

Planning Committee

10am, Monday, 15 June 2015

Midlothian Local Development Plan Proposed Plan: Period for Representations

Item number	5.2
Report number	
Executive/routine	
Wards	All

Executive summary

The purpose of this report is to approve a formal representation to the Midlothian Local Development Plan Proposed Plan.

The Proposed Plan sets out Midlothian Council's 'settled view' of its updated development strategy and planning policy framework to guide development in Midlothian until 2024. It also implements the housing requirements of the approved SESplan Strategic Development Plan. Although the proposed representation is supportive overall of the content of the Plan it raises concerns, in particular with regard to the extension of Straiton, which it considers could have a significant impact on Edinburgh. It requests that Midlothian Council addresses these concerns by amending the Proposed Plan prior to submission to Scottish Ministers.

Links

Coalition pledges	P15 and P50
Council outcomes	CO7, CO8, CO18, CO22
Single Outcome Agreement	SO1

Midlothian Local Development Plan Proposed Plan: Period for Representations

Recommendations

- 1.1 It is recommended that the Committee:
1. approves Appendix 1 as its representation to Midlothian Council's Proposed Local Development Plan.
 2. requests that Midlothian Council, in its masterplanning of the wider Millerhill area, addresses the inter-relationship of committed and potential new housing developments and the Energy from Waste facility in order to ensure that these uses can co-exist.

Background

- 2.1 Councils have to prepare local development plans (LDPs) for their areas. This requirement is a key part of the modernisation of the planning system arising from the Planning etc. (Scotland) Act 2006. Once adopted, LDPs will replace existing local plans, in this case the Midlothian Local Plan 2008.
- 2.2 Midlothian Council is preparing its first LDP – the Midlothian Local Development Plan. The plan will cover a 10 year period to 2024. The first stage in producing the LDP is the publication of the Main Issues Report (MIR). Midlothian Council published its MIR for consultation in May 2013. The Council considered the content of the MIR and approved a consultation response in August 2013. Although the Council was generally supportive of the contents of the MIR the response highlighted a number of areas of concern that required to be addressed. In particular, the scale and impact of the proposed expansion of Straiton retail park and importance of thoroughly assessing the transport impacts of new development.

Main report

- 3.1 Midlothian Council has considered the comments received on its MIR and has published its Proposed Midlothian Local Development Plan for the statutory period for representations. The 'deposit' period runs from 14 May to 26 June and representations must be received by 26 June or they will not be valid.

- 3.2 The Proposed Plan sets out Midlothian Council's 'settled view' of its development strategy and a series of proposals to meet the requirements of the approved SESplan Strategic Development Plan. The Council welcomes the publication of the Proposed Plan, and the general approach being adopted, in particular the identification of relevant infrastructure to ensure sustainable development and the identification of a Midlothian Green Network to protect and enhance the character of Midlothian and the central river valley. The Council generally supports the content of the plan and the development strategy that has been set out to meet the requirements of the Strategic Development Plan.
- 3.3 The content of the Proposed Plan is largely in line with the preferred options set out in the Main Issues Report. However, although there have been changes that address some of the concerns raised by the Council in its consultation response to the MIR, there are still some outstanding concerns. The attached representation sets out the remaining concerns (Appendix 1).
- 3.4 At the end of the representation period Midlothian Council will collate the representations received into a series of issues. Assuming Midlothian Council does not amend the plan to address these issues, they will then be submitted to Scottish Ministers along with its formal response. The unresolved issues will subsequently be considered at Examination by an independent reporter whose findings will be effectively legally binding on Midlothian Council. Therefore, the Council should make a formal representation at this stage.

Key Issues

Straiton Retail Park

- 3.5 The Proposed Plan continues to support a significant expansion of Straiton retail park, approximately 60ha, and referred to as 'Midlothian Gateway'. This is of comparable size to Edinburgh Park. The expansion will more than double the size of the existing retail park. The Plan states that the area will be allocated for mixed use development, including retail, hotel, office, commercial leisure and possibly housing. It is not clear what proportion of the area will be used for each use, although the Plan states that the area will have to be masterplanned. It may prove difficult to restrict the amount of the site used for retail use, regardless of whether the site is masterplanned. As a result, it could have a significant impact on Edinburgh in terms of generating congestion on the A720/A701 and in drawing away custom from Edinburgh city centre and town centres.
- 3.6 Midlothian Council has commissioned a retail study to justify this expanded retail provision. This, however, does not set out a clear and robust case for retail expansion. Straiton has a peripheral location relative to the future growth in population and spending, and has a high dependence on trade from outwith Midlothian. The study underplays the fact that local authority boundaries do not determine where people shop. In addition, the study uses optimistic assumptions to quantify future spending. Excessive new provision could

therefore impact adversely on the vitality and viability of existing centres in Midlothian and Edinburgh.

- 3.7 Midlothian has limited east/west public transport services. It is likely that the majority of people using the expanded retail centre will travel by car. As a result, the proposal does not constitute a particularly sustainable option. If additional retail provision is required to cater for the additional population then it is suggested that Midlothian Council identifies more appropriate proposals closer to the centres of new demand, better served by sustainable transport modes.

Transport

- 3.8 In conjunction with the proposed development in the A701 corridor, Midlothian Council is supporting the safeguarding of land for an A701 bypass (relief road) to the west of the existing road. Whilst there is no objection to the principle of a bypass, neither the Proposed Plan or the supporting LDP Transport Option Appraisal assess the impact of the A701 relief road on the A720/A701 junction at Straiton.
- 3.9 The MIR acknowledged the importance of identifying the impacts on the transport network of proposed development, and committed to detailed transport modelling being carried out prior to the publication of the proposed plan, but this detailed assessment work has not been carried out. This decision is understood to have been taken on the basis of proportionality and informed by discussions with Transport Scotland. In the context of a road network already at or over capacity, a finer-grained modelling exercise was considered unlikely to yield significant new information or deliver appropriate value.
- 3.10 It is important that the cumulative impact of new development (over and above committed development) in the Midlothian area is assessed. This should include any cross boundary impacts generated by it, particularly with regard to Straiton, and that mitigation is identified to address the transport impacts of new development in Midlothian.
- 3.11 The LDP Transport Option Appraisal does not assess the impact of the expansion of Straiton on the A720, the A701, the new relief road, or the junction between the A701 and the A720. Nor have any transport interventions been identified to improve the junction with the city bypass to address the impacts of additional traffic generated. Therefore it is suggested that Midlothian Council carries out further analysis and, if appropriate, identifies additional mitigation.

Millerhill Energy for Waste Facility

- 3.12 A site at Millerhill has been safeguarded in the LDP for a waste processing use (WAST 2). This site sits within a larger employment land allocation that is part of the established economic land supply. Planning permission is principal has already been granted for an integrated waste and recycling facility (Midlothian Council ref: 11/00174/PPP). The proposal is a joint venture between the City of Edinburgh Council and Midlothian Council.

- 3.13 The waste facility site is adjacent to a long established housing development (h43 Shawfair) to the west of the site which has already been granted consent. The only new housing site being proposed in this area is Hs1 Newton Farm which is located 500m to the south east of the site. The impact of the waste facility on this new housing proposal is likely to be limited.
- 3.14 Detailed masterplanning is ongoing and the environmental impact of the waste facility on the committed housing site was considered as part of the EIA for the EFW facility. However, it is requested that Midlothian Council, in its masterplanning of the wider Millerhill area, addresses the inter-relationship of committed and potential new housing developments and the Energy from Waste facility in order to ensure that these uses can co-exist.

Measures of success

- 4.1 Success can be measured by the extent to which the reporter has taken account of this Council's comments during the subsequent examination process.

Financial impact

- 5.1 There is no direct financial impact arising from this report. However, if Midlothian Council does not appropriately identify and address the cross-boundary transport and infrastructure impacts of their LDP proposals at Straiton and elsewhere, unfunded mitigation costs could arise in Edinburgh in the future.

Risk, policy, compliance and governance impact

- 6.1 The Midlothian Proposed Local Development Plan has been published for the statutory period for representations. Failure to agree the proposed representation set out in this report will mean that the Council's concerns will not be considered by the independent reporter during the examination period.
- 6.2 The report does not raise any health and safety, governance, compliance or regulatory issues other than those set out above.

Equalities impact

- 7.1 There is no equalities impact arising as a result of this report's proposed response. Midlothian Council undertook an Equality and Rights Impact Assessment as part of the process of preparing the Midlothian Local Plan. Details can be found at http://www.midlothian.gov.uk/info/198/planning_policy/499/local_development_plan

Sustainability impact

- 8.1 The Midlothian Local Development Plan has been subject to a Strategic Environmental Assessment. Details can be found at http://www.midlothian.gov.uk/info/198/planning_policy/499/local_development_plan

8.2 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below. Relevant Council sustainable development policies have been taken into account.

- The proposals in this report will reduce carbon emissions because they suggest alternative approaches to Midlothian Council for inclusion in the Proposed Plan.
- The proposals in this report will increase the city's resilience to climate change impacts because it is supportive of Midlothian Council's proposals for its Green Network and Strategic Green space.
- The proposals in this report will help achieve a sustainable Edinburgh because they suggest alternative more sustainable approaches to Midlothian Council for inclusion in the Proposed Plan, but also because they support proposed measures which demonstrate good environmental stewardship.

Consultation and engagement

9.1 Midlothian Council published the Midlothian Local Development Plan Main Issues Report for consultation in May 2013. A formal response was approved by the Council on 8 August and submitted to Midlothian Council for its consideration.

Background reading/external references

http://www.midlothian.gov.uk/info/198/planning_policy/499/local_development_plan

http://www.edinburgh.gov.uk/download/meetings/id/40017/item_91_midlothian_development_plan_-_main_issues_report_%E2%80%93_consultation.

John Bury

Acting Director of Services for Communities

Contact: Keith Miller, Senior Planning Officer

E-mail: keith.miller@edinburgh.gov.uk | Tel: 0131 469 3665

Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors P50. Meet greenhouse gas targets, including the national
--------------------------	--

targets of 42% by 2020.

Council outcomes CO7. Edinburgh draws new investment in development and regeneration.
CO8. Edinburgh's economy creates and sustains job opportunities
CO18 Green – We reduce the local environmental impact of our consumption and production
CO22 Moving efficiently – Edinburgh has transport system that improves connectivity and is green, healthy and accessible

Single Outcome Agreement SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all

Appendices Appendix 1: Representation by City of Edinburgh Council to Midlothian Council's Midlothian Local Plan Proposed Plan
*

APPENDIX 1

Representation by City of Edinburgh Council to the Midlothian Local Development Plan Proposed Plan

Proposal STRAT5 Strategic Employment Allocations

Objection

The Council has significant concerns regarding the expansion of the Straiton retail park for mixed use. Although at this stage it is not clear what the final size of the expansion will be (approximately 60ha), or what the balance of uses will be, it is likely that the retail park will more than double in size. It is also not clear to what extent Midlothian Council will be able to limit the amount of new retail development on the site. Even if it does, once the principle has been established, there is a risk that further land, allocated for alternative uses in the masterplan, may be subsequently used for retail development.

The Council does not agree that the western expansion of Straiton will be the best solution for meeting the future needs of shoppers in Midlothian or in the wider area. There is no requirement in the approved Strategic Development Plan for such a strategic expansion of Straiton. Nor is there sufficient justification set out in the retail study for the further expansion of Straiton given its peripheral location relative to future growth in population and spending in Midlothian, its high dependence on trade drawn from outwith Midlothian, and the fact that local authority boundaries do not influence where people shop.

The retail study makes it clear that the expanded park will be catering mainly for additional retail (comparison shopping) demand in the A7/A68 corridor. It acknowledges that east/west public transport links between Straiton and the A7/A68 corridor are limited. The focus of the retail strategy appears to be on stemming 'leakage' of comparison goods spending from Midlothian. However, there is no requirement in the SDP to minimise 'leakage' from local authority areas. Measures to reduce 'leakage' could actually lead to longer and less sustainable shopping patterns. This could also disadvantage those sections of the community that do not have access to a car.

The study uses optimistic assumptions to quantify future spending, which creates a significant risk that new development could rely on diversion of trade, thus impacting adversely on the vitality and viability of existing town and regional centres in Midlothian and elsewhere. One example is the predicted real growth in per capita spending on comparison goods of 4.7% per annum. Over the 9 year period 2012-2021 this leads to a cumulative growth of 77.5%. This seems optimistic given the recent prolonged economic downturn and is inconsistent with more recent Experian forecasts. For example Experian Retail Planner Briefing Note 11, October 2013 predicts that spending on comparison goods will rise by an annual average of 2.9% between 2014-2025.

Changes sought

Whilst the Council acknowledges there is a need for further retail development to meet additional demand as a result of new housing development, it is not persuaded that this is the most sustainable option to address this demand. The Council requests that more appropriate additional retail development closer to the additional demand, capable of being served by sustainable transport modes is identified in the plan. Should the site be retained, the Council also requests that the LDP more clearly identifies the distribution and extent of the various uses on the site including a cap on the amount of retail floorspace, similar to the site briefs set out in the Edinburgh Local Development Plan Second Proposed Plan.

TRAN 2 Transport Network Interventions

Objection

Given the scale of development proposed in the A701 corridor, it is inevitable that there will be a significant transport impact. Although paragraph 4.5.9 of the LDP states that a transport appraisal relating to the development strategy has been prepared, the Midlothian LDP Transport Option Appraisal does not assess the impact of the expansion of Straiton on the A720, the A701, the new relief road, or the junction between the A701 and the A720. Neither have any transport interventions been identified to improve the junction with the city bypass to address the impacts of additional traffic generated. The Council stresses the importance of the transport appraisal in assessing the cumulative impact of development in Midlothian and identifying appropriate mitigation to address this impact.

Changes Sought

The cumulative transport impacts of the development strategy have not been established by the transport option appraisal or the LDP and there is no other evidence in the publically available material to demonstrate this has been carried out. As a result the Council requests that further analysis is done and if appropriate additional interventions are identified to address the impact of the new development, particular with regard to the junction between the A701 and the A720.

Objection

A Transport and Infrastructure Technical Note was prepared on behalf of Midlothian Council as a background document to the Main Issues Report. It clearly states; "The first stage of the modelling work has been undertaken. MVA Consultancy has prepared a report which addresses all committed development, along with the proposed SESplan development **outwith Midlothian.**" It also states that, "it is intended to run the model with the Midlothian preferred development sites for the Midlothian Local Development Plan incorporated. This will enable the impact of the SESplan requirements for

Midlothian to be assessed.” However, the Midlothian LDP Transport Option Appraisal does not address that intention. Given the scale of new development identified in the Midlothian Local Plan it is important that the cumulative impact of the development strategy is assessed, and any interventions required are identified. The Council has concerns that this has not been achieved.

Changes Sought

The cumulative transport impacts of the development strategy have not been established by the transport option appraisal or the LDP and there is no other evidence in the publically available material to demonstrate this has been carried out. The Council requests that further analysis is done and if appropriate additional interventions are identified to address the impact of the new development.