

Development Management Sub Committee

Wednesday 27 January 2016

Application for Planning Permission in Principle 15/03850/PPP

**At Land 190 Metres North Of 3, Harlaw Gait, Balerno
Residential development with associated infrastructure and
engineering works.**

Item number	6.2
Report number	
Wards	A02 - Pentland Hills

Summary

The proposed development is contrary to the adopted Rural West Edinburgh Local Plan (as Altered 2011), in particular policy E5: Development in the Green Belt and Countryside Areas.

Furthermore, the application site lies outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESplan) and as such its development would be inconsistent with the SDP's spatial strategy, which seeks to prioritise in the first instance, the development of brownfield land and land within identified SDAs. Using the method described in the Housing Land Audit 2015 report to the Planning Committee meeting of 3 December to assess unconstrained housing land with support, there is considered to be a five-year effective housing land supply in the Council's area.

Finally, the development of the site for residential purposes is not supported by the Second Proposed Local Development Plan and is contrary to the provisions of Policy ENV 10: Development in the Green Belt and Countryside.

In summary, the application is unacceptable in principle and it is recommended that planning permission is refused.

Links

[Policies and guidance for this application](#)

SDP, SDP07, LPRW, RWE1, RWE4, RWE5, RWE6, RWE14, RWE15, RWE16, RWE20, RWE22, RWE30, RWE42, RWE41, RWE46, RWE52, RWH2, RWH5, RWH7, RWTRA1, RWTRA2, RWTRA3, RWTRA5, RWTRA6, NSG, NSGCGB, NSLBCA,

Report

Application for Planning Permission in Principle 15/03850/PPP

At Land 190 Metres North Of 3, Harlaw Gait, Balerno Residential development with associated infrastructure and engineering works.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site extends to 5.193 hectares and is located immediately north of Harlaw Gait and east of Bavelaw Gardens and the Bavelaw Burn. The site is in agricultural use and is bound on all sides by mature woodland, which is recorded in the Ancient Woodlands Inventory. The site slopes generally upwards from north west to south east. The remains of a former Victorian reservoir are located in the north west corner of the site.

The site lies within the Green Belt and the Balerno Conservation Area.

The Bavelaw Burn runs immediately to the west of the site beyond a dense woodland belt and residential development at Bavelaw Gardens.

Malleny House and Gardens, a category A listed building, lies immediately to the north east of the site (reference no's 27172, listed 22 January 1971). In addition, the gardens are included on the Inventory of Gardens and Designed Landscapes in Scotland.

This application site is located within the Balerno Conservation Area.

2.2 Site History

25 August 2015 - Residential development, associated infrastructure and engineering works (reference 14/03473/PAN).

27 August 2014 - Residential development, associated infrastructure and engineering works (reference 14/03473/PAN) withdrawn at the applicant's request.

There is no other planning application history at this site.

14 May 2015 - Representation by Lord Dalmeny to the Second Proposed Local Development Plan (reference 2272) seeking inclusion of the site within the Plan as a new housing proposal for 40-45 units.

Main report

3.1 Description Of The Proposal

The application proposals seek planning permission in principle for a residential development of an unspecified number of dwellings. The application is accompanied by a concept layout plan and supporting documentation which describe a development of up to 45 residential units. Subsequent applications for the approval of matters specified in condition would include details of the number of units, design and layout, scale and massing, access, landscaping, open spaces and parking.

Supporting Statement

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

- Landscape and Green Belt Review;
- Statutory pre-application consultation report;
- Site Analysis and Concept Layout;
- Archaeological Assessment;
- Drainage Strategy;
- Ecological Survey;
- Existing and Proposed Services Report;
- Transport Statement; and
- Tree Survey.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 the proposed development is acceptable;

- b) there is an effective housing land supply;
- c) the proposed development is premature;
- d) the landscape impacts and design are acceptable;
- e) the proposal preserves or enhances the historic environment, with reference to adjacent listed buildings;
- f) the proposal is detrimental to the amenity of neighbouring residents;
- g) the proposal provides sufficient residential amenity for the occupiers of the development;
- h) the proposal raises issues in terms of traffic or road safety;
- i) the proposal will affect local biodiversity;
- j) the proposal raises any flooding and drainage issues;
- k) the proposal is acceptable in respect of education infrastructure, affordable housing provision or other local services;
- l) the proposal meets sustainability criteria;
- m) any impacts on equalities or human rights are acceptable; and
- n) the comments raised have been addressed.

a) Principle of development

The Development Plan

The development plan for the area comprises the approved Strategic Development Plan for South East Scotland (SESplan) (June 2013) and the adopted Rural West Edinburgh Local Plan (RWELP - Altered 2011); the RWELP will in due course be replaced by the Edinburgh Local Development Plan once adopted.

Strategic Development Plan (SDP 2013) (SESplan)

The relevant policy considerations of the SDP are Policy 6: Housing Land Flexibility and Policy 7: Maintaining a 5 Year Housing Land Supply. Also relevant is the SDP Housing Land Supplementary Guidance (2014).

Strategic Development Plan (SDP) Policy 6 states that each planning authority in the SESplan area shall maintain five years' effective housing land supply at all times. The supply of land should be sufficient to meet the requirement set out in supplementary guidance. The policy allows planning authorities to grant planning permission for the early release of sites which are either allocated or phased for delivery for a later period in the local development plan.

The SDP notes that planning authorities may consider it appropriate to support new housing development on greenfield land outwith strategic development areas, either when allocating land in LDPs or in granting planning permission in order to maintain a five year effective housing land supply. SDP Policy 7 describes the circumstances in which this may be acceptable, namely, that development should ensure protection of the character of the existing settlement, that it should not undermine Green Belt objectives and should avoid diverting investment in infrastructure from other priorities.

SDP Supplementary Guidance: Housing Land, Nov 2014

Section 3 and Table 3.2 of the SDP Supplementary Guidance (SG) describes the housing land requirement throughout the SESplan area. The SG notes that the housing land requirement must be consistent with the approved SDP and in particular the spatial strategy by prioritising brownfield land and locating additional development within the defined strategic development areas (SDAs) in the first instance. The policy principles for the location of development as set out in Scottish Planning Policy and contributing towards successful place making have informed the requirement by LDP area.

The analysis undertaken in preparing the SG suggests that additional sites will need to be allocated outwith defined strategic development areas (SDAs) and that the most appropriate locations for these are in the City of Edinburgh, Fife and the Scottish Borders. Table 3.2 describes how much land may be needed both within and outwith SDAs and how this could be distributed. With regard to new sites within the West Edinburgh SDA, an additional allowance to accommodate a further 2,700 units is identified. Outwith SDAs, an additional allowance to accommodate 2,500 units is identified - these are sites promoted in the Proposed Second LDP, including sites at South Queensferry and Currie. The provision of these sites/units should complement and not undermine the delivery of existing committed development and in all circumstances, satisfy the principles and criteria set out in SDP policies referred to above.

Scottish Planning Policy (SPP)

The context for the position described above is set out in SPP paragraphs 123-125: Maintaining a 5-year Effective Land Supply. In short, the SPP requires planning authorities to ensure a generous supply of land for house building is maintained and that there is always enough effective land for at least five years. Importantly, where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date. In such circumstances SPP paragraphs 32-35: Development Management are relevant and introduce the presumption in favour of development that contributes to sustainable development as a significant material consideration. In doing so, the SPP notes that decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. The same principles apply where a development plan is more than five years old; although in this instance the Altered Rural West Edinburgh Local Plan is less than 5 years old.

Rural West Edinburgh Local Plan (Altered) (RWELP 2011)

The RWELP Proposals Map identifies the application site as forming part of the Green Belt, a Site of Importance for Nature Conservation and as lying within the Balerno Conservation Area. Policy E5 describes the range of uses acceptable in principle within the Green Belt, including those relating to agriculture, horticulture, forestry, countryside recreation and other uses appropriate to the area's rural character. Policy E7 seeks to protect prime agricultural land; the land is classed by the James Hutton Institute, formerly the Macaulay Land Use Research Institute, as being 'prime agricultural land - class 3.1'.

Other Material Considerations - Second Proposed Local Development Plan

The Second Proposed Local Development Plan (LDP), and the Council's response to representations made to the LDP, were approved by the Planning Committee in May 2015 and duly submitted to Scottish Ministers for Examination. The Second Proposed LDP allocates land to meet strategic housing land requirements described in the SDP Supplementary Guidance on Housing Land. A representation to the LDP by the land owner promoting inclusion of the application site as a housing site was received but not supported by the Planning Committee.

The Second Proposed LDP Proposals Map identifies the application site as forming part of the Green Belt. Accordingly, development of the site for residential purposes would be contrary to Policy Env 10: Development in the Green Belt and Countryside.

b) Housing Land Supply

Planning Advice Note (PAN) 2/2010

Planning Advice Note (PAN) 2/2010 provides guidance to planning authorities on Affordable Housing and Housing Land Audits (HLA). With regard to HLAs the PAN notes that in order that a five-year ongoing effective land supply is available to meet the identified housing land requirements planning authorities should carry out regular monitoring of housing completions and the progress of sites through the planning process. This, the PAN advises, can be achieved through the preparation of a housing land audit, carried out annually by the planning authority in conjunction with housing and infrastructure providers. Furthermore, an annual audit is considered important so that it reflects the changing nature of housing markets and market conditions and that the forecasts for estimated house completions over the five year period remain robust and realistic. This guidance is under review and revised guidance expected to be issued in draft for consultation in late January 2016.

CEC Housing Land Audit 2015: Report to 3 December 2015 Planning Committee

On 3 December 2015, Planning Committee considered a report on the Housing Land Audit (HLA) 2015. For the first time, the HLA was presented with a housing land supply commentary. This showed how programmed completions and consequently the 5-year effective land supply fell sharply during the recession even though the overall stock of effective land remained broadly constant.

Within the Council's area, there is land with planning support (allocated in plans and/or with planning permission) and free of planning constraints for around 30,000 homes. This compares with a housing land requirement for the period 2009 to 2024 of just over 20,000 units, net of completions since 2009. This large amount of 'effective' housing land is varied in type, size and location. It includes brownfield and greenfield sites and is spread over a range of locations and different tenures and formats of housing.

HLA Table 5 present a more appropriate way of measuring the effective five-year land supply. It estimates the potential of the land supply based on previously achieved higher completion rates, rather than developers' programmed completions. Levels of up to 200 annual completions per site have been achieved pre-recession but a figure of 100 is considered a more realistic and reasonable figure on which to base an audit. The table shows that if all sites were developed using this 'theoretical maximum' measure, i.e. a rate of 100 annual completions, there is sufficient land free of planning and physical constraints for a five-year effective housing land supply.

HLA Table 5 also shows that on this basis, the effective land supply for the five years to 2020 is 15,601 compared with a requirement of 14,476. The 5-year effective land supply on this measure is 108%. On this basis it can be argued that there is no shortfall in the five-year housing land supply. The theoretical maximum measure is considered appropriate to Edinburgh today - it is not unduly influenced by lower than expected completions rates due in large part to factors unrelated to the availability of unconstrained land, such as marketability.

Assessing the adequacy of the effective land supply using lower levels of completions, based on developer-programmed completions achieved during and emerging from a recession, artificially reduces the supply and increases the scale of additional housing land required. Where there is high availability of unconstrained housing land and completions are driven primarily by wider economic and market factors, the response of releasing additional land is considered wholly inappropriate. On this basis, SDP Policy 6: Housing Land Flexibility is met and Policy 7: Maintaining a Five Year Housing Land Supply does not apply as there is a five-year effective housing land supply in the Council's area.

14 December 2015 decision by SESplan Joint Committee

On 14 December 2015, the SESplan Joint Committee considered this Council's HLA report, schedules and commentary. It noted that "the difficulty in maintaining the 5-year effective supply in Edinburgh is not related to a shortage of unconstrained land in that area."

SDP period(s) used to calculate requirement

Having regard to recent appeal decisions e.g. those in south east Edinburgh and Balerno, the Council accepts that a five-year effective land supply is needed taking into account the two time periods set out in the SDP.

Summary of housing land supply position

In summary, low housing completion rates during and emerging from a major economic recession are an inappropriate measure of whether additional housing land needs to be released. In Edinburgh, in recent years, build rates have been pushed down by factors unrelated to the availability of unconstrained land. In these circumstances, the response of allocating or releasing more land cannot address the underlying problems. It does however undermine the city's plan-led development strategy and increase the difficulty of planning for and delivering necessary infrastructure.

The 'theoretical maximum' measure is a much more appropriate way of assessing the potential of unconstrained housing land with planning support. Using this method, there is a five-year effective housing land supply in the Council's area.

c) Prematurity of development

Scottish Planning Policy (SPP) notes at paragraph 33 that where relevant policies in a development plan are out-of-date... then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers, it continues, should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP - these are described in para 29 and are addressed below. At paragraph 34 the SPP states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity, the SPP notes, will be more relevant as a consideration the closer the plan is to adoption.

Although the Rural West Edinburgh Local Plan Alteration was adopted less than five years ago (June 2011) it does not contain up-to-date policies with respect to maintaining an effective 5-year housing land supply; this is an issue that is addressed by the Second Proposed LDP. In such cases, the SPP directs decision-makers to paragraph 33 as described above and the considerations set out in paragraph 29. Whilst the development of the site would not undermine the development strategy of the emerging Proposed LDP, and in this regard be considered premature, it is not possible to develop the site and satisfy the wider policy considerations of the SPP.

SPP states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means decisions should be guided by the following principles, among others:

- giving due weight to net economic benefit;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;

- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment; and
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.

In terms of assessing the proposal against these principles, it is acknowledged that the development of the site for residential purposes could make a small contribution to the city's economy and housing land supply. The potential development of the site however must be considered against Green Belt objectives and other environmental considerations, among other things, these are addressed in part d) of this assessment.

Summary on the prematurity of development

In summary, whilst the application proposals may not be considered premature in terms of SPP paragraph 33, it is not possible to develop the site and satisfy the wider considerations of the SPP paragraph 29, as described above. The development proposed is not significant in terms of its scale the development of the site for residential purposes would have an adverse impact on the local landscape and as such the character of the existing settlement of Balerno.

d) Landscape and Design

The application is supported by a Landscape and Visual Assessment (LVA) and indicative masterplan. The LVA seeks to demonstrate how the visual impacts of the proposed development on the local landscape can be addressed and mitigated.

The Second Proposed LDP Environmental Report considered the suitability of the site for residential purposes and notes that due to the site's small scale and woodland enclosure its development would be unlikely to impact of the landscape setting of the City. It also noted that the site's perimeter tree belts could form the basis of a defensible Green Belt boundary; although the existing Green Belt boundary to the south of Juniper Green, Currie and Balerno is clearly formed by the incised wooded valleys of the Water of Leith and Bavelaw Burn. However, the report concluded that the site could not be effectively integrated with the character of the settlement and its local landscape, noting that it is separated from the historic core of Balerno and the wider built-up area by the course of the Bavelaw Burn, steep banking and woodland enclosures. Accordingly, development in this location would adversely impact upon the rural setting of Balerno and views south of the settlement and as such is not considered a suitable site for development.

The application proposals would introduce development into a discrete area of well managed farmland edged by ancient woodland. Development in this location would impair views from the village to the south/south east where filtered views of open countryside through woodland to the Pentland Hills can be experienced. Changes to the character of the land to the south of the Water of Leith would also impact adversely on path users following the Right of Way running between Currie and Balerno and the path skirting the grounds of Malleny House.

The application seeks planning permission in principle and as such the true impact of the proposed development on the local landscape has not and cannot be fully assessed at this time. The full impact of the development on the local landscape will depend on the effectiveness of proposed mitigation measures and will be assessed further at the detailed application stage should planning permission be granted.

In terms of the layout of proposed development, the indicative masterplan promotes land for open space, SUDS and habitat creation. However, the proposed density at 9 dwellings per hectare is extremely low when compared to the density range of 25 to 35 dwellings per hectare on new green field sites promoted by the Second Proposed LDP. As the application is for planning permission in principle, and the layout and design submitted for indicative purposes only, the merits of the proposed development in terms of its layout and design, including landscape, amenity provision and density have not been assessed fully.

e) Historic Environment

Archaeology

The application site is considered to be of archaeological interest. The City Archaeologist notes that development of the site would have a moderate but acceptable impact on buried archaeology and upon the setting of the adjacent Inventory Historic Landscape of Malleny (Wester Lymphoy). He also considers that development would have a similar impact upon the surrounding non-designated but important historic landscape elements of Sawpit and Bog Woods.

Given the potential for further significant remains, relating to the site's medieval and prehistoric past, it is considered essential that a programme of archaeological excavation work is undertaken prior to development in order to excavate, record and analyse fully any significant buried remains affected by ground breaking. Prior to submission of any detailed planning applications a programme of archaeological works will be required. Accordingly, a condition to this effect is recommended should the Committee be minded to grant planning permission to the application.

Designed landscape

Malleny (Wester Lymphoy) Garden and Designed Landscape is located immediately to the north of the proposal site. The proposals described in the indicative masterplan would not have a detrimental impact on the setting of the Garden and Designed Landscape. However, as the application is seeking planning permission in principle the actual impact of development on the Garden and Designed Landscape cannot fully be assessed. This will depend on the layout, landscaping and effectiveness of proposed mitigation measures and require full assessment at the detailed application stage. Historic Environment Scotland has raised no objection to the application.

f) Neighbouring Amenity

The proposed residential development of the site is unlikely to have a detrimental impact on neighbouring residential amenity. A detailed assessment of the potential impacts regarding privacy, daylighting and overshadowing will be carried out at the detailed application stage, should planning permission in principle be granted. The Environmental Assessment consultation response has raised no concerns regarding the impact of the proposal on air quality, smell, dust impact, noise or light pollution, provided that vehicular parking does not exceed 100 spaces.

g) Amenity of Occupiers

The proposed landscape framework within which development would sit includes areas of public open space integral to the overall layout. Environmental Assessment also raises no objection to the application with regard to the amenity that occupiers of the development might reasonably expect to enjoy, subject to the submission of a site survey and, where necessary, a detailed schedule of any remedial and/or protective measures required, at the detailed application stage. Should the Committee be minded to grant planning permission to the application, the assessment of details in respect of privacy, daylight and sunlight provision and amenity space will be reserved matters and also assessed at detailed application stage.

h) Traffic and Road Safety

Objections to the application have been received regarding a number of transport issues. These largely relate to the impact of traffic that would be generated by the development on surrounding roads, particularly on Lanark Road West at peak times, as well as road safety and parking issues. The applicant's Traffic Statement concludes that additional traffic associated with up to 45 units will have a minimal impact on the local road network or on road safety.

Transport Planning has raised no objections to the proposal in terms of roads layout, parking provision, junction locations, junction capacities, emergency vehicle access, pedestrian safety, road safety or parking, subject to improvement at the Bridge Road/Lanark Road West junction. Accordingly, should the Committee be minded to grant planning permission, it is recommended that this should be subject to the conclusion of a suitable Section 75 Agreement to secure a financial contribution of £101,322 towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) system at the Bridge Road/Lanark Road West junction to improve its operational efficiency.

i) Biodiversity

The site has been surveyed for notable habitats and protected species, in particular bats and badgers. The Ecological Walkover Survey, dated September 2014, requires to be updated as the situation on site is dynamic and will change.

Bats and Trees

Any trees to be removed should be subject to further detailed survey for bats. Tree removal is implied by the indicative layout to provide vehicular access to the site and to facilitate footpath and cycle connections. As a European Protected Species bat surveys must be undertaken prior to the grant of planning permission in order to ensure that development will not cause disturbance to bats and, if necessary, mitigation measures are included in detailed proposals.

Badgers

At the time of survey there was an active badger sett on site. Work within 30m of a sett may be permitted but will require a licence issued by Scottish Natural Heritage to do so. Further details are required from the applicant as to how the development will impact on the sett and how it will be protected. In light of the conflict of the proposals with the development plan the applicant has not been asked to submit further information and additional surveys given the costs involved. However should the Committee be minded to grant planning permission to the application a condition is recommended requiring that this information is submitted with any detailed planning applications.

j) Flooding and Drainage

Neither SEPA nor the Council's Flood Prevention team have raised objections to the proposed development, subject to conditions and further consideration of proposals at the detailed application stage. Should the Committee be minded to grant planning permission to the application, it is recommended that surface water management, SUDS and flood prevention measures are reserved matters and should form part of a detailed design and assessed at detailed application stage.

k) Other Material Considerations

Affordable Housing

The application seeks planning permission in principle for residential development of unspecified numbers. However the submission is accompanied by a concept layout of a development of approximately 45 dwellings, 25% of which will be required to be of approved affordable housing tenures as required by the Altered RWELP Policy H7: Affordable Housing. Should the Committee be minded to grant planning permission to the application, it is recommended that the developer be required to enter into a suitable legal agreement to secure the delivery of the required affordable dwellings.

Education

Given that the application seeks planning permission in principle for residential development for an unspecified number of dwellings, it is not considered appropriate to quantify the level of developer contribution towards the provision of education infrastructure at this stage. Accordingly, should the Committee be minded to grant planning permission to the application it is recommended that the developer be required to enter into a suitable legal agreement to secure an appropriate financial contribution towards the delivery of actions set out in the South West Edinburgh Education Contribution Zone, as described in the Council's Developer Contributions guidance.

Children and Families has no objections to the proposal in principle.

Local Services

Concern has been expressed in representations regarding the increasing pressure that will be placed on local services should the development be granted planning permission, including leisure and healthcare facilities. However, growing demand for such services may enable operators to remain in Balerno/Currie and to plan for the expansion of services. Extra demand for these types of services would not merit a reason to refuse planning permission.

l) Sustainability

The application proposals are not at a detailed stage in terms of building design and consequently a 'sustainability form' has not been submitted with the application. Should the Committee be minded to grant planning permission to the application, it is recommended that it is subject to a suitable condition to ensure that sustainability measures are considered at the detailed application stage.

m) Equalities and Human Rights

The proposed development has the potential to create an environment where public spaces can be used safely and securely. The proposals also offer the potential to provide a good standard of living with access to transport and other services. The proposals overall could have a positive impact in respect of rights.

Should the Committee be minded to grant planning permission to the application, a range of living accommodation will be required to be provided that will support different users and the site is accessible for people with mobility issues. The proposal will be required to include an element of affordable housing to assist those who cannot access traditional housing markets. The proposal will have a positive impact in respect of equalities.

In summary, the proposals could have a positive impact in respects of equalities and human rights.

n) Representations

This application proposals were advertised on 15 September 2015 and attracted 145 letters of objection; including an objection from Balerno Community Council. No letters of support were received.

Material Representations: Objection.

- Principle of developing on the Green Belt and outwith designated housing sites identified in the LDP and SDP - addressed in section 3.3 a);
- Inadequate provision of affordable housing - addressed in section 3.3 k);
- Surplus of brown field sites available for development in area - the 2014 Housing Land Audit - addressed in section 3.3 b);
- Detrimental impact on local ecology and biodiversity - addressed in section 3.3 i);
- Impact on local traffic flow, local parking and public transport - addressed in section 3.3 h);
- Inadequate vehicular access to the site - addressed in section 3.3 h);
- Loss of neighbouring residential amenity - addressed in section 3.3 f);
- Increased local air pollution - addressed in section 3.3 f);
- Increased risk of flooding both on and off site - addressed in section 3.3 j);
- Incompatible with village character - addressed in section 3.3 d);
- Loss of trees - addressed in section 3.3d and 3.3 i);
- Impact on local school roles - addressed in section 3.3 k);
- Impact on local health care provision - addressed in section 3.3 k);
- Impact on setting of Mallyen House Listed Building and Historic Garden - addressed in section 3.3 d);
- Loss of part of Historic Garden and Designed Landscape - addressed in section 3.3 e);
- Impact on historic environment including archaeological remains - addressed in section 3.3 e);
- Unsustainable location in terms of traffic generation, public transport access and proximity to employment sites - addressed in section 3.3 h);
- Detrimental to the site's rural setting - addressed in section 3.3 d);
- Detrimental impact on Special Landscape Area - addressed in section 3.3 d);
- Detrimental impact on setting of neighbouring pedestrian pathways - addressed in section 3.3 d);
- Density of housing and proposed housing type inappropriate for Balerno - addressed in section 3.3 d); and
- Detrimental impact on neighbouring residential privacy and daylight/sunlight - addressed in section 3.3 f).

Non-Material Representations

- Unidentified need for housing in Balerno;
- The nature of the developer business model and applicants motivations;
- Loss of public access to the site for leisure and walking;
- Development is aimed at making profits for the developers;

- Timing of the application in relation to the LDP process, is not part of a plan lead process;
- Loss of individual property views; and
- Legal right to develop land and rights of the current tenant farmer.

Community Council

- Principle of developing on the Green Belt and outwith designated housing sites identified in the LDP and SDP - addressed in sections 3.3 a, b and c);
- Detrimental impact on Special Landscape Area - addressed in section 3.3 d);
- Detrimental impact on local ecology and biodiversity - addressed in section 3.3 i);
- Impact on local traffic flow, local parking and public transport - addressed in section 3.3 h); and
- Increased risk of flooding off site - addressed in section 3.3 j).

Conclusion

The proposed development is contrary to the adopted Rural West Edinburgh Local Plan (as Altered 2011), in particular policy E5: Development in the Green Belt and Countryside Areas.

Furthermore, the application site lies outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESplan) and as such its development would be inconsistent with the SDP's spatial strategy, which seeks to prioritise in the first instance the development of brownfield land and land within identified SDAs. Using the method described in the Housing Land Audit 2015 report to the Planning Committee meeting of 3 December to assess unconstrained housing land with support, there is considered to be a five-year effective housing land supply in the Council's area.

Finally, the development of the site for residential purposes is not supported by the Second Proposed Local Development Plan and is contrary to the provisions of Policy ENV 10: Development in the Green Belt and Countryside.

In summary, the application is unacceptable in principle and it is recommended that planning permission is refused.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Policy E5 of the Rural West Edinburgh Local Plan in relation to Development in the Green Belt and Countryside Areas, as it constitutes a non conforming use within the designated Green Belt.

2. The proposal is contrary to Policy E7 of the Rural West Edinburgh Local Plan in relation to the Protection of Prime Agricultural Land, as it would result in the permanent loss of prime agricultural land.
3. The proposal is not supported by the Strategic Development Plan spatial strategy and is contrary to SDP Policy 7.
4. The proposal is contrary to Policy ENV 10 in the Second Proposed LDP as it constitutes a non conforming use within the proposed Green Belt.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

This application was advertised on 15 September 2015 and attracted 145 letters of objection, including an objection from Balerno Community Council. No letters of support have been received.

An assessment of the issues raised in representations can be found in section 3.3 of the main report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Relevant Development Plans

The development plan for the area comprises the approved Strategic Development Plan for South East Scotland (SESplan - June 2013) and the adopted Rural West Edinburgh Local Plan (RWELP - Altered 2011); the RWELP will in due course be replaced by the Edinburgh Local Development Plan.

Rural West Edinburgh Local Plan (RWELP)

The RWELP Proposals Map identifies the application site as forming part of the Green Belt, a Site of Importance for Nature Conservation and as lying within the Balerno Conservation Area. Policy E5 describes the range of uses acceptable in principle within the Green Belt, including those relating to agriculture, horticulture, forestry, countryside recreation and other uses appropriate to the area's rural character. Policy E7 seeks to protect prime agricultural land; the application site is classed as such.

Strategic Development Plan (SDP) and Supplementary Guidance: Housing Land

The relevant policy considerations of the SDP are Policy 6: Housing Land Flexibility and Policy 7: Maintaining a 5 Year Housing Land Supply. Also relevant is the SDP Housing Land Supplementary Guidance (2014).

Other Material Considerations

Second Proposed Local Development Plan (LDP)

The Second Proposed LDP Proposals Map identifies the site as forming part of the Green Belt, a Site of Importance for Nature Conservation, as lying within the Balerno Conservation Area and Pentlands Special Landscape Area. The adopted RWELP will remain in force until the LDP is adopted sometime in 2016. The relevant LDP policy considerations are ENV10: Development in the Green Belt and Countryside, ENV15: Sites of Local [Nature] Importance, ENV11: Special Landscape Area and ENV6: Conservation Areas - Development.

Date registered

20 August 2015

Drawing numbers/Scheme

01-02,

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Colin Bryans, Planning Officer
E-mail: colin.bryans@edinburgh.gov.uk Tel: 0131 529 4279

Links - Policies

Relevant Policies:

Relevant Policies of the Strategic Development Plan

Policy 7 requires that a 5 year housing land supply is maintained. Sites within or outwith Strategic Development Areas may be allocated in LDPs or granted consent subject to the development; being in accord with the character of the settlement or area, not undermining green belt objectives and any additional infrastructure required is either committed or to be funded by the developer

Relevant policies of the Rural West Edinburgh Local Plan.

Policy E1 seeks to prevent development which would be inconsistent with local plan objectives for sustainable development.

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.

Policy E5 states that in order to protect the landscape quality, rural character and amenity of the Green Belt and countryside areas, development will be restricted.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or countryside must meet the criteria which aim to achieve high standards of design and landscaping.

Policy E14 says that proposed development which would adversely affect Designed Landscapes or their setting will only be permitted where it assists restoration and would not adversely affect other landscape features.

Policy E15 seeks to ensure the survival and retention of healthy mature trees as part of development proposals. Where the loss of woodland, trees or hedgerows is unavoidable, the developer will be required to undertake equivalent replacement planting.

Policy E16 promotes the protection of significant individual trees, tree groups and shelter belts through Tree Preservation Orders. No new development shall be sited within 20 metres of the trunk of a protected tree or within 10 metres of its canopy, whichever is the greater. Through its Urban Forestry.

Strategy, the Council will promote and support additional woodland planting, promote the enhancement of existing woodland and to ensure the sympathetic integration of new trees in woodlands, particularly in Areas of Great Landscape Value where there will be a presumption against large scale coniferous afforestation.

Policy E20 says that outwith the area identified in policies E17 and E18, the Council will seek to maintain and improve the nature conservation and biodiversity value of the countryside when considering development proposals.

Policy E22 says that development proposals which have the potential to harm a protected plant or animal species or its habitat will not be permitted unless the protection of species can be secured through the appropriate design and construction methods.

Policy E30 says that any planning application affecting a site of archaeological significance will require an archaeological field evaluation to be undertaken in consultation with the Council's Archaeologist.

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.

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 E46 states that planning applications should demonstrate that proposals will not result in a significant increase in surface water run-off relative to the capacity of the receiving water course in flood risk areas.

Policy E52 encourages proposals to improve the quantity and quality of open space provision. Where appropriate, the Council will work with the relevant landowner and interested parties to secure the implementation of Proposals (ENV1 - 7).

Policy H2 says that housing development will be supported on sites HSP1 to HSP8.

Policy H5 states that all new housing should harmonise with and reflect the character of its surroundings and should adhere to the criteria set out in the policy.

Policy H7 states that planning permission for residential development, including conversions, consisting of 12 or more units, should include provision for affordable housing amounting to 25% of the total number of units proposed.

Policy TRA1 says that development with the potential to generate significant levels of personal travel should be located on sites which minimise the need to travel and are easily accessible by foot, cycle or public transport.

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling.

Policy TRA3 says that a transport assessment will normally be required for significant development proposals.

Policy TRA5 says that the Council will support traffic management measures which seek to create a safe and attractive environment, particularly in towns and village centres and residential areas.

Policy TRA6 says that the Council will support the development of a comprehensive network of cycle and pedestrian routes, including on-road provision and off-road cycleways and footpaths.

Relevant Non-Statutory Guidelines

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

Application for Planning Permission in Principle 15/03850/PPP

At Land 190 Metres North Of 3, Harlaw Gait, Balerno Residential development with associated infrastructure and engineering works.

Consultations

Police Scotland

I would recommend the architects and their client are encouraged to consult with the Police Scotland Architectural Liaison Service directly and consider application for Secured by Design accreditation for this development. Instances of acquisitive crime continue to be a concern within the Edinburgh area therefore every opportunity to reduce the risk to residents of becoming a victim of domestic housebreaking should be taken.

Balerno Community Council

Green Belt (GB) We note the site is located within the Balerno Green Belt.

Balerno Community Council has a policy of supporting the greenbelt and the associated planning policies. We therefore object to applications that do not conform to the green belt policies as contained within the Rural West Edinburgh Local Plan (RWELP). We are also aware that the proposed new Edinburgh Local Development Plan (ELDP2) also retains this area to be within the greenbelt and it includes additional protection policies covering this site.

It appears that the main policies that apply are as follows and the relevant sections mention;

RWELP Policy E5

(a) Development in the green belt will not be permitted except where necessary for the purpose of agriculture etc. This housing proposal is not for agricultural purposes, therefore this proposal fails this policy test.

RWELP Policy E6

This design policy does not need to be considered, because the proposal has already failed the E5 Policy test.

RWELP Policy E7

This prime agricultural land policy does not need to be considered, because the proposal has already failed the E5 Policy test.

RWELP Policies E18, E19, E21

These nature conservation policies relate to the western & southern part of the site and will therefore need to be taken into consideration.

RWELP Policies E35, E36

These conservation area policies relate to the western side of the site and they will also need to be taken into consideration.

RWELP Planning Policy Conclusion - Policy E5. This greenbelt policy is the overriding planning policy that should firstly be used in determining this application and this planning application clearly fails that test. Therefore this planning application should be refused.

We also note that within the proposed new Edinburgh Local Development Plan 2, that it contains similar and additional policies relating to this site, as follows;

ELDP2 Policy ENV 6

Balerno Conservation Area. The western part of the site is within this area and therefore this policy will need to be taken into consideration.

ELDP2 Policy ENV 10

Greenbelt. Development will only be permitted for the purpose of agriculture etc. This proposal is not for agriculture, therefore this proposed housing development fails this test.

ELDP2 Policy ENV 11

Special Landscape Area. Permission will not be granted for developments which would have a significant adverse impact on the area. We believe this proposal would have an adverse impact and therefore the proposal fails this test.

ELDP2 Policy ENV15

Site of Local Importance. Developments will not be permitted if it has an adverse impact on flora, fauna, landscape etc. We understand that the western & southern parts of the proposal is within this site and we believe this development would have an adverse impact, therefore the proposal appears to fail this policy test.

ELDP2 Planning Policy Conclusion. The proposal fails the above planning policies and in particular the green belt policy ENV10. Therefore this application should be refused.

In relation to the above, we wish to make some additional comments as follows.

Housing Needs We are unaware of any demands from Balerno residents for major housing developments within the Balerno area.

SES We believe that within the strategic plan (SES) that it should indicate a five year housing land supply. We understand the proposed ELDP2 has addressed this issue and as a result this site is to remain within the Balerno Green Belt. Therefore developers should not be proposing, that this Green Belt area should be used to fulfil any perceived shortfall in the housing land supply.

Brown Field Sites We believe that brown field sites should be used before building within the green belt and that there may be sufficient brown field sites to fulfil any perceived shortfall in the Edinburgh housing land supply. Also many of these areas are located well within Edinburgh and do not require lengthy car or bus trips in and out of the City.

Green Field Sites If at some later date it becomes necessary to develop green field sites, then surely they should firstly be those sites that are nearer to the city centre, where the infrastructure and transport links are nearby and not as far away as the rural Balerno Village.

Traffic We are very concerned about the impact of additional vehicles using the already congested Lanark Road West towards the city. The traffic issue should also take into account that there are other proposals for new Balerno homes, totalling around 1,000. It is worth noting the comments made by the CEC Transport Planning (Andrew McBride) on the 1-11-13, it related to a similar Balerno application 13/02787/PPP, it mentioned the full transport implications need to be examined in the context of all the other housing site proposals and that the application appears to be premature, as we are still waiting for the new LDP plan to be updated and finalised. We now have the LDP2 passed by the CEC and it retains this site to be within the Balerno Green Belt and therefore it is not available for development.

Scottish Water We are unaware of any relevant issues.

Drainage - CEC - SEPA We believe that any future Balerno housing developments should also take into account any possible detrimental affect on the Water of Leith Flood Prevention Scheme. We believe this proposal will add to the problem, therefore it should be refused.

Other Balerno Green Belt Planning Applications - CEC Refusals & DPEA Appeals

Balerno Community Council have recently been heavily involved in opposing three greenbelt housing proposals and appeal as follows;

469 Lanark Road West, Balerno. Several homes proposed. Permission refused and subsequent appeal failed, main reason for refusal was contrary to green belt policy.

Mansfield Road/Cockburn Crescent, Balerno. Approximately 280 homes proposed. Permission refused and an appeal failed, reason for refusal was contrary to green belt policy.

Ravelrig/Pilmuir, Balerno 190 homes proposed. Planning permission refused, however the DPEA appeal has indicated its intention to allow 120 homes, but the DPEA also say that this approval should not set a precedent. We understand that a number of aggrieved local residents are seeking legal advice, this is due to the loss of their much valued amenity.

Green Belt Authorities In relation to the CEC planning refusals, we are pleased that we have been supported by the CEC planning department and by the DPEA, with the exception of the Ravelrig/Pilmuir appeal, as it went against the grain of the other appeals.

Balerno Community Council (BCC) We represent several thousand local residents and we believe that they expect us to comment or object on their behalf and they have overwhelmingly supported our stance in protecting the Balerno Green Belt.

Objections We therefore wish for this letter to be treated as our objection, however we may need to later amend this objection to reflect any subsequent matters that may arise.

Historic Scotland

Thank you for your consultation for Planning Permission in Principle for residential development and associated infrastructure and engineering works which we received on 03 September.

You have consulted us because you believe the development may affect Malleny, included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance.

We have reviewed your consultation and we believe the proposals do not raise issues of national significance such that we would object. However, we would offer the following advice:

We welcome the proposal to introduce new broadleaved tree planting on the north boundary of the development site and recommend that it be of similar character and species to that established in the adjacent Malleny designed landscape. In order to enhance existing planting and further obscure views from the north west, you may wish to ensure that the proposed broadleaved screen planting is of an appropriate and effective width, ideally as wide as possible. You may also wish to consider tree protection as detailed in BS5837:2012 Trees in relation to design, demolition and construction, in order to maintain and secure the long term viability of the existing mature woodland on the north boundary.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for planning permission in principal for residential development.

The site occupies a large open field of high ground overlooking the Bavelaw Burn adjacent to the Inventory Designed Historic Landscape surrounding the A-listed Malleny House. Although not part of the inventory landscape, historic maps suggest that this tree lined enclosed field did form part of the wider estate associated with this important house originally constructed in the 14th century. As highlighted in the accompanying BDA produced by GUARD for the applicant, the site is known to contain a Victorian reservoir, on map evidence constructed between c.1850 & c.1893. Two further sites were noted by GURAD during the walk over for the DBA an industrial waste mound and significantly a canalised burn and bank, remnants of the areas historic landscape, were recorded within the surrounding tree belt. Its position would suggest that it has the potential for containing prehistoric remains.

As such this application is considered to be of archaeological interest and must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Rural West Edinburgh Local Plan (2010) policy E30. 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.

Based upon the proposed indicative plans and numbers submitted within the design statement, in principal the scheme would seem to have a moderate but acceptable impact both in terms of buried archaeology and impact upon the setting of adjacent Inventory Historic Landscape of Malleny (Wester Lymphoy). It is also considered to have similar impact upon the surrounding non designated but important historic landscape elements of Sawpit and Bog Woods. Given that the initial DBA and walkover assessment by GUARD has confirmed that these woods contain elements of historic landscape it is considered essential a condition be attached that requires a historic management plan is submitted for agreement that would seek to protect this important archaeological/historic resource.

It is to be welcomed that these principal proposals seek to preserve the Victorian Reservoir located on the site. However as the full extent of this feature is not fully recorded, any final layout should not be agreed until the results of archaeological evaluation are known. Therefore given this and the potential for further significant remains relating to the sites medieval and prehistoric past, it is considered essential that a programme of archaeological excavation works is undertaken prior development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking.

In essence this will see a phased archaeological programme of works the initial phase will be the undertaking of an archaeological evaluation of the site combining geophysical survey and trial trenching (maximum 10%) prior to the submission of AMC/detailed applications. The results of this programme of evaluation will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to/during construction.

It is recommended that that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken prior to construction.

'No development/demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (conservation/historic woodlands management plan, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would 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.

Transport

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Contributions will be expected under the Edinburgh Local Development Plan Second Proposed Action Programme (updated May 2015) to:
 - a) Gillespie Crossroads to increase junction capacity through installation of MOVA (£35,322 as per attached);
 - b) Hermiston Park & Ride extension (£45K as per attached);
 - c) Curriehill Station cycle parking (to be agreed);
2. Contribution to installation of MOVA at the Bridge Rd/Lanark Rd West signals to improve junction efficiency (£10K)
3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. Details of adoptable areas, lighting, drainage, SUDs infrastructure, materials, links, etc. will be required;
4. A Quality Audit as set out in Designing Streets will be required;
5. Cycle and pedestrian links to adjacent areas will be required at no cost to the Council;
6. Parking provision to be in line with Council standards;
7. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
8. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
9. Any gate or doors must open inwards onto the property;
10. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
11. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured;
12. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders

All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Environmental Services

The site is located to the east of Balerno with mainly residential properties located to the north, west and south. The neighbouring land to the east is agricultural. Historic maps do highlight that the Balerno Bank Paper Mill with associated tanks was located to the south end of the proposed development site. Therefore a condition will be recommended to ensure that a site investigation is carried out.

Environmental Assessment would also recommend that if the proposed development includes the provision for more than 100 parking spaces then an air quality impact assessment must be carried out to support the application taking into account any nearby committed development.

Therefore Environmental Assessment offers no objections subject to the following conditions;

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Informative

An air quality impact assessment will be required if the number of parking spaces for the development exceed 100.

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- monitoring of any standing water within the site temporary or permanent*
- sustainable urban drainage schemes (SUDS)*

- Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).

*- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached * See next page for information **

- reinstatement of grass areas

- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow

- which waste materials can be brought on to the site/what if any exceptions e.g. green waste
- monitoring of waste imports (although this may be covered by the site licence)
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- any earthworks
- grassed areas
- the species, number and spacing of trees and shrubs
- details of any water features
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

As the application is for planning permission in principle, it is important that Edinburgh Airport is consulted on all reserved matters relating to siting and design, external appearance (including lighting) and landscaping.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

SEPA

We ask that the planning conditions in Section 1 and 2 be attached to the consent. If any of these will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

Advice for the planning authority

1. Flood risk

1.1 We provided the applicant/consultant with pre-planning advice highlighting that flood risk should be taken into consideration, particularly the two small watercourses and also the possibility of a reservoir being present onsite.

1.2 Contact has been made with Scottish Water and they have stated that there is no pipework or treatment facility within this area under their ownership. Appendix 3 of the Drainage Strategy (dated December 2014) contains information regarding historic water supply in the area. The drawing is not entirely legible but it is presumed that this drawing relates to the underground reservoir and is no longer in use. No ground investigation works have been undertaken as the application is for planning in principle, however we request that a planning condition is attached to ensure that there shall be no development on top of the reservoir or any pipes/culverts which feed this reservoir.

1.3 No hydrological or hydraulic modelling has been undertaken to determine the risk from the two small unnamed watercourses. Instead a site walkover explanation and a topographic survey have been submitted to determine the risk of flooding. The site walkover highlights that the watercourses are in well-defined channels and in the event that they did overtop their banks they would do so to the opposite bank away from the site. A number of structures are present within each of the watercourses and the assessment states that if these were to block or were overwhelmed then there is no risk of flooding to the development site. We have undertaken a basic review of the topographic survey and this shows that there is no risk from blockage of structures as the opposite banks are lower.

2. Surface water drainage

2.1 *The Drainage Strategy includes basic details with respect to the proposals for surface water drainage. We therefore request that a condition is attached to the consent requiring one level of sustainable drainage (SUDS) surface water treatment to be submitted. If this is not attached, then please consider this representation as an objection. To assist, the following wording is suggested:*

Prior to the commencement of any works, a scheme for sustainable drainage (SUDS) surface water treatment shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate

2.2 *The SUDS treatment train should be followed which uses a logical sequence of SUDS facilities in series allowing run-off to pass through several different SUDS before reaching the receiving waterbody.*

2.3 *Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled The SUDS Manual. Advice can also be found in the SEPA Guidance Note Planning advice on sustainable drainage systems (SUDS). Please refer to the SUDS section of our website for details of regulatory requirements for surface water and SUDS.*

2.4 *Comments should be sought from the local authority roads department and the local authority flood prevention unit on the acceptability of post-development runoff rates for flood control.*

Detailed advice for the applicant

3. *Content of flood risk advice*

3.1 *The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.*

3.2 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

3.3 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities outlines the transitional changes to the basis of our advice in line with the phases of this legislation.*

Regulatory advice for the applicant

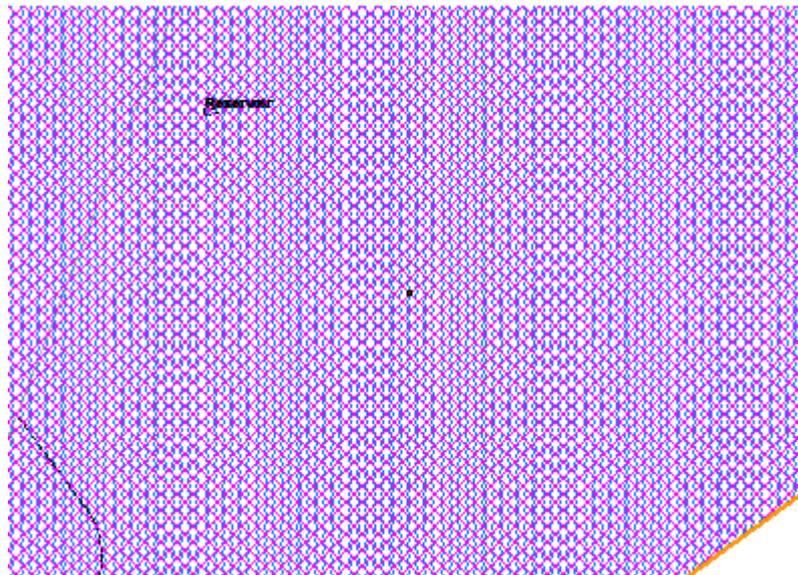
4. *Regulatory requirements*

4.1 *Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office (tel: 0131 449 7296).*

Flood Prevention

I can confirm that the provision of existing over land flow paths is acceptable and that the initial sizing of the storage required. Although not included, the idea behind the request for post-development overland flow paths is to ascertain if the proposed development will alter the existing flow mechanisms of the catchment. At this stage we assume there will be no significant changes in topography but this will need to be demonstrated at the Full application stage along with post-development flow path diagram showing localised flow paths and a full microdrainage calculation showing the pipe network.

Location Plan



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