



Development Plan Scheme 16

Draft - March 2024



Midlothian



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Development Plan Scheme 16

What is a Development Plan Scheme?

1. This is the draft Development Plan Scheme Number 16 (DPS16) for Midlothian. The DPS sets out Midlothian Council's programme for preparing the next Midlothian Local Development Plan (MLDP2). The DPS also includes a Participation Statement, which outlines future engagement on MLDP2.
2. For the first time we are consulting on the Development Plan Scheme before it is approved by Midlothian Council. The Council wishes to receive your comments and views on this draft DPS16, including the Participation Statement and its planned engagement activities. See the 'HAVE YOUR SAY' section on page 10 for further information on how to get involved. Midlothian Council will review comments received and after approval by the Council will issue a final DPS later in Spring 2024. Comments should be submitted by 28 March 2024. Comments received after this date will be considered during MLDP2 preparation in the coming year and, where relevant, in production of DPS17 in 2025.

What is the Midlothian Development Plan?

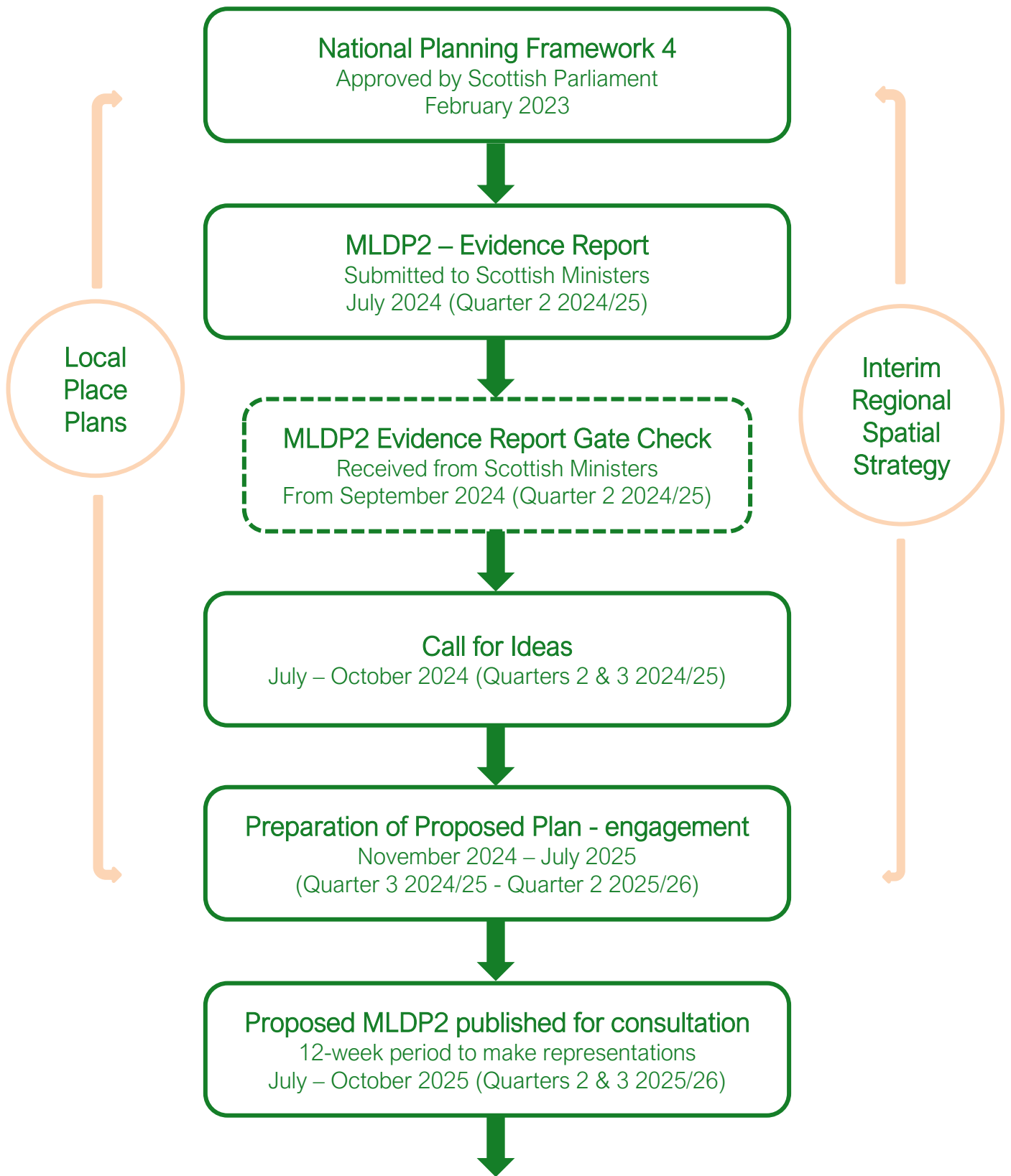
3. The approved development plan for Midlothian is the [National Planning Framework for Scotland 4 \(NPF4\)](#) and the [Midlothian Local Development Plan 2017 \(MLDP 2017\)](#). Copies of MLDP 2017 can also be viewed at any Midlothian Library. Development Plans allocate land for development, contain policies for assessing applications for planning permission and guide the future development of the area.
4. Approved Supplementary Guidance forms part of the Local Development Plan and is available to view [here](#). Midlothian Council does not intend bringing forward further Supplementary Guidance to help inform implementation of MLDP 2017. The Council will reflect on how the existing guidance will be taken forward through MLDP2.

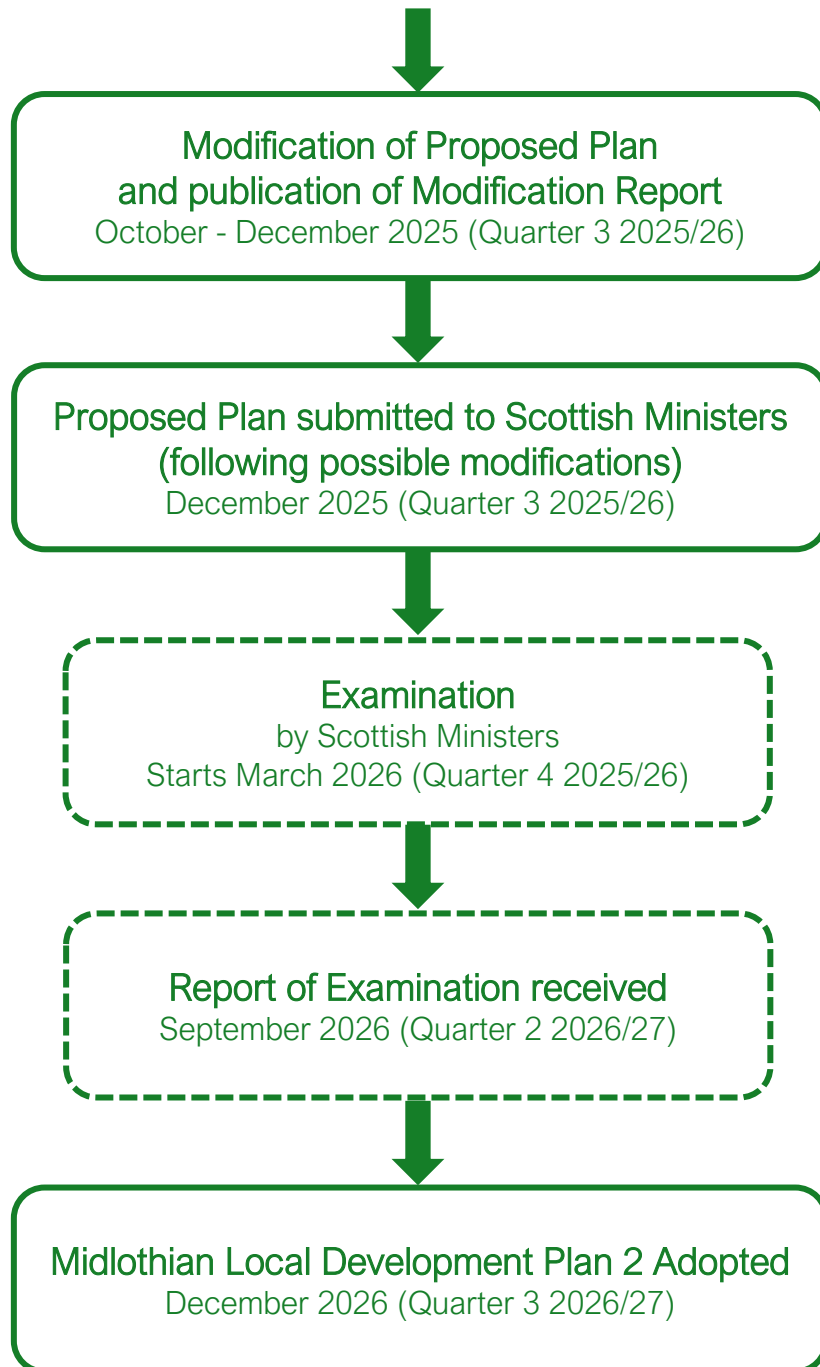
Changes in Timetable Since DPS15

5. The date for submission of the Evidence Report has been put back from January 2024 (the date identified in DPS15) to July 2024. This is because it has taken the Council longer than envisaged to engage with interested parties and gather, weigh and present evidence. The Gate Check process is undertaken by the Scottish Government Planning and Environmental Appeals Division (DPEA). The process is intended to check if a planning authority, Midlothian Council in this instance, has collected sufficient information on which to base preparation of its next local development plan.
6. The target date for completion of the Evidence Report following Gate Check process has been put back to September 2024. DPS16 also identifies time for a 'Call for Ideas' exercise and further engagement as part of the preparation of MLDP2. The publication of the Proposed Plan for public consultation has been put back 4 months to July 2025, with a 12-week period until start of October 2025 to make representations. It is still intended to adopt MLDP2 in December 2026.



Midlothian Local Development Plan 2 Timetable





What is involved at each stage of preparation?

7. Evidence Report Preparation: The purpose of this stage is to gather the evidence required to prepare the plan. In preparing the Evidence Report, Midlothian Council has sought views from the public, Community Councils, children and young people, disabled people, and gypsies & travellers. Site specific matters should not be included. Although the focus is on evidence, the Evidence Report is required to make an important decision for MLDP2, by setting out the Local Housing Land Requirement (LHLR) for the area. Work has been done to help identify an LHLR for MLDP2.
8. Evidence Report Gate Check: The purpose of the Gate Check is to consider and determine whether the Council has collected sufficient evidence and information to prepare MLDP2. The Gate Check is carried out by appointed Reporter(s) from the Scottish Government's Planning and Environmental Appeals Division (DPEA). It will focus on areas where Evidence is disputed.
9. Call for Ideas: The Council will carry out a 'Call for Ideas' open to everyone to propose ideas for any aspect of the plan, including potential development sites. To ensure that the MLDP is adopted as programmed it is proposed to commence the 'Call for Ideas' while the Gate Check is underway.
10. Proposed Plan Preparation: The Proposed Plan will include a development strategy, planning policies, and identify allocations of land for development. It will differ in content and style from the adopted MLDP 2017. Reforms to the Planning system mean that MLDP2 should not replicate policies in NPF4 and focus more on local circumstances where appropriate. Supplementary Guidance can no longer be produced. Therefore, decisions will be required on what goes in MLDP2 itself, and what might go into planning guidance. MLDP2 will be a more visual and map-based document and contain greater information on what is likely to happen at particular sites and localities.
11. To prepare the Proposed Plan, information from the Evidence Report, Local Place Plans and the Call for Ideas will be used. The Council will use these to develop a spatial strategy and set out some key policy approaches. There will be further engagement on the spatial strategy and other emerging elements of the Proposed Plan, in advance of its publication for representations. This is detailed further in the Participation Statement.
12. Proposed Plan Publication: Approval will be sought from the full Council, to publish the plan and to commence a 12-week period to lodge representations on the document. This is identified in the timetable of this DPS16. The Council will undertake wide publicity for this publication as well as notifying persons who have indicated an interest in the MLDP.
13. Potential Modification of Proposed Plan: On consideration of received representations, the Council may decide that there is a case for modifying the Proposed Plan. In this case a Modification Report will be prepared setting out modifications made and the reasons for making them.
14. Submission of Proposed Plan to Scottish Ministers: Where there are representations not resolved, the Council will request that the Ministers appoint a person to examine the Proposed Plan and these unresolved representations.
15. Examination: The Examination is the opportunity for independent consideration (by a Scottish Government appointed DPEA Reporter) of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications. The format of the Examination is unknown. It may vary to that which was in place for MLDP 2017, which included a hearing session



on one topic, with other matters considered through written submissions. As well as considering the contents of the Proposed Plan, the Reporters will consider whether the requirements of the Participation Statement have been met.

16. Adoption of MLDP2: On receiving the Examination Report, the planning authority are to make modifications to the Proposed Plan as recommended by the appointed Scottish Government Reporter(s). There are limited grounds for declining to make a modification. A report on the modifications will be prepared and advertised, and Scottish Ministers informed.

What has happened with MLDP2 over the last year?

17. Midlothian Council has been preparing its Evidence Report. Engagement was carried out in Summer and Autumn 2023 with Midlothian's communities and with stakeholders in specific subject areas to collect relevant information. Subject to approval at the meeting of Midlothian Council on 25 June 2024, the Evidence Report will be submitted to the DPEA at the Scottish Government for Gate Check.
18. Midlothian Council has established a list of individuals seeking self-build housing. This is housing where a person commissions or is personally involved in the design and construction of a dwelling that is intended to be the individual's main residence.
19. The Self-Build Housing Register may be found the Council's website and accessed through the following link.
https://www.midlothian.gov.uk/info/205/planning_policy/775/self-build_housing_register
20. Following the issue in March 2023 of an invitation to known community bodies to prepare Local Place Plans (LPP), Midlothian Council has assisted bodies in their production of the documents. This has been done through provision of an LPP 'starter pack' setting out information on LPPs, answering queries and requests, and attending meetings with community bodies on LPPs.

Programme for Impact Assessments to Support Preparation of MLDP2

21. A number of different assessments must be undertaken to support the preparation of MLDP2. These are:
- Strategic Environmental Assessment.
 - Habitats Regulations Appraisal.
 - Equalities Impact Assessment.
 - Public Sector Equality Duty Assessment; and
 - Fairer Scotland Duty Assessment.
22. The Strategic Environmental Assessment (or SEA) of MLDP2 will look at policies or programmes and will seek to identify whether or not the policy or programme is likely to have significant environmental effects. The aim of the SEA process is to help avoid significant negative effects and maximise beneficial effects of the MLDP2.
23. A SEA scoping report and baseline environmental information will accompany the Evidence Report. The Scoping Report has been prepared in conjunction with the relevant Statutory Authorities, the SEA Gateway (SEPA, NatureScot and Historic Environment Scotland).



24. An Environmental Report (ER) will be prepared at MLDP2 Proposed Plan stage to review the policies and allocations of the Proposed Plan (including an assessment of reasonable alternatives to any proposed policies and allocations in the Proposed Plan). The ER will be published alongside the Proposed Plan for consultation. If the Council decide to make modifications to the Proposed Plan, the ER will be reviewed to assess the impact of the changes on the environment. The ER will be submitted to the DPEA alongside other relevant documents for any Examination into unresolved objections to the Proposed Plan. If modifications to the Proposed Plan are required, the ER will be revised.
25. A Habitats Regulations Assessment will be carried out at Proposed Plan stage once any development site allocations and policies are identified. This will involve screening to determine whether the Proposed Plan is likely to have significant effects on the defined habitat sites (i.e. identified protected European nature conservation sites). Where the potential for such effects cannot be excluded, an appropriate assessment of the implications will be carried out. This assessment will be revised if required depending on the nature of any modifications made to the plan.
26. The Equalities Impact Assessment, Public Sector Equality Duty Assessment and Fairer Scotland Duty Assessment will be considered by Midlothian Council under an approach known as Integrated Impact Assessment.
27. Scoping for the Integrated Impact Assessment (IIA) has taken place at Evidence Report stage. The assessment will be undertaken at the MLDP2 Proposed Plan stage when policies and allocations are known. The IIA will be revised to take into account any changes resulting from modifications to the Proposed Plan before and after the Examination of the Proposed Plan.

Local Place Plans

28. In March 2023, Midlothian Council issued an invitation to known Midlothian community bodies to prepare Local Place Plans. The Council has received eight draft LPPs. They are all from Midlothian community councils and are listed below:
 - Bonnyrigg and District Community Council
 - Damhead and District Community Council
 - Eskbank and Newbattle Community Council
 - Gorebridge Community Council
 - Mayfield and Easthouses Community Council
 - Newtongrange Community Council
 - Rosewell and District Community Council
 - Roslin and Bilston Community Council
29. These LPPs have been very helpful for informing production of the Evidence Report. The Council has timetabled taking LPPs to the 30 April 2024 Planning Committee with, where appropriate, recommendations for registering LPPs.



Participation Statement

30. A Participation Statement sets out how, when and with whom the Council will consult and engage on preparing its Development Plan. Prior to adoption of MLDP2, at the Examination stage of plan production, Reporters from the Scottish Government's Planning and Environmental Appeals Division (DPEA), appointed by Scottish Ministers, will review the Council's engagement activities to see that they match what the Council said it would do in the Participation Statement.
31. Engagement is at its most effective at the early stages of plan preparation. Within the framework of the new planning system, the Council will seek to maintain open channels of communication so that a wide range of ideas on policy can be exchanged in advance of publication of the Proposed Plan. Interested parties are and will continue to be encouraged to register an interest with the Council so they can be updated as the plan is developed.
32. As DPS16 was being prepared, the Council was finalising its Evidence Report for DPEA Gate Check. The next steps of MLDP2 preparation and how engagement will occur are listed below and further details are provided in the table.
- DPEA Gate Check of Midlothian Council Evidence Report.
 - Call for Ideas.
 - Engagement for preparation of Proposed Plan.
 - Publication of Proposed Plan.
 - Modification of Proposed Plan (if required).
 - Examination into unresolved objections (if required); and
 - Adoption of MLDP2 by Midlothian Council.

Table 1

Activity	What engagement activities do we plan?	Timescale
DPEA Gate Check of Midlothian Council Evidence Report	This is not a time of engagement, unless the appointed Scottish Government Reporter(s) requests the Council submits further information that would require the Council to contact other parties. The engagement would be targeted and not open to all parties.	July - September 2024 (Quarter 2 2024/2025)
Call for Ideas	We will prepare information to help stimulate ideas. Invitations to contribute will be sent to all registered interested parties. The Call for Ideas will be placed on the Council's website, in Council libraries and publicised through Council social media. The Planning Service will seek to identify other parties who may wish to contribute and extend invitations to contribute to them.	July - October 2024 (Quarters 2 and 3 2024/2025)



<p>Engagement for preparation of Proposed Plan</p>	<p>Using the Evidence Report, Local Place Plans and information from the Call for Ideas, the Planning Service will prepare a spatial strategy and other early outlines of its Proposed Plan. This may also include reasonable alternatives as the content of the plan will still be emerging at this stage.</p> <p>Notification of the engagement activities will be sent to all registered interested parties.</p> <p>Engagement will occur with Children and Young People. The Planning Service will notify schools, youth Councils and youth parliament representatives and seek access to schools, colleges and youth clubs to discuss the emerging proposals in the Proposed Plan.</p> <p>The Planning Service will hold engagement events in the main communities in Midlothian.</p> <p>The Planning Service will seek to engage with identified communities of interest (for example the business community) and those identified in Planning legislation.</p> <p>The Planning Service will seek to engage with Midlothian Community Councils on the emerging Proposed Plan</p>	<p>November 2024 - July 2025 (Quarters 3 and 4 2024/25, 1 and 2 2025/26)</p>
<p>Publication of Proposed Plan</p>	<p>This will be a minimum 12-week period in which to lodge formal representations on the published Proposed Plan.</p> <p>This will be an opportunity to respond formally to the content of the Proposed Plan and the Strategic Environmental Assessment (SEA) Environmental Report.</p> <p>The Proposed Plan will be published on the Council's website, placed in Council libraries, the Council's main office, and publicised through Council social media channels. An advertisement will be placed in the local paper, the Midlothian Advertiser.</p> <p>Notification will be sent to registered interested parties, all Midlothian Community Councils and to Scottish Government identified Key Agencies, Scottish Ministers, adjoining planning authorities to the plan area, and the Green Action Trust.</p>	<p>July - October 2025 (Quarter 2 and 3 2025/26)</p>



	<p>The Planning Service will notify neighbours that may be significantly affected by development allocation proposals.</p> <p>The Planning Service will notify children and young people and representative organisations.</p> <p>The Planning Service will also seek to notify further and higher education establishments, parents and carers, and families with young children; disabled persons; and Gypsies & Travellers.</p>	
Modification of Proposed Plan (if required)	<p>Following the 12-week consultation period on the Proposed Plan, the Planning Service may modify the plan. This would be done through a Modification Report.</p> <p>There may be some degree of direct liaison with respondents to identify satisfactory changes and modifications that could be made to resolve their objections to the Proposed Plan. The Council will consider the degree of further engagement required depending on the scale of any modifications.</p> <p>If modifications are made, a Modification Report will be published setting out the modifications and the reasons for making them. There is no opportunity for engagement comment on the Modification Report once it is produced.</p>	December 2025 (Quarter 3 2025/26)
Examination into unresolved objections to Proposed Plan	<p>The form of the Examination will be led by the appointed DPEA Reporter but may include a hearing session. The Planning Service will advertise the Examination in a local newspaper, the Midlothian Advertiser, in Council libraries, and notification will be sent to registered interested parties who made representations to the Proposed Plan.</p> <p>The Reporter will publish an Examination Report, including recommendations for modifications to the proposed Local Development Plan. This will inform those who have made representations of how these have been addressed at Examination and about the recommended further modifications to the Proposed Plan.</p> <p>A Modification Report will be issued by the Council to inform communities and interested parties of the modifications made in response</p>	Commencing March 2026 (Quarter 4 2025/26)



	to representations made on the Proposed Plan, or a Direction from Scottish Ministers on the content of the Proposed Plan.	
Adoption of MLDP2	<p>The Planning Service will publish MLDP2 and associated documents, and place them on the Council's website, at libraries and at the Council's main office.</p> <p>It will be publicised through all Council social media channels and through an advertisement in the local paper, the Midlothian Advertiser.</p>	December 2026 (Quarter 3 2026/27)

Have Your Say

33. Midlothian Council wishes to receive your comments and views on this draft DPS16.

- A. Do you have any views on our proposed timetable for MLDP2?
- B. Do you have any views on our proposed Participation Statement and engagement activities?
- C. Do you have any other views on draft Development Plan Scheme 16?

Comments should be submitted to the Council by 28 March 2024. This can be done:

Online by completing our survey <https://midlothiancouncil.citizenspace.com/>

By email to ldp@midlothian.gov.uk

Or by writing to Midlothian Council, Planning Sustainable Growth and Investment Service, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3AA.

34. Received comments will be reviewed and considered as to whether changes need to be made to this draft DPS16. Approval will be sought from Midlothian Council to approve and publish a final DPS16 later in spring 2024. Comments received after 28 March will be considered during MLDP2 preparation in the coming year and, where relevant, in production of DPS17 in 2025.

Contact Us

35. If you have any questions about the Local Development Plan or this Development Plan Scheme, please get in touch.

by email to ldp@midlothian.gov.uk

or by writing to Midlothian Council, Planning Sustainable Growth and Investment Service, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3AA.

Please provide us with an email contact address if you wish to be informed of future events and progress with Midlothian Local Development Plan 2.



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