



**MIDLOTHIAN GREEN PARTY**

**RESPONSE TO  
MIDLOTHIAN LOCAL DEVELOPMENT PLAN  
PROPOSED PLAN**

**June 2015**

## **Comments on the consultation process**

One of the major difficulties for the public in commenting on the various stages of the MLDP process is in determining what changes are being proposed at each stage of the Plan, including whether the Council has responded to issues raised in consultation responses.

Development Plan Scheme No.4 (May 2012) stated: “The Council’s response to the issues raised in comments and submissions made in relation to the MIR will be made publicly available once they have been considered in the context of the emerging Proposed Plan.” A similar commitment was made in DPS 5 in March 2013. However from DPS 6 (March 2014) onwards, there is no mention of this Council response to submissions. As far as we are aware no such document has been produced. This means that individuals and groups that took the trouble to respond to the MIR have no way of telling whether and in what ways the Council has responded to those comments. The only way of finding this out would be to trawl through the MIR and the Proposed Plan, line by line, to try to determine any changes made.

Following the consultation on the MIR, further opportunities to inform the public about how the Council proposed to change the Proposed Plan were missed. A seminar held on 9 December 2014 to provide information on the draft MLDP was not open to the public, and members of the public were excluded from the Council meeting that approved the Proposed Plan on 16 December 2014. No public information meetings have been organised during the current Proposed Plan consultation period.

### **1.2 The Vision**

The primary focus of the vision set out in the Proposed Plan is the facilitation of economic and population growth. Sustainability is mentioned in the vision, but only as the last item on the list.

The view of Midlothian Green Party (MGP) is that the priorities in the vision should be reversed. If the economic and population growth in the plan cannot be sustained in the long term, whether in environmental or economic resource terms, then facilitating them simply postpones the day when decisions must be taken on achieving a sustainable society in Midlothian and beyond. If the vision for Midlothian is a massive increase in new housing, the needs and demands of those additional residents for roads, retail developments and open space will increasingly come into conflict with each other. This is not a sustainable vision.

The vision should start with the concept of sustainability at its heart. It should ask the question “can we continue this trajectory over the plan period and beyond and still meet our aims in terms of quality of life, transition to a low carbon economy and community engagement?”

We also note that the vision statement in the Proposed Plan omits the following statement that was in the Vision in the Main Issues Report: “The challenges faced in

delivering the scale of growth required in Midlothian are acknowledged.” We hope that this does not signify that the Council no longer considers that delivering the proposed scale of growth presents challenges.

The Proposed Plan links the objectives set out in the MLDP to the Council’s decision-making on individual planning applications:

Recognising its responsibilities to both existing and new residents, the Council will work with its communities and partners to ensure that prosperity, quality of life and wider sustainable development principles are central to its planning decisions.

We welcome that commitment. However we would caution that the inclusion of “prosperity, quality of life and wider sustainable development principles” in the same sentence provides no guide to how the Council will make decisions when it is clear that “prosperity” comes into conflict with “quality of life” or “wider sustainable development principles”. For example, if a planning application for extraction of fossil fuels is assessed as having positive economic benefits, but would prevent Midlothian from achieving its emissions reduction target, how will the Council act? Further policy clarity is required on this. It is also notable that the MLDP provides no definition of “wider sustainable development principles”. We suggest that, failing the amendment of the Plan to incorporate these points, it might be appropriate to develop Supplementary Guidance on the application of “Sustainable Development Principles” in planning decision-making. A number of other local authorities have already done this. The guidance should include policy and advice on the use of sustainability appraisals in consideration of planning applications.

### **1.3 Aims and Objectives**

There are three new strategic aims in the LDP that were not in the 2008 Local Plan:

- To contribute to the delivery of successive Midlothian Single Outcome Agreements;
- To respond robustly to the challenges of mitigating climate change and adapting to its impacts;
- To identify and implement a Green Network for Midlothian consistent with national and regional green network projects.

We welcome these three new aims. The commitment to a “robust” response to climate change is particularly welcome and supported. However we would make the following points:

- There needs to be a clear indication in planning policy and in how that is delivered through planning decisions of what “robust” means in practice. This could be delivered through Supplementary Guidance, as outlined above, which provides a clear link between planning decisions and Midlothian’s current sole emissions target, the Single Midlothian Plan commitment to reducing to 4.5 tonnes of carbon per person per annum by 2020.
- There should be a clear commitment in policy that climate change mitigation is always preferable to adaptation, because if inadequate mitigation is applied (i.e. measures to reduce emissions), it may not be possible to adapt to many of the effects of climate change.

- While it is in any case a legal requirement, the Plan should also affirm Midlothian Council's commitment to meet its obligations under Section 44 of the Climate Change (Scotland) Act 2009 to act (a) in the way best calculated to contribute to the delivery of national emissions reduction targets and (b) in a way that it considers is most sustainable.
- Under Scottish Government plans, the current system of local authority voluntary reporting of greenhouse gas emissions, including county-wide emissions as well as those generated by the authority itself, will be replaced by a mandatory system which will not require reporting of county-wide emissions. We believe this is incompatible with the proposed strategic aim of responding robustly to climate change and therefore urge the Council to commit to continuing to report on the levels of county-wide emissions and the targets and measures to reduce them.

MGP also welcomes the commitment to implementation of a Green Network. However it is essential that this aim does not lead to a watering down of commitments to protection of the environment and green spaces that are not part of the 'Green Network'. Environmental aims in the MLDP should be applicable across the whole of the Council's policies and practice.

MGP proposes adding the following 'Environmental Objective' to those set out in the Proposed Plan: "to secure the Council's commitments to reduction of greenhouse gas emissions through all aspects of its activities, including decision-making on individual planning applications."

We note, under Environmental Objectives, that the commitment to "promote the use of renewable energy sources" in the 2008 Local Plan has been amended to "promote sustainable energy solutions" in the Proposed Plan. This introduces some potential for ambiguity. Therefore the Council should make clear that no form of fossil fuel extraction or use will be regarded as sustainable.

MGP also proposes applying the same test to other development proposals as are applied to sustainable energy in the 'Environmental Objectives' section, i.e. that these developments are promoted "where this can be achieved in an environmentally acceptable manner". That text should be appended to both of the first two Economic Objectives listed in the Proposed Plan.

## **2 The Strategy for Sustainable Growth**

The core of this section of the MLDP sets out the basis for the large numbers of additional housing sites allocated in the Plan.

The MLDP proposes a total of 12,490 new houses in Midlothian over the period 2009-2024. This includes 8,080 already allocated under previous Local Plans to be completed in the period 2009-2019, plus an additional 4,410 to be completed in the period 2019-2024.

These requirements are set by SESPlan and are not, therefore, challengeable in the MLDP. However the basis for these ambitious housing targets is in effect a circular

argument: housing must be built, the argument goes, to accommodate the predicted rise in population. However the population will only rise to that extent if those houses are built and therefore able to accommodate the extra people.

The National Records of Scotland predicts a 'natural' population growth in Midlothian from 86,210 in 2014 to around 89,500 in 2021. The MLDP projection – which takes account of all the proposed growth in the Plan - is "in excess of 96,000".<sup>1</sup> The additional projected population is migration into Midlothian, principally from Edinburgh.

However, over the three years 2011 to 2013, net in-migration to Midlothian was 554 per year.<sup>2</sup> The level of in-migration would have to almost treble from that level to require an increase in the housing supply of the scale set out in the MLDP.

Of the 8,080 houses allocated for development in the period 2009-2019, only around 3300 had been completed by March 2015. To meet the SESPlan figure, the housing completion rate in Midlothian would have to go up from the recent average of around 600 per year to around 950 per year. It seems unlikely that the building industry could sustain that level of effort. And in-migration of 5-600 people a year would not drive a demand for almost 1000 new houses a year.

The Council has recognised this dilemma. The Officer's report to the Council meeting of 16 December 2014 that approved the proposed Plan stated:<sup>3</sup>

The test of adequacy of the MLDP housing land supply is measured on the amount of housing delivered and programmed for development to meet the SESplan requirement in the plan period. The expectation for Midlothian is now much higher than has ever been achieved in the past. The consequence of these higher targets is an increased risk of failing to meet the requirements, unless developers increase their output. It is not suggested, however, that additional land is allocated at this time, as there is no guarantee that this land would deliver towards the requirement; such land would become part of the 'committed' housing land supply and included in the recalculation of the housing land requirement. This could result in a further increase in Midlothian's requirement, which would become harder and harder to meet.

It seems, therefore, that there is significant doubt that the planned growth in new housing will actually occur. If that is the case, there must be a question mark over the whole strategy for Midlothian set out in the MLDP. Allocating large numbers of sites for housing – and associated infrastructure – that may never in fact be taken up prevents those sites being used for other purposes, and effectively prevents any alternative strategy from being pursued. In particular, zoning a greenfield site for housing risks preventing that land being allocated back to agriculture or green space.

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<sup>1</sup> National Records of Scotland, *Midlothian Council Area – Demographic Factsheet*, 30 April 2015, pp.1, 6; *MLDP Revised Environmental Report*, December 2014, paragraph 3.1.5.

<sup>2</sup> National Records of Scotland, *Midlothian Council Area – Demographic Factsheet*, 30 April 2015, p.4.

<sup>3</sup> Midlothian Local Development Plan: Proposed Plan, Report by Mary Smith, Director Education, Communities and Economy, Council, 16 December 2014, paragraph 3.12.

There is also a case for arguing that the housing land allocations in the MLDP are excessive even on their own terms. The housing sites allocated in the Plan, in order to meet the SESPlan targets, fall into four categories:

- Committed Development (sites approved under previous Plans)
- Strategic Housing Land Allocations (sites listed in the Settlement Statements in the MLDP)
- Additional Housing Development Opportunities (also on the sites in the Settlement Statements)
- Longer Term Safeguarding<sup>4</sup>

The Report to the Council meeting of 16 December 2014 makes clear that the number of houses allocated in the first three categories alone exceeds the SESPlan target by nearly 20% in order to achieve “flexibility”. Any houses allocated in the ‘Longer Term Safeguarding’ category would be over and above that 20% “flexibility” margin.

Given the over-supply of housing sites in Midlothian against the SESPlan targets, there should be room for the Council to accept further reductions in housing sites without impacting on Midlothian’s capacity to deliver the numbers of houses required by SESPlan.

One implication of the domination of the MLDP’s vision for Midlothian by a massive house-building programme is that the Plan is, in effect, written mainly on behalf of many thousands of people who do not yet know that they want to live in Midlothian. The interests and views of people who have lived in Midlothian for generations, and who may have different perspectives on what the future Midlothian should look like, are in effect put in second place.

As we noted in our comments on the ‘Vision’ section of the Plan, the reference in the Main Issues Report to “the challenges faced in delivering the scale of growth required” has been dropped from the Proposed Plan. But it is clear that those challenges are ever-present in the Council’s ‘Strategy for Sustainable Growth’. We would therefore urge the Council to give serious consideration to a “Plan B” strategy, to be applied in the event that the programmed scale of housing development does not materialise.

In relation to the Plan proposals on employment land, while we support the allocation of significant areas of land for “employment use”, it is not clear how this connects, if at all, to the proposals for additional housing. The Proposed Plan has an objective (paragraph 1.3.2) to “reduce out-commuting” and to “direct new development to locations which minimise the need to travel, particularly by private car”. However the scale of housing development is not matched by plans to create employment within Midlothian, which would then reduce out-commuting to Edinburgh, reduce the need to travel, and would also aid community identity and cohesion by creating closer ties between workplaces and communities. This is in our view a major disjuncture in the Proposed Plan. It commits to maintaining and improving community identity but its

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<sup>4</sup> The ‘Longer Term Safeguarding’ housing sites are at Cauldcoats Phase 2; Newton Farm Phase 2; Hopfield West; Redheugh West Extension and Seafield Road Extension.

central economic growth model is based on housing developments geared primarily to meeting a need for commuter housing for people working in Edinburgh.

### **3: Sustainable Place-Making**

This section of the Proposed Plan sets out the planning and design goals for provision of new housing. The term “sustainable place-making” is now widely used by planners and architects. However its meaning is not well known outside those circles. It should be clearly defined in the Plan.

There is in our view a significant difficulty in Midlothian meeting the demands placed on it for new housing and simultaneously achieving the laudable aims of “sustainable place-making”. In Midlothian, as elsewhere in the country, new housing developments are typically:

- located further away from public transport
- located further away from employment locations
- located further away from shops
- located further away from community facilities
- not provided with local shopping facilities
- designed primarily to accommodate private car ownership and use.

We welcome the commitments under the principle of “sustainable place-making” to address some of these issues. However this will require the establishment of a clear and robust system that forces developers to comply with the Council’s aims in this regard. Developers can be expected to oppose many of the principles since they will increase their costs. It must be clear that developments where, in order to ‘pop out to buy a pint of milk’, residents must get in their car and drive several miles to an out of town supermarket, will not be acceptable.

It should also be clear in the Council’s planning policy that the creation of new housing in Midlothian primarily to meet the needs of people whose employment requires them to commute, especially by car, cannot meet the terms of ‘sustainable place-making’. Midlothian already has very high levels of out-commuting. The Council should be making strenuous efforts to reduce the amount of commuting both in its housing policy and in its policies on employment and provision of shopping and community facilities.

We also propose that the concept of ‘sustainable place-making’ should be strengthened by incorporating an aim of encouraging local and community-based food production and distribution. Many existing housing areas in Midlothian have open spaces that are unused, and also relatively poor access to community/neighbourhood facilities and activities. The Council already has a track record of promoting community gardens connected with schools, hospitals and other activities. This should be extended to establish community-based food production as one of the aims of sustainable place-making. This will have multiple benefits:

- reducing transport demand
- reducing food miles
- reducing family food bills

- promoting community identity, cohesion and resilience
- providing practical environmental and social education
- enhancing social equity.

We note and welcome that the Settlement Statements for Newton Farm, Hopfield Farm 2, Redheugh/Prestonholm, Seafield Road Bilston and Redheugh West now suggest that the Master Plans for those sites “should consider the potential for including allotments or space for community growing ...in recognition of the increased interest in local food growing”. However this should be a matter of policy, not suggestions for consideration by developers at particular housing sites.

The Plan’s proposals for affordable housing, set out in section 3.2, are inadequate. Midlothian has a council house waiting list of more than 4000. Even after the Council’s new build programme is complete it will have less than 600 houses per year to let. The onus is now on persuading or forcing developers to provide a proportion of their private developments as “affordable housing”. However:

- Sites allocated under the 2003 Local Plan which have planning permission are only required to provide 5-10% of units as affordable housing.
- Sites allocated under the 2003 Local Plan which do not have planning permission may get away with providing as few as 5-10% of units as affordable housing if they can provide a “reasoned justification”.
- Policy DEV 3 also allows for any development to be exempted from the general requirement for 25% to be affordable housing if this is “fully justified” – but the policy is silent on what might be considered acceptable grounds for providing less than 25%.
- Perhaps most importantly, the term “affordable” is not defined in the Plan. The Supplementary Guidance (SG) on Affordable Housing under the 2008 Local Plan uses the Scottish Planning Policy definition of Affordable Housing as “housing of a reasonable quality that is affordable to people on modest incomes”. That is already a wide category and does not differentiate between housing tenures. However the Council’s proposals in this area under the MLDP are not known because although it proposes to issue new SG on this topic, the SG has not been published. It is therefore impossible to judge whether the approach to affordable housing is different from that previously adopted, and if so in what ways.
- Paragraph 130 of Scottish Planning Policy requires that “Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing *across the range of tenures.*” [our emphasis] We do not consider that the MLDP has met the SPP requirement to deliver affordable housing in the socially-owned sector,

#### 4.5 Improving Connectivity

We support in principle the provisions of Policy TRAN 1 that “Major travel-generating uses will only be permitted where they are well located in relation to existing or proposed public transport services, are accessible by safe and direct routes for pedestrian and cyclists, and accord with the Council’s Local Transport Strategy.”



However there are three problems with this policy as a mechanism for reducing reliance on the private car:

- locating “major travel-generating uses” near to public transport is not a sufficient mechanism for ensuring that those public transport facilities are used;
- the policy contains no specific measures to reduce the use of the private car;
- the policy quotes a requirement to “accord with the Council’s Local Transport Strategy”, but that strategy was written eight years ago and is incapable of addressing the transport and travel implications of the scale of growth set out in the MLDP.

References are made in paragraph 4.5.9, Section 8 and policy TRAN 1 of the MLDP to the Local Transport Strategy (LTS). However the current LTS was written in 2007 – even before the 2008 Local Plan was approved. Consultations on a new LTS took place in summer 2014 but progress on this document has been postponed and it is understood that a new draft policy is unlikely to appear before spring 2016.

We also have doubts about the scope of the Transport Appraisal conducted for the MLDP. It would appear that this study is not a full assessment of the transport impacts of all the developments proposed in the Plan, but a more limited appraisal of the effects of a number of specific proposed measures to mitigate those impacts. It would also appear that the Transport Appraisal does not carry out a full cumulative assessment because it takes no account of the transport impacts of consented developments, some of which have been approved despite being contrary to the extant Local Plan, and it would appear that it also fails to assess the impact of all proposed new development.

We do not support the proposals for realignment of the A701. The rationale for these plans is unclear since on the one hand the road is promoted as being necessary to accommodate increased traffic flows resulting from development in the Straiton area, but on the other, the Council states that the funding of the road would be dependent on contributions from the developers of the West Straiton site. This begs the question, if the Straiton development did not go ahead, would there be a demand for the new road?

The building of new roads to address congestion on existing roads has long been shown to be a self-defeating strategy. No figures are provided in the Proposed Plan, as far as we can ascertain, on the current traffic levels on the A701 nor the projected levels with and without the A701 realignment. It is therefore impossible to assess what case is being advanced for this additional road.

We fundamentally disagree with the claim in paragraph 5.1.40 of the Proposed Plan that the new A701 relief road will have “beneficial effects on air quality overall”. No data is provided to justify this claim and since the provision of additional roads is likely to generate an overall increase in the amount of traffic, we are highly sceptical that the result could be anything other than a reduction in overall air quality.

There are two further significant reasons why the additional A701 road should be rejected:

- even if it did not result in the further business/industrial/retail development of West Straiton – which it is intended to facilitate - it would require the removal of a further area from the Green Belt. This would be a permanent loss. This is inconsistent with the MLDP aims for the Green Belt. The road could only meet one of the five possible justifications for development in the Green Belt in proposed Policy ENV 1 – “provide for essential infrastructure”, and then only if the expansion of retail and other development into West Straiton is regarded as “essential”.
- It would permanently remove a significant area of prime agricultural land. Given the effects of climate change and the growing need for food security, the claimed need for a “relief road” cannot be said to “outweigh the environmental or economic interests in retaining the farmland for productive use”, so the road is contrary to Policy ENV 4 of the Proposed Plan.

Damhead & District Community Council has made clear its opposition to the road and has put forward a positive vision in its Neighbourhood Plan for the productive and community-based use of this land. Their view should be respected.

We would also stress that full review of the Council’s case for the additional A701 road has not been possible because neither the new Supplementary Guidance on Development in the Countryside and Green Belt, nor the revised Local Transport Strategy, have been published as part of the consultation on the MLDP.

On other transport proposals in the MLDP:

- we question the commitment to a tramline to Dalkeith. This would be in competition with existing bus services and potentially also train services from Eskbank; would occupy road space that is already predicted to be heavily congested; and would not be in keeping with the aim of the Plan to reduce out-commuting. Given the experience of the Edinburgh trams it is also likely to be an extremely expensive project, at a time when public spending is under severe pressure.
- the reference in Policy TRAN 2 to “Millerhill-Loanhead rail safeguard” appears to be a misnomer. This is not, as far as we can determine, a proposal to safeguard the disused railway line for future reinstatement as a public transport route. It is a proposal for a new cycle route. While we would support this in principle, it is not clear how this would fit in with other cycle routes, public transport facilities and the Green Network.

#### **4.6 Town Centres and Retailing**

Midlothian currently suffers from a problem common to many areas of Scotland and the rest of the UK – declining fortunes for high street shops, with food and other retail facilities increasingly located in out-of-town retail parks and malls that also struggle to survive due to high rents.

The MLDP proposal to further expand Straiton Retail Park is at odds with the plan’s aspirations for sustainability. Encouraging expansion at Straiton will suck demand away from existing Midlothian town centre shops, encourage car use and lead to consumer spending by Midlothian residents being transferred out of the county and

the country in the shape of the profits of multinational chains and high rents paid to property development companies based outside Midlothian and in many cases outside UK tax jurisdiction.

Midlothian's retail strategy should be focused on retaining local choice and local control. This will mean restricting out-of-town developments, mandating local shop provision in new housing developments, and providing economic and planning incentives for independent locally- and community-controlled retail businesses to locate and remain in the existing town high streets.

Much of the proposal for further expansion at Straiton appears to be driven by the developers' desire to attract customers from outside Midlothian, notably the City of Edinburgh. This is also contrary to the sustainability aims of the MLDP since it encourages car travel and sucks demand out of town centre facilities in Edinburgh that are highly accessible by sustainable modes of transport.

The recent history of Straiton Park, which is reflected in most developments of this sort across the country, shows that it is not even capable of sustaining the existing businesses on the site, let alone catering for more. Several units on the site have remained empty for a considerable period of time. In this context it makes no sense to propose creating even more retail space of this sort on the same site.

Additionally, the Proposed Plan seems to suggest that one rationale for the West Straiton development is that it would generate funds to deliver the realigned A701. However the A701 realignment is also billed as being required in order to support further development at Straiton. These seem to be circular arguments.

In relation to retail development, SESPlan states: "Unless an exception is identified through an LDP and justified by rigorous analysis, priority should be given to town centre then edge of centre locations, then established commercial centres and finally out of centre locations." The MLDP should adhere to these principles and reject further expansion at Straiton in favour of town centre locations that are within active travel distance of the majority of people they are designed to serve. The plan should also aim to reduce demand for travel for food shopping through promotion of community vegetable production and distribution. In this context we welcome the Proposed Plan's suggestion that provision should be made for community food growing in some of the allocated housing land sites. However this should be backed up by a county-wide policy commitment in the MLDP to encouraging and providing land for community food growing.

#### **4.7 Tourism**

The Plan's related proposals for a 'Midlothian Gateway' centred on West Straiton seem poorly defined. Given its location it seems unlikely that it would attract tourists. It is difficult to believe that what is currently described as "an uninspiring entrance to Midlothian" could be made "attractive" by the creation of yet another retail park. If the Council is to support tourist development in this area, it is clear that it should focus on provision of appropriate accommodation for outdoor pursuits on the

Pentland Hills rather than the creation of what would in effect be a motorway service station.

#### **4.8 Resource extraction**

The proposed policy on resource extraction is detailed in new Supplementary Guidance. However as with several other policy areas, the new SG has not been published as part of the consultation on the MLDP. It is therefore impossible to determine whether the Council is proposing any changes in policy and if so, what those are. This is particularly important in relation to resource extraction, since two of the main activities under this heading – opencast coal mining and unconventional gas extraction – are of major interest to the public and are highly controversial. We submit that the MLDP should not be approved until such time as the new Supplementary Guidance on Resource Extraction has been published and consulted upon – or, alternatively, the detailed policy is moved back into the Plan itself.

Policy on how to assess specific planning applications for opencast coal, oil or gas extraction should be underpinned by the Council’s statutory commitments under Section 44 of the Climate Change (Scotland) Act 2009 to act (a) in the way best calculated to contribute to the delivery of national emissions reduction targets and (b) in a way that it considers is most sustainable; by the strategic aim of the MLDP to “respond robustly to the challenge of mitigating climate change”; and by the MLDP vision that sustainable development principles play a central part in planning decisions. This will require that all such proposals are required to include a sustainability appraisal, which must detail the emissions from the project and how these relate to the Council’s emissions reduction targets.

The MLDP Main Issues Report proposed removing Halkerston North as an area of search for opencast coal because no extraction had taken place there over the lifetime of the 2008 Local Plan; there had been no indication of developer interest in the site; and it had not been indicated as being of interest in Scottish Coal’s Midlothian Forward Strategy.

Halkerston North has now been put back into the Plan as a result of a submission from the owner of the land, Arniston Estate, that its withdrawal was “premature” and that “lack of developer activity is not necessarily indicative of the potential of this site”.

The criteria for assessing new (or retained) areas of search for opencast coal were set out in the *Technical Note for the Main Issues Report – Minerals and Waste* that accompanied the MIR. They were:

- Landscape
- Soils
- Water matters
- Biodiversity
- Transport
- Proximity to settlements, residential properties and other sensitive receptors
- Cultural matters
- Other users

- Cumulative and long term exposure issues
- Other matters

However no assessment of these issues has been carried out in relation to the retention of Halkerston North as an area of search for opencast coal. It has simply been reinstated as a result of the request from Arniston Estate.

If the criteria applied to other potential areas of search in the *Technical Note* were applied to Halkerston North, the following should be noted:

- Landscape: the site is within the South Esk Valley and Carrington Farmland Special Landscape Area and the Temple and Arniston Conservation Area.
- Transport: it has been established in assessments of the Cauldhall opencast mine that there is no viable case for transport of coal via the Borders Railway. All coal from a site at Halkerston North would therefore require to go by road via the A7. The closure of Cockenzie and Longannet power stations means that all coal would have to be transported to power stations in England. The means of achieving this while adhering to SPP and SESPlan policy that transport should be by rail are not clear.
- Proximity to settlements, residential properties and other sensitive receptors: the proposed boundary of the Halkerston North area of search is some 240 metres from the edge of the settlement of Bells Mains, contrary to the SPP recommendation of a minimum distance of 500 metres. The analysis of other areas of search in the *Technical Note* also applied a 500m criterion for individual dwellings and other sensitive receptors. In the case of Halkerston North, the site boundary is within 500m of several other individual dwellings and the Harvieston Cemetery, which should be considered a sensitive receptor. The application of these criteria would reduce the viable operational part of an already small area of search to a size that is highly unlikely to be economically viable for any operator.
- Cultural matters: The boundary of the Arniston Gardens and Designed Landscape is immediately across the B6372 road from the site.

It should also be noted that the market conditions for opencast coal set out in the *Technical Note* have significantly worsened since then. The Cauldhall site, despite receiving a 'minded to consent' decision by the Council in November 2013, remains under review by the developer, with no progress made towards the legal agreement required to enable operations to start. Actual and predicted power station demand for coal is now significantly below the levels quoted in Section 2 of the *Technical Note*. Hargreaves Services, the only opencast coal operator to express interest in sites in Midlothian in response to the MLDP MIR, has not requested inclusion of Halkerston North as an area of search.

In view of the above, we submit that Halkerston North does not meet the viability and environmental criteria for inclusion as an area of search for opencast coal and should therefore be removed, as originally proposed in the Main Issues Report.

## 5.1 Safeguarding and Managing Our Natural Environment - Green Belt

The concept of the Green Belt is limited in scope- an ‘absence of development’, rather than a positive vision of green spaces to provide enjoyment, appreciation of nature, bio-diversity, food production and mitigation for CO2 emissions. It is also flawed because it permits “essential infrastructure”.

We believe the Green Belt is an important and valuable constraint on urban expansion and should be retained as a key policy measure. It should also be re-cast as the basis for a more positive approach to promotion of green spaces, not just as development-free corridors, but as areas where the aim is to encourage enhancement of the environment, creation of wildlife corridors and protection of agricultural land, and to connect these to other rural parts of Midlothian. In that context, we do not support deletions of further areas from the Green Belt.

### **Midlothian Green Network**

Continued protection for Midlothian’s environment is essential. The MGP supports the creation of Green Networks and the proposed Newbattle Strategic Greenspace Safeguard. However the approach set out in the MLDP, which focuses on identifying particular features as “green infrastructure”, risks defining the environment too narrowly and therefore limiting the protection given to the environment as a whole. In a plan vision which prioritises economic and population growth, the creation of green “networks” looks increasingly like a strategy to provide protection only for a declining number of narrow corridors separating the expanding urban and suburban sprawl.

The notion of green networks is also predicated on travel. Networks are designed to facilitate movement. While the promotion of, and creation of facilities for active travel are a good thing, it is also important to protect ‘green’ areas as part of every community’s living space – as a backdrop for views, and to allow communities to feel part of the environment. It is not necessary to assume any form of travel for green spaces to perform this role. Indeed if they can only be experienced for many people by travelling somewhere, then our priorities are wrong. We should be ensuring that communities have their own green spaces and that people are able to appreciate the environment within their own neighbourhoods.

The MLDP proposals on the Green Network are another area of the Plan where the detailed policy is set out in Supplementary Guidance, but that guidance has not been established. This makes proper public review of the policy impossible. The guidance should be published as soon as possible.

## **6.2 Wind Energy**

The proposed policy on wind energy remains focused almost exclusively on one very narrow aspect of the impact of wind turbines – their visual impact – and is based on an assumption that the visual impact is always negative. This is a perverse policy since no other type of development is subjected to this narrow and negative approach. The policy – including the Supplementary Guidance on Wind Energy, which is the only such guidance that has been published with the Proposed Plan –

provides no guidance on how the benefits of wind energy are to be assessed and makes no reference to wind energy's role in supporting Midlothian Council's statutory obligation to contribute to emissions reduction.

The policy on wind energy should be more balanced, taking full account of its contribution to emissions reductions, its role in enhancing farm diversification and reducing business energy costs, and its potential for promoting community enterprise and council ownership of renewable energy.

We would also suggest that if detailed policy is required in the form of supplementary guidance – or in the body of the Plan – it should address all forms of renewable energy, not just wind power.

### **6.3 Energy Use and Low & Zero Carbon Technology**

While Policy NRG 3 sets standards for zero- or low-carbon technology in houses and other buildings, the Proposed Plan is completely silent about the emissions from non-housing developments – for example, planning applications for business and industrial developments that generate high levels of emissions, such as mineral extraction, haulage facilities and certain industrial processes. These can generate tens of thousands of tonnes of CO<sub>2</sub> a year, with the potential to wipe out emissions reductions in other areas. Without clear and effective controls on non-housing emissions, backed by a rigorous policy, Midlothian's climate change strategy is wide open to failure. To avoid this, all planning applications – perhaps with some exclusions for developments acknowledged to have low emissions - should be required to complete a sustainability appraisal, including accounting for the CO<sub>2</sub> and other greenhouse gas emissions from the development and setting out how the development will contribute to Midlothian's efforts to meet its climate change obligations as set out in the 2009 Act.

The Single Midlothian Plan commits the Council to a target of reducing per capita CO<sub>2</sub> emissions from 6.4 tonnes in 2008 to 4.5 tonnes in 2020 – a reduction of 42%. The MLDP should expand on this commitment and propose overall target levels for CO<sub>2</sub> emissions in Midlothian, in addition to per capita levels. This would allow the Council to focus on the main sources of such emissions in order to control them.

### **Section 7.2: Supplementary Planning Guidance**

Section 7.2 of the Proposed Plan proposes that detailed policy in thirteen topic areas should be set out in statutory Supplementary Guidance. A further seven areas are to be covered by non-statutory planning guidance. This is a major increase in reliance on guidance compared to the extant Local Plan.

The removal of significant areas of policy from the Plan itself to Supplementary Guidance limits the ability of the public to assess the merits and demerits of the Plan, since in all but one case the guidance has not been published, so the public has no way of telling whether the Council proposes any changes in policy in those areas.

In particular:

- Only four of the twenty areas are currently covered by Supplementary Guidance (SG) or planning guidance (pg) in the 2008 Local Plan. This represents a significant removal of policy from the Plan itself to guidance.
- Only one of the 13 proposed SGs has been published, thus denying the public the means of assessing, as part of consultation on the MLDP, whether the new SGs/pgs contain new policies, and if so, what those are.
- The proposed SG topics in the Proposed Plan include five (Quality of Place, Resource Extraction, Special Landscape Areas, Community Heating and Developer Contributions) for which there was no requirement or proposal for SG listed in Appendix 1 of the MLDP Main Issues Report.
- The unpublished SG topics include several – e.g. Resource Extraction, Special Landscape Areas, Flooding and the Water Environment, the Green Network – that are of significant public interest and potentially controversial.
- The Council has given no timetable for publication of the new SG/pg and has not indicated what consultation arrangements will be put in place for them. However they will not be subject to the same level of public scrutiny as the Plan itself.

We submit that the removal of policy in numerous areas to unpublished SG is unacceptable. The Supplementary Guidance documents should be published for consultation alongside the amended MLDP, or alternatively, the policies should be brought back into the plan itself.

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