

Development Management Sub Committee

Wednesday 25 June 2014

Application for Planning Permission 14/01166/FUL At Land 447 Metres Northeast Of 545, Old Dalkeith Road, Edinburgh Ground Stabilisation Works.

| | |
|---------------|------------------------------|
| Item number | 4.15 |
| Report number | |
| Wards | A17 - Portobello/Craigmillar |

Summary

The proposal seeks to stabilise land that has undermining issues and is currently fenced off. This can be achieved without prejudicing the Green Belt objectives or the open space proposal for the site. The methods for ground stabilisation are acceptable and will not have an adverse impact on the water environment. Elements of the historic landscape including, boundary walls, ha-has and trees (where applicable) are to be protected with site restoration works to reinstate the site after the engineering works are completed. There is no unacceptable impact on ecology, listed buildings, archaeology or transport. There are no equalities or human rights impacts. The proposal is therefore acceptable and there are no other material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LPC, CITE3, CITE7, CITE8, CITE9, CITE10, CITE11, CITE12, CITE15, CITE16, CITE18, LDPP, PLEV10, PLEV11, PLEV15, NSG, NSGD02, NSGCDF,

Report

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site, covering approximately 27 hectares, is situated within the grounds of Edmonstone Estate within the southeast area of the city.

The estate is a non-inventory designed landscape on the Edmonstone ridge. It is bounded to the south by Old Dalkeith Road. To the east is the Wisp which forms the boundary with Midlothian. East of the Wisp is the settlement of Danderhall. To the north are open fields and to the west are fields adjacent to the BioQuarter.

Edmonstone House was demolished in the 1950s. However, the policy woodland, gate houses and perimeter walls, walled garden and ha-has as well as the ruins of the former stable block still remain.

The land is located with the Green Belt and is within a Local Nature Conservation Site. Part of the site is an open space proposal in the adopted local plan. These designations are carried through in the Proposed Local Development Plan which also identifies the site as being within a Special Landscape Area.

The trees within the estate are covered by a Tree Preservation Order (TPO) confirmed in July 2008 (reference No.1542008).

The east gates and lodge are category B listed (listed 7 on October 2003) ref 49519). The south gates and lodge are also category B listed (listed on 7 October 2003) ref 49518

An enclosure lies to the north of the site and is a scheduled ancient monument.

Access is currently taken from the Wisp and Old Dalkeith Road.

2.2 Site History

Relevant applications within the area:

14 February 2008 - outline planning permission for an 80 bed private hospital on the site of the former house, granted subject to a legal agreement to secure the reinstatement of the designed landscape including use of the policies as a country park and transport contributions (planning application 04/03551/OUT).

27 July 2010 - outline planning permission for a residential care village on the field to the south of the hospital site (and south and west of this application site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (planning application 08/00934/OUT).

27 July 2010 - outline planning permission for the erection of a care home in the walled garden (to the west of this site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (planning application 08/00936/OUT).

6 December 2011 - Proposal of Application Notice for residential development of two storey houses with associated roads and landscaping on land to the west of the site (and access to the north) (planning application: 11/03928/PAN).

6 May 2011 - Proposal of Application Notice submitted for mixed use development comprising retail food store (class 1), hotel (class 7) and up to 200 residential units with associated development including car parking, landscaping, junction alterations and internal access roads (planning application 11/01471/PAN). The PAN was subsequently withdrawn at the request of the applicant.

8 November 2011 - full planning permission granted to form access road at the north of the site to serve private hospital, care home and care village (planning application 11/02143/FUL).

11 November 2011 - listed building consent granted to relocate existing stone gate posts at the East Lodge (planning application 11/02145/LBC).

6 June 2012 - section 42 application to extend the outline hospital consent (04/03551/OUT) for a further 3 years, approved subject to a legal agreement to deliver the landscape restoration and remaining transport matters in accordance with the original hospital consent. The legal agreement has not been signed (planning application 12/00764/FUL).

11 October 2012 - planning permission for residential development with associated roads and landscaping refused on land largely to the west of the site in the walled garden and eight acre field. The decision to refuse the application was appealed to the Scottish Ministers. The appeal was allowed, subject to a legal agreement, and a decision notice was issued on 20 September 2013 (planning application 12/01624/FUL).

3 April 2013 - Proposal of Application Notice submitted covering a wider site for residential development and ancillary uses and formation of community parkland (planning application 13/00928/PAN).

3 October 2013 - application submitted for residential development and ancillary uses. This was withdrawn on 13 May 2014 (planning application 13/04148/PPP).

5 November 2013 - Proposal of Application Notice submitted for an amendment to existing consent 12/01624/FUL for residential development to amend housing mix on land largely to the west of the site (planning application 13/04630/PAN).

18 December 2013 - application submitted on the same site for a cemetery (including provision for woodland burials), memorial garden, chapel of rest and associated development (planning application 13/05235/PPP).

14 February 2014 - application submitted to amend existing consent 12/01624/FUL (residential development) to revise housing mix and elevations (planning application 14/00578/FUL).

24 April 2014 - application granted for renovations and alterations to the listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse with associated accesses and landscaping (planning application 14/00694/FUL).

15 April 2014 - listed building consent granted to alter and renovate derelict listed south lodge (545 Old Dalkeith Road) form single dwellinghouse with associated access and landscaping (planning application 14/00695/LBC).

Main report

3.1 Description Of The Proposal

The area has a history of mining and a number of mining features are known to exist across the site. Currently the site presents a risk to public safety and the proposal is to undertake remediation works.

The stabilisation of abandoned coal mineworkings and the treatment of mineshafts will required the drilling of treatment bores and then injecting cementitious grout, plugging and capping.

A proposed grouting layout plan has been provided showing the provisional subcrop locations and areas of potentially unstable seams. It is intended that the works will be carried out with boreholes at 3.5m spacing and the use of a drilling platforms anchored at a safe distance away. The identification of unknown 'bell pits' will require the removal of topsoil in suspect areas coinciding with the zones of instability.

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards online services:

- Pre-application consultation report;
- Report on Health and Safety Considerations;
- Grouting Environmental Risk Assessment;
- Grouting Works Specification Method Statement;
- Hydrogeological Risk Assessment Incorporating Water Features Survey; and
- Ecology Report;

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the principle of development is acceptable;
- b) the proposal is acceptable with regards to ground stability and contamination;
- c) the proposal is acceptable in terms of landscape impact;
- d) the proposal is acceptable in terms of ecology impact;
- e) the proposal will have any adverse impact on the setting of any adjacent listed buildings or archaeological remains;
- f) the proposal raises any implications for transport
- g) the proposal has any equality or human rights impacts; and
- h) material representations or community council comments raise issues to be addressed.

a) Principle

The site is undermined with several coal a running north south. Historical records, site investigations, aerial photography, archaeological investigations and anecdotal information confirm that the site is susceptible to potential mining instability due to the shallow abandoned mine workings and bell pits.

A report has been submitted on Health and Safety considerations and raises significant safety concerns surrounding access to the land by members of the public. The report also states that companies with interests in the site, are associated companies and liability for any incidents would lie with them.

Two mines shafts on the site are recorded by the Coal Authority and there is the potential for further abandoned mine workings across the site. Recent construction for an access road found six bell pits. Bell pits often take the form of surface excavations which were continued to a few metres depth, then opened out laterally within the coal They were often undertaken by locals and not recorded and as such there is the high potential for numerous bell pits across the site.

The land was previously under the lease of the Council but this has been relinquished. The applicant also points out that when the Council was leasing the land it issued a notice to residents in the area highlighting the risks and advising that the land was closed off to the public.

Fences and warning signs are in place on the site but this has not deterred people from accessing it.

In light of this the applicant wants to stabilise the land and the engineering consultants indicate that to allow even simple access, mine stabilisation will be required. This would typically involve drilling and grouting any identified features. A letter from Capita, a company specialising in property and management, endorses the information provided in the submitted mining reports and, in its opinion, the site currently represents a danger to the public with the requirement to take remedial measures.

Scottish Government planning guidance is relatively silent on land stabilisation unless in relation to mineral extraction or when assessing the effectiveness of a site for development in terms of physical constraints. Although there are currently separate applications under consideration for this site for housing and cemetery/crematorium uses, the applicant has indicated that this application is not reliant on these developments emphasising that the health and safety concerns are the overriding consideration.

The Coal Authority refers to the guidance held in Annex 2 of the now superseded English Planning Policy Guidance 14 as a useful reference for the topic of subsidence. It indicates that in areas of shallow mine workings, where subsidence may threaten the existing use of land and people on it, treatment of the underground voids to reduce the risk of subsidence to an acceptable level may be necessary. It holds that planning authorities should assess the impact of any proposed land stabilisation works on local amenity and the environment and consider the benefits to be derived from treating former mine workings or other underground voids to prevent subsidence.

The site is within the Green Belt, where only a limited range of uses will be permitted. The supporting text to ECLP Policy Env 10 Green Belt indicates that the Council is concerned to see the Green Belt managed effectively including ways which enable access to the countryside. The site is also covered by an open space proposal (OSR4) to form part of the South East Wedge Parkland. The proposed stabilisation works do not prejudice these designations; subject to the consideration of the impact on the environment and landscape.

b) Ground Stability and Contamination

The site is located in what the Coal Authority defines as a Development High Risk Area. The Coal Authority has considered the submitted documents and concludes that the reports include appropriate recommendations for site stabilisation works. The Coal Authority does not object to the planning application but notes that permits will be required in relation to a grouting scheme and a mine entry treatment scheme. These can be added as an informative.

Grouting abandoned mineworkings poses a threat of leaching from injected grout (containing Pulverised Fuel Ash (PFA)) to ground and surface water bodies. It is a controlled activity under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

A grout environmental risk assessment was submitted setting out the potential ways that PFA grout pollutes groundwater. SEPA originally objected to the application requiring further information. A subsequent Hydrogeological Risk Assessment incorporating Water Features Survey has been submitted.

On review of this document, SEPA is content that there are no surface water features within the site or 250m of the boundary. In terms of groundwater, the grout will be above the water table and there is sufficient dilution to reduce any potential leaching to satisfactory levels. The storage of PFA can also be a risk by way of leaching. However, through good working practices any risk can be minimised. Accordingly, SEPA has removed the objection.

Environmental Assessment has assessed the information provided and does not object to the application.

The manner in which the proposed works are to be carried out is acceptable and do not raise any objections from consultees. A condition should be placed on any consent requiring a completion report containing information on the treatment of the site.

c) Natural Heritage

Landscape:

Edmonstone Estate has been identified as being of local importance through the Council's Survey of Gardens and Designed Landscape and is designated as a Special Landscape Area (SLA) in the Proposed Local Development Plan.

The review of local landscape designations (2010) notes that the wooded ridge is a local landmark and the area forms part of the strategic wedge of green open space.

It is a traditional estate of high value in the local landscape. The character and the cultural value is sustained by the landscape structure of the boundary walling, ha-has, avenue planting and mature parkland trees. The woodland and parkland trees contribute to a sense of naturalness.

The site is not recorded in the Inventory of Gardens and Landscapes which ECLP Policy Env 7 Historic Gardens and Designed Landscapes relates to. However, the proposed LDP Policy Env 7 Historic Gardens and Designed Landscape indicates that outwith inventory sites adverse effects on historic landscape features should be minimised. Restoration of historic landscape features is encouraged.

ECLP Policy Env 11 Landscape Quality states that planning permission will not be granted for development which would damage or detract from the overall character and appearance of prominent ridges or other important topographical or landscape features.

The proposed LDP designates the site as part of a Special Landscape Area with LDP Policy Env 11 Special Landscape Areas stating that planning permission will not be granted for development which would damage or detract from the overall character and appearance of the SLA.

As extensive landscaping works are required, involving the stripping of topsoil to locate mineworkings, it is important that the site's assets are protected and that remediation works are in place to restore the land back to its current form.

Information showing ground levels, tree protection and restoration works has been provided.

The applicant states that no works are to be carried out within five metres of historic structures (i.e. the boundary wall and ha-ha).

A methodology for the stripping, storage and reinstatement of the topsoil has been provided. All soil handling is to be carried out in accordance with recommendations set out by the Department of Environment, Food and Rural Affairs (DEFRA). Following the completion of the ground stabilisation works, subsoil and topsoil is to be re-spread in separate layers to match the current (May 2014) ground levels. Information on the subsequent grass seeding and maintenance has been provided. A typical cross section showing the plug design has also been provided to help illustrate the depth of the plug and the layers above it.

An Estate Management Strategy has previously been prepared outlining the works required to conserve and improve the landscape features of the Edmonstone Estate. This covers the wider land at Edmonstone and has been a requirement for previous applications at the walled garden and eight acre field and the hospital proposal. This document is relevant to this proposal and should be signed up to as part of a section 75 legal agreement.

The proposed methods for soil handling and seeding are acceptable and will enable the works to be carried out with the grassland then restored, including site levels, back to the present form. The proposal will therefore not have a long term detrimental impact on the landscape.

Tree protection:

The site is covered by a Tree Protection Order. The open parkland area, where the land remediation works are proposed, has a number of trees scattered across it. These trees are part of the distinctive character of the landscape.

A tree survey has been provided. Within the open parkland area, 53 individual trees were recorded. The condition of the trees in this area is generally good:

- 36 x A - High Quality and value; trees whose retention is most desirable
- 7 x B - Moderate quality and value; trees where retention is desirable
- 3 x C - Low quality and value; trees which could be retained if possible
- 7 x R - Unsuitable for retention; trees which should be removed.

A number of trees are also present around the perimeter of the site, which have been grouped together and classed as B. This is young woodland planting that is starting to be established.

A tree protection plan has been provided. Protective fencing in line with British Standards is to be used and is to be five metres from the canopy edge. The limited number of trees to be removed due to their condition, such as structural defects or disease, is acceptable. A condition to ensure that tree protection in place is recommended.

d) Ecology

The site is located within a Local Nature Conservation Site. As the works will involve the removal of soil, there is the potential for an adverse impact on ecology. Comprehensive surveys have been undertaken for protected species on or using the site.

No evidence was found of badgers or otters using the site. No further information or action is required in relation to these species.

Single pipistrelle bat roosts have been identified in some of the trees on site. These trees are in a woodland strip close to an access track at the western area of the site. This part of the site is not subject to ground stabilisation and therefore there are no concerns over the welfare of bats.

It is considered that the open land (subject to the land stabilisation works rather than the wooded core of the estate) has limited botanical value and the proposal would not result in significant ecological harm.

Giant Hogweed is found within the site and a condition in relation to its safe removal is recommended.

Consequently, it is not anticipated that the development will result in long-term damage to the local biodiversity site. There are no overriding concerns in relation to protected species and ecology in relation to this application.

e) Built Heritage and Archaeology

Listed Buildings:

- Within the application site are the two B listed lodges and gates at the eastern and southern parts of the site.
- The south lodge is derelict. Planning permission and listed building consent has recently been granted for renovations and alterations to form a single dwellinghouse with associated accesses and landscaping. This sits at a lower level than the majority of the site and the proposal will not have an impact on the setting of the building.
- The east lodge is occupied and in a reasonable condition. The ground works will have some impact on the site and in turn the setting of the lodge. However, this

will only be during the period of the engineering operations and the land will be remediated.

Scheduled Ancient Monument :

- To the north of the site is a scheduled ancient monument. This comprises the remains of a settlement of prehistoric date represented by cropmarks. This is located to the north of the site and is currently screened by existing planting. The proposal will have limited impact on the setting of this monument.

Archaeology :

- Previous work and reports submitted demonstrate that the application site contains a wide range of archaeological remains. The works will have a significant adverse affect upon any buried remains including, potentially nationally important pre-industrial mine workings (i.e. the bell pits). Accordingly, the City Archaeologist recommends an integrated programme of archaeological works as part of any development. This can be secured by way of a condition.

There are no concerns over the impact of the proposal on the built heritage in and near the site and condition in relation to a programme of archaeological works is recommended.

f) Transport

The applicant has confirmed that access to the site to carry out the proposed works will be taken from the existing access. Transport has no objections to the application and no issues are raised as part of this application.

g) Equality and Rights Impact Assessment

An Equalities and Human Rights Impact Assessment has been carried out and there are no issues in terms of equalities or human rights. The proposal will make the land safe.

h) Matters raised in representations

No letters of representation have been received.

CONCLUSION

The proposal seeks to stabilise land that has undermining issues and is currently fenced off. This can be achieved without prejudicing the Green Belt objectives or the open space proposal for the site. The methods for ground stabilisation are acceptable and will not have an adverse impact on the water environment.

Elements of the historic landscape, including boundary walls, ha-has and trees (where applicable) are to be protected with site restoration works to reinstate the site after the engineering works are completed. There is no unacceptable impact on ecology, listed buildings, archaeology or transport.

There are no equalities or human rights impacts.

It is recommended that this application be Granted subject to the details below

3.4 Conditions/reasons/informatives

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
2. A method statement for the removal of Giant Hogweed (*Heracleum mantegazzianum*) shall be provided for the approval of the Planning Authority prior to works commencing on site.
3. Only the trees shown for removal on the approved drawing number 03 (applicant's drawing reference 1926/01) be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
4. The trees on site shall be protected during the entire ground stabilisation operations period by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012.
5. Following the completion of the works a completion report should be submitted to the Planning Authority detailing the works undertaken, the locations of any mine features and any monitoring and maintenance that may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. To ensure the protection of local nature conservation, by removing an invasive non-native species in an appropriate manner.
3. In order to safeguard protected trees.
4. In order to safeguard protected trees.
5. In the interests of public safety and recording.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant should be advised that The Coal Authority have no record of a permit being issued to undertake the site investigation works which have already taken place on site. A retrospective application for these site investigation works should therefore be submitted to the Licensing and Permissions Department of The Coal Authority to regularise this situation.

The applicant should also be advised that a permit is required to undertake the proposed grouting works and, to identify and treat the recorded mine entries within the site. An application to obtain this permit will need to be submitted to, and approved by, the Licensing and Permissions Department of The Coal Authority prior to the start of the proposed works. The Licensing and Permitting Department will assess the detailed specification of the grouting scheme and mine entry treatment scheme as part of the permit application.

6. Legal Agreement

Consent shall not be issued until a suitable legal agreement has been concluded in relation to an Estate Management Strategy.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice (13/00928/PAN) covering a much larger site and a range of uses was submitted on 20 March 2013. Copies of the notice were also issued to:

- Craigmillar Community Council
- Danderhall and District Community Council
- Councillor Tom Buchannan
- Councillor Bill Cook
- Councillor Nick Cook
- Councillor Norma Hart
- Councillor Mike Bridgeman
- Councillor Maureen Child
- Councillor David Walker
- Councillor Jim Bryant (Midlothian)
- Councillor Margot Russell (Midlothian)
- Councillor Alex Bennett (Midlothian)
- Kenny MacAskill MSP
- Sheila Gilmore MSP
- Liberton and Gilmerton Neighbourhood Partnership
- Portobello and Craigmillar Neighbourhood Partnership

Three community consultation events were held in May 2013. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

A pre-application report on the proposals was presented to the Committee on 1 May 2013. The Committee noted the key issues highlighted in the report.

8.2 Publicity summary of representations and Community Council comments

Neighbours have been notified of the application. No letters of representation have been received.

Community Council:

No response received.

Background reading / external references

- To view details of the application go to
- Planning and Building Standards online

**Statutory
Development
Plan Provision**

Edinburgh City Local Plan:

The land is located with the Green Belt and is within a Local Nature Conservation Site. A large eastern part of the site is designated as Open Space Proposal: OSR 4 - South East Wedge Parkland in the adopted Edinburgh City Local Plan (2010). OSR 4 indicates that the land should be landscaped to provide multi-functional parkland, woodland and country paths with parallel developments in Midlothian.

Proposed Local Development Plan:

The Proposed Local Development Plan continues to designate the land within the Green Belt and as a Local Nature Conservation Site. The eastern part of the site is also shown as being part of Greenspace Proposal: GS4 South East Wedge Parkland and retains the same aims as held within the ECLP. The site is also identified as being within a candidate Special Landscape Area.

Other:

The Edmonstone Estate is not formally listed in the Inventory of Gardens and Designed Landscapes, but it is identified as a historic garden and designed landscape of local landscape importance.

Craigmillar Urban Design Framework:

This sets out a vision and principles for development of the Craigmillar area. Edmonstone is identified as providing landscape and natural and historical heritage context to the area alongside land for future open space proposals.

Finalised Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance (December 2013):

The guidance sets out development principles for the South East Wedge Parkland and states that the Edmonstone Estate should:

- conserve, enhance and maintain the surviving structure and landscape elements of Edmonstone and Niddrie Marischal.
- keep updated and implement an Estate Management Plan.

Date registered 26 March 2014

**Drawing
numbers/Scheme** 01, 02, 03, 04, 05,

David R Leslie

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Relevant policies of the Proposed Local Development Plan.

Policy Env10 (Development in the Green Belt and Countryside) sets out where development proposals will be permitted in the green belt and countryside.

Proposed Local Development Plan Policy Env 11 (Special Landscape Areas) establishes a presumption against development which would adversely affect the character and appearance of the Special Landscape Areas identified on the Proposals Map.

Proposed Local Development Plan Policy Env 15 (Nature Conservation Sites of Local Importance) identifies the circumstances in which development likely to affect sites of local importance for nature conservation will be permitted.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

Appendix 1

Consultations

Parks + Greenspace comment

We would suggest a very careful look at what's being proposed given the recent history of applications in this area. We would also want to ensure that loss of vegetation is minimised.

The Coal Authority comment

The Coal Authority Response: Material Consideration

We have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically recorded mine entries and coal close to the surface which has been subject to historic unrecorded mining.

The applicant has submitted a Health and Safety Considerations Relating to Shallow Mineworkings Report (March 2014) and a Proposed Mine Stabilisation Works Report (Ref. G2003/173) which accompany this planning application.

The Shallow Mineworkings Report outlines the site investigations undertaken within the site. The site investigations confirmed that the shallow coal seams within the site have been mined and pose a risk to the proposed development. Furthermore the Shallow Mineworkings Report considers that the mine entries within the site should be identified and secured by drilling and grouting or capping.

Accordingly, appropriate recommendations are included for site stabilisation works, in the form of drilling and grouting, and for the treatment of the mine entries. These works should take place prior to development in order to ensure the site is safe and stable for the proposed development.

The applicant should be advised that The Coal Authority have no record of a permit being issued to undertake the site investigation works which have already taken place on site. A retrospective application for these site investigation works should therefore be submitted to the Licensing and Permissions Department of The Coal Authority to regularise this situation.

The applicant should also be advised that a permit is required to undertake the proposed grouting works and, to identify and treat the recorded mine entries within the site. An application to obtain this permit will need to be submitted to, and approved by, the Licensing and Permissions Department of The Coal Authority prior to the start of the proposed works.

The Licensing and Permitting Department will assess the detailed specification of the grouting scheme and mine entry treatment scheme as part of the permit application.

The Coal Authority therefore has no objection to the proposal subject to the approval of the detailed specification of the grouting scheme and mine entry treatment scheme as part of the permit application process.

SEPA comment

We object to this planning application on the grounds of lack of information on how the proposed mine workings grouting will be undertaken at the site. We will review this objection if the issues detailed in section 1 below are adequately addressed.

As far as we are aware, there are currently four other applications for planning permission for this site:

- *14/01057/PPP (residential development)*
- *13./04148/PPP (residential development)*
- *13/05302)/PPP (cemetery and associated development)*
- *13/05235/PPP (cemetery and associated development, with provision for woodland burials)*

Our response to this current application (14/011165/FUL) addresses only those issues in SEPA's remit raised by this application for ground stabilisation: the potential impact on ground water of mine workings grouting.

Our responses to applications listed above address other issues in SEPA's remit, flood risk for instance. For these applications, our advice on ground water also refers to the necessity for other information which is necessary to inform decisions on these applications: pollutant load, for instance, in relation to ground water. Further applications may require other information.

Advice for the planning authority

1. Mine Workings Grouting

Summary of advice

1.1 The applicants acknowledge that drilling and grouting may be required at this site. They have not, however, provided detailed risk assessments of these processes. From SEPA's perspective, the principal concern raised by this application is the protection of groundwater. The applicants need to provide the City of Edinburgh Council with a detailed risk assessment which addresses impacts to groundwater, as well as detailed plans of effective mitigation that can be implemented at this site. Once the issues detailed below have been addressed, we can review our objection.

Detailed advice

1.2 SEPA's Water Resources Unit (WRU) reviewed the proposals for ground stabilisation in the Edmonston policies which will require mine workings grouting and possible mine capping due to the legacy of historic mining at the site.

1.3 We object to the proposed development due to a lack of information on how the proposed mine workings grouting will be undertaken at the site.

1.4 Pulverised Fuel Ash (PVA) grouting has the potential to cause environmental damage if it is not properly managed. The pouring of grout below the water table is a controlled activity under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), which includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment.

1.5 Further details relating to CAR requirements can be found on SEPA's website at: http://www.sepa.org.uk/water/water_regulation/regimes.aspx

1.6 If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations. We recommend, therefore, that the applicant/agent assesses the risk from this activity in line with the guidance document entitled 'BRE488 Stabilising Mine Workings with PFA Grouts - Environmental Code of Practice (2006)', which includes a methodology for assessing the risks to groundwater from PFA grouts.

Key points to note are:

- An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.
- It is recommended that the applicant/agent carries out an appropriate water features survey to identify elements in the surrounding area that might be affected by the grout.
- Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.
- It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. We recommend that both scenarios are considered.
- If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

Additional Advice

1.7 Consultation with The Coal Authority is recommended.

1.8 *It is recommended that the applicants contact SEPA's Operations Team (contact details at section 2) to notify them of any proposed grouting of mine workings for the stabilisation of land prior to construction.*

1.9 *The disturbance of the existing system and the potential mobilisation of any existing contaminants through grouting works need to be assessed where appropriate.*

SEPA further comment

On 6 May 2014, SEPA received from Mason Evans a Hydrogeological Risk Assessment incorporating Water Features Report (attached). This was in response to our objection of 25 April 2014 (our reference: PCS/132838) to planning application 14/01166/FUL on the grounds of lack of information on the potential impact on ground water of mine workings grouting.

We are now able to remove this objection.

Please note the advice provided in our letter of 25 April 2014

Mine Workings Grouting

The proposal for ground stabilisation works at this site will require mine workings grouting and possible mine capping due to the legacy of historic mining at the site. We objected to the application on the grounds of a lack of information on proposals for mine workings grouting. Below is: a summary of the key points of our objection; the response to these issues submitted on behalf of the applicant; and SEPA's conclusion.

Advice for the planning authority

1. SEPA's Objection 25 April 2014

1.1 PFA grouting has the potential to cause environmental damage if not properly managed. The pouring of grout below the water table is a controlled activity under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), which includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. Due to a lack of information regarding the protection of groundwater we responded with the following key points:

- An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.*
- It is recommended that the applicant carries out an appropriate water features survey to identify what features in the surrounding area that might be affected by the grout.*
- Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.*

- *It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.*
- *If the excavation works require dewatering, the applicant may be required to demonstrate that this will not affect the hydrogeological regime adversely. Any adverse effects will depend on the size and duration of the excavation works.*

2. *Hydrogeological Risk Assessment incorporating Water Features Survey*

2.1 *There are two key concluding comments in the Hydrological Risk Assessment submitted on behalf of the applicant.*

- *A survey of the proposed grouting works location has indicated that there are no surface water features within the site or 250m of the boundary. The groundwater was identified as being the main contaminant receptor.*
- *The proposed mine consolidation works at the site, and the use of PFA grouts does not present a risk of leaching contaminants directly into the groundwater as the grout will be placed above the water table. It is considered unlikely that the groundwater will rise in the future as no pumping or abstraction of groundwater is occurring in the area. Although the grout has a potential for leaching, the dilution factor calculated on this leachate indicates the contaminants to be below guideline levels. Additionally good working practices will further reduce the leachability of the grout.*

3. *SEPA's Conclusion*

We consider that the Hydrogeological Risk Assessment incorporating Water Features Survey satisfies the requirements needed to reduce the potential risk to groundwater under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).

Transport comment

We have no objections to the application.

Archaeology comment

The Edmonstone Estate occupies the ridge of high ground overlooking the valley of the Niddrie Burn and the historic Estates of Craigmillar and Niddrie Marischal to the North and the Drum to the South. Archaeological evidence shows that this area has been occupied since the prehistoric period with a Roman Road thought to bisect the south western half of the site. GUARD uncovered the remains of a road which they tentatively identified as this Roman Road during their 2008 archaeological evaluation of the estate (report 2607).

The medieval Edmonstone is mentioned in charters from AD 1248 onwards and it is possible that the site has acted as estate centre since the 12th century. Harris (Harris S, Place Names of Edinburgh) records that a Henry de Edmundstun was witness in 1200 to a charter signed by a Henry de Brade with tradition associating the site with Edmond Count of Flanders a companion of Queen Margaret future wife of Malcolm Canmore in 1071. The recent archaeological work by GUARD during 2013, along the route of a new access road running across the eastern and northern boundaries of the site has uncovered medieval remains dating from the 12th /13th centuries thereby supporting this evidence for early medieval occupation on this site.

By the 14th century Edmonstone was the centre of an important estate. The original house, destroyed and rebuilt in 1800, was built around an earlier mansion recorded in a charter of 1613, which may have been originally a late-medieval tower-house. The reference to the remains of what appears to be an even earlier medieval moat surrounding the house is of even greater potential significance, as there is approximately only a 100-recorded moated medieval-manor sites throughout Scotland.

The estate polices surrounding the former house and which form this application site have been part of a designed landscape since at least the 17th century and must be in my opinion be regarded as being of Regional (if not National) historic importance. Contained within the wider estate are the remains of the former Stables, Icehouse, Dovecot, Walled-Garden, the estates main farm Edmonstone Mains (Home Farm), the listed (c) gate-piers and lodge and Ha-ha which forms in part the northern boundary of this application site. The coach-house & stable-block is presumed to date from the reconstruction of the House following a fire in 1800. The Icehouse, Ha-ha and wall-garden may be earlier in date, possibly dating to the 18th century with the dovecot likely to date from the 16/17th century.

The 2013 archaeological investigations by GUARD have also provided further evidence for potentially nationally significant early industrial mining with the discovery of widespread late medieval/post-medieval bell pits and associated workings. These early mines dating to the 16th -17th centuries were first identified at Edmonstone by Headland Archaeology across the adjacent field to the east in 2008 following vertical seems of coal which are know extend across this application site. They also predate the known Industrial period mines,

Accordingly this site has been identified as occurring within an area of archaeological and historical significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV 3, ENV8 & ENV9 and the Craigmillar Design Framework (revised 2013). The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic landscape

As previously discussed the application site overlies the southern half of in my opinion the regionally important historic landscape for Edmonstone House. Although affected by 19th century changes the landscape in this part of the Estate has reverted back to reflect the important 18th century rural aspect of the designed landscape.

The proposals will require extensive landscaping works primarily the stripping off all topsoil from the area in order locate earlier mine workings. Such works will in my opinion have a potentially significant adverse impact though one which is temporary in nature. It is essential that at the conclusion of the proposed remediation works that the areas affected are returned to their current/historic form. Accordingly it is essential that as part of any agreed mitigation strategy that a detailed topographic survey is undertaken of the site as it currently stands today to inform the final proposed landscape restoration plan.

It is recommended that a condition is attached to ensure that this historic landscape restoration plan is submitted for agreement to CECAS & CEC Planning prior to works starting on site. This Plan must contain a mitigation strategy to ensure the protection of significant historic landscape features during this process.

Buried archaeology

The archaeological evidence as outlined above demonstrates that the application site will contain a wide range of significant archaeological remains dating back into prehistory including the mine workings themselves. The proposed remediation works will require significant large scale ground breaking /engineering works (e.g. topsoil removal, excavation/capping of mine workings). Such works will have a significant adverse affect upon any buried remains including the potentially nationally important pre-industrial mine workings. As such a proposed residential scheme on this site must be considered as having an overall moderate-high archaeological impact.

If consent is granted it is essential that an integrated programme of archaeological works is undertaken prior to/during these works to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains is undertaken which will also include a programme of metal detecting prior to any topsoil stripping.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the history of Edinburgh and in particular Edmonstone and the wider Craigmillar area, it is essential that this programme of works contain a programme of public/community engagement (e.g. lectures, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

It is therefore recommended that if consent is granted that in terms of the buried archaeology the following condition be attached to ensure that a programme of archaeological works is undertaken prior to construction and remediation works.

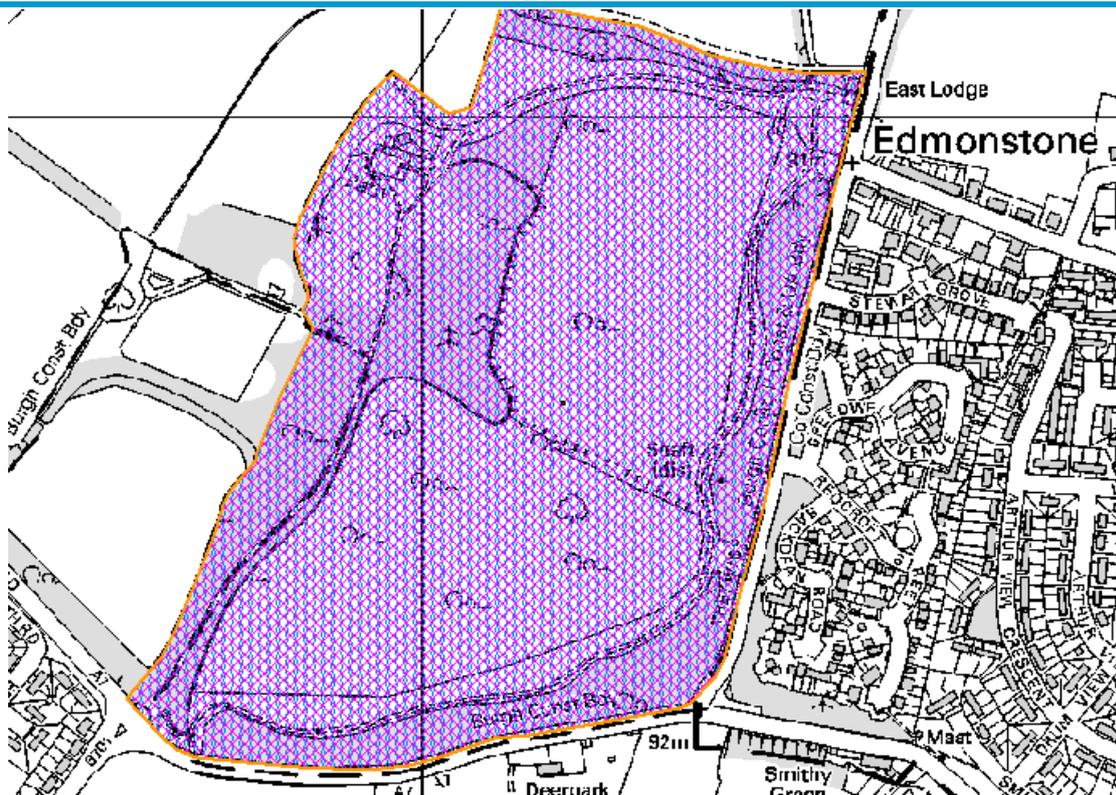
'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement & interpretation) in accordance with a written scheme of investigation which has been submitted by the 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 works and for the archiving and appropriate level of publication of the results lies with the applicant.

Environmental Assessment comment

Environmental Assessment has assessed all the information available regarding this application and would offer no objection. We have however noted that Scottish Environment Protection Agency (SEPA) have objected to the application. SEPA believe there is a lack of information on how the proposed mine workings grouting will be undertaken at the site and its possible impacts on ground water. Environmental Assessment strongly recommends that this information is provided to address SEPA concerns.

Location Plan



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