

Scottish Borders Council Proposed Local Development Plan

Report by Mary Smith, Director Education, Communities and Economy

1 Purpose of Report

- 1.1** Scottish Borders Council (SBC) has published its Proposed Local Development Plan (SBC LDP) and made it available for inspection from 6 December 2013 until 3 March 2014. Formal representations can be made on the Proposed Plan. The Plan is accompanied by a revised Environmental Report and written comments can also be submitted on these. This report identifies those aspects of the Plan with potential implications for Midlothian and seeks approval to submit representations accordingly.

2 Background

- 2.1** Scottish Borders and Midlothian Councils are partner authorities, along with City of Edinburgh, East Lothian, Fife and West Lothian Councils, in SESplan, the Strategic Development Planning Authority for South East Scotland. The preparation of local development plans is a requirement of each of these councils, as the means of delivering the strategy and policies of the Strategic Development Plan.
- 2.2** Both as a SESplan Member Council, and as an adjoining local authority, this Council has an interest in the Proposed SBC LDP. A copy of the document has been placed in the Members' library.
- 2.3** At its meeting on 5 June 2012, Cabinet considered the SBC Main Issues Report and, while generally supportive of the stance proposed, it agreed to submit comments on its contents with respect to employment land, housing, retailing, regeneration, green networks, climate change, minerals and transport. It asked that these be addressed when preparing the Proposed Plan.
- 2.4** Section 3 below highlights changes introduced between the Main Issues Report and Proposed Plan stages that may have a bearing on Midlothian; and provides a suggested response to the Proposed SBC LDP for Members' consideration. Where points of concern to this Council have not been addressed in the Proposed SBC LDP, these can be taken forward as representations to the Proposed Plan, if so desired.

3 Scottish Borders Council Proposed Local Development Plan: Matters of Interest to Midlothian Council

3.1 Transport:

It is of concern that the Proposed SBC LDP does not make direct reference to current cross-border working with surrounding and adjacent local authorities, SESplan, Transport Scotland and SEStran on cross-border transport and infrastructure issues relating to the

potential impacts of new housing and economic development arising in connection with the Strategic Development Plan for South East Scotland. It is worth noting that the Proposed Plan is not accompanied by a Proposed Action Programme or updated Supplementary Guidance which might have indicated how developer contributions are to be collected in relation to development coming forward to meet the SESplan requirements and directed to contribute towards any significant strategic transport impacts arising from new development in the SESplan area.

Policy 8 of the Strategic Development Plan requires local planning authorities, in collaboration with Transport Scotland, to take account of the cross-boundary transport implications of all policies and proposals. Close working is considered necessary to help to reduce the impact on the road network in Midlothian of private car commuter traffic originating from the Borders and travelling through Midlothian.

Suggested response to Proposed SBC LDP:

Representation: It is requested that the SBC LDP be amended to make reference to the cross-border impacts of traffic generated by new development on Midlothian and the wider SESplan area, and provision for developer contributions towards addressing cross-border impacts on the strategic transport infrastructure.

Reason: To help reduce congestion levels on roads within and passing through Midlothian and other nearby Council areas.

3.2 Wind Energy

The principle of directing wind energy proposals to those locations where they are most appropriate and can be successfully accommodated in the landscape is supported. However, some amendments to the Plan would assist in protecting the landscape of Midlothian:

Suggested response to Proposed SBC LDP:

Representation: The area of search for wind energy as identified in Figure ED9a of the Proposed Plan on Midlothian's southern boundary should be deleted.

Reason: It is considered this deletion would better reflect the landscape capacity for turbine development as identified in Figures ED9 b-e in the Proposed SBC LDP.

Representation: The hatching on Figure ED9b showing "Areas where cumulative impacts limit development" should be extended to include the Moorfoot Hills on the Midlothian/ Scottish Borders boundary, up to and including Bowbeat wind farm and the area surrounding it. Most of this land is identified on Figure ED9b as having no capacity for turbines.

Reason: It is considered that further development in this location would increase the potential for negative cumulative impacts in this area, given the existence of turbines at Bowbeat, Carcant, Toddleburn and Dun Law. In addition, Figures ED9b-ED9e indicate there is very limited

landscape capacity in this area to successfully accommodate wind turbines without adverse environmental impact.

Representation: The issues of, and potential for, cumulative impact and skylining from turbines located in the Moorfoot Hills should be raised in the SBC LDP as potential issues to be considered in the preparation and assessment of planning applications.

Reason: There may be potential for cumulative impact, including “skylining”, on Midlothian from larger turbines in this area. It is considered that the SBC LDP should raise this as an issue of concern which proposals should take into account and overcome, where relevant and possible. Cumulative impact may result from the existing turbines located to the west, north and east of this location.

3.3 Minerals

Suggested response to Proposed SBC LDP:

Representation: Criterion F of Policy ED12 *Mineral and Coal Extraction* should refer to all roads throughout the haul route from the point of mineral extraction to its final destination, rather than to local roads only. This should be irrespective of the location of the roads forming the haul route.

Reason: This would help ensure that the suitability of the entire length of a proposed haul route is assessed and considered, including where it extends outwith the Scottish Borders Council area.

4 **Report Implications**

4.1 **Resource**

There are no resource implications arising directly from this report.

4.2 **Risk**

By not taking the opportunity provided to respond to the Proposed SBC LDP, this Council would forfeit the opportunity to have its concerns considered by SBC or, if necessary, by the independent Reporter subsequently appointed to hold an Examination of unresolved issues. The outcome could have ramifications for the shared delivery of the SESplan Strategic Development Plan.

4.3 **Single Midlothian Plan and Business Transformation**

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

4.4 **Key Priorities within the Single Midlothian Plan**

This report contributes towards supporting sustainable business growth by seeking to put in place safeguards for the Council's infrastructure and environment which is important in attracting inward investment.

4.5 Impact on Performance and Outcomes

This report pertains to a statutory development plan document prepared by another local authority. However, the outcome of the Council's deliberations on its implications could affect the achievement of service priorities related to preparing and delivering the aims and objectives of the Midlothian Local Development Plan, and delivery of the requirements of the first SESplan Strategic Development Plan.

4.6 Adopting a Preventative Approach

Raising concerns at the appropriate juncture in the preparation of a neighbouring local authority's local development plan as regards the adequacy of provision to address: potential traffic congestion arising from the scale of development; potential cumulative impact of wind energy development close to Midlothian's southern border; and the impact of mineral haul routes on Midlothian's roads infrastructure, should help to prevent adverse development harmful to the environmental and transport infrastructure of Midlothian.

4.7 Involving Communities and Other Stakeholders

The SBC LDP Main Issues Report was subject to consultation by SBC. The Proposed SBC LDP has been published for formal representations to be submitted to that Council.

4.8 Ensuring Equalities

The preparation of the SBC LDP will require the preparation of an Equalities and Human Rights Impact Assessment by that Council.

4.9 Supporting Sustainable Development

The SBC LDP will help to implement the SESplan Strategic Development Plan which is based on the principles of a sustainable development strategy. The Proposed SBC LDP is accompanied by an updated Environmental Report prepared in order to meet the requirements for Strategic Environmental Assessment and Habitats Regulations Appraisal of the development plan.

4.10 IT Issues

There are no IT issues arising from this report.

5 Recommendations

5.1 It is recommended that Cabinet:

- a) welcomes the publication by Scottish Borders Council of its Proposed Local Development Plan, and the opportunity to submit comments and representations on its contents; and
- b) agrees to submit, as a response to Scottish Borders Council, formal representations with respect to the need to make provision for cross-border transport-related impact, as expressed in paragraph 3.1 of this report; the cumulative impact of wind energy

developments, as expressed in paragraph 3.2 of this report; and the need to more comprehensive controls over minerals haul routes, as expressed in paragraph 3.3 of this report.

5 February 2014

Report Contact:

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Background Papers: Cabinet report of 5 June 2012 entitled "Scottish Borders Local Development Plan Main Issues Report".

Declaration Box

Instructions: *This box must be completed by the author of the report. The box will be copied and saved by the Council Secretariat who will delete it from the report prior to photocopying the agenda.*

Title of Report: Scottish Borders Council Proposed Local Development Plan

Meeting Presented to: Cabinet 25 February 2014

Author of Report: Grant Ballantine, Planning Policy Officer

I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-

- All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Integrated Service Support.*
- All risk implications have been addressed.*
- All other report implications have been addressed.*
- My Director has endorsed the report for submission to the Council Secretariat.*

This report is in public and has an education interest.