

South East Edinburgh Local Plan: Objections to Proposed Modifications

Planning Committee
21 April 2005

1 Purpose of report

- 1.1 The purpose of this report is to inform members of the objections received to the proposed modifications to the South East Edinburgh Local Plan, and to agree the Council's response.

2 Summary

- 2.1 Ten objections were received to the proposed modifications to the South East Edinburgh Local Plan, two of which have now been withdrawn. The remaining objections are in response to three separate proposed modifications relating to housing, open space, and retailing matters. It is not proposed to accept any of the objections. The Council is not required to hold a further public inquiry because all of the objections relate to matters already considered at inquiry.

3 Main report

- 3.1 Following consideration of the Reporters' findings from the South East Edinburgh Local Plan Public Inquiry, the Committee agreed a set of proposed modifications to the local plan at its meeting on 25 November 2004. These were placed "on deposit" between 14 January and 25 February 2005, during which time twenty-one representations were received.
- 3.2 Ten of the representations received were deemed to be valid objections to the proposed modifications. However, two of these have now been withdrawn. The objections submitted relate to five modifications, which are discussed below and summarised in Appendix 1 along with the Council's suggested response. In accordance with Regulation 37 of the Structure and Local Plans (Scotland) Regulations 1983, the Council has to consider all objections submitted to the proposed modifications which have not been withdrawn. All of the eight objections which require to be considered relate to matters which were previously considered at the SEELP Inquiry held in Autumn 2003. Whilst the Council may agree to hold a further public inquiry, it is only required to do so where objections relate to matters which have not already been considered at the earlier local plan inquiry. The Council may therefore decide to take no further action in response to these nine objections. The recommendation in all

cases is that the objections should not be accepted and therefore that the modifications as already agreed should stand.

Modification SEELP 1 – Structure Plan Context

- 3.3 Hart Estates have objected to modification SEELP 1 on the grounds that the Inquiry Reporters thought it necessary to release land at Liberton Drive for housing in order to meet the requirements of the recently approved Edinburgh and Lothians Structure Plan 2015 (ELSP). At its meeting on 25 November 2004, the Planning Committee agreed not to accept the Reporters' recommendation to remove the Liberton Drive site from both the Green Belt and AGLV or to identify it as a housing proposal.
- 3.4 The SEELP Report of Inquiry states that the Reporters considered that the allocation of this site for housing to meet the requirements of the ELSP would be appropriate, not necessary as stated by the objector. The release of the site for housing within the context of the ELSP is a matter which has already been considered at Inquiry. It is recommended that the Council does not accept this objection and that no further action is taken.
- 3.5 Members may already be aware that an outline planning application for housing at Liberton Drive has now been submitted by Hart Estates. The application is currently being considered by Planning Officials and a report will be presented to the Development Quality Sub-Committee in due course.

Modification SEELP 10 – Proposal ENV3 Gilmerton Gardens

- 3.6 An objection was submitted by Councillor Anderson to the proposed modification to delete environmental improvement proposal ENV3. This proposal encouraged enhancement of the Green Belt site at Gilmerton Gardens through woodland planting. In the SEELP Report of Inquiry, the Reporters concluded that, as the Council had no intention of acquiring the site at Gilmerton Gardens, they considered it highly unlikely that the proposal would ever be implemented. The proposed modification to delete Proposal ENV3 from the Proposals Map, para 4.9 and Policy GE4 reflects the Reporters' recommendation on this matter.
- 3.7 In recent months, discussions have taken place involving officials from various departments in the Council regarding the potential of this site for the formation of a community park. At this time there are no firm proposals for the Council to purchase the site and therefore there is no material change in circumstances since the matter was considered at the Local Plan Inquiry. However, the discussions are continuing and a report will be submitted to the Council's Executive in due course. In this context, Councillor Anderson has indicated that this objection has now been withdrawn.

- 3.8 The site remains in the Green Belt and a countryside recreation use would, in principle, accord with Green Belt policy. In addition, the forthcoming review of the Structure Plan will set out a long term strategy for the City and will consider how best the green belt can be actively managed to protect it from development pressures, provide countryside for access and recreation and maintain the valued landscape setting of the city. The programme for this Review will be reported to Committee in due course.

Modification SEELP 11 – Deletion of Open Space Designation at Jewel & Esk Valley College

- 3.9 Six valid objections were submitted to modification SEELP 11, five from local residents and one from **Sportscotland**. This modification was proposed in response to an objection to the finalised local plan from Jewel & Esk Valley College. In June 2002, the Planning Committee agreed to accept the objection in recognition that the “major open space” designation was not appropriate as the site had been partly developed for an Indoor Bowling Centre and car parking. The matter was considered by the Reporters at the Local Plan Inquiry and in their Report published in August 2004, they supported the Council’s position.
- 3.10 The six objections relate to concerns regarding the potential loss of the open space. These concerns may be linked to two recent planning applications for housing development on this site, one of which has now been withdrawn. The deletion of the major open space designation from the Proposals Map will not in itself result in the loss of the playing field. Any proposals for development relating to the playing field site would still require to be assessed in terms of Policy GE6, which seeks to protect “other areas of open space of sporting and other recreational, amenity or local community value, including allotments”. The objections received from local residents and the comments submitted by **Sportscotland** suggest that this area of open space is of recreational and amenity value.
- 3.11 In summary, it is recommended that the Council does not accept these objections because

- an open space designation is not appropriate for the part of the site which has been developed for the indoor bowling centre and car parking.
- the remainder of the site is not “a major area of open space” and is still covered by Policy GE6.

The matter has already been considered at Inquiry. It is recommended that no further action is taken in response to these objections

Modification SEELP 27 – Paragraph 7.9

- 3.12 An objection was received from Wm Morrison to the wording of paragraph 7.9 which outlines the Council's position on retailing in the City. The matter to which this objection related was a factual statement, included in the Local Plan for information purposes. Following discussions and correspondence with the planning consultants representing Wm Morrison, this objection has now been withdrawn. No further action is required.

Modification SEELP 29 – Policy R3 Other Retail Development

- 3.13 Wm Morrison also objected to modification SEELP 29 on the grounds that there are no "town centres" in the SEELP area and that the term "edge-of-centre major shopping sites" was ambiguous and required clarity. The wording to which this objection relates is as recommended by the Reporters' in the SEELP Report of Inquiry and accepted by the Planning Committee on 25 November 2004. The matter has already been considered at Inquiry. It is recommended that this objection is not accepted and that no further action is taken.

4 Financial Implications

- 4.1 There are no financial implications, unless a further public inquiry is held.

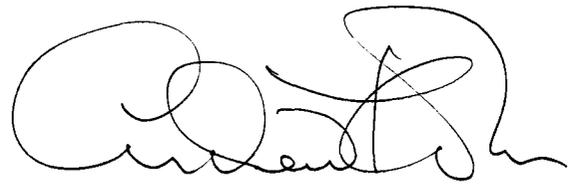
5 Conclusions

- 5.1 If the Committee agrees to respond to the valid objections as recommended in appendix one following, then the following steps can be taken to adopt the Plan:
- The Council publishes its notice of intention to adopt the plan, and serves similarly worded notices on objectors, advising where certified copies of the Plan, the report of inquiry and a statement of the Council's decisions may be inspected;
 - The Council notifies the Scottish Ministers that it has done so, at the same time forwarding a copy of the plan in the form in which it is to be adopted;
 - After a period of at least 28 days, and provided the Scottish Ministers have not directed otherwise, the Plan is formally adopted – this will require a decision of the full Council;
 - The Council publishes a final notice advising that the plan has been adopted, at the same time advising where copies of the plan and other relevant documents may be inspected. In the following six weeks this decision may be challenged, but only by appeal to the court of session and only on the grounds that the Council has not complied with the relevant legislation.

6 Recommendations

6.1 It is recommended that the Planning Committee:

- a) agrees not to accept the objections submitted to the proposed modifications for the reasons given in appendix one;
- b) agrees to take steps to secure the adoption of the plan with the modifications agreed at its meeting of 25 November 2004;
- c) Agrees that in due course a report be submitted to the full Council recommending formal adoption of the plan.



Andrew M Holmes
Director of City Development

13.4.05

Appendices	Appendix 1: Summary of Objections to Proposed Modifications and Council Response
Contact/tel	Alison Kirkwood / 0131-469-3590 Alasdair Edwards / 0131-469-3590
Wards affected	Milton (40); Newington (49); Prestonfield (50); Morningside South (51); Fairmilehead (52); Alnwickhill (53); Kaimes (54); Moredun (55); Gilmerton (56); Craigmillar (57); and Duddingston (58)
Background Papers	<ol style="list-style-type: none"> 1. Report by the Director of City Development on South East Edinburgh Local Plan – Report of Inquiry and Proposed Modifications, 25 November 2004 2. Report of Public Local Inquiry into Objections to the Finalised South East Edinburgh Local Plan 3. Finalised South East Edinburgh Local Plan 4. Reports by the Director of City Development on Pre-Inquiry Modifications dated 6 February 2003, 12 June 2003, and 2 October 2003

Appendix 1

SOUTH EAST EDINBURGH LOCAL PLAN

SUMMARY OF OBJECTIONS TO PROPOSED MODIFICATIONS, AND COUNCIL RESPONSE

Objector	Summary of Objection	Council Response
PPCA Ltd on behalf of Hart Estates	<p>Object to Modification SEELP1 – Structure Plan Context</p> <p>On the grounds that the Reporters’ thought it necessary to release Liberton Drive so that the Local Plan did conform to the Edinburgh & Lothians Structure Plan 2015 (ELSP 2015)</p>	<p>Not accepted.</p> <p>This objection relates to the release of the Liberton Drive site for housing within the context of the new Structure Plan.</p> <p>This matter has already been considered at Inquiry.</p> <p>No further action to be taken</p>
Councillor Donald Anderson	<p>Object to Modification SEELP10 – Proposal ENV3 Gilmerton Gardens</p> <p>This objection is now withdrawn.</p>	<p>This objection relates to the deletion of Proposal ENV3 and related paragraphs in the SEELP.</p> <p>The site lies within the Green Belt. The use of the site for recreational open space is likely to accord with Green Belt policy.</p> <p>This matter has already been considered at Inquiry.</p> <p>In view of continuing discussions on the formation of a community park and a forthcoming report to the Council's Executive, Councillor Anderson has indicated this objection is now withdrawn.</p>
Mr Robson; Sportscotland ; Mr Wood; Mr & Mrs Graham; Ms Cairns; Mr & Mrs Brack	<p>Object to Modification SEELP11 – Deletion of Open Space Designation at Jewel & Esk Valley College</p> <p>The issues raised include:</p> <ul style="list-style-type: none"> • Reduction in the effective protection of the open space • Removal of essential open space of sporting and recreational value • Contrary to NPPG11 • Only land already developed should be re-designated • The open space is an irreplaceable resource • There are few green areas remaining in the City • There is concern that 	<p>Not accepted.</p> <p>The objections relate to the deletion of the open space designation on the Proposals Map.</p> <p>Part of the site has already been built on. The remainder is not “major open space” and is still covered by Policy GE6.</p> <p>This matter has already been considered at Inquiry.</p> <p>No further action to be taken</p>

	<p>development may occur on the site</p> <ul style="list-style-type: none"> • The football pitch has been ploughed up and is no longer usable, enforcement action should be taken 	
Mappin Planning & Development on behalf of William Morrison	<p>Objection to SEELP 27 – Paragraph 7.9</p> <p>This objection has now been withdrawn.</p>	No further action required
Mappin Planning & Development on behalf of William Morrison	<p>Objection to SEELP 29 – Policy R3 Other Retail Development</p> <p>There is no merit in including reference to “town centres” as there are none in the SEELP area. The term “edge-of-centre major shopping sites” is ambiguous and requires clarification</p>	<p>Not accepted.</p> <p>This objection reflects the exact wording of Policy R3 (B) recommended by the Reporters’ in the SEELP Report of Inquiry.</p> <p>This matter has already been considered at Inquiry.</p> <p>No further action to be taken</p>