

# Development Management Sub Committee

**Wednesday 18 April 2016**

## **Application for Planning Permission in Principle**

**15/05224/PPP**

**At Land 164 Metres South Of Freelands Farm, Freelands Road, Ratho**

**Proposed residential development (approximately 150 units) with associated works.**

<b>Item number</b>	3.2(b)
<b>Report number</b>	
<b>Wards</b>	A02 - Pentland Hills

## **Summary**

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The proposed development represents a significant departure to the adopted Rural West Edinburgh Local Plan (as Altered 2011), in particular policy E5: Development in the Green Belt and Countryside Areas. The development of the site for residential purposes is not supported by the Second Proposed Local Development Plan (ELDP) and is contrary to the provisions of ELDP Policy ENV 10: Development in the Green Belt and Countryside.

The application site lies outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESplan). 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 a five-year effective housing land supply in the Council's area.

The site location does not support sustainable transport use and clear pedestrian and cycle links to the rest of the village and the Union Canal towpath are not evidenced. The proposal will have an adverse impact on Ratho village character and setting. Insufficient information has been provided to assess whether or not the proposal deals adequately with community facilities, flooding and drainage, and cumulative air quality and transport impacts.

In summary, the application is unacceptable in principle, in terms of sustainable location, connectivity, impact on village character and setting and in terms of sufficiency of information. It is recommended that planning permission is refused.

## Links

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[Policies and guidance for this application](#)

SDP, SDP07, LPRW, RWE1, RWE4, RWE5, RWE6, RWE7, RWE14, RWE15, RWE16, RWE17, RWE18, RWE20, RWE22, RWE26, RWE28, RWE31, RWE41, RWE42, RWE45, RWE46, RWE52, RWH2, RWH5, RWH7D, RWTRA1, RWTRA2, RWTRA3, RWTRA5, RWTRA6, NSG, NSGCGB, NSGD02, NSP, NSART, DEVECS,

# Report

## **Application for Planning Permission in Principle 15/05224/PPP**

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### **Proposed residential development (approximately 150 units) with associated works.**

## **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is 9.8 hectares in area. It is bounded on the north by Freelands Road and Freelands Farm. Farmland sits to the east and the Union Canal with its towpath, together forming a scheduled ancient monument, are on the south. A residential development site lies to the west.

The application site is undulating, cultivated agricultural land which is classified as 'Prime Agricultural Land, Class 2' by the James Hutton Institute. The canal embankment drops steeply into the site from the canal towpath. There is hedging on the west, north and south boundaries, with some mature trees. A culverted watercourse runs through the site. Vehicular and pedestrian access is from Freelands Road.

The site is within the Edinburgh Green Belt. The canal is a site of importance for nature conservation.

#### **2.2 Site History**

There is no relevant planning history for the site. There is relevant planning history for nearby sites.

Site to the west of proposal site

2 July 2010 - planning permission granted for residential development of 119 units including 19 affordable houses, an 84 bed residential care home and a new canal basin with associated changing block at land adjacent to Freelands Road, Edinburgh (application number 09/01067/FUL). The development is build out, except for the care home.

4 January 2013 - planning permission granted for proposed residential development of 14 dwellinghouses on land formerly consented for care home use (09/01067/FUL) at land adjacent to Freelands Road, Ratho (application number 12/02322/FUL).

Site to the south of proposal site, on opposite side of Union Canal

3 September 2014 - application for planning permission for residential development of 85 units, comprising 1- 5 bedroom detached, semi detached and terraced houses, landscaping, SUDs and ancillary works (application number 13/05165/FUL) refused at appeal (appeal reference: PPA-230-2124).

## **Main report**

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### **3.1 Description Of The Proposal**

This application seeks planning permission in principle for a residential development and is accompanied by a proposed masterplan. The masterplan and supporting documentation submitted are based on a development of approximately 150 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 Statements

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

- Air Quality Impact Assessment;
- Archaeology desk-based assessment;
- Design and Access Statement;
- Ecological Survey;
- Education Capacity Appraisal;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Phase 1 Habitat Survey;
- Planning Assessment;
- Pre-application Consultation Report;
- Transport Assessment and Addendum; and,
- Visual Amenity Study.

### **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 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 including whether there is an effective housing land supply;
- b) the proposed development is premature;
- c) the landscape impacts and design are acceptable;
- d) the proposal preserves or enhances the historic environment, with reference to the adjacent scheduled ancient monument;
- e) the proposal is detrimental to resident or future occupier amenity;
- f) the proposal raises air quality issues;
- g) the proposal raises issues in terms of traffic or road safety;
- h) the proposal will affect local biodiversity;
- i) the proposal raises any flooding and drainage issues;
- j) other material issues have been addressed;
- k) the proposal meets sustainability criteria;
- l) any impacts on equalities or human rights are acceptable; and,
- m) the comments raised have been addressed.

#### **a) Principle**

In considering the acceptability of the proposal, regard has to be had to the development plan and other material considerations. The development plan for the area comprises the approved Strategic Development Plan for South East Scotland (SESplan) (June 2013), including Supplementary Guidance on Housing Land (2014), and the adopted Rural West Edinburgh Local Plan (RWELP) (Altered 2011). In this instance, other material considerations include the emerging Edinburgh Local Development Plan and Scottish Planning Policy.

## Rural West Edinburgh Local Plan (RWELP) (Alteration 2011)

The RWELP Proposals Map, as Altered, identifies the application site in its entirety as forming part of the Green Belt. 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. RWELP 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 2'.

The proposal does not comply with the policies of the Rural West Edinburgh Local Plan on Green Belt and protection of Prime Agricultural Land.

The situation with regard to housing land supply has moved on following the adoption of the Strategic Development Plan and its supplementary guidance. This position is outlined below.

## Strategic Development Plan (SDP 2013) (SESplan) and its Supplementary Guidance

Strategic Development Plan Policy 1A: The Spatial Strategy: Development Locations, outlines the spatial strategy for the SDP area and identifies four Strategic Development Areas (SDA) in Edinburgh. The spatial strategy set out in SESplan's Housing Land Supplementary Guidance prioritises development on brownfield land and in designated SDAs in the first instance.

The application site is outwith all the SDAs as defined by the Second Proposed Local Development Plan and is contrary to the SDP's spatial strategy. It is not in the SDA shown on page 16 of the SDP and on page 51 of the proposed Local Development Plan.

The SDP allows new housing development to be granted planning permission on greenfield land outwith strategic development areas (SDAs), either when allocating land in Local Development Plans 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.

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. As noted above, the site is not in a SDA, nor is it brownfield.

In 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.

Strategic Development Plan (SDP) Policy 6 states the requirement to 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 the grant of 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.

Consideration must therefore be given to whether the proposed LDP allocates sufficient land for housing and whether there is an effective housing land supply. These matters are assessed below.

### Second Proposed Edinburgh Local Development Plan (LDP)

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 submitted by 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. This land, which is sufficient to meet those needs, does not include the application site. In relation to sites outwith the SDA, the LDP promotes other sites, including sites at South Queensferry and Currie.

A representation to the LDP promoting inclusion of the application site as a housing site was received but not supported by the Planning Committee.

The Planning Committee noted, in May 2015, that the outcomes of the examination are largely binding on the Council and that the examination will determine the content of the LDP.

The examination Reporter will come to a view on how best to take forward development in West Edinburgh, taking account of all the representations, including the Council's response to the LDP process. It is anticipated that the examination report will be published at the end of May 2016.

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.

In summary, the LDP allocates sufficient land to meet the land supply set out in the SDP and the SG.

### Five Year Effective Housing Land Supply

There are a number of documents, reports and decisions which are relevant when considering whether there is a five year effective housing land supply. These include PAN 2/2010, the Housing Land Audit 2015 reported to the Planning Committee on 3 December 2015, the 14 December decision by SESplan Joint Committee and the Draft Planning Delivery Advice on housing and Infrastructure (February 2016). These are considered below.

## Planning Advice Note (PAN) 2/2010

The 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 was published in February 2016, in draft for consultation purposes.

## 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 includes the sites in the proposed LDP but not the application site. 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 presents 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. This is the rate of completions on which the audit is based. HLA Table 5 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 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 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

Previously, the Council has suggested that the 15 year period of the SDP, in relation to housing land supply, should be considered as one period. However, having regard to recent appeal decisions 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. The calculations of the five-year effective land supply, as set out above, are based on the two time periods.

#### Draft Planning Delivery Advice on housing and Infrastructure (February 2016)

The Scottish Government issued the Draft Planning Delivery Advice for consultation in February 2016. The advice is intended to supersede that in Pan 2/2010. The Planning Committee considered the new advice at its meeting of 25 February 2016 and agreed the Council's response to the draft advice. This includes changes to how effective housing land is measured. These changes are generally compatible with the Council's approach as described above. The draft advice therefore provides a greater degree of support for the Council's position that there is now a five year effective housing supply of 108%

The draft advice also sets out new guidance emphasising how infrastructure investment to support housing delivery should be co-ordinated through the development plan process.

#### 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.

As there is an effective housing land supply, the application site is not required to meet the need for housing land.

### Scottish Planning Policy (SPP)

The requirement of SDP Policy 6 that there shall be a five years' effective housing land supply, at all times, is also a requirement of Scottish Planning Policy.

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 five 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 a 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.

As set out above, there is a five year effective housing land supply.

The strategic component of the development plan is up-to-date and the RWELP Alteration was adopted less than five years ago (June 2011). However, the LDP component of the development plan has not yet been adopted. It is therefore appropriate to have regard to SPP including paragraph 33 as described above and the considerations set out in paragraph 29.

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;
- supporting delivery of accessible housing;
- supporting delivery of infrastructure, e.g. transport, education, energy, digital and water;
- supporting climate change mitigation and adaption including taking account of flood risk;
- 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; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

It is acknowledged that the development of the site for residential purposes could make a small to medium contribution to the housing land supply. The potential development of the site however must be considered against the principles referred to above and these are addressed in the assessment below. The development would not contribute to sustainable development in relation to its impact on Green Belt however.

#### Conclusion on whether the development is acceptable in principle.

The proposal is not supported by the adopted Altered Rural West Edinburgh Local Plan in that it contravenes policies on Green Belt and Prime Agricultural Land.

While the SPD and its supplementary guidance have updated the requirements for housing land in the west of Edinburgh, the site has remained in Green Belt in the proposed LDP. There is an effective housing land supply. This means that the land is not required for housing. As such, the proposal contravenes LDP policies on Green Belt as well as the overarching policies of the SPD and SPP in respect of housing land supply as there is no requirement to release the land for housing.

#### b) Prematurity of development

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.

The issue of prematurity has been a feature in two recent appeal decisions in west Edinburgh which are material to the consideration of this application, namely those at Cammo Walk and Craigs Road.

Scottish Ministers dismissed an appeal against the non-determination of planning application 14/01776/PPP and refused planning permission for up to 670 dwellings at Cammo Walk in June 2015. In dismissing the appeal Scottish Ministers took the view that in the circumstances of the case there was sufficient prejudice to the proposed Local Development Plan (LDP) that consent should be refused at that time. Scottish Ministers considered that the wider transport infrastructure implications of the proposed LDP, including the cumulative effects of the application proposals and other proposed allocations on transport infrastructure in the West Edinburgh area, had yet to be considered through the LDP examination process.

At that time, the commencement of the LDP examination was imminent and the Scottish Ministers did not accept the reporter's overall conclusion that the harm to the emerging LDP was outweighed by the advantages of the scheme (appeal reference: PPA-230-2134). The decision is the subject of judicial review in the Court of Session.

In a second case, an appeal against the refusal of planning application 14/03502/PPP for up to 250 dwellings at Craigs Road (part of LDP Housing Proposal HSG19: Maybury) was dismissed in December 2015, on the grounds that granting planning permission in principle for a small part of one of the sites which may be allocated in the plan would be premature. The Reporter, in arriving at her decision, noted that the issue of infrastructure provision, including that required to serve sites in West Edinburgh, was discussed at the LDP examination hearing sessions [18 & 19 November 2015] and that, even though site HSG 19 is identified in the proposed plan, the Council's Planning Committee had subsequently stated that it sees merit in the representations seeking a reduction in the capacity of this site and also that there is merit in the representation promoting another site (East of Millburn Tower) as a housing allocation. Consequently, she observed, Reporters appointed to examine the LDP proposals and representations might not confirm the allocation of site in the Plan. The Reporter opined that she was mindful of the interconnected nature of the sites in this part of Edinburgh and, in particular, of their infrastructure requirements. Furthermore, she noted that these issues are an important part of the discussions which have taken place at the LDP hearing sessions and will be covered in the report of the examination and concluded that prejudging the issue and granting planning permission in principle for the proposed development at the appeal site at this stage would undermine the plan-making process.

#### *Conclusion in relation to prematurity*

The application is for approximately 150 dwellings. This is smaller in terms of housing numbers than the two sites previously mentioned. However, it is likely to have an impact on cumulative infrastructure requirements, particularly regarding transport. Therefore it may prejudice the emerging local development plan. Also, the Scottish Ministers' examination of the LDP is nearing completion and their report is imminent. These circumstances add weight to the conclusion that this application is premature.

#### c) Landscape and Design

##### **Landscape**

The application is supported by a Landscape and Visual Assessment (LVA) and masterplan. The LVA seeks to show how the visual impacts of the proposed development on the local landscape can be addressed and mitigated if required. Ratho is a relatively small settlement with the Union Canal running through it. Farmland plays an important role in the character of Ratho. The site is outside the settlement boundary. Concerns have been raised by Ratho and District Community Council and in representations about the impact of the proposal on the character and setting of the village and the site's rural setting. The proposed development would significantly increase the development at the eastern edge of Ratho. It would therefore have an impact on the character of this settlement and the relationship with its rural hinterland.

Development on the ridge to the south of Freelands Road would extend the recent pattern of development in Freelands Road. The full impact of development on the ridge needs assessment. A further 150 units would weaken Ratho's village character and create an eastward expansion that is increasingly remote from the village core. The additional height of the development on the north ridge line would obscure much of the backdrop of hills to the north in views from the canal. The gaps in the development would include new views from within the proposed townscape. The impacts could be mitigated over time through this layout by set-back from the canal and landscape design of the parkland edge.

## **Design**

The amount and position of land needed for flooding and SUDS measures is unclear. The proposed buildings on the east of the site are very close to the boundary planting and an area of open landscape would be more appropriate. The land required may affect the amount of public open space, the development layout and the achievement of an appropriate housing density. The proposal's relationship with the steading on the north east is also unclear.

Connections with the rest of the village are particularly important. These should include wheelchair - accessible pedestrian and cycle paths. The existing level changes will present challenges to delivering effective access for all. The proposal includes the construction of a footpath on one side of Freelands Road. Information supporting the application mentions potential links with the adjacent housing site on the west and with the canal towpath. The proposal does not show that the links are achievable or indicate that adjacent landowners would be likely to agree. The proposed development is at risk of being a ribbon development along Freelands Road without being tied in to the existing village.

In summary, the masterplan drawing (02) has not been fully tested to show that it is achievable and would relate well to the village and landscape setting and character. If Committee wishes to consider transport matters in more detail, it is suggested that the application should be continued to allow the applicant to supply evidence that appropriate pedestrian and cycle links can be achieved. Also, in addition to requiring site-wide landscape proposals for approval prior to works commencing on site, a specific condition is recommended to require delivery of parkland proposals. This should be tied to the phasing of residential occupation to protect the amenity of future residents.

### **d) Historic Environment**

The site has low to moderate potential for prehistoric remains, and artefacts. Before submission of any detailed planning application, a programme of archaeological works would be required to protect, record and analyse the archaeology on the site. A condition to that effect is recommended should Committee be minded to grant the application. The scheme does not propose alterations to the Union Canal. However, the proposal would restrict views to and from the canal. This would affect its setting. The impacts would be local and insufficiently adverse to justify refusal. Historic Environment Scotland was consulted and has not raised objection to the proposal.

The character and setting of the Ratho Conservation Area would not be adversely affected given existing development, the distance of the conservation area from the proposal site and the provision of suitable planning conditions on the design and layout of the proposal.

Subject to condition, the impact on the historic environment is acceptable.

e) Amenity

The proposed residential development of the site is unlikely to have a detrimental impact on neighbouring residential amenity. The masterplan includes areas of public open space and should be capable of providing sufficient play and green space for prospective residents. There would be no adverse noise impacts on neighbours resulting from the development. Should Committee be minded to approve 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.

In summary, the amenity of present residents and future occupiers of the development is likely to be acceptable subject to condition.

f) Air Quality

The Air Quality Impact Assessment submitted by the applicant shows that there would be no adverse impacts if the proposal was built out. However, Environmental Assessment has concerns that, as the site is not in the Local Development Plan and there are concerns about the applicant's Transport Assessment, the cumulative impacts on air quality have not been fully assessed. While the site is not in an Air Quality Management Area, there is insufficient information submitted to assess cumulative air quality impact in the wider area. Environmental Assessment recommends refusal.

Should Committee wish to consider air quality matters in more detail, continuation is recommended to allow full assessment of these.

g) Traffic and Road Safety

Objections to the application have been received in relation to transport issues. The objections relate mainly to pedestrian and cyclist issues, road safety, parking, the impact of traffic generated by the development on surrounding roads, and the quality of the applicant's Transport Assessment.

Transport Scotland was consulted and did not raise an objection.

The Transport Assessment submitted by the applicant concludes that site is well located in relation to existing walking, cycling and public transport facilities and is in close proximity to local amenities, shops and schools. This is not the case. The site is not well located for sustainable transport use. The nearest bus stops to the site are between 600m and 900 metres. The recommended maximum distance in terms of the PAN 75 is 400 metres. The Council's Bus-friendly Design Guidance recommends 300 metres. The site is not near tram or rail stations.

There is local bus service from Ratho to Slateford. It is the number 20 and is provided by Lothian Buses. Service frequency varies from approximately once to twice per hour depending on the day and time. It does not run through the night. The bus service number 40 - X40 runs from St John's Hospital in Livingston to the Royal Infirmary of Edinburgh, taking in Ratho. The bus runs four times a day each way.

The application proposes a link to the walking and cycling provisions in the adjacent development to the west and a new pedestrian footway, with lighting, along the southern side of Freelands Road. The Transport Assessment also suggests the potential for a cycle and/or pedestrian link to the canal towpath. All of these would be positive moves which would encourage the use of sustainable transport. Evidence is not provided of the nature and feasibility of the links and footway. The applicant would need to consult Scottish Canals and refer to the Edinburgh Canal Strategy - December 2011, for works involving the canal. If Committee is minded to approve the application, full details of the links and footway should be provided as a reserved matter.

In line with the approach set out in SPP, the transport infrastructure enhancement needs arising from the planned growth set out in the LDP have been assessed by a transport appraisal which accompanies the LDP and informs its Action Programme. The Transport Infrastructure Appraisal (June 2013) provides a cumulative assessment of the additional transport infrastructure required to support the new housing development identified within the LDP. Where cumulative impacts have been identified, transport infrastructure to mitigate the impact of the development is established. Contribution Zones are used to collect developer contributions equitably towards these actions.

This site is not proposed within the LDP. Therefore, its transport impact on the strategic road network has not been assessed cumulatively. In addition, the applicant has not assessed the cumulative impact of this site in combination with other developments. SPP outlines that this should include existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process. Therefore, the applicant's approach to transport is not supported.

To summarise, the site is not in a sustainable location in relation to public transport. In addition, a full assessment of cumulative impacts is needed. Should Committee wish to consider transport matters in more detail, continuation is recommended to allow full assessment of the cumulative transport impacts.

#### h) Biodiversity

The site is adjacent to the Union Canal which is a Site of Importance for Nature Conservation (SINC). The proposal shows a landscape strip beside the canal. A Phase 1 Habitat Survey submitted in support of the application was carried out in August 2015. It surveyed for notable habitats and protected species. Except for bats, no evidence was found of suitable habitats for or use of the site by protected species.

## **Bats**

While no bat sightings or confirmed roosts were recorded there are potential bat habitats on site. Bats are a European Protected Species and bat surveys must be undertaken before the grant of planning permission in order to ensure that development will not disturb bats and, if necessary, mitigation measures are included in detailed proposals. A Habitat survey should be updated after 12 months as the situation on site may have changed.

## **Other**

Due to the habitats present on the site, it is recommended that clearance of vegetation/trees from the proposed construction areas should be carried out outwith the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts. A condition regarding this is recommended for addition to any planning permission given. The Habitat Survey notes that there are mature trees along the site's southern boundary. Conditions requiring a tree and constraints survey and tree protection are recommended if Committee is minded to approve the application. Opportunities exist for biodiversity maintenance and enhancement. For example, enhancement of boundary features, additional planting and provision of artificial structures such as bird and bat boxes and consideration of appropriate lighting. It is recommended that this is detailed in a Habitat Management Plan in accordance with RWELP policy E20 and a condition to this effect would be appropriate.

In summary, subject to suitable conditions, the proposal is acceptable in terms of biodiversity.

### **i) Flooding and Drainage**

SEPA has not raised any objection to the proposal. The applicant submitted a Flood Risk Assessment. Further information was requested from the applicant, including surface water flow path analysis and additional drainage information. This has not been supplied. It is recommended that, should approval be granted, it should be on the condition that the proposed construction of an open channel to replace the existing culvert is considered further. This is outlined in the applicant's Flood Risk Assessment in Section 6. Consideration of de-culverting watercourses is also recommended in the Edinburgh Design Guidance.

Should the Committee be minded to approve this application it is recommended that surface water management, SUDS, flood prevention and consideration of de-culverting of the watercourse should remain as reserved matters, and form part of any detailed design to be assessed fully as part of a further detailed application for approval of matters specified in conditions. The surface water management plan/SUDS and flood risk assessment should include impacts on the wider area. The precise line and condition of the watercourse running through the site will need to be determined and taken account of in the development design.

## j) Other Material Considerations

### **Affordable Housing**

The application seeks planning permission in principle for residential development of up to 150 dwellings. Twenty five percent of these should 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**

Where additional or improved infrastructure is needed to cope with new development, the developer is expected to make a contribution. Following approval of the Developer Contribution and Affordable Housing guidance by the Planning Committee in December 2015, the re-assessment of the South-West Edinburgh Education Contribution Zone is not yet complete. The site falls within this zone. However, early indications suggest that there would be a requirement for additional education infrastructure in the area to cope with new development expected to come forward.

As this application is being assessed prior to completion of the Contribution Zone re-assessment, a potential developer contribution for new education infrastructure has been calculated by considering the potential impact of this development on its own merits. Exact housing numbers and types will not be known until the developer submits an AMC (detailed application for matters conditioned).

For present purposes, Communities and Families calculates the developer contribution for 150 flats as £509,525 and as £1,694,363 for 150 houses. On a split of 80% housing and 20% flats, Communities and Families would require the developer to contribute £705,308 for a two class extension to Ratho Primary School and £797,625 to provide additional capacity for 25 secondary school pupils at Balerno High. The total amount required would therefore be £1,502,933 (index linked to Quarter 1 2015).

If the appropriate contribution is provided by the developer, Communities and Families does not object to the application in principle. If Committee wishes to consider further the detailed impacts on education and other infrastructure, the application would need to be continued. If Committee is minded to grant, it is recommended that the developer is required to enter into a suitable legal agreement to secure the contribution specified.

### **Local Services**

Concern has been expressed in representations about increased demand on healthcare and other local services, should the development be granted planning permission. The impact of the proposed development of this site on local health care capacity has not been assessed. It is not known whether additional healthcare capacity is needed. Therefore it is not known whether SPP policy 7, criteria c. or LDP policy Hou10 are satisfied.

## **Contaminated Land**

Environmental Assessment recommends that, if Committee is minded to grant the application, a site survey and, where necessary, a detailed schedule of any remedial and/or protective measures required, should be provided by the applicant at the detailed application stage. This could be secured by condition.

An Environmental Impact Assessment (EIA) screening has been done and an Environmental Statement is not required.

## **Airport**

Edinburgh Airport does not object to the proposal, subject to conditions relating to bird management, building height restriction and SUDS (Sustainable Urban Drainage Systems).

### **k) 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 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.

### **l) Equalities and Human Rights**

Subject to appropriate planning conditions the proposed development could create an environment where public spaces can be used safely and securely. Should Committee be minded to approve this application a range of living accommodation will be required to support different users. The site is relatively far from most village amenities and from the nearest bus stop and public transport. Links to the adjacent housing development and canal towpath would help access to amenities. Any significant air quality impacts generated by the proposal which would adversely affect human health would need to be clarified and mitigated as appropriate. The proposal will need to include an element of affordable housing to assist those who cannot access traditional housing markets.

In summary, the proposal would have an overall neutral impact in respect of equalities and human rights.

### **m) Representations**

This application was advertised on 4 December 2015. Following the submission of additional information by the applicant, the application was re-notified on 11 March 2016. A total of 150 letters of objection, one letter of support and two neutral letters were received. The objections included those of a Ward Councillor and a cycling body. Ratho & District Community Council, as a statutory consultee, also objected.

## Material Representations: Objection

- Principle of developing on the Green Belt, contrary to current and proposed development plan - addressed in section 3.3 a);
- Development should be plan-led - addressed in section 3.3 a);
- Public good more important in planning decision-making than economic benefit to individual company - noted;
- Local Plan limits housing numbers - addressed in section 3.3 a);
- Other sites, including derelict brown field sites should be developed instead - addressed in section 3.3 a);
- Lack of mixed use element - proposed use addressed in section 3.3a);
- Proposal not well- designed - addressed in section 3.3 c);
- Loss of neighbouring residential privacy - would be addressed in subsequent detailed application.
- Contrary to Canal Strategy (regarding over-development, suburbanisation) - addressed in section 3.3 c), d);
- Coalescence, including with Ratho Byres - addressed in section 3.3c));
- Housing too dense for area- addressed in section 3.3 c);
- Adverse impact (including cumulative) on village character, ridge setting and quality of life - addressed in sections 3.3 c) and d)
- Detrimental effect on conservation area (including buildings) - addressed in section 3.3 d);
- Some proposal document illustrations are out of date and misleading - sufficient information has been submitted to assess the application;
- Does not respect natural and landscaped boundaries of village - addressed in section 3.3 c);
- Detrimental to the site's rural setting, including view to north and from towpath - addressed in section 3.3 c);
- Irreversible loss of prime agricultural land - addressed in section 3.3 a)
- Affordable Housing- addressed in section 3.3 i);
- Impact on archaeology - addressed in section 3.3 d);
- Increased local air pollution and noise pollution - addressed in section 3.3 f, f);
- Adverse local environmental effect- addressed in section 3.3 e);
- Adverse impact on local traffic flow, local parking and road safety (including routes to school) - addressed in section 3.3 g);
- Predicted car numbers unrealistic - addressed in section 3.3 g);
- Poor site access and unclear connections with village and roads - addressed in section 3.3 g);
- Detrimental effects on local ecology and biodiversity - addressed in section 3.3 h);
- Unsustainable location in terms of traffic generation, public transport access and access to local facilities and shopping- addressed in section 3.3 g);
- Transport Assessment inadequate and inaccurate (eg no direct bus service to Edinburgh, no trains from Ratho Station, lack of pavements, lack of lighting, distance from strategic arterial routes, no data on existing vehicle traffic-flows across canal bridge, no peak-travel time data for pedestrian traffic, journey to work times and destinations) - addressed in section 3.3 g);
- Existing flooding risk on roads - addressed in section 3.3 i);

- Impact on local school roles, school capacity insufficient (including nursery) - addressed in section 3.3 j);
- Impact on local health care provision - addressed in section 3.3 j);
- Inadequate infrastructure (including new bridge) and amenities (such as playgrounds) to support proposal - addressed in section 3.3 j);
- Flooding (including from canal) not fully assessed - addressed in section 3.3 i);
- Local sewage system insufficient now, impact on drainage of adjacent site addressed in section 3.3 i);
- Towpath too narrow for commuter route - addressed in section 3.3 g);
- Local cul de sac may become thoroughfare - addressed in section 3.3 g);
- Lack of suitable link to towpath discriminates against disabled people, cyclists and buggy users - addressed in sections 3.3 c), g), and l); and,
- Co-ordinated housing plan and developer contribution plan needed for roads, amenities and services - contributions are assessed in accordance with Planning policy and guidance.

### **Material Representations: Support**

- Village has room to grow and proposal would benefit Ratho - addressed in sections 3.3 a) to c).

### **Material Representations: Neutral**

- Should be appropriate developer contributions if approved - contributions are assessed in accordance with Planning policy and guidance.

### **Non-Material Representations**

- Construction impacts - not controlled by Planning;
- Other areas probably more in need of investment - not pertinent to current application;
- Loss of private view - not protected;
- Telecommunications infrastructure inadequate - addressed under other regulatory framework;
- Gas supply not evidenced - developer would be responsible for establishing connection;
- Additional traffic will worsen poorly maintained roads; - road maintenance controlled under other regulation;
- Maintenance of canal towpath - Scottish Canals responsible for this;
- Developers' motives, conduct and pricing structure - not Planning matters;
- Existing bad driving - matter for Police Scotland; and,
- Knock-on impacts for hospital A & E - not Planning matter.

### **Ratho and District Community Council**

#### **Material points of objection**

- Contrary to RWELP and second proposed LDP - addressed in section 3.3 a);

- Principle of developing on the green belt and prime agricultural land- addressed in sections 3.3 a);
- No appropriate pedestrian or cycle link to towpath - addressed in sections 3.3 c), g) and l);
- Fails to encourage sustainable transport use - addressed in section 3.3 g);
- Impact on traffic flow, local parking, road safety - addressed in section 3.3 g);
- Existing roads and footpaths inadequate - addressed in section 3.3 g);
- Quality of Transport Assessment - addressed in section 3.3 g);
- Worsening of stretched infrastructure - addressed in section 3.3 h);
- Insufficient bus service- addressed in section 3.3 g);
- Loss of Ratho identity, loss of clear settlement edge, weakening of village character - addressed in section 3.3 c);
- Impact on setting of existing steadings unclear - addressed in section 3.3.c ); and,
- Insufficient drainage information - addressed in section 3.3.i).

### Conclusion

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

The application site lies outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESplan). 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, Planning considers that there is a five-year effective housing land supply in the Council's area. 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.

The site location does not support sustainable transport use and clear pedestrian and cycle links to the rest of the village and the Union Canal towpath are not evidenced. The proposal will have an adverse impact on Ratho village character and setting. Insufficient information has been provided to assess whether or not the proposal deals adequately with community facilities, flooding and drainage, and cumulative air quality and transport impacts.

In summary, the application is unacceptable in principle, in terms of sustainable location, connectivity, impact on village character and setting and in terms of sufficiency of information.

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

### **3.4 Conditions/reasons/informatives**

## **Reasons:-**

1. The granting of planning permission would be premature and would not accord with the provisions of paragraph 34 of Scottish Planning Policy in respect of this.
2. 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.
3. 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.
4. The proposal is not supported by the Strategic Development Plan spatial strategy and is contrary to SDP Policy 7.
5. 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.
6. The proposal has an adverse impact on Ratho Village character and setting.
7. The proposal is contrary to RWELP Policy TRA 1 as it does not encourage sustainable transport use.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications for the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

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## **Consultation and engagement**

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### **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 4 December 2015 and 150 letters of objection, one letters of support and two neutral letters were received. The letters of objection included that of the Ratho and District Community Council.

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

## **Background reading/external references**

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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](#)

## **Statutory Development Plan Provision**

### Relevant Development Plans

The current Development Plan for this site, comprises the Strategic Development Plan for South East Scotland (June 2013) and the Rural West Edinburgh Local Plan (RWELP).

#### Rural West Edinburgh Local Plan

The application site is identified as an area of Green Belt, in the Rural West Edinburgh Local Plan. Policy E5 sets out the range of uses supported in the Green Belt, including those relating to agriculture, horticulture, forestry, countryside recreation and other uses appropriate to the area's rural character.

#### Strategic Development Plan

The site is located within the Green Belt. Strategic Development Policy 7 provides that sites within and outwith Strategic Development Areas may be allocated in local development plans, in order to maintain an effective 5 year housing land supply subject to a number of provisions. (The site is not included within a Strategic Development Area.).

Scottish Planning Policy (SPP) also provides that a five year effective land supply for housing should be maintained by the Local Authority.

The SPP further provides that investment in infrastructure, required as a result of planned growth should be addressed through the Development Plan process and not left to be resolved through the development management process.

#### Other Material Considerations

##### Second Proposed Local Development Plan

The second Proposed LDP identifies the site as an area of Green Belt. The current adopted RWELP will remain

in force until replaced by the adopted LDP.

**Date registered** 13 November 2015

**Drawing numbers/Scheme** 01, 02.,

Scheme 1

## **John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Eileen McCormack, Planning Officer  
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## **Links - Policies**

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### **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 E7 states that permission will not be given for development which would result in irreversible damage to, or the permanent loss of, prime quality agricultural land.

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 E17 says that development that would affect a Special Protection Area, Ramsar Site or SSSI will only be permitted in certain circumstances.

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

Policy 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 E26 aims to protect and, where appropriate, improve existing rights of way and will seek to create a network of linked walkways/cycle/horse riding routes throughout the local plan area.

Policy E28 supports the protection and enhancement of the Union Canal through a number of measures.

Policy E31 says that the Council will seek to negotiate management agreements with landowners of archaeological sites to provide for their future preservation and where appropriate for access and interpretative facilities.

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

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

Policy E45 says that as a general principle all new residential and business development should be designed to avoid or manage any threat to susceptible properties from a 200 year flood.

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 new residential development in the local plan shall include affordable units in the proportions set out in the plan.

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** 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** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

**Non-statutory guidelines** 'ART IN PUBLIC PLACES' set out good practice to ensure that contemporary art works match the quality of the past, and enhance and contribute to the environment.

The Edinburgh Union Canal Strategy sets out planning and design principles on which development opportunities and improvements on and alongside the canal should be based.

# Appendix 1

## Application for Planning Permission in Principle

15/05224/PPP

At Land 164 Metres South Of Freelands Farm, Freelands Road, Ratho

Proposed residential development (approximately 150 units) with associated works.

### Consultations

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#### Affordable Housing comment

##### 1. Introduction

*Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

##### 2. Affordable Housing Provision

*This application is for a development consisting of 150 homes and as such the AHP will apply. In terms of the AHP there will be a requirement for a minimum of 25% (37) homes of approved affordable tenures. For a development of this size, these homes have to be provided at a (minimum) across two locations on the site. It is essential that the developer enters an early dialogue with this department as well as RSLs in order to deliver a well integrated and representative mix of affordable housing on site which is tenure blind.*

*The applicant has stated that the affordable housing will account for 25% of the new homes on site. This is welcome by the department and we would request that the affordable housing will incorporate a mix of housing types and sizes. The affordable housing will also have to be fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.*

*We would also request the following:*

- 25% of affordable housing is delivered onsite, across at least two locations, which will guard against any concentration of affordable housing being delivered
- the developer enters into early dialogue with this department and RSLs to negotiate the delivery of the affordable housing requirement
- There will be a representative mix of houses and apartments of approved affordable tenures
- The affordable housing will include an integrated variety of house sizes to reflect the provision across the wider site of approved affordable tenures
- The applicant enters into a Section 75 legal agreement to secure the affordable housing element of this proposal.

### 3. Summary

*The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department.*

*These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed and integrated community.*

#### **Archeology comment**

*The site lies on the north-eastern edge of the Ratho village bounded to the south by Union Canal (scheduled under the 1979 Ancient Monuments and Archaeological Monuments Areas Act) and to the North-east by the historic Freeland's Farm. The historic village of Ratho is first recorded in the mid-13th century though the nearby parish church dates from a century earlier, with Freeland's Farm dating to the beginning of the period of Agricultural Improvement in the late 18th/early 19th centuries.*

*This application 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.*

*Having assessed the Archaeological potential of the site location as summarised in AOC's Desk-based Assessment which accompanies this application, I have concluded that any development of this site would be regarded as having a potential low-moderate archaeological impact, with ground-breaking works having the potential for disturbing unknown prehistoric remains. In addition development on this site may disturb remains and artefacts associated with the development of the adjacent Freeland's Farm and the medieval village of Ratho.*

*It is therefore recommended that phased programme of archaeological work is undertaken prior to submission of any subsequent detailed (AMC) applications and for the site if approved and before development, to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains.. In*

*essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site and metal detecting survey. The evaluation should be focused on the northern 2/3 of the site encapsulating the area from Freeland's road to the northern edge of high ground running across the centre of the site.*

*The results of the evaluation (phase 1) will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains prior to construction.*

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

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, 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 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.*

### **Children + Families comment**

*The application is for planning permission in principle for a residential development. The site is within the Ratho Primary School catchment area. It is also served by Fox Covert RC Primary School, Balerno High and St Augustine's RC High.*

*An indicative layout suggests 150 homes could be built on the site. For the purposes of this assessment it is assumed that 120 will be houses and 30 will be flats. This would generate 38 non-denominational primary school pupils and 25 non-denominational secondary school pupils. No pupils are expected to attend a denominational school.*

*In line with the new Developers Contributions and Affordable Housing Guidance approved by the Planning Committee on 3 December 2015, a city-wide cumulative assessment of housing land capacity and education infrastructure is currently being prepared. Following the completion of this study, education actions required to mitigate the impact of planned and anticipated housing development, including land safeguards, will be established. The collection of developer contributions towards these actions is through a Contribution Zones approach.*

*This site falls within the South West Edinburgh Education Contribution Zone where the assessment still requires to be completed. Once it is complete a contribution rate per unit would be applicable to this development if planning permission is to be granted. The assessment is scheduled to be completed during the first quarter of 2016 and it is therefore recommended that any negotiation of developer contributions is delayed until this time.*

*If the site was to be assessed on its own merits, without following the new processes outlined in the new Developers Contributions and Affordable Housing Guidance, then Communities and Families would require the developer to contribute £705,308 (index linked to Quarter 1 2015) for a 2 class extension to Ratho Primary School and £797,625 (index linked to Quarter 1 2015) to provide additional capacity for the 25 secondary school pupils. The total amount required would therefore be £1,502,933 (index linked to Quarter 1 2015).*

### **Children + Families further comment**

*If the application was assessed on its own merits:*

*150 flats*

- *11 primary school pupils.*
- *5 secondary school pupils.*

*One class extension : £350,000 (Q1 2015)*

*Increase secondary capacity to accommodate an extra 5 pupils: £159,525 (Q1 2015)*

*150 houses*

- *45 primary school pupils*
- *31 secondary school pupils.*

*Two class extension: £705,308 (Q1 2015)*

*Increase secondary capacity to accommodate an extra 31 pupils: £989,055 (Q1 2015)*

*The increased capacity would be delivered at Ratho Primary School and Balerno High.*

*The applicant only calculates on the basis of the non-denominational pupil generation rate (33 and 21). We base our assessment on the denominational pupil generation as well (33 + 5 = 38, 21 + 4 = 25). Due to the distance to the RC primary school (Fox Covert) we would expect all pupils to attend Ratho Primary School. In terms of secondary pupils, the approach that we now use is to combine the individual figures.*

*I note that the applicant suggests that Ratho Primary School has capacity for 391 pupils in their Education Assessment. Ratho Primary School has capacity for 294 pupils.*

*In terms of trigger points for payment - we are ok for payments to be made in instalments (and we would prefer these to be as early as possible) and instalments should be based on completions rather than occupation.*

### **Children + Families further comment**

*Some points below which will hopefully help to clarify matters about Ratho Primary School.*

- *Ratho Primary School was a 7 class school in 2014-2015. It had an estimated working capacity of 210 pupils (see Appendix 2 of the Edinburgh LDP Revised Education Appraisal (June 2014) for the estimated working capacities of different primary school organisations within Edinburgh which were used at that time).*

- *A four room extension has been delivered for 2015-2016 which allowed for three extra classrooms and one additional general purpose space to be provided. This produced a 10 class school with a working capacity for 259 pupils.*
- *The extended school has been reviewed taking into account the GP requirements in the new Scottish Government guidance (Determining Primary School Capacity - October 2014). This allows the current school to operate as an 11 class organisation with an estimated working capacity of 294.*

### **Edinburgh Airport comment**

*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*
- *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 licenses where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

#### *Height Limitation on Buildings and Structures*

*No building or structure of the development hereby permitted shall exceed 74 m AOD.*

*Reason: Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Edinburgh Airport and endanger aircraft movements and the safe operation of the aerodrome.*

*See Advice Note 1 'Safeguarding an Overview' for further information (available at <http://www.aoa.org.uk/operations-safety/>).*

#### *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.*

#### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:*

- Attenuation times*
- Profiles & dimensions of water bodies*
- Details of marginal planting*

*No subsequent alterations to the approved SUDS scheme are to take place unless first 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. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).*

*We would also make the following observations:*

#### *Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>)*

#### *Lighting*

*The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.*

*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.*

## **Environmental Assessment comment**

*Environmental Assessment has previously provided comments for a PAN application for this site (13/04218/PAN). Environmental Assessment raised no objection to this proposal. However, further information was requested in regards to contaminated land and air quality. The applicant was encouraged to keep car parking numbers down to a minimum.*

*The applicant has submitted a supporting air quality impact assessment which has shown that there will be no adverse impacts if this proposal was developed out. There are no AQMA within 1.5km of the proposed development site. It is understood that Transport Planning has concerns regarding this proposal as it is not included in the Local Development Plan. Transport Planning have also highlighted that cumulative impacts from other nearby developments have not been fully assessed in the transport assessment. Reliable estimates of traffic flows are essential to enable realistic modelling of vehicle exhaust emissions. The traffic flows used in the air quality impact assessment are based on the transport assessment conducted by the applicant. Any doubt in the information provided by the transport assessment adversely impacts the reliability of the air quality impact assessment.*

*Taking into account Transport Planning's concerns with the proposal Environmental Assessment need to echo their concerns and recommend that the application is refused. If consent is granted Environmental Assessment recommends the following being included as a condition;*

*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.*

## **Ratho + District Community Council**

*On Thursday 17th December 2015, Ratho & District Community Council arranged a well-attended public meeting in the Ratho Community Centre to discuss the above planning application. Those who attended the meeting were opposed to the proposed development and are unanimously of the view that planning permission should not be granted. This is entirely consistent with the public feedback provided at the time of Proposal of Application Notice (PAN) public consultation/exhibition in December 2013 (see Public Consultation Event Report submitted by applicant).*

*Ratho & District Community Council objects to planning permission being granted to this development on the following grounds:*

### *1. Planning Policy*

- The development proposal is contrary to the provisions of the Rural West Edinburgh Local Plan and the Second Local Development Plan;*
- The site is located in the Edinburgh Green Belt where Policy E5 of the Rural West Edinburgh Local Plan opposes development;*
- The field in question comprises mostly prime agricultural land which is protected by Policy E7 of the Rural West Edinburgh Local Plan as an important natural resource for food production.*

### *2. Transportation*

- The primary road and footpath networks in and around Ratho are already inadequate;*
- In the developer's submissions there are several misrepresentations about the rural location of Ratho within the wider area. For example there is no railway station at Ratho Station and the village, which lies nearly 2 miles from strategic arterial routes, is badly connected via narrow and unlit footpaths and winding, narrow country roads which are already heavily trafficked during peak hours;*
- Freeland's Road, Ratho, where access is shown to be taken to the proposed development, for the most part, is narrow, winding and substandard (subject to regular surface water flooding) and includes a narrow low railway bridge. This road is unsafe for pedestrians and cyclists.*
- The proposal is a direct contradiction of TRA 1 of the Rural West Edinburgh Local Plan. The site is located some considerable walking distance from existing village services including bus stops and public transport provision and does not comply with the Council's bus friendly requirements. It therefore fails to encourage use of public transport as an alternative to the car;*
- Traffic flow on Ratho Main Street and Baird Road (which are both residential streets) and on the listed bridge over the Union Canal is commonly congested during peak hours. Furthermore, pedestrian facilities on the bridge are restricted and potentially unsafe for children, the disabled and other general users;*

- *No detail is provided by the applicant about arrangements to facilitate access from their site to the canal towpath for cyclists and walkers. The topographical relationship between the development site and the canal will make it difficult to achieve safe connection at the locations shown on the developer's indicative plan.*

### 3. *Infrastructure*

- *Public services in Ratho are already inadequate and further major residential development (potential increase of 19%) in the village would exacerbate this situation;*
- *Only limited capacity is currently available in the Ratho pre-school nursery;*
- *The Ratho bus service is poor and linkage to Edinburgh by public transport, which is indirect and time-consuming, is considered unsatisfactory by most current residents. Indeed Ratho & District Community Council's lengthy and ongoing efforts to seek improvements in the bus service have been thwarted because of viability and cost constraints.*

### 4. *Village Amenity*

- *Some 250 houses (originally proposed in the Rural West Edinburgh Local Plan as 180 houses) have already been approved to be built in Ratho (150 built to date) and construction will continue in the village for the next few years;*
- *Ratho has a distinct identity as a historic village in a rural setting and the proposed development, if approved, would form a significant eastwards extension of the village, enlarging it and removing part of the rural setting.*

*In summary, this development proposal is contrary to planning policy and Local Plans, is proposed on the Green Belt and on mostly prime agricultural land, and will, in the opinion of Ratho & District Council, have significant detrimental effects on Ratho, a village community already poorly served by public services. The Community Council therefore implores the City of Edinburgh Council to reject the application.*

### **Ratho + District Community Council further comment**

*Ratho and District Community Council has examined the applicant's Transport Assessment Addendum and the applicant's response to your Department of Natural Environment's comments about the proposals and we offer the following observations:*

#### 1. *Transport Assessment Addendum*

*The report concludes that the impact on the A71 and A8 and the wider road networks would be minimal. No account appears to be taken, however, of this large development's impact on the already congested rural roads and streets in and around the village of Ratho. Vehicle access from the applicant's site to the village amenities, including school, shops and bus stops, is via Main Street, Baird Road and the bridge over the Union Canal, all of which are narrow and restricted to single file traffic. This route into the village, which is already congested at peak traffic hours, is also potentially unsafe for children, the disabled and cyclists.*

*Rural roads from the site to Gogarbank, Hermiston, Ratho Station and other connector routes to the A71 and A8 are also narrow and winding, incorporating three single file bridges, and they lack facilities for cyclists and pedestrians.*

*The report also suggests that the site is ideally located to support walking, cycling and public transport trips made by residents. Ratho & District Community Council disputes this assessment. In fact the site is located some considerable walking distance from the existing village amenities, including public transport services and it does not comply with the City of Edinburgh Council's bus friendly requirements. See also below (Para. 2.4) concerns shared about the feasibility of achieving safe and effective linkage with the Union Canal towpath for pedestrians and cyclists.*

## *2. Applicant's response to the City of Edinburgh Council's Natural Environment Department*

### *2.1 Character of Ratho*

*Ratho & District Community Council agrees that the proposed development "would weaken Ratho's village character". Ratho has a distinct identity as a historic village in a rural setting and the proposed development would form a significant eastwards enlargement of the village, remote from its core and essential amenities, undermining its well defined rural edge.*

### *2.2 Robust Green Belt Boundary*

*The proposed development site is located within the Edinburgh Green Belt and, in accordance with Policy E5 of RWELP, it should be refused.*

### *2.3 Existing Settlement Edge*

*Ratho has a clearly defined settlement edge to the east of the village demarked by the existing steep bank created by the historical landfill operations. Consistent with the Rural West Edinburgh Local Plan and the Second Local Development Plan the Community Council fully supports the principle that no development should be permitted in the foreseeable future beyond this strongly defined boundary.*

### *2.4 Tow Path to Site Level Change*

*Bearing in mind the remoteness of the proposed development from the village amenities and the importance of a user-friendly communication link between the site and the canal towpath for cyclists and pedestrians at the south-west of the site (i.e. the boundary location nearest the village), the Community Council shares the concerns about the viability of providing a safe and effective access for all path users taking into account the 12metres level difference between the towpath and site. The applicant's assertion that the full detail of this level change would be presented once permission in principle is granted is not helpful in addressing this matter.*

*The more realistic option of providing a pedestrian connection with the canal towpath at the furthestmost south-east boundary, where only a 1 metre level difference exists, would likely discourage linkage to the village community due to the excessive distance involved.*

## 2.5 Integration with converted steadings residences

*The said steadings have recently been converted into attractive dwelling-houses in a manner befitting their rural setting. The proposed development would impact considerably on the steadings and, whilst the developer acknowledges that "some degree of setting to the converted steadings is important", no explanation is given as to how this might be achieved.*

## 2.6 Sustainable Urban Drainage Systems (SUDs)

*The Scottish Environment Protection Agency (SEPA) has stated that the discharge of surface water from the development to the water environment should be in accordance with the principles of publically adoptable SUDs. It is interesting to note also that SEPA has stated that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map and may therefore be at a medium to high risk of flooding. The potential sources of flooding are identified as (a) surface water flooding, (b) surcharges from an uncharted 600mm diameter culverted drain which runs through the site and (c) from breaching of the Union Canal which sits at a higher elevation than the whole site. Indeed the applicant's Flood Risk Assessment comments on the above sources of flood risk and concludes that the risk of flooding on the proposed site can be reduced but not totally eliminated. Mindful of the foregoing, Ratho & District Community Council shares the concern expressed about effective surface water drainage on this site and is of the view that the applicant has failed to demonstrate that sustainable urban drainage systems can be delivered and successfully maintained over the whole site.*

*In conclusion, Ratho & District Community Council, in representing a local community universally opposed to this planning application, is of the view that the applicant's documents lack substantive detail about local transport impacts and particular design and layout matters raised by your Council. The Community Council therefore remains firmly of the view that the application should be refused.*

### **Scottish Canals comment**

*Scottish Canals have listed the commentary below with regard to the planning submission for the residential development in Ratho as identified above. These comments are made on the merits of the submission material alone, and not on planning policy for development of this scale in this greenfield location. Should the Council be minded to recommend this site for housing we would welcome discussion with the developer on the interface with the canal structure.*

- 1. The canal offers the site a unique waterside setting which we are keen to see celebrated and enhanced with treatment appropriate to its heritage and character. This will help to ensure that the Union Canal, a Scheduled Ancient Monument, continues to thrive and be enjoyed by future generations to come.*
- 2. All interfaces with the canal, including construction methodology adjacent to the canal structure will require Scottish Canals Third Party Works approval. We have a formal third party works process that needs to be followed to ensure that the canal structure, canal operation and environment is respected.*

The Code of Practice and customer enquiry pack can be found here: Code of Practice for works affecting Scottish Canals <https://www.scottishcanals.co.uk/corporate/customer-hub/our-estate-information-for-third-parties-and-tenants/third-party-works/>

3. *Please ensure that Scottish Canals are consulted as part of developer contributions agreements and that this relates to our wider comments on a co-ordinated vision for Ratho as a whole. It is critical that we agree the designation of S75 provision and delivery of improvements to the towpath and canalside environment so that a consistent quality appropriate to the heritage asset is achieved. We recommend that the developer makes reference to the Edinburgh Canal Strategy, December 2011, and that the principles of this are discussed with the Council, including new mooring opportunities, access and towpath improvements, lighting provision, etc.*
4. *The proposals indicates new access points and landscape treatment to the towpath, however, this is outwith the red line of the application and as such the delivery and interface of the canalside landscape as indicated in the drawings is unclear. We would advocate the interface of the towpath with the development proposals to create a cohesive public realm treatment. It would be essential to transport considerations to enable a direct route to the canal towpath and cycle network from the proposed housing. This will reduce reliance on road vehicles thus supporting a green travel plan and associated environmental benefit. Access should be for all abilities, not just pedestrian. This should be fully discussed with Scottish Canals in advance of developing the detailed proposals.*
5. *Water Management- the assessment of surface water discharge to the canal network as part of the water management strategy must be explored with Scottish Canals.*
6. *The canal is designated as a Scheduled Ancient Monument. Works that interface with this designation will require Scheduled Ancient Monument Consent by Historic Environment Scotland.*
7. *There is no reference to treatment and activation of the canal as identified in the Edinburgh Canal Strategy. We are willing to meet the applicant and City Council to take this forward.*

### **SEPA comment**

*We have no objection to this planning application. Please note the advice provided below.*

*Advice for the planning authority*

## 1. *Foul Drainage*

1.1 *Foul drainage from the site should be discharged to the public sewerage network. Section 7.14 of the planning statement refers to the fact that there is limited capacity in the waste water. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows. We would be unlikely to allow a private sewage treatment system for a proposal of this size in this location.*

## 2. *Surface Water Drainage*

2.1 *The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C753) published by CIRIA. Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.*

2.2 *Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.*

## 3. *De-culverting opportunity*

3.1 *We would encourage the deculverting of the watercourse which runs through the site. We recommend that the applicant contacts a member of the SEPA Edinburgh operations team (contact details below) to discuss the licensing process associated with the Water Environment (Controlled Activities) (Scotland) Regulations - the applicant should note that any fee for an application would be waived due to the improvement being made.*

## 4. *Flood Risk*

4.1 *We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

## *Technical Report*

4.2 *We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. The risk identified is from surface water flooding which follows a low point through the site. Also, the Union Canal flows along the southern boundary of the site and poses an additional risk.*

- 4.3 *The Flood Risk Assessment (FRA) has established a further risk from a culverted drain which flows along the western perimeter of the site and is believed to then flow through the site following the low point before exiting the eastern perimeter of the site. We have reviewed historic maps and cannot find any evidence of a watercourse flowing through the site. We do not have any additional flood risk information for this drain.*
- 4.4 *Although the risk from the Union Canal cannot be quantified, we do have records of a breach occurring in Edinburgh city centre which caused extensive flooding to nearby property. Local topography sourced from LiDAR indicates that the land slopes down from the Union Canal towards the surface water drain before rising again in the middle of the site. The middle of the site is raised up in comparison to the rest of the site. The masterplans provided indicate that the low area near the Union Canal will be allocated as green space. Also, any residential development will be set back from the surface water drain. We would strongly support this site design as it mitigates the risk from the surface water drain blocking/ capacity being exceeded, any groundwater risk, and the residual risk from the Union Canal.*
- 4.5 *We would recommend that we are re-consulted at the detailed stage to confirm the site layout is as shown and located away from the low areas on site. It should be demonstrated that no development will be built on top or immediately adjacent to any culverted field drains. This principle should also be applied to the locating of any SUDs ponds on-site. Should the drain be opened up, we would require additional details on its location and size. Further information on finished floor levels should also be provided. In addition to the finished floor level recommendations provided in the FRA, to mitigate the risk from overland flow we would recommend that all dwellings are elevated above proposed ground levels. Should the design differ from what has been indicated in the FRA or masterplan we maintain the right to object at the detailed stage.*

#### *Caveats & Additional Information for Applicant*

- 4.6 *The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> 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. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>*
- 4.7 *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.*
- 4.8 *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 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 and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.*

## *5. Air quality*

- 5.1 The proposed development will be in an area that is currently not affected by poor air quality. An air quality modelling assessment has been undertaken and the findings are reported. We note and welcome the decision to use ADMS Roads to assess the impact of traffic on local air quality. The modelling assessment has shown that the completed development is unlikely to have a significant impact on local air quality.*

## *Greenhouse gas emissions*

- 5.2 We note that the development is located some distance from local amenities, therefore there is likely to be an increase in the number of journeys made by car. Whilst this figure may appear to be insignificant, when considered alongside other developments across Scotland, the cumulative increase in the distance travelled by car - and subsequent emissions of carbon dioxide - could undermine the Scottish Government's commitment to reduce emissions of greenhouse gases.*
- 5.3 Scottish Planning Policy sets out an approach to integrating transport and land use planning by supporting a pattern of development and redevelopment that "reduces the need to travel and as a consequence reduce emissions from transport sources". It also states that "Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements."*
- 5.4 Greenhouse gas emissions from road traffic are expressed as grams of carbon dioxide emitted per kilometre travelled (g/km), therefore every additional km travelled will increase the emissions of greenhouse gases. Road transport emissions account for 72.4% of all transport emissions of greenhouse gases and cars account for over half road emissions. "The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation". Section 5 of the Scottish Government's Climate Delivery Plan describes the issue in detail.*

## *Cumulative effects of development*

- 5.5 When considered in isolation, a single development will appear to have a negligible impact on local air quality. However, when the same development is considered alongside other developments in the area, the cumulative impact could be more significant - particularly along main commuter routes. SEStran has warned "the allocation of extensive new land for development underlines the importance of integrating land-use and transport planning in the SEStran area, building these links into the forthcoming City Region plan and other development*

*plans. Failure to do so will lead to further significant increases in car use", and " It has been demonstrated that the SEStran area faces particular challenges in catering for the travel volumes and patterns resulting from the anticipated growth in population and employment in the area. In addition to the forecast increase in the number of jobs, the trend of dispersal of jobs, services and homes will, if it continues, bring further pressure to bear on the transport network." Transport Scotland advise: "With several proposals in close proximity, a more detailed Transport Assessment of the cumulative impact of the proposals may be more appropriate than one for each proposal in isolation".*

5.6 *It is therefore important that the Council is satisfied that the assessment has considered the cumulative impact of all development that will add traffic to the road network- particularly along main commuter routes. 'Land-Use Planning and Development Control: Planning for Air Quality' (Produced by Environmental Protection UK and Institute of Air Quality Management, 2015) explains how a cumulative impact should be undertaken..*

### **Transport comment**

*It is recommended that the application is refused.*

*Reasons:*

*In line with the approach set out in SPP, the transport Infrastructure enhancement needs arising from the planned growth set out in the LDP have been assessed by a transport appraisal which accompanies the LDP and inform its Action Programme. The Transport Infrastructure Appraisal (June 2013) provides a cumulative assessment of the additional transport infrastructure required to support the new housing development identified within the LDP. Where cumulative impacts have been identified, transport infrastructure to mitigate the impact of the development are established. Contribution Zones are used to collect developer contributions equitably towards these actions.*

*This site is not proposed within the LDP. Therefore, its transport impact on the strategic road network has not been assessed cumulatively. In addition, the applicant has not assessed the cumulative impact of this site in combination with other developments. SPP outlines that this should includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process. Therefore, the applicants approach to transport is not supported.*

### **Transport further comment**

*We refer to our memorandum of 10 February 2016 and to the Transport Assessment Addendum dated February 2016.*

The Addendum addresses the issue regarding impact on the wider road network but does not assess the cumulative impact of the development. In addition, there is no assessment of the cumulative impact of this site in combination with other developments. Whilst this is obviously a more onerous undertaking, it is critical to understanding the overall impact of the planned (and unplanned) development in the area.

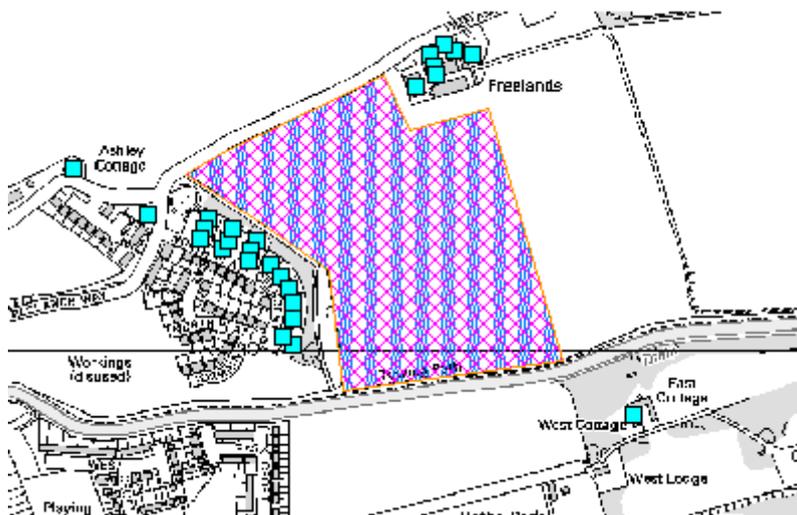
As matters stand at present, We do not believe that I am in a position to amend the earlier recommendation to refuse the application.

### Transport Scotland comment

The Director does not propose to advise against the granting of permission.

## Location Plan

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**END**