan with reduced site capacity for the same reasons. As well as addressing shortcomings, this approach had the added benefit of supporting the provision of a much-needed new primary school and community facilities (perhaps in association with the new primary school) for Bilston. This approach remains sound and, given that the Reporter considered both sites in depth, there are no matters raised in the objections to the PIMs that require
further consideration at a second public inquiry. This holds true also for the objections relating to site capacity at H16 North West Penicuik.

2.13 The initial responses to these objections, as set out in Appendix 1 for approval, recommend no change to PIM 16.

2.14 Some of the objectors raise concerns that the Council did not inform them directly of the inclusion of site H14 in the Local Plan as a result of the inquiry findings. It should be noted that local residents who were already participants in the Local Plan process through earlier responses to consultations, or objections to the deposit Plan, were notified directly about PIM 16, including some residents of Bilston (sites adjacent to Bilston were the subject of consultation at two stages in the process), together with Community Councils for the wider community interest. Neighbour notification was not carried out for other residents. This is because there is no neighbour notification requirement relating to the current development plan process although this is proposed for introduction in the context of the new planning legislation. The Local Plan review is being conducted under the existing planning legislation and will be completed in this context; it was considered inappropriate to pre-empt the new legislation by introducing neighbour notification at this very late stage in the plan preparation process when it was not applied to the earlier stages and is not a statutory requirement.

2.15 These concerns have been noted but the correct statutory procedures have been followed; these are not valid objections to specific changes to the Plan as set out in the PIMs, advertised and placed on deposit for objection.

2.16 Other proposed changes to strategic housing land allocations: 3 objections, including one from Mayfield and Easthouses Community Council, have been received to PIM 11 which allocates site H7 Dykeneuk for 50 houses. The grounds for opposing the allocation can be summarised as follows:

- safety & amenity concerns regarding traffic increases on Crawlees Road;
- risk of flooding;
- construction noise/dust;
- impact on country living & wildlife;
- danger of coalescence especially taking into account the adjacent committed sites;
- loss of prime farmland;
- visibility.

These objections do not raise any issues not already taken into account by the Reporter in reaching his decision.

2.17 Glassedin Securities has lodged an objection to PIM 12 relating to the inclusion of site H9 Robertson’s Bank, Gorebridge, in the Plan. This refers to text concerning potential tree loss on the site and the need for flood risk assessment. The objectors claim that the site has no history of flooding. However, the wording is a fair reflection of the discussion about tree loss here which was expressed as one of the Council’s concerns at the public inquiry; the text does not prohibit some degree of tree loss to allow for development to take place. All allocated sites have been assessed against the SEPA 2nd Generation Flood Risk maps and part of site H9 falls within the 1 in 200 chance annual probability of flooding which means that SEPA will require flood risk assessment. It would be misleading for the Local Plan not to reflect this requirement.
and indeed SEPA has brought this issue to the Council’s attention in its response to the Supplement to the Environmental Report (see para. 2.39).

2.18 Gladedale has objected to PIM 14 and is seeking the reinstatement of site H10 (numbering as per FMLP) Rosewell Road, Rosewell in the Plan on the basis that the Reporter was incorrect in his assumptions regarding the potential timing of housing delivery on the site. They suggest that concerns about landscape setting could be overcome and the site is better than site H2 Larkfield North. However, the Council has accepted the Reporter’s findings with respect to site H10 and took into account landscape setting as well as the scale of development in the village and nearby at Whitehill House in reaching its decision to exclude the site from the Plan. There is no cause to revisit this decision and no locus for considering site H2 any further given that it is not the subject of a PIM.

2.19 The initial responses to all the above objections, as set out in Appendix 1 for approval, recommend no change to any of the PIMs or otherwise to the Plan.

2.20 PIM 24 Areas of Search for Mineral Working: Members are reminded that, in promoting PIM 24, the Council has accepted the Reporter’s recommendation to modify policy MIN1 Areas of Search for Surface Mineral Extraction (and its supporting text) to recognise that, in exceptional circumstances, specific mineral working proposals may extend beyond the boundaries of areas of search for operational purposes (referred to by the Reporter as operational but non-extraction areas). This is to allow some operational flexibility only and not to allow for much larger areas of search, as requested by objectors at the public inquiry (Scottish Coal and Crown, Arniston and Oxenfoord Estates).

2.21 5 objections have been received to PIM 24 (plus a further 4 late objections relating to the same topic). The objectors include Cousland Village Hall Association.

2.22 In summary, these objections consider that this proposed change to the Plan is vague and potentially could lead to opencast proposals which extend well beyond the approved areas of search without due control or public consultation. However, PIM 24 is in line with the Reporter’s findings and the objections relate to matters already dealt with by the Reporter. The amended policy is quite clear that any extension to the areas of search will only be considered in exceptional circumstances and must be justified as necessary for operational reasons. The landscape considerations which led to the definition of the boundaries of the areas of search in the first place will be taken into account when assessing the suitability of any such proposals. The initial responses to these objections, as set out in Appendix 1 for approval, recommend no change to PIM 24.

2.23 In addition, objectors raise their concerns about Scottish Coal’s forthcoming planning application for opencast coal working at Airfield Farm. These are not valid objections in the context of the Post-Inquiry Modifications (PIMs) to the Local Plan as the PIMs do not refer to the potential for future opencast working at Airfield Farm. These concerns have been recorded, however, and will be placed on file for future consideration as and when Scottish Coal brings forward its proposals for Airfield Farm; some of the issues raised will be able to inform pre-application discussions when these are requested by Scottish Coal. East Lothian Council has also recently
asked for clarification of the current status of the Airfield area in the context of the FMLP with proposed changes, in order to assist with responding to concerns from local communities in East Lothian about any opencast coal extraction proposals at this location.

2.24 Some objectors have expressed concern regarding the addition to the Local Plan of the reference to the Airfield location at a fairly late stage and without community consultation. This reference to Airfield was incorporated into the Plan before it was placed on deposit in June 2006, as a result of earlier consultations. The deposit Plan indicated that the area may have potential for opencast coal working in the longer term, albeit with the boundary reduced to remove areas regarded as sensitive in landscape terms and linked to enhanced road access (A68 Bypass). Tynewater Community Council and Cousland Village Hall Association were sent copies of the Finalised MLP when placed on deposit and the proposed Pre-Inquiry Changes arising from objections to the FMLP were notified to Tynewater Community Council when these were also duly advertised and placed on deposit in November 2006.

2.25 Pre-Inquiry Change PIC 42(v) proposed a change to the Plan to allow for the Airfield location (but still only the reduced area) to be considered earlier than the next review of the Local Plan, if one or more of the identified areas of search for opencast working was proven to have a coal resource which was not economically recoverable (in which case support for the uneconomical area(s) of search would be withdrawn). This proposed change was in response to objections to the deposit Plan made by Scottish Coal and Oxenfoord Estate. In response to PIC 42(v), Scottish Coal withdrew its objection to the Plan which sought to have Airfield as an additional area of search but Oxenfoord Estate continued with an objection seeking the same. This latter objection was considered by the Reporter who confirmed that PIC 42(v) was appropriate and should be made to the Plan. Whilst confirming PIC 42(v), he concluded that no additional search areas should be added to the Plan.

2.26 The development plan preparation process allows for amendments to be made to the Plan following the main consultations (and indeed these amendments often arise from such consultations); the deposit Plan, together with subsequent changes arising in response to duly made objections and consideration by an independent Reporter, have been statutorily advertised and provided for inspection. The concerns relating to the Council’s approach to changes to the Plan arising from consultation or objection, do not in themselves form valid objections to the PIMs as they refer to previous stages in the process and do not relate to any actual change to the Plan proposed by the PIMs.

2.27 Others matters raised: Buccleuch Property and Isla Mines/David Barnes have objected to the retention in the Green Belt of the strategic economic allocation at site E2 Sheriffhall South (PIM 21), seeking confirmation that economic development will remain acceptable on the site. Further discussion with respect to this objection has clarified that written confirmation of the Council’s intent should allow it to be resolved.

2.28 Taylor Wimpey and Hallam Land Management have objected to PIM 27 regarding the Council’s proposed statement on developer contributions which the Reporter recommended should be prepared and made publicly available in advance of Local Plan adoption, as a precursor to the preparation of updated Supplementary Policy
Guidance (SPG) on this subject which will follow Local Plan adoption. They are concerned that interested parties would be unable to scrutinise and comment on the statement. However, PIM 27 is fully in accordance with the recommendation of the Reporter who did not require the statement to be published for consultation; the revised SPG which will follow will however be subject to consultation. A further round of public consultation at this stage would create unnecessary delays in plan adoption and adversely affect development proposals in the pipeline. A further objection from both parties relates to the preparation of development briefs and master plans but again the Council’s proposed change to the Plan is in line with the Reporter’s findings and there is no reason to revisit this issue. The initial responses to these objections, as set out in Appendix 1, recommend no change to PIM 27. Reference should also be made to Appendix 1 for summaries and initial responses to objections relating to PIMs dealing with the development in the countryside and low density rural housing policies.

2.29 Finally, the Tyler Parkes Partnership has written on behalf of Straiton Park Ltd in support of the Council’s position with respect to the Reporter’s recommendations on policy ECON7 Tourist Accommodation.

Other responses to the PIMs

2.30 Response from Scottish Government: A response to the PIMs was received from the Scottish Government at the end of the deposit period, setting out the ‘informal views’ of the Directorate for the Built Environment without prejudice to the Scottish Ministers future consideration of the Plan. This highlights a few matters requiring update in the Plan which would have been picked up in any case as minor drafting and technical matters to be dealt with in preparing the Plan for adoption.

2.31 There is one matter raised by Scottish Government that requires further discussion. Its response specifically refers to PIMs 25 and 26 relating to renewable energy policies NRG1-3. Mention is made of SPP 6 Renewable Energy and the letter comments that the Council will wish to have particular regard to Annex A of SPP 6 which sets out the requirement for development plans to contain a spatial framework for wind farms over 20 MW and outlines the process to be followed in identifying broad areas of search. The letter comments that the Council will wish to ensure that the way in which the landscape capacity study has been applied is consistent with that process. There is a further comment about the application of development plan policies to areas outwith such broad areas of search and those which require to be afforded significant protection.

2.32 The purpose of these comments remains to be clarified, and a meeting to explore this has been delayed pending the return from leave of relevant Scottish Government staff. It should be noted that:

- no objection was received from the Scottish Government in relation to the renewable energy policies as they appeared in the deposit Plan or in the subsequent Pre-Inquiry Changes to the Plan which referred to the Landscape Capacity Study for Wind Turbine Development in Midlothian;
- SPP6 had been published prior to the public inquiry and was taken into consideration by the Reporter alongside the Council’s policies and the Landscape Capacity Study when considering objections to these policies;
the PIMs have taken on board the findings of the Reporter who gave the Council a clear endorsement for the Landscape Capacity Study to be given significant weight when considering proposals for wind energy, but suggested some amendments to the policy footnotes and supporting text references to the study to ensure that the policy framework complies fully with SPP 6; he supported the Council’s stance regarding areas of search for wind farm development, stating that: “The Landscape Capacity Study justifies the Council’s intention not to identify search areas for wind energy development in Midlothian. The area is clearly too small, and has a diversity of landscape character that makes the identification of search areas impractical.”

2.33 If required by the Scottish Government in response to this comment, any substantive change to the Plan at this juncture:
- would not be in response to a duly made objection (and there would therefore be no locus for such a change);
- would require significant additional work and consultation to identify areas of search, the Local Plan to be placed on deposit again and a second public inquiry to be held, significantly delaying Plan adoption and implementation;
- would involve a serious loss of public confidence in the development plan process; and
- would require Strategic Environmental Assessment (SEA) of the areas of search to be undertaken and the Environmental Report to be revised and consulted upon.

2.34 Other neighbouring Local Authorities at similar stages in their local plan processes do not appear to have received such comments. It can only be assumed that the intent behind this letter is not to seek changes to the Plan in this respect. However, this still requires clarification.

2.35 Response from Scottish Natural Heritage (SNH): SNH has intimated that it is satisfied that the inquiry process has taken cognisance of its previous comments in relation to policies HOUS1 and ECON1 Strategic Housing and Economic Land Allocations respectively, and NRG1-3 Renewable Energy policies. With respect to its outstanding objection to policy ECON 7 Tourist Accommodation, it notes that the Council has rejected an amendment to the Plan which was recommended by the Reporter but is content nonetheless to withdraw its objection to this policy. SNH has responded separately to the Supplement to the Environmental Report (refer to para. 2.37).

2.36 Response from Scottish Environment Protection Agency (SEPA): SEPA has no objections to the PIMs but notes that the Reporter has recommended inclusion of some sites where objectors have previously made reference to potential flood risk. It advises that developers should refer to the Indicative River and Coastal Flood Map (Scotland) for potential flood risk and that any required flood risk assessment (FRA) or drainage impact assessment (DIA) may influence the scale, layout and form of a development site. In some instances, an FRA may confirm that the principle of a proposed development is unacceptable. SEPA has responded separately to the Supplement to the Environmental Report (refer to paras. 2.38 & 2.39).
Strategic Environmental Assessment (SEA) - Supplement to Environmental Report

2.37 To meet the requirements of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, a Supplement to the Environmental Report was prepared addressing any significant environmental effects arising from the Pre-Inquiry Changes (PICs) that were retained following consideration of the Report of the Inquiry, along with any such effects of the PIMs. The Supplement was available for public scrutiny, as required by the Regulations, for a period of 6 weeks, this period being confirmed by the Scottish Ministers. The scrutiny period overlapped substantially with the deposit period for the PIMs. Responses have now been received from the SEA Consultation Authorities (Historic Scotland, SEPA and SNH) via the SEA Gateway. These are generally supportive of the approach taken by the Council.

2.38 SEPA highlights the need for the Council to prepare a post-adoption statement of views expressed on the Environmental Report during the consultation period. It also comments on a perceived inconsistency in the sites checklists whereby sites classed as not in an area of flood risk etc. are however identified as requiring flood risk assessments (FRA) and/or drainage impact assessments (DIA). The Council considers its approach to be sound as the initial assessments showed the sites to be acceptable but, following advice from SEPA and Scottish Water, a standard condition to carry out FRA and DIA has been requested on a number of sites.

2.39 SEPA comments specifically on the new site at Robertson’s Bank (H9), confirming that it may be at risk of flooding from the 1:200 flood as identified on the Indicative River and Coastal Flood Map. The response confirms that the need for an FRA and DIA has been referred to in the environmental assessment, but considers that, until the extent of flooding has been assessed, the site should be scored as negative for this element of the environmental assessment. SEPA’s response suggests that the FRA will need to address whether or not the current designated site and the development can be accommodated on site without increasing flood risk. PIM 12(i) incorporates into the FMLP an appropriate reference to the possible impact on the capacity of site H9 arising from any potential flooding risk.

2.40 SNH also comments on the Council’s assessment under the Habitats Directive and Regulations, and confirms that, in its opinion, an ‘appropriate assessment’ is not required.

Next Steps

2.41 Following approval of the initial responses to the objections to the PIMs as set out in Appendix 1, objectors will be advised of the Council’s response. This report will also be placed on the Council’s website for information.

2.42 In terms of the timetable to adoption, there is a requirement (referred to in para.2.28 above) for the preparation of a statement providing clarification on the requirements of policies IMP 2 and 3, as an interim measure until such time as the Council is in a position to bring forward the revised Supplementary Policy Guidance (SPG) on developer contributions. Members are reminded that the Reporter concluded that, as a suite of policies, the implementation policies IMP1-3 are generally sound, logical and consistent with Circular 12/1996 but, as identified by the Council at the inquiry, a
review of its existing SPG regarding developer contributions (prepared in November 2001 and updated in November 2005) is required to update it in line with the new housing allocations. The Reporter is of the view that such an update should be undertaken in early course, and that meantime additional information justifying the requirements as set out in policies IMP2 and IMP3, and the scale of costs, should be provided. Work is in progress to address:

- the extent to which additional essential infrastructure or making good deficiencies in existing facilities is deemed to be required as a result of the new housing development;
- the expected overall cost and apportionment of cost related in scale and kind to individual housing sites identified through proposals HOUS1 and HOUS2.

2.43 This statement should be made publicly available before the Local Plan is adopted. Until this is complete, the timetable to adoption cannot be confirmed but it is hoped to bring a report to Cabinet in late October/early November on the Notice of Intention to Adopt the Plan. This will then be advertised and a copy of the Plan, in the form in which it is proposed to be adopted, is submitted to the Scottish Ministers who have 28 days in which to issue a Direction not to adopt, if they so wish. Following this period and assuming there is no such Direction, the Council can proceed to adopt the Plan by resolution. The Plan is still on course for adoption before the end of 2008 (with the proviso that there is no Scottish Government intervention) and the Plan would become operative at that stage, although there would still be a six-week period for legal challenge.

2.44 The Plan now requires to be prepared for adoption and publication. A few minor drafting and technical errors that have come to light through responses to the PIMs or otherwise during the latter stages of plan preparation will be corrected prior to publication.

3 Report Implications

3.1 Resource Implications

There are no resource implications arising from this report.

3.2 Risk Implications

Taking decisions in line with the Reporter’s findings as far as possible has led to only a limited number of issues being raised in objections to the PIMs. It is considered that the issues raised should not necessitate the holding of a second public inquiry. There is always a risk of legal challenge to the Council’s interpretation of guidance in such matters.

3.3 Policy Implications

Strategy

Progress with the Local Plans review contributes to the achievement of the following Corporate and Divisional priorities:
Corporate Priorities 2008-11:
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

Strategic Services Divisional Priorities 2008-11:
- Review the Midlothian and Shawfair Local Plans: Adoption of replacement Local Plan by end of 2008
- Provide quality, affordable housing including increasing homelessness accommodation – deliver the 5 year housing land supply to assist in meeting housing need and demand
- Promote inward investment and create quality and sustainable business locations
- Provide suitable infrastructure for the efficient delivery of services to meet the full range of community needs
- Contribute to sustainable development, including in securing Best Value

The consideration of objections to the proposed PIMs is an essential step towards adoption of the replacement Midlothian Local Plan which will take forward the requirements of the Edinburgh and the Lothians Structure Plan 2015, a key strategic planning document.

Consultation

The Statement of Decisions and Schedule of Proposed Post-Inquiry Modifications were advertised and placed on deposit for objections. Objectors to the deposit FMLP were notified of the availability of the Reporter’s findings and of the Council’s decisions in relation to these findings. All the documentation was placed on the Council’s website. Community Councils and those who might have an interest in the proposed PIMs and had previously been in touch with the Council regarding the Local Plan process were alerted to the PIMs.

Equalities

An equalities impact assessment has not been carried out in relation to the objections to the proposed PIMs as these are not a Midlothian Council plan, strategy or policy but are responses to the Council’s decisions in respect of the recommendations of an independent Reporter in relation to a Council strategy/plan.

Sustainability

The proposed PIMs have been the subject of SEA and a Supplement to the Environmental Report has been prepared to consider if the PIMs would result in any significant environmental effects. The Supplement has been the subject of public scrutiny as required by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 and a response to the Supplement has been received from the SEA Consultation Authorities via the SEA Gateway (see paras. 2.37 - 2.40).
4 **Recommendations**

4.1 Council is asked to:

a) note the summaries of the objections duly lodged to the Post-Inquiry Modifications to the Finalised Midlothian Local Plan, as listed in Appendix 1, and that none of these is considered to raise any matters requiring to be examined at a further public inquiry;

b) approve the initial responses to the objections, as set out in Appendix 1;

c) note the summaries of the late objections received, as given in Appendix 2;

d) note that, when complete, the statement on developer contribution requirements will be made publicly available;

e) note the intention to meet with Scottish Government to clarify the intent of its response to the Post-Inquiry Modifications; and

f) note that the replacement Midlothian Local Plan will now be made ready for adoption and a report brought to Cabinet in early course on the Notice of Intention to Adopt the Plan.

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**Report Contacts:**
Anne Geddes  **Tel No** 0131 271 3468  **E mail** anne.geddes@midlothian.gov.uk
Janice Long  **Tel No** 0131 271 3461  **E mail** janice.long@midlothian.gov.uk