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**Strategic Services**

Director  
Ian L Young

  
Midlothian

22 June 2007

Sandra Carey  
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Dear Madam

## **Statutory Guidance On Planning And Sustainable Development Consultation Paper**

I refer to your invitation to comment on the above draft guidance. Please accept the following as an officer response from Midlothian Council which has been subject to consultation with Councillor Russell Imrie as Cabinet Portfolio-holder for Strategic Services and Chair of the Planning Committee.

The draft guidance provides a useful consolidation of the policy context, considerations and mechanisms which will continue to guide development planning's contribution to sustainable development.

The 'General Policy Context' might usefully refer to the statutory requirement that local authorities contribute to sustainable development in discharging their Best Value duty; the definition of 'Sustainable Development' in supporting Ministerial guidance; and what that guidance considers 'Sustainable Development' to mean in terms of plan-making.

Paragraphs 21 and 22 appear to conflate 'development' (as defined in the Planning Acts) and 'sustainable development'. In economic terms, sustainable development is about understanding the socio-economic costs of actions, and these paragraphs and the guidance as a whole should address how development planning can ensure such costs are internalised.

The 'Manage waste effectively' bullet point in paragraph 35 appears to confuse the roles of the Area Waste Plan (AWP) and development plan, and in particular could be interpreted as establishing a duplicate role for the development plan SEA in assessing different waste management technologies. SPP10 makes clear that it is for the AWP and not the development plan to establish the Best Practicable Environmental Option (BPEO) for waste management, taking into account factors such as the proximity principle. AWP's are subject to SEA. Where an AWP does not specify a location for facilities (as is generally the case), it does not automatically follow that the development plan is able to identify such a location. In Midlothian's case it was not possible to identify a site for the Waste Management Complex in the Finalised Midlothian Local Plan (FMLP) as this is incompatible with the procurement method which allows for a number of alternative sites. Policies WAST 1 and WAST 2 of the

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FMLP support such a facility, subject to locational criteria, appropriate access, safeguarding of residential amenity and accordance with the BPEO of the AWP. A further complication has arisen with regard to the timing of proposals; in the case of the FMLP, the Energy from Waste proposal was defined too late in the Local Plan process to be incorporated and properly subjected to SEA. It would be an antithesis to the modernising planning agenda to both delay the Local Plan process to accommodate a new contentious project and at the same time fail to subject the latter to the full consultation requirements of the development plan and SEA. Considerable weight will be attached to the BPEO of the AWP in determining planning applications for site-specific proposals chosen by the preferred bidder. These proposals will (more appropriately) be subject to detailed project-level EIA

The 'Accessibility' bullet point in paragraph 37 should also refer to the desirability of proximity to facilities and services.

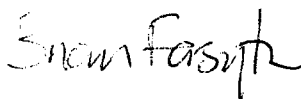
In the 'Energy Efficiency' bullet point in paragraph 37, "energy use" should be replaced with "non-renewable energy sources" throughout.

In the 'Waste Production' bullet point in paragraph 37, it is not made clear why the ordering of too many building materials is a matter for planning authorities.

Paragraph 47 includes the sentence: "Briefs may be subject to SEA". Sustainability Standards (paragraphs 45 and 46) and other Supplementary Planning Guidance may equally be subject to SEA. This Council has some reservations about subjecting briefs to SEA once the Local Plan itself has been through the SEA process because of potential delays in delivering the housing land supply, consequent demands for the release of additional housing land, and the adverse environmental affects of planning by appeal. Further, these delays could affect the delivery of affordable housing. A sentence along these lines should be included instead: "Sustainability Standards and other Supplementary Planning Guidance prepared by or on behalf of planning authorities, or adopted by them, may be subject to SEA".

Midlothian Council looks forward to the report on this consultation exercise and publication of the final version of the guidance around the end of 2007. A completed Respondee Information Form is enclosed.

Yours faithfully



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**RESPONDEE INFORMATION FORM: *Draft Statutory Guidance on Planning and Sustainable Development***

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: SPIAN FORSYTH

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1. Are you responding as: (please tick one box)
- (a) an individual  go to Q2a/b and then Q4
- (b) **on behalf of a group or organisation**  go to Q3 and then Q4

**INDIVIDUALS**

- 2a. Do you agree to your response being made available to the public (in the Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all  We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

**ON BEHALF OF GROUPS OR ORGANISATIONS:**

3. Your name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on Scottish Executive website). Are you content for your response to be made available?

Yes

No  We will treat your response as confidential

**SHARING RESPONSES/FUTURE ENGAGEMENT**

4. We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future for consultation or research purposes?

Yes

No