

**Application by City of Edinburgh Council
06/01702/CEC
at
Mansfield Road
(Threipmuir Spillway, Threipmuir Reservoir)
Balerno
Edinburgh
EH14 7AT**

**Development Quality Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 06/01702/CEC, submitted by City Of Edinburgh Council. The application is for: **Construction of low level in spillway. New fencing and gates, refurbishment of spillway channel surfacing**

It is recommended that **NOTICE OF INTENTION TO DEVELOP IS SERVED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The site is the spillway of the Thriepmuir dam which is wide and faced in granite sets. Pedestrian access is possible across the spillway and also via a higher level route in times of flood. There are metal railings bounding various paths and edges of the dam. Clumps of woodland lie to the north and east of the site.

Site History

Planning permission was granted on 14.7.04 for development required as part of the Water of Leith flood defence scheme following a public inquiry (03/04204/CEC). An Environmental Assessment was carried out as part of this application.

Whilst Planning permission has been granted, confirmation of the scheme under the Flood Prevention (Scotland) Act 1961 is awaited.

The approved scheme proposed a culvert through the dam embankment to the west of the spillway. A low level spillway had been the preferred option. However, seepage in the spillway precluded this option in favour of the by-pass culvert.

Description of the Proposal

This proposal forms part of the Water of Leith Flood Prevention Scheme which allows for Threipmuir Reservoir to be drawn down in level by 600 millimetres. Since 2003 the seepages through the spillway structure have been repaired and it is now possible to revert to the original preferred option which is for the low level weir (0.6 metres deep) through the crest of the present spillway.

The existing granite sett surfacing to the spillway channel will be refurbished with the setts being laid in a concrete base. The spillway is presently accessible to the public and, in the interests of safety, a new fence will be provided around the spillway and the downstream channel. Gates will be provided at both ends to enable access for maintenance. The public will still be able to achieve the same A to B access as is available at present.

Construction access will be from Balerno, via Marchbanks to Redford Woods, then via the track along the northwest side of Threipmuir Reservoir.

Supporting Statement

A supporting statement has been submitted for this proposal. The statement details the background to the need for a spillway, provides details of the design, constructional arrangements, protection measures for the environment and access to the site. A copy of the supporting statement is available in the Members Group Rooms.

3 Officer's Assessment and Recommendations

Determining Issues

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) The proposal is acceptable in design terms, and do the proposals have any adverse effect in terms of visual amenity?

- b) The proposal will have any adverse effect on the amenity of neighbouring residents or other occupiers?
- c) The proposal will have any adverse effect on existing wildlife habitats?
- d) The proposals raise any concerns relating to road safety or pedestrian accessibility?

a) The wider visual impacts of the Water of Leith Flood Prevention proposals were fully assessed in the Environmental Assessment submitted with application 03/04204/CEC. The impacts in this area were considered to be the drawdown of water levels. This proposal was not included in the Environmental Assessment since the proposal had been for a culvert in the western embankment of the dam.

The spillway has been designed to use the same materials as the existing spillway and the visual amenity of the wider landscape will not be adversely affected.

The use of similar materials to the existing spillway is acceptable.

The new pedestrian railings are of a high quality material and of a design which reflects the substantial nature of the original structures. The visual amenity of the area is considered protected.

b) The proposal is sufficiently distant from residential properties to preclude loss of amenity.

c) A designated Site of Importance for Nature Conservation lies to the north of the dam and a small part of the site lies within it. The proposals relate to alterations to existing structures and no nature conservation interests are adversely affected by the proposal. The wider implications of the Water of Leith Flood Prevention Scheme were discussed during the public inquiry. The issues have been dealt with appropriately and informatives requiring discussion on detailed timing for development and the operation of the weir with SNH and the Pentland Hills Regional Park have been added to the decision.

d) Public access rights within the area are to be retained during construction work and thereafter. The Council's Network Services section will be notified of the start date to enable monitoring of construction traffic entering the site.

In conclusion, the principle of the proposal has been established under the terms of the previously approved Water of Leith Flood Prevention scheme. The visual amenity and nature conservation interests of the area are protected and residential amenity will not be affected.

It is recommended that the Committee approves this application, subject to informatives on access, SEPA's requirements and archaeology. As there are representations against this Council scheme, it requires to be referred to Scottish Ministers as a Notice of Intention to Develop.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	David McFarlane on 0131 529 3512
Ward affected	01 - Balerno
Local Plan	Rural West Edinburgh Local Plan
Statutory Development Plan Provision	Countryside Policy Area
Date registered	8 May 2006
Drawing numbers/	1,2,3,4
Scheme	Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk. Alan Henderson on 0131 529 3494. Email: alan.henderson@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or sarah.bozunovic@edinburgh.gov.uk

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Consultations, Representations and Planning Policy

Consultations

Environmental Health: Environmental Planning

Environmental Health has no objections to this proposed development.

Archaeology Planning

Further to your consultation request, I would like to make the following comments and recommendations regarding this application by CEC City Development for a new low level slipway at Threipmuir Reservoir as part of the flood defences on the Water of Leith.

As you are aware this application relates to and amends the original granted scheme covered by planning consent 03/04204/CEC. As such I refer you to my earlier comments in regards to this earlier application made to Kinglsey Drinkwater (19th Dec 2003) in which I confirmed that the proposed mitigation strategies outlined in sections 12.5 (p163-4) and 21.11.4 (p280) of the EIA be adopted and form the basis of an agreed programme of archaeological works.

Since this date on going discussions are taking place between myself and City Development regarding the scope of the final archaeological works. As such this area will require the undertaking of a watching brief during construction in order to record the fabric of any earlier (19th c) weirs.

It is recommended that in order to secure this programme of works a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological work (watching brief) and for the archiving and appropriate level of publication of the results lies with the applicant.

West Lothian Council

No objections

BAA

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore, we have no objection to this proposal.

Scottish Natural Heritage

Scottish Natural Heritage has no comment to make with regard to this proposal as submitted.

East Lothian Council

The site falls to be considered against policy ENV2 of the Edinburgh and the Lothians Structure Plan 2015. This states a presumption against development or changes of use on the Green Belt unless necessary for the purposes of agriculture, horticulture, forestry countryside recreation, other uses appropriate to the rural character of the area or operations covered by Policies ECON3 and ECON4 of the Plan.

The application seeks an alteration to an existing reservoir structure as part of the wider Water of Leith Flood Prevention Scheme. Given the scale of the proposal you may consider that the net effect on the Green Belt will be minimal as a result of this proposal. As such, East Lothian Council would not wish to formally object to this application.

Transport Planning (Development Control)

No objections to the application subject to the following being advised to the developer.

The departments Network engineer should be notified of the start date of the works in order to monitor construction traffic accessing the development site

SEPA

SEPA has no objection to the above mentioned proposal which forms part of the Water of Leith Flood Prevention Scheme. However the following comments apply:

The proposal requires a licence under The Water Environment (Controlled Activities) (Scotland) Regulations (CAR) 2005. The applicant is aware of this and a CAR Licence has been applied for.

Construction

Construction works associated with the development of the site must be carried out with due regard to the SEPA's pollution prevention guidelines (PPG 1, 5 and 6). These publications are available free of charge on the SEPA website at <http://www.sepa.org.uk/guidance/ppg/> or from any SEPA office.

Representations

The proposal was advertised on 19.05.2006 and one letter of objection has been received from the Balerno Community Council. The comments made are as follows.

- The proposal is a component of the Water of Leith Flood Prevention Scheme which has yet to be confirmed by the Scottish Ministers and the Community Council consider the overall scheme to be flawed.

One letter of comment has also been received and their concerns relate to the technical merits of flood prevention.

The objector's comments relate to the principle of the previously approved Water of Leith flood prevention scheme. That approval followed a Public Inquiry which examined the planning considerations and made alterations to it. Whilst confirmation under the Flood Prevention (Scotland) Act 1961 is still awaited, this proposal is for a weir which forms part of the wider scheme which has planning permission and the principle of the wider scheme was not under consideration with this proposal.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The proposal lies within a Countryside Policy Area on the Rural West Edinburgh Local Plan. The site is also within an Area of Outstanding Landscape Quality and partially within a Site of Importance for Nature Conservation Interest in the Finalised Rural West Edinburgh Plan.

Relevant Policies:

Policy E4 states that development proposals should fully take into account the likely effects on the environment and include measures to mitigate any adverse effects. In certain cases an Environmental Statement will be required.

Policy E5 restricts development in Green Belt and Countryside policy areas to protect their landscape qualities, rural character and amenity.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or Countryside must meet high standards of design and landscaping and meet criteria to safeguard local amenity.

Policy E8 states that development will not be permitted where it would adversely affect the special scenic qualities and integrity of the area of Great Landscape Value or Areas of Outstanding Landscape Quality. These landscape features include: the patterns of woodland, fields, hedgerows and trees; the special qualities of rivers and lochs; and skylines and hill features, including prominent views.

Policy E17 states that within Sites of Special Scientific Interest (SSSIs) and the areas proposed for designation as wetlands of international importance or the proposed Special Protection Area, development will only be permitted where, the objectives of designation and overall integrity of the designated area will not be compromised; or where social or economic benefits of national importance clearly outweigh any adverse effects on the qualities for which the area was designated.

Policy E18 protects identified sites of local nature conservation interest. Development within or affecting Sites of Interest for Nature Conservation will not be permitted unless there are appropriate mitigation measures to enhance or safeguard the nature conservation interest of the site.

Policy E19 encourages sympathetic management of Sites of Interest for Nature Conservation (SINCs) and the creation of new habitats.

Policy E41 encourages high standards of design for all development and its careful integration with its surroundings in terms of scale, form, siting, alignment and materials. New development should improve energy efficiency and reduce noise pollution.

Policy E42 requires new buildings to make a positive contribution to the overall quality of the environment and the street scene, making provision for high quality landscaping and, where appropriate, new open spaces.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that **NOTICE OF INTENTION TO DEVELOP IS SERVED**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

INFORMATIVES

It should be noted that:

1. This application shall be notified to Scottish Ministers as a Notification of Intention to Develop
2. The Departments Network Manager should be notified of the start date of the works in order to monitor construction traffic accessing the development site.
3. During the period of work safe access for visitors and residents should be provided at all times.
4. SEPA has no objection to the above mentioned proposal which forms part of the Water of Leith Flood Prevention Scheme. However the following comments apply:

The proposal requires a licence under The Water Environment (Controlled Activities) (Scotland) Regulations (CAR) 2005. The applicant is aware of this and a CAR Licence has been applied for.

Construction

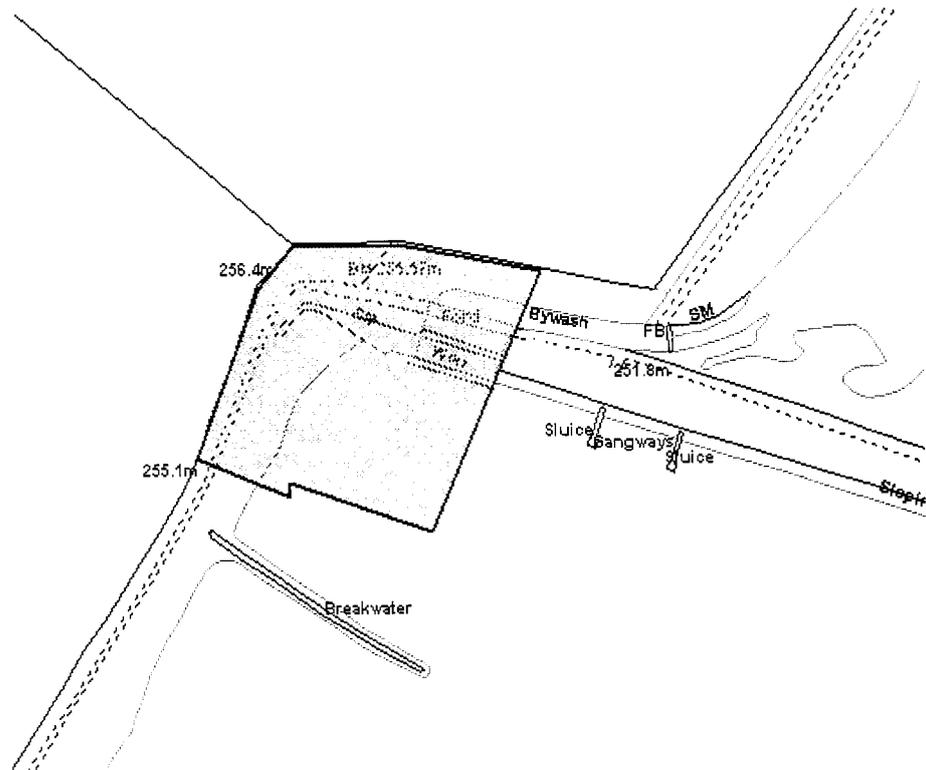
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5. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

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Location Plan

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