Midlothian Climate Action Hub

Response to the Midlothian Council consultation on draft Midlothian Local Development Plan 2

Midlothian Climate Action Network (MCAN) is a diverse coalition of over 50 community groups and organisations across Midlothian brought together by the belief that local communities should be at the forefront of regional responses to the climate and nature crises. It is supported by the Midlothian Climate Action Hub ("The Hub"), which provides practical support, coordination and resources to empower its members to take climate action in ways that matter to them.

This response to the Midlothian Local Development Plan 2 (MLDP2) consultation has been drafted by the Hub, with input from several of our members and groups in our networks where their experience and local knowledge are particularly relevant. This includes diverse groups such as The National Mining Museum of Scotland, Loanhead Community Garden and Growing Families Newtongrange Community Garden, and Big Wildlife. We'd like to thank to everyone that contributed their views.

As the guiding document that will influence planning decisions across Midlothian for the next 10 years, MLDP2 will have a significant impact on nature, climate and our local communities. It will shape how well Midlothian protects our natural landscape and green spaces, supports biodiversity and nature recovery, plans for renewable energy infrastructure, manages flood risk, and delivers sustainable and accessible transport, among other areas.

We welcome the opportunity to respond to this consultation and to contribute the experience and local knowledge of communities across Midlothian. We believe that the Plan should set clear standards that reflect the needs and desires of local communities, while remaining responsive to the best available evidence on climate change, biodiversity and sustainable development.

Alongside this response, we are submitting a Community Statement supported by local residents, community groups and organisations. The Community Statement demonstrates support for many of the principles and recommendations contained within this response and reflects the strong interest of Midlothian communities in ensuring that MLDP2 provides robust protection for nature, climate resilience and community wellbeing.

Many of our members will also be responding to this consultation, and we would like to lend our support to their responses. We are aware and supportive of the submissions by Loanhead Community Garden and The National Mining Museum of Scotland

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1. Introduction

In this document, we set out our **Overall Observations and Recommendations** on MLDP2, followed by **Topics and Themes Response**, and finally our **Policy-Specific Response**. The aim of this response is for the Hub and MCAN to provide knowledge and expertise surrounding topics relevant to our organisation and its members, in addition to giving a voice to the communities residing in Midlothian who will be directly affected by the next decade of local development. We hope our detailed evaluation will be helpful as the Council looks to deliver better environmental outcomes and build resilient, healthy and sustainable communities across Midlothian over the coming decade

2. Overall Observations and Recommendations

We begin by listing the main observations and recommendations we have for MLDP2. Overall, we welcome the Plan's recognition of the need to respond to climate change and the nature crises, as well as a number of strong environmental provisions throughout the document. Our recommendations below are intended to build on these strengths and help ensure the Plan's ambitions translate into clear, measurable and enforceable requirements with lasting outcomes for Midlothian's communities and natural environment.

a. **We welcome the Plan's recognition of climate change, climate adaptation and mitigation, and nature recovery as important considerations in shaping Midlothian's future**.
   In particular, we welcome the fact that climate change is identified as one of three spatial drivers of change underpinning the Plan. This recognition is reflected in various sections throughout the plan. For example, STR2 states that "Development must be designed to adapt to the current and future predicted impacts of climate change". Paragraph 77 also recognises that the "impacts of climate change (...) are increasingly evident in Midlothian". Similarly, paragraph 25 states that the spatial strategy seeks to accommodate required growth in a way that supports "adapting to and mitigating the effects of climate change", as well as nature recovery alongside wellbeing economy, affordable homes, and safe and healthy communities. We consider this recognition and framing to be a significant strength of MLDP2.

b. **We strongly support the Plan's many biodiversity and habitat creation requirements**,
   This is particularly true of those contained within the Design Policies, including (but not limited to):
   - Requirements from developers for pollinator planting in corners of new developments (**DES2**)

- Requirements of adding biodiversity habitat to developments (DES3)
- Requirements for Biodiverse SUDS being implemented **(**INF9) and a requirement for these to be part of Development Layouts (DES2)
- Required creation of a community growing space in new housing developments (LOC5)
- Protection against pre-emptive felling (DES9)
- Requirement of increase in urban greening factor (DES4)
- Mandatory rainwater harvesting systems in allotments (LOC4)

We consider these provisions to be amongst the strongest aspects of MLDP2.

c. **Requirements should be measurable and enforceable**.
MLDP2's requirements are often undermined by open-ended qualifiers and a lack of measurable standards to evaluate applications. Examples can be found across the Plan, including "wherever possible" (6x), "where possible" (4x), "where relevant" (2x), "unless essential" (1x), "where practicable" (1x).

We understand the use of such qualifiers where they are intended to allow flexibility for different site circumstances. However, good intentions need measurable standards or guidelines, not a qualifier that leaves space for individual applicants to be ambiguous or argue a specific requirement doesn't apply to their site. Policies without defined evidence standards leave the Council without a consistent means to assess proposals and create the risk that different developers will be held to different standards depending on how a requirement is interpreted.

The Plan does well in referencing specific standards in certain policies. For example, **Policy DES4 - Urban Greening Factor** requires applicants to submit a completed calculation against a published minimum score. This is a measurable standard, and we ask that this approach is extended across other policies where it is currently missing.

Where flexibility is required, **we ask that the Plan clearly defines the circumstances in which an exception may apply and the evidence required to demonstrate it is justified**. This would retain flexibility, while ensuring environmental requirements are consistently and transparently applied.

d. **Very few policies in the plan include monitoring plans for a development once consent is granted**.
The Plan is often strong on intent and sometimes impressively specific on design, but it is much weaker on monitoring.

Policy ENV11 - Soils is a rare exception, explicitly requiring post-development monitoring. It is one of the few policies in the plan that does this.

Policies such as DES3: Biodiversity and New Development, for example, note developments must be "delivering biodiversity enhancement including the strengthening of nature networks" and require "quantifiable data to demonstrate that the proposals will achieve habitat enhancement. However, it does not make any mention of how this will be monitored and how developers will be made accountable.

Similarly, DES9 –Trees and Hedgerows in New Development states development sites must "achieve a future canopy cover of 21% (at 20 years after planting) but again make no mention of monitoring.

We ask that where a policy establishes specific long-term outcomes or impacts, monitoring should be explicitly required, and developers should be held accountable for delivering those outcomes. Where appropriate, monitoring requirements should establish a baseline target, timeframe and method of assessment, as well as identifying responsibility for monitoring and addressing failure to meet outcomes.

e. **Development thresholds should account for cumulative impact**. Sustainability requirements for housing developments are consistently applied only to larger developments, with smaller development exempted rather than subject to a proportionate, scaled-down requirement.

   Policy IMP1 acknowledges that cumulative effects across smaller developments should be considered, but no mechanism explains how this is assessed or applied in practice.

   We recognise that development thresholds can be appropriate and proportionate in planning policy. However, environmental impacts do not necessarily disappear below a particular threshold, and the cumulative impact of multiple smaller developments can be significant.

   We ask that policies which currently exempt developments under a certain size instead apply an appropriate and proportional requirement for smaller developments. This could involve scaling requirements according to size or potential impact of the development, rather than removing them. **We also ask for more clarity on how cumulative impact is measured and applied in practice**.

f. **Embodied carbon and whole-life emissions should be addressed.** A significant gap in the Plan is the absence of clear requirements to assess and reduce embodied carbon and whole-life emissions associated with development (raw material extraction, transportation, manufacturing, construction, maintenance, renovation, and demolition). Embodied emissions

are estimated at 40 to 50 million tonnes of CO2 annually, accounting for over 10 % of UK emissions. Similarly, Zero Waste Scotland observed around the same in the Scottish construction sector.

Currently, there is no clear requirement within MLDP2 for embodied carbon or whole-life emissions to be assessed or controlled, other than on a voluntary basis. However, whole-life carbon assessment is becoming increasingly standard practice in planning across the country, using methodology like the RICS Whole Life Carbon Assessment. Edinburgh City Plan 2030, for example, includes carbon assessment requirements comparing the "*carbon footprint of the proposed development compared to the option of re-using the existing building to accommodate the proposed use.*"

We therefore recommend the Plan requires appropriate developments to undertake whole carbon or embodied carbon assessment, including consideration of emissions associated with materials, construction and demolition. Where an existing building is proposed for demolition, the assessment should demonstrate that reuse, retrofit or adaptation have been properly considered and explain why these options are not being pursued where they would result in lower emissions.

Given the scale of development expected across Midlothian over the lifetime of this plan, we believe MLDP2 should set a high standard for climate-conscious development and provide a clear framework for reducing emissions from construction materials.

g. **Across the plan, the right principles are often identified but left without a clear mechanism to act on them**.

Policy STR2's supporting text correctly highlights "communities who face disadvantage are likely to be particularly affected" by climate change; however, this acknowledgement is not met with a corresponding action nor requirement.

Fuel poverty is named as an LHEES outcome but **Policy INF11** does not require applicants to demonstrate that their proposal will actively support local communities to reduce fuel poverty.

Community wealth building and community-led projects are named as supported outcomes under **Policy ECON1**, yet sit alongside commercial developments with no mentioned preference, fast-track or exemption attached for community led projects anywhere in the plan.

Paragraph 87 states Midlothian Council will "encourage developers to provide local benefits through a permanent skills and training legacy and to participate in the Council's community benefits framework". We ask for the Plan to present it

as more than encouragement. In particular, we ask for a clearer emphasis on supporting community-led and locally owned projects and businesses, with defined expectations for developers to contribute to community wealth building and local economic resilience according to the type of development.

3. Themes and Topics Response

In this section, we address specific themes which appear across multiple policies in MLDP2. Rather than repeating the same recommendations under each individual policy, we have brought these issues together here and identify the policies to which they should apply.

Outdoor Learning Provisions

We ask that the Plan include a requirement for developers to ensure that suitable outdoor learning space is available in new developments. This should be incorporated into both **Policy ECON6** and **Policy LOC3**.

This requirement could be met either through suitable existing outdoor learning space within reasonable proximity of the development, or, where appropriate, through the allocation of **biodiverse green space** for new educational developments. This would support the principles set out in Scotland Learning for Sustainability Strategy and GTCS Standards, which require outdoor learning to be part of the curriculum.

As part of **Policy DES6, we also ask for natural features to be incorporated as part of play spaces**, with trees incorporated as part of play spaces as much as possible.

Visitor and Tourist Accommodation

We recognize that the Plan seeks to support appropriate visitor and tourism development while protecting Midlothian's landscapes and communities. However, we are concerned that the criteria used to determine whether tourism development is acceptable are not always clear or specific to ensure consistent decision-making.

For example, ECON 3 states that development "will be supported where it is compatible with existing uses and protects the special qualities of the park", ECON 4 requires self-catering visitor accommodation outwith settlements not to "adversely impact local rural character or landscape quality", while ENV8 states that "planning permission will not be granted for inappropriate development, as set out in NPF4". ENV7 also contains exemptions relating to Newbattle Strategic Greenspace. As it stands, all of these are open to interpretation.

We ask for these policies to adopt a tone of informed scrutiny surrounding tourism developments in Country Parks, the Greenbelt, and Newbattle Strategic Greenspace.

This is crucial in the preservation of the Nature Conservation purposes of these protected areas.

In particular, we ask that the protections currently afforded to Roslin Glen and Pentland Hills Regional Park to inform a consistent approach to other Midlothian Country Parks, where tourism development could significantly affect the biodiversity, landscape character and greenspace function of a Country Park.

We recommend the following provisions to protect biodiversity in country parks:

1. Restrictions on all developments that will reduce urban greening factor by 0.2
2. Add a clear restriction of developments, particularly visitor accommodations, on floodplains or flood risk areas, in line with NPF4 Policy 22.
3. A requirement for Environmental Impact Assessments for all visitor accommodation development (understanding that the EIA framework will be exchanged for a less rigorous Environmental Outcome Report - EOR - by the end of 2027 in the UK).
    a. **NFP4** highlights that developments in Country Parks are allowed when compatible with the uses, natural habitats, and character of the park. We ask the Plan to go a step further and require visitor accommodation be considered a Schedule 1 development, and thus warranting the evaluation EIAs ('EOR's from end of 2027)

4. Policy Specific Response

In this section, we outline our responses to specific policies in MLDP2 – identifying both elements that we support and areas where we believe the Plan could be strengthened. While covering every single policy was unrealistic, we have been thorough in providing recommendations on the policies most relevant to our areas of expertise and the interests of the communities and organisaitons we represent. Some cross-cutting issues are addressed separately in Themes and Topics Response.

Climate Change Mitigation and Adaptation Policies

Policy STR2 – Climate Change Mitigation and Adaptation

We consider STR2 to be one of the strongest policies in the Plan and strongly support its inclusion and potential.

STR2's framing is very positive, as it understands climate change as a past, present, and future phenomenon and frames the resulting risks presented to communities as deeply

intertwined with those presented to nature. We particularly support its focus on vulnerable places and the need to consider current and predicted future climate impacts in development design. We also welcome its recognition that the "impacts of changing climate will not be experienced equally and communities who face disadvantage are likely to be particularly affected" (para 40).

Of particular note is the policy explicitly refusing support for development that increases "climate risk to other communities or land", as the displacement of climate risk onto others is often a common practice disguised as climate action.

Finally, STR2's structure lends to its strength, as it sets specific checks and requirements as a strong basis for assessment.

However, there are several areas where STR2 could be strengthened to ensure that its ambition translates into clear and enforceable requirements that will protect present and future Midlothian communities and ecosystems. We recommend the following:

a. **In paragraph 2, "development that directly increases climate related risks to other communities or land will not be supported" should outline that this includes communities and land outwith Midlothian, to ensure neighbouring ecosystems are also protected.**

b. **Replace "where relevant" in paragraph 3 of the policy box with a requirement that applicants reference named standards or datasets if claiming that any listed item is inapplicable to their proposal** (e.g. SEPA flood maps, the Climate Ready South East Scotland Risk and Opportunity Assessment, etc.). This change would make the listed checks enforceable rather than aspirational.

c. **STR2 lacks specific inclusion of the mitigation hierarchy. Developers should be required to justify why they are at the stated stage of the mitigation hierarchy, e.g. why they are offsetting rather than avoiding, minimising, or restoring. We ask that in their Supporting Statement, developers are required to refer to the mitigation hierarchy in justifying their plans.**
We would like this update to STR2 to be further strengthened by requiring developers to **replace biodiversity loss** with equivalent nearby habitat, as we re-iterate in **DES3** While the mitigation hierarchy is (rightly so) emphasised in **DES3** and **DES4**, we are concerned that its lack of inclusion in the Climate Mitigation and Adaptation policy can leave a grey area and be diluted by ignoring other impacts that are not strictly focused on biodiversity.

d. **Add a requirement for embodied carbon assessment (materials, construction and demolition), particularly in relation to developments involving the replacement of existing buildings** (See Section 2, point f).

e. **Turn the climate injustice acknowledgement into an actionable requirement.** Acknowledging that communities who face disadvantage are likely to be particularly affected by climate change is a great first step, but it needs to be further embedded in the plan in a way that can tangibly influence new developments. The supporting statement should identify whether the site or its impacts affect a data-one identified as 'deprived' under the Scottish Index of Multiple Deprivation (most deprived 30%, Deciles 1-3), and if so, how the proposal will exacerbate disadvantages, how these disadvantages will be mitigated, and (more importantly) how will this development actively help reduce these disadvantages.

f. **Require a monitoring plan for all different biodiversity measures**. Following the Soil Sustainability Plans in ENV11 that require post-development monitoring, we ask that the plan include requirements for post-development monitoring of habitat and biodiversity features (as suggested for DES3).

We emphatically support the inclusion of Policy STR2 in the draft, as it presents possibly the most crucial opportunity for the Plan to honour and enact its strategic aims to build more climate resilient communities and infrastructure. In general, STR2 as it stands presents a vague understanding of how it will be assessed and what exactly it requires from developers. We hope that the above advice can help STR2 become clearer, and thus more measurable in a climate mitigation and adaptation context.

Design Policies

We read the Design Policies as the strongest chapter in the Plan due to its measurable commitment to biodiversity and rural greenspace protection. We see these policies as a good standard for the rest of the Plan's policies to follow,

However, many subsequent policies appear to rely on the assumption that these standards will automatically apply alongside other policies. We ask that the Plan make it explicit that these policies always apply (regardless of type of development) in addition to more specific policies throughout the MLDP2, as currently this is only implicit for most of the document.

While we want to emphasise our support for the policies in this chapter, we also identified several opportunities for improvement that will help strengthen the delivery of the policies, particularly through clearer standards, long-term management requirements and monitoring. We do not feel it necessary to respond in depth to DES1, DES6, DES7, or DES8.

Policy DES2 – Design, Layout and Landscape Standards

We consider DES2 one of the best-developed policies in the Plan, particularly regarding its commitment to green spaces, blue spaces, and sustainable transport. The requirement of pollinator-friendly groundcover is very positive and necessary to ensuring that biodiversity protections are detailed and measurable. We are also in support of the incorporation of rainwater harvesting systems and biodiverse SUDS. If these are properly enforced, this could strengthen Midlothian's commitment to sustainability and ecosystem protection.

B8 is of note: a requirement for new housing areas of amenity grassland to incorporate pollinator-friendly planting, street trees, and sustainable drainage measures is a phenomenal example of how biodiversity can be embedded into development design. We are in support of having no changes made to B8, and of it becoming an ongoing requirement for green corners. We are concerned, however, that developers could seek to avoid these requirements by simply providing fewer green corners, making the enforcement of **E7** crucial (restricting use of hard surfaces).

Similarly, we are supportive and protective of **C1**'s requirement of sustainable urban drainage features & biodiversity habitat provision and connection to existing networks. **E4** and **E5** are similarly invaluable elements of the policy that should at no point be sacrificed. However, **E4** would benefit from more specific requirements for how the listed biodiversity features should be incorporated, rather than simply that they should have a "central role" in layout.

F1's requirements around accessibility for disabled people are also positive but currently remain relatively general. We recommend that the Plan should reference appropriate accessibility standards and guidance, including relevant Scottish guidance (see Accessible Travel Scotland and Walk Wheel Cycle Trust's design details in their design guide)

DES2 is currently the only policy which references the usage of sustainable materials (**see E6**). We ask this is matched across other relevant policies to demonstrate a consistent commitment to sustainable development, following our comment earlier in this response (See Section 2, point f). However, the definition of sustainable materials in DES2 remains vague without defined standards.

Finally, as with most MLDP2 policies, we see room for improvement in the incorporation of monitoring plans, procedures, and enforcement. DES2 policies are a wonderful and irreplaceable part of MLDP2 but will remain hollow in their execution without the addition of more measurable standards and an outlined monitoring strategy.

Policy DES3 – Biodiversity & New Development

We strongly support the inclusion of a biodiversity policy applying the mitigation hierarchy across all types of development. We are very encouraged by the requirements outlined in DES3, which provide a strong basis for ensuring new developments contribute t biodiversity enhancement. To further strengthen this important policy, we recommend the following improvements:

1. **We ask that the requirement for planting "predominantly native species" be changed to "exclusively native species," with an additional requirement for sufficient diversity of species planted, to avoid developers meeting the requirement though large areas of a single species leading to low biodiversity value.**
2. When restoring or offsetting, developers should be required to **replace biodiversity loss** with equivalent nearby habitat, in line with Nature Scot's best practice.
3. The requirement for developers to "agree the method for demonstrating biodiversity enhancement with the Council" prior to submitting an application reads as a weakness in the draft. Wanting to offer flexibility is understandable, especially in light of there not yet being a Scottish Planning Biodiversity Metric released but invites inconsistent standards between applications. **We ask that the plan makes it clear that once an appropriate metric is in place (such as a Scottish Planning Biodiversity Metric), this will be the expected approach for developers use to demonstrate biodiversity enhancement**.
4. **We ask for the addition of a minimum duration to the long-term habitat management requirement**, matching **DES5**'s minimum 15-year maintenance plan model. We would be happy to advise on potential funded community stewardship models for this management, while acknowledging the challenges of a community-integrative approach for new developments not yet familiar with the surrounding community.
5. The measure set for "appropriate compensatory planting or habitat creation on site at a level equal to twice the canopy cover or habitat area removed" is a useful metric and allows for effective monitoring. However, **the Plan must define what is acceptable "compensatory planting" or "habitat creation" to prevent this requirement being met through measures with limited biodiversity value.**
6. Our Community Garden Network recommends the following **list of biodiversity features to be considered as explicit developer requirements:**
    a. Water sources for a variety of wildlife, such as ponds or rain gardens

b. Habitat features left all year round to support nesting, shelter and winter hibernations, such as brash piles, dead hedges, dead wood, log piles
c. Where possible, compost areas and long grass
d. Suitable habitat features for solitary bees and other pollinators, such as holes drilled into wooden posts
e. Plants providing seeds and other food sources for winter feeding birds and other wildlife
f. Maintenance plans for the site restricting pesticide use
g. Diversifying groundcover, including clover and other species-rich alternatives to conventional grass lawns.
h. Dark corridors for wildlife, particularly around hedgerows, trees and other habitat areas, so that lighting doesn't break up important routes for bats, moths and other nocturnal wildlife. This could protect wildlife while allowing sufficient safety lighting.

7. All biodiversity protections implemented through development should have an associated management and maintenance plan, with monitoring requirements that ensure their intended biodiversity value is maintained over time, as stated above in our response to STR2.

Policy DES4 – Urban Greening Factor

DES4 is an important policy, as it provides one of the clearest measurable standards in MLDP2. We strongly support this approach and believe other policies, particularly DES3 and STR2, should follow its lead and use similar measurable standards in their requirements.

However, we are concerned that DES4 currently applies different requirements for residential and commercial development. The environmental impact of developments should not depend on its use type alone, as a development's impact on a site is independent of its purpose. **We therefore ask that the Plan uses the highest value of UGF for Brownfield Sites and for Greenfield Sites consistently across all development types.**

In addition to the above, we also offer the following recommendations:

1. **Require the UGF score to be maintained for a minimum of 15 years, following the example of DES5's 15-year maintenance model.**
2. **Strengthen the requirement for "native or climate and disease resilient species" by requiring exclusively native and pollinator supporting species, echoing our recommendation to DES3.** The conjunction "or" in the original phrasing implies the option of non-native species, so long as they are climate and

disease resilient, which do not enhance long-term biodiversity. This should be the standard for comparable biodiversity requirements across the Plan.

3. Define the circumstances in which "site constraints" can prevent the achievement of the minimum UGF score, as currently it opens the door for the exemption to be used as a general opt-out. **We ask for a defined list of qualifying exemptions to prevent this.**
4. Define what constitutes a suitable for "off-site contribution towards urban greening initiatives within the local area". **We ask for a list of viable contributions be added to the policy**
5. **Where off-site contributions or compensations are allowed across the Plan, these should be subject to supporting an increase of the UGF score by at least 0.2**

Policy DES5 – Open Space Standards

DES5 contains several positive elements we believe should be held as a model across the Plan, particularly its requirement for a 15-year maintenance plan and its exclusion of low-value spaces from counting towards the public greenspace requirement.

However, we recommend the following improvements to strengthen the policy:

1. **Restrict the "maintained grass" to a maximum of 40% of the greenspace developers are required to create**. To meet the standard, developers should combine grass with at least one of the other listed options.
2. **The financial contribution towards local public greenspace where "on-site provision cannot be created" should be specified numerically, for example as a percentage of the development value including a minimum threshold.**
3. **Developments of less than 10 dwellings should still be held to a proportionate requirement for usable green space rather than exempt**. This could be scaled to the size of the development, for example 30sqm of usable green space per dwelling.
4. The policy requires greenspace to connect to local nature networks; however, it would benefit from **additional information on how this should be achieved,** thus giving the greenspaces the opportunity to be designed in part of larger habitat creation.

Policy DES9 – Trees & Hedgerows in new development

Policy DES9 on Trees & Hedgerows similarly has strengths and weaknesses. We are encouraged by the measurable requirement for a canopy cover and the regulations against pre-emptive felling. However, the policy could be strengthened through the following recommendations:

1. **We ask that the Plan increases the future canopy-cover requirements from 21% to 30%,** in line with the Woodland Trust recommendation of at least a 30% canopy cover on all developments.
2. The policy lacks a requirement for appropriate tree diversity, rather than measuring cover alone. This should include a native, mixed-species tree requirement (omitting sitka spruce), with species selection based on biodiversity value and long-term resilience. **We ask that there should be an appropriate tree diversity standard set in line with the standard of woodlands being in "favourable condition" within the UK Forestry Standard**. This requirement should also be reflected in **Policy ENV4 – Special Landscape Areas**, which requires new planting to enhance the area.
3. **The policy needs a clear maintenance and monitoring plan for its canopy targets.** It is currently unclear how progress will be monitored over the 20-year period to ensure target canopy cover is reached, nor whether the **DES5**'s 15-year maintenance plan applies here. **We recommend formal monitoring points at 5 and 10 years, tied to planning conditions** and consistent with the post-development monitoring approach used in **ENV11**.
4. **The inclusion of "other green infrastructure which will deliver equivalent benefit" as an alternative to the canopy target needs a measurable definition, including measurable criteria for what would constitute an "equivalent benefit".** We are concerned that this vague phrasing could weaken tree canopy requirement, especially if its assessment remains unspecified.
5. **We recommend that developments under 0.5ha have a set of proportionate regulations rather than being exempt altogether**. For example, the level of canopy cover could be proportional to the size of development.

Infrastructure Policies

We are very supportive of this chapter's commitment to protect both blue and green infrastructure, and of treating active travel infrastructure as a core part of infrastructure design rather than an afterthought. Below, we detail our response and suggestions to individual infrastructure policies.

Policy INF1 – Blue and Green Infrastructure

This policy correctly frames Blue and Green Infrastructure (BGI) as core infrastructure rather than landscaping and we strongly support its requirement for a site-wide BGI strategy that connects beyond the site boundary.

However, the policy could be further strengthened with the following recommendations:

a. **We ask that "is expected to protect and enhance biodiversity" is changed to "must,"** consistent with our requests throughout this response that aspirational language be replaced with enforceable requirements.
b. **We ask that a long-term management, maintenance and monitoring plan is required with clear, measurable outcomes**.
c. Finally, we noted that the policy fails to prioritise nature-based solutions over engineered alternatives. This weakens the plan's coherence, as DES policies more emphatically prioritise nature-based solutions, and INF1 is the point at which that priority should be carried into delivery.

Policy INF2 – Transport Network Interventions

Echoing our members' concerns, we ask for firmer commitment to increased bus routes and more regular buses across the region, effectively connecting towns across Midlothian in a way that reduces car dependency.

We echo and support the suggestion of our member, Newtongrange Community Garden, that wildlife-safe crossings be made and explicit requirement for new or significantly altered road infrastructure. While this is not currently mentioned anywhere in the plan, wildlife crossings should be considered at the planning stage, particularly where they cut through existing habitats or wildlife corridors. This could include underpasses, culverts designed for wildlife, or wildlife/nature bridges, depending on the location and species present. These should be incorporated into the design rather than added afterwards, so animals can continue to move safely between habitats.

Policy INF3 – Sustainable Transport

We strongly support that INF3 requires active travel infrastructure in the first phase of development rather than as an afterthought. This is the correct approach, and we ask that this be cross-referenced explicitly in the HOU and ECON chapters (ECON8, ECON9, HOU1, HOU2).

However, the requirement is qualified by "unless there is acceptable justification and benefit for its provision at a later stage.". This leaves the phasing requirement open to being argued away rather than enforced, as per our comments earlier in this response (See Section 2, point c). We ask that acceptable justification be defined.

Policy INF4 – Transport Interchanges

We express our strong support for integrated low-carbon transport hubs and its Equally Safe design requirement.

However, we ask for explicit disabled access requirements to be added to improve this policy. Given transport interchanges are the points where people with accessibility

requirements are most dependent on well-designed infrastructure to complete a journey and be less dependent on car usage, this is a significant gap.

Policy INF5 – Freight Facilities

We are in full support of any new storage and distribution developments to be readily accessible to rail and strategic road networks. Shifting freight from road to rail is a straightforward carbon reduction in the transport sector. We ask that the policies go further and states an explicit preference for rail-served freight development over road-only sites.

Policy INF6 – Safeguarding of Former Rail Lines

We are in full support of INF6, particularly the safeguarding of biodiversity potential.

However, we ask that safeguarded former rail lines converted for its biodiversity potential be explicitly recognised as part of Midlothian Nature Network under ENV1, as disused rail corridors are a great example of long, connected, low-disturbance habitat that make an effective wildlife corridor. Formally linking the two policies would strengthen both.

Policy INF7 – Renewable Energy Generation and Infrastructure

INF7 is an important policy as it is the primary policy in the draft that addresses renewable energy more broadly in development.

While the policy supports the full range of renewable and low-carbon technologies, there is no hierarchy between differing materials and technologies and no preference for established, lower-impact technologies over less-proven methods (e.g. carbon capture). **We ask for there to be written support for renewable energy developments over carbon capture developments.**

There is limited reference to energy efficiency or reducing energy demand alongside increasing renewable generation. While energy efficiency is not in the purview of this document, there could be some requirements from energy developments to support increase energy efficiency of local communities, for example through financial contributions to projects working towards reducing energy demand.

The National Mining Museum recommends multiple changes to this policy, which we fully support:

1. Explicit recognition of community renewable energy

We would suggest adding an explicit reference to community renewable energy and community ownership.

The updated policy could look like:

"Particular support will be given to community-led renewable energy generation, energy storage and low-carbon energy projects which provide demonstrable local environmental, social or economic benefits, including community ownership, financial benefit, energy resilience, education or skills development."

2. Heritage needs to be more nuanced than simply "adverse effects"

The museum is a major heritage site, with renewable energy potentially being part of its long-term conservation and sustainability strategy. There can therefore be a tension between protecting the historic environment and enabling the infrastructure that will help secure the future of that heritage.

I would be concerned if "historic environment" was interpreted simply as a reason to prevent renewable infrastructure from being installed on or around heritage assets. There should instead be a clear recognition that sensitively designed renewable technologies can contribute to the **long-term sustainability and adaptive reuse of historic buildings and places**. For example, the policy could distinguish between:

- unacceptable harm to the significance of a heritage asset;
- reversible or mitigable impacts;
- interventions which enable the continued use and conservation of a building;
- cases where renewable infrastructure is legitimately integral to the sustainable reuse of a heritage asset.

These policy asks should also be echoed in ENV12, and support renewable energy as a part of conservation of historical sites

3. The policy should recognise integrated energy systems

Our work at the museum has also demonstrated that technologies shouldn't necessarily be assessed in isolation. Solar PV, battery storage, EV charging, heat pumps, mine-water energy and grid infrastructure can form part of an integrated system.INF7 could explicitly encourage integrated low-carbon energy systems, particularly where they serve existing buildings, community facilities, employment sites or heritage assets.

4. Grid infrastructure shouldn't become an unintended barrier

The current wording refers to access and power transmission infrastructure, but the policy could go further in recognising that associated infrastructure is an essential part of delivering renewable energy. There could perhaps be a principle that associated infrastructure should be supported where it is necessary to enable an otherwise acceptable renewable energy project, provided its impacts can be appropriately mitigated.

Policy INF9 – Water and Drainage

We **strongly support and welcome the requirement for biodiversity and amenity benefits of SUDS to be maximised through biodiverse SUDS,** the support for retrofitting SUDS to existing drainage system, the restoration of watercourses through the opening out of existing culverts, as well as the outright ban on underground tanks.

However, new connections to the public drainage system are only supported "where available," and the policy does not explain how the Council will handle proposals where treatment capacity is constrained. Given Midlothian is the fastest-growing region in Scotland, capacity constraints are a strong possibility. We ask that INF9 set out what happens when public drainage capacity is constrained.

Policy INF11 – Heat Networks

We fully support this policy's requirement that all developments needing heat must either connect to an existing heat network or be built ready to connect to a future network.

We also support that "developments with a high heat demand must be co-located with and make use of heat supply sources," however the qualifier "wherever possible" ultimately retracts from the policy by making it effectively optional.

We also ask that this policy be linked explicitly to the LHEES fuel poverty outcome named in supporting text (para 80): fuel poverty is identified as an outcome the plan should help address, but INF11 itself does not require applicants to demonstrate how their proposals will support local communities in reducing fuel poverty or avoid worsening it.

Policy INF12 – Digital Infrastructure

INF12 is one of the policies in the draft with the highest stakes and most potential for improvement. In light of the expanding digital infrastructure industry with the uptick of data centre proposals, it is utterly imperative that Midlothian develops a strategy which not only properly addresses the negative environmental impact which a data centre could pose for the region's communities, but which also sets up standards to transparently assess and mitigate environmental impact of all digital infrastructure.

The existing policy supports digital infrastructure subject to "minimised environmental impact," with no reference to data centres, whose electricity and water demand for cooling is one of the fastest-growing pressures on both grids and water systems nationally. While there are currently no proposed data centres for the Midlothian region, the Plan must address the potential for their arrival in the upcoming decade as the industry expands at an exponential rate. NPF4's Policy 24 relegates digital infrastructure decision-making to the interpretation of each council area, meaning that Midlothian Council determines the barriers to entry that it puts on all development of digital

infrastructure and the sustainability requirements it sets for their implementation. NPF4, however, does state that digital infrastructure developments must be "future-proofed" – which the report linked above indicates data centres are not.

Following on from this, AI data centres would contradict policy STR2's requirement to not support "development that directly increases climate related risks to other communities or land." Their large-scale energy and water use as well as their carbon emissions which would render Scotland's net zero by 2045 goal out of reach present an increasingly precarious future for the residents and ecosystems of Midlothian and wider Scotland.

Finally, we recognise data centres as a major climate injustice threat in Scotland with the potential to worsen the health and wellbeing of already vulnerable communities and ecosystems. The existing list of proposed hyperscale data centres in Scotland show the trajectory of data centres being built in neighbourhoods which are categorised in lower socioeconomic standing with overlapping "multiple deprivations." The construction of data centres near or in these neighbourhoods would lead to a perfect case of climate injustice: lowered access to clean water, increased air and noise pollution, increased energy costs, and increasing energy insecurity. Midlothian, having regions of high economic disparity with vulnerable populations, needs to acknowledge the damage that regional data centre construction would cause.

For these reasons we ask that MLDP2 should state that data centre proposals in Midlothian will not be supported, to ensure adherence with the climate goals throughout the rest of the plan and NPF4.

Policy INF13 – Minerals

We support the requirement that mineral extraction sites be restored to "enhance the landscape and biodiversity value" compared to extraction condition, and the requirement for funds to be secured I advance for restoration and long-term aftercare.

However, it remains unclear how this enhancement is measured, verified, and monitored once restoration is complete, the same gap found in several policies. Quarry extraction carries well documented risks around geomorphology impact, toxic substances, land use, water use, and natural resource depletion. Given the growing research on these negative effects of quarry extraction, we ask that INF3 includes:

a. A requirement for a measurable restoration standard, rather than a general enhancement expectation.
b. A requirement on application of a plan for post-restoration monitoring at defined intervals.
c. A statement that expansion of existing quarry sites will not be supported.

Economy Policies

The economy policies present a valuable opportunity for environment and economic sectors to be linked, recognising that developments impact communities and ecosystems together rather than separately.

Overall, we found that biodiversity protection across this chapter is inconsistent. It seems genuinely strong and specific where it appears: ECON5 (employment) and ECON7 (Midlothian Science Zone), but it is largely absent from ECON2, ECON3 and ECON4, which cover rural development, tourism and visitor accommodation – despite these being in more sensitive landscapes. We ask that the biodiversity and design standards set out in DES1 - DES4 and DES9 be explicitly stated to apply to all ECON development policies.

Sustainable travel references in this chapter are also softer than the standard DES2. As above, we ask that this chapter makes clear reference to the requirements set in DES2.

Policy ECON1 – Community Wealth Building

We welcome ECON1 explicitly support for co-operatives, social businesses, and community-led projects as contributors to community wealth building. However, the policy fails to prioritise these forms of social enterprise over conventional commercial development competing for the same types of development. While we touch upon this earlier in this document (See Section 2, point f.), it is reiterated here for emphasis.

We ask that ECON1 be strengthened to include a mechanism that favours such enterprises, such as a fast-track route or minimum floorspace or site allocation reserved for community-led and co-operative uses so that the policy's aims translate into an actual outcome rather than remaining aspirational. MCAN recognises community ownership as the best model to keep local supply chains and economic benefit within Midlothian, rather than being extracted by shareholders who do not understand nor are directly impacted by the immediate and long-term needs of the local community. MLDP2 should make a stronger commitment to support local projects by including more explicit details of its support.

Policy ECON2 – Rural Development

ECON2 deserves more climate consideration.

When referring to "any material adverse impact on the environment and residential amenity will be mitigated," the policy remains vague on how it will qualify adverse impacts on environmental and residential amenity, as well as how it will mitigate and monitor these. As stated elsewhere in this response, a policy that names an outcome without a measurable standard leaves the Council without a consistent basis for assessing applications, and leaves communities without a means of holding developers to account.

We ask that ECON2 requires applicants to submit evidence against a named standard, such as an ecological impact assessment appropriate to the scale of the development, and a monitoring plan.

We would also suggest that ECON2 includes explicit support for developments that help farms implement more sustainable growing and biodiverse-positive practices, such as agroecological or regenerative approaches.

Housing Policies

We generally ask for stronger accessible housing requirements across this chapter. Increases in extreme weather, including heatwaves and flooding, will particularly impact disabled people in the coming years, especially those in wheelchairs. It is vital that Midlothian's housing supply includes enough accessible homes in well-connected locations to meet this need.

Existing MLDP2 housing policy contains no content connecting housing to community owned or community benefit models. This is consistent with the same gap in Employment and the Economy, as mentioned above in our response to ECON1 .

Policy HOU1 – Housing Types and Design

HOU1 already requires at least two wheelchair-accessible bungalows per 50 units, roughly 4% of units on the largest sites, with no requirement at all on sites below 50 units. **We ask that this be increased to a minimum of 10% of all new housing, up to a maximum of 10 units in any new development, in order to ensure there is sufficient accessible housing available when needed.**

This policy from Harrow Council in London serves as an apt model for the implementation of accessible housing policy.

Policy HOU3 – Rural Housing

HOU3 rightly includes conversion of existing redundant rural buildings among the criteria under which new rural housing can be supported but treats it as one option among several rather than giving it priority. It also says nothing about construction material reuse or waste reduction during the construction itself.

We ask that HOU3 be amended to:

a. Give conversion of redundant rural buildings a clear preference over new build where a suitable building exists on or near the site, rather than listing it as one of several equal options
b. Require applicants proposing new build (rather than conversion) to demonstrate why conversion is not feasible

c. Require embodied carbon and whole-life emissions be considered (See Section 2, point f.).

Policy HOU7 – Householder Developments

We welcome HOU7's support of householder developments providing adaptations "in response to risks from climate change or relating to people with health conditions"

We have noted that the policy currently frames these as alternatives (adaptation "in response to risks from climate change **OR** relating to people with health conditions"), which offers a false choice in which only one would be needed to be demonstrated. **We ask this be changed to "and" so both purposes are recognised and not framed as an either/or decision.**

HOU7's tree protection requirement – tied explicitly to the British Standards Institute's BS5837 standard – is one of the most specific and well-evidenced clauses in the Plan. The fact that it explicitly requires developers to complete an Arboricultural Impact Assessment, Tree Protection Plan, and Arboricultural Method Statement shows measurable commitment to the protection of Midlothian ecosystem health and preservation. **We ask that this exact mechanism be replicated elsewhere in the Plan, applying to all developments with a possible impact on existing trees, specifically DES9 and ENV9.**

Location Policies

Policies on the development and maintenance of community spaces set the tone for how seriously Midlothian Council takes the commitment to building sustainable and resilient communities.

Policy LOC1 – Community Facilities

Encouraging the creation of multi-functional community facilities is extremely positive, and we fully support it, especially where it makes full use of existing sites rather than developing new ones.

We also welcome the support for the creation of co-located employment opportunities and community facilities.

Policy LOC2 – Sports Facilities

LOC2 currently contains no explicit biodiversity or planting requirements of any kind. We ask that it is made explicit that the standards applied on DES policies are also applied in this chapter.

In particular, **we ask for a requirement for native, pollinator friendly planting on the edges and verges of greenspaces associated with sports facilities, and for a**

prohibition amenity grassland "corners" being sued to meet landscaping requirements, mirroring DES2's standards.

Rosslyn Rhinos, one of our member groups, is already independently adding pollinator-friendly planting around the verges of their Pétanque pitch, showing that this ask is practical and already being delivered voluntarily by local community groups. **We ask that the policy should catch up to this practice and make it standard part of the development process.**

Policy LOC4 – Allotments

LOC4's mandatory rainwater harvesting for allotments, and its requirement for wheelchair-adapted plots, are very positive. However, to strengthen this policy we ask that:

a. **The requirement for "at least one adapted plot" be increased to a minimum of 10% of all plots on any site.** These plots would need to include raised beds at wheelchair height, chairs/benches for sitting, and some handrails around the site. In light of Midlothian's increasing ageing population, these accessible allotments are particularly important to include everyone in community amenities and spaces.
b. **Composting bays or composting systems for organic waste be added to the list of required site facilities.** This would support sustainable soil fertiliser to allotment keepers and even local community gardens.
c. **The financial contribution required from developments of 4 or more residential unites be defined, both in amount (for example, as a fixed sum per unit or percentage of development value) and in how funds are allocated to specific allotment sites, as the policy currently leaves both open.**

Policy LOC5 – Community Growing Spaces

We fully support the protection of existing community growing spaces from development and the requirement for community food growing spaces in developments of more than 100 houses.

However, this 100-dwelling threshold for on-site community growing space is high relative to the scale of many Midlothian developments. This means any development below the threshold is not required to support community growing spaces in Midlothian in any capacity.

We ask that LOC5 be amended to:

a. **Specify a minimum size for the on-site growing area. We recommend that this area should be proportional to the size of the development**.
b. **Include an equivalent mechanism to LOC4's for developments under the 100-dwelling threshold, requiring a financial contribution towards**

community growing spaces elsewhere in Midlothian, if none are present on site. We strongly believe this provision to be crucial, potentially more so that financial contribution towards allotment provision, as it allows a higher degree of community involvement than it is possible with individual allotments, to which not everyone would have access to. Similarly to our note under LOC4, this would require guidance on contribution amount and how the funds would be allocated.

c. While we welcome and fully support the inclusion of community growing spaces in developments, there are some serious omissions from the plan that should be addressed. **We request that the plan sets out, even briefly:**
   - Who is expected to manage the community growing space.
   - How the space will be maintained.
   - Who will fund this long-term maintenance.
   - How long these spaces will be fully funded.
   - What measures will be in place to ensure the community growing spaces will be adequately and sustainably equipped.

   We recommend that the policy should follow the same 15-year model set out in DES5, as without a specified management and maintenance plan a community growing space risks becoming unmaintained.

Our Community Garden Network has offered several recommendations, which we outline blow:

d. The need for soil that does not contain heavy metals in food-growing spaces.
e. The need for a sustainable water catchment system (hugely impactful for climate mitigation) and reliable water supply. We recommend that LOC5 adopt LOC4's rainwater harvesting requirement.
f. The need for a space within the growing space for community members to congregate, such as shelter or covered seating.
g. The need for accessible growing space, including adequate paths. We recommend LOC5 takes a similar approach to our recommendations for LOC4 on adding accessible growing space, including step-free paths and raised or accessible growing options.
h. The need for infrastructure such as secure storage for tools and equipment, composting facilities, and raised beds or different growing options where appropriate
i. The need for safe and suitable access from the surrounding community

Policy LOC6 – Burial Grounds

We support the requirement for biodiversity enhancement in the creation of new or extended burial grounds. However, as with several other policies, "biodiversity enhancement" and "sensitively designed" are not well defined. We ask this is reviewed

and made more specific in line with our ask earlier in this response (See Section 2, point c.).

We recommend requiring burial grounds to factor in an increase in Urban Greening Factor score of 0.2 from the site's pre-development baseline, matching the standard we asked in the DES policies to be applied consistently across the Plan.

Environment Policies

We are generally very supportive of increased commitments to protect habitats across Midlothian set out in ENV1 to ENV9. Several of these policies would benefit from the same treatment we've asked for elsewhere: turning a well-intentioned principle into a measurable, monitored requirement.

Policy ENV1 – Midlothian Nature Network

We strongly support ENV1's basis for resisting development that harms the biodiversity value of Nature Networks and its expectation that that developments provide new additions to the Network. We believe both of these to be of utmost importance.

NPF4 emphasizes a need to facilitate the creation of nature networks and strengthening connections between them. In line with this, we ask that ENV1 states this expectation as a commitment, for example through the addition of "Developments that strengthen and add to the Midlothian Nature Network will be supported." This will reinforce that contributing positively to the Nature Network is recognised as a benefit in the planning process, rather than simply avoiding harm.

Policy ENV2 – Natural Places

We fully support the policy's intent of protecting European sites and Local Biodiversity Sites.

However, the policy currently allows development affecting a Local Biodiversity Site to proceed under two exemptions. The first of these ("The development has been sited and designed to avoid and minimise damage to the value of the site and includes measures that will appropriately compensate for any damage which cannot be avoided") sets the bar too low and allows harm to these important sites without any requirement that the development's benefits actually outweigh what is lost.

We recommend the first option to be removed entirely, only allowing developments where "the social, environmental or economic benefits of the development clearly outweigh the nature conservation interest of the site and compensation arrangements can be agreed with the planning authority."

Policy ENV7 – Newbattle Strategic Greenspace Safeguard

We are very supportive of the Newbattle Strategic Greenspace safeguard and its recognition of the area's role in preventing settlement coalescence and protecting local character.

However, to ensure that remains the case we ask that there to be no provision for tourism uses nor holiday housing, consistent with our response under Themes and Topics Response: Visitor and Tourist Accommodation.

We would also ask for encouragement of agriculture and forestry in this policy to be limited or removed altogether. The hub feels that this would contradict NPF4's Policy 20: "Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained". Agriculture and Forestry in the Strategic Greenspace would be likely to fragment green infrastructure and break up wildlife corridors, due to the monoculture nature of both of these land uses.

Policy ENV9 – Forestry and Woodland Planting

We are encouraged that ENV9 already requires a mix of species. As in our comments to **DES9**, **we ask that this policy be strengthened with an explicit measurable standard, such as requiring planting to meet the UK Forestry Standard's "favourable condition"**, and a mixed-species, native-tree requirement, so that "a mix of species" cannot be satisfied by a small number of non-native species.

We also ask that ENV9 includes an outright prevention on woodland conversion to commercial forestry for the purpose of felling.

Policy ENV11 – Soils

We are encouraged by the requirements for Soil Sustainability Plans, including post-development monitoring on greenfield sites over 1ha. This is one of the few policies across the Plan that gets monitoring right. As mentioned throughout this document, we ask that this model be extended across the Plan

However, we'd like MLDP2 to go further and specifically protect our valuable Class One Peatland in the South and South East of Midlothian. NPF4 Policy 5 sets national stipulations on when construction may take place on Peatland or carbon-rich soil. **We ask that MLDP2 go beyond the NPF4 minimum and protect our peatland by only allowing development on Peatland that is for Peatland Restoration or is essential and cannot be built elsewhere, given the exceptional carbon storage and ecological value of this soil type and the difficulty of restoring once disturbed.**