

The City of Edinburgh Council

10:00am Thursday 30 June 2016

Report of Pre-Determination Hearing – Old Dalkeith Road Edinburgh (South East Wedge Development Site) – referral from the Development Management Sub-Committee

Item number

Report number

Wards

A17 - Portobello/Craigmillar

Executive summary

To consider the recommendation of the Development Management Sub-Committee on a planning application which was the subject of a pre-determination hearing under the procedures set out in the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008.

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Appendix 1 – report by the Head of Planning and Transport

Terms of Referral

Report of Pre-Determination Hearing – Old Dalkeith Road Edinburgh (South East Wedge Development Site) – referral from the Development Management Sub-Committee

Terms of referral

- 1.1 In December 2009, the Council approved procedures for dealing with planning applications requiring to be considered by means of a pre-determination hearing.
- 1.2 On 22 June 2016, the Development Management Sub-Committee conducted a pre-determination hearing in respect of an application for planning permission in principle submitted by Sheratan Limited for a proposed residential development, community parkland and a primary school on Land at Edmonstone, the Wisp at Old Dalkeith Road Edinburgh (South East Wedge Development Site).
- 1.3 The Sub-Committee received:
 - a presentation on the report by the Head of Planning and Transport (appendix 1)
 - a presentation by Alexander Mann - The Lothian Cycle Campaign
 - a presentation by Norman Davis - Craigmillar Community Council
 - a presentation by Honor Flynn – Castlebrae Parent Council
 - a presentation by the applicants in support of the proposals.

Report by the Head of Planning and Transport

- 1.4 The Head of Planning and Transport gave details of the application and the planning considerations involved for planning permission in principle.
- 1.5 The development proposes a new school, community facilities, green spaces and around 770 residential dwellings.
- 1.6 The proposed Local Development Plan (LDP) is currently under examination and the examination report is expected at the end of June 2016. As noted by Planning Committee in May 2015, this report will be binding on the Council.
- 1.7 However, the applicant did not make representations regarding this site during the LDP process and therefore it is unlikely that it will be considered by the examination reporters as a site for housing. Notwithstanding that the LDP examination is reported shortly, a decision is sought by the applicant at this time. It is a requirement of planning legislation that decisions on planning applications are provided. It should be noted that if members are minded to grant planning permission, the application will be notified to the Scottish Ministers.

- 1.8 In assessment of the application, there are a number of issues that could be addressed through the submission of subsequent AMC applications, if planning permission was granted. These relate to technical matters such as air quality, archaeology, noise and ground conditions. Further information would be required regarding transport and cumulative impacts.
- 1.9 The applicant is proposing to deliver a new primary school on this site, which is supported in principle. The applicant is also proposing to provide financial contributions to the local community to help with various initiatives, if planning permission was granted. However, it should be noted that this could not be secured through a legal agreement linked to the planning permission.
- 1.10 It is the fundamental principle of the development that is in question. At present, there is no justification for the development in terms of housing land supply. Even if planning permission was granted, there is no evidence to suggest that housing could be delivered on this site to make a meaningful contribution to the five year supply. This is based on the fact that the site is not assessed as being effective; it is not in the applicant's ownership (it is currently within the ownership of the Council) and future land remediation may delay development commencing. Furthermore, the average time in gaining first completions following the granting of a planning permission in principle is four years. Therefore, an optimistic estimate of the contribution that this site would make to the housing land supply would be around 50 units. This is apparent in the land to the immediate south of this site (on the Edmonstone Policies site, the Walled Garden and Eight-Acre Field) where, despite extant planning permissions, development has not yet commenced.
- 1.11 In terms of the landscape, it is acknowledged that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this site is of strategic importance in providing parkland and cycle/footpath links between Midlothian and Edinburgh. This green space provides a buffer between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle. Despite the Landscape and Visual Impact Assessment noting that many views would be affected to a major/adverse degree, there has been no meaningful discussion with the applicant regarding where development may be directed in order to mitigate any visual or biodiversity impacts.
- 1.12 On balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The impact on the landscape has been assessed and is not acceptable. Although there is a recognised need to provide new housing in Edinburgh, this site has been assessed and is not supported by policy and there are no overriding material considerations which outweigh this conclusion.
- 1.13 Due to the fact that the development is significantly contrary to the development plan and currently in Council ownership, the application requires to be referred to the Scottish Ministers.

1.14 The Head of Planning and Transport requested that the Sub-Committee recommend to the Council that the application be refused for the following reasons:

- 1) The proposal is contrary to SDP Policy 12, Edinburgh City Local Plan Policies Env 10 and Hou 1 and the Second Proposed LDP Policies Env 10 and Hou 1 as there are no compelling reasons to override the strong policy presumption against development in the Green Belt.
- 2) The proposal is contrary to policy Des 2 of the Edinburgh City Local Plan as it would compromise the comprehensive development and regeneration of the wider area, specifically the South East Wedge Parkland, as provided for in the Craigmillar Urban Design Framework.
- 3) The proposals are contrary to Greenspace Proposal GS4 of the Second Proposed Local Development Plan which states that the land around Craigmillar/Greendykes is retained in the green belt and will be landscaped to provide multi-functional parkland, woodland and country paths, linking with parallel developments in Midlothian. This proposal would not support GS4 and would prejudice the delivery of the parkland.
- 4) The proposal is contrary to Edinburgh City Local Plan Policies Des 3 and Env 11 as the development will not have a positive impact on its setting, the wider landscape and views.

Presentation by The Lothian Cycle Campaign

- 1.15 Alexander Mann gave a presentation on behalf of the Lothian Cycle Campaign
- 1.16 Mr Mann advised that they objected to the proposals because of the transport considerations and that the proposals would cover the entire area of the open space.
- 1.17 There was a lack of good bus routes, therefore, most of the residents would use their cars for shopping. The proposed bus routes were 1km from the site, which was an excessive distance to walk for a bus. This was unsustainable and contrary to Council policy in respect of the Active Travel Plan. In conclusion he asked that consent be refused.

Presentation by Craigmillar Community Council

- 1.18 Norman Davies gave a presentation on behalf of Craigmillar Community Council and advised that the site was council owned and when sold would provide a capital receipt.
- 1.19 The proposals would be beneficial to the community, would promote positive aspects for school leavers and provide apprentices to young people in the area. In a local survey, more than 65% of the people in the area agreed with the proposals.
- 1.20 The development would be near to the new primary school and £12m would be ring fenced to go to the new school. The community had waited for a

considerable time for a new school. Additionally, the proposed primary school would reduce pressure on existing local schools.

- 1.21 The greenspace to be used was unattractive and not widely used by the community. The proposal would help to provide local construction jobs would be good for the community, in addition training, and vocational skills and would be delivered.
- 1.22 To conclude, the development would be beneficial to the community through employment and education and he asked that planning permission be granted.

Presentation by Castlebrae Parent Council

- 1.23 Honor Flynn spoke on behalf of the Castlebrae Parent Council and advised that:
- 1.24 The Parent Council supported the proposals, which would be beneficial to the school and the local community.
- 1.25 There was already a partnership with the developers and there would be jobs and apprenticeships created from the proposals. There would also be significant funding for local employment initiatives. Additionally, the land was unattractive and not widely used by the community.
- 1.26 In conclusion she said that the community as a whole welcomed the development and asked that planning permission be granted

Presentation by Applicant

- 1.27 Robin Holder – Holder Planning and Ewan McIntyre – EMA Architecture and Design gave a presentation on behalf of the applicants.
- 1.28 Robin Holder advised that the land was partly owned by the Council and Springfield Homes. He explained how the land could be dealt with if permission was granted. There would be a commercial price to be negotiated and the price of the land would depend upon the amount of development eventually delivered.
- 1.29 The proposed development had some unique considerations. There was a very high level of support in the community for a greenbelt location and the land was unattractive and was used for fly-tipping. Additionally, the development would improve the function of the greenbelt area, through the provision of a smaller parkland.
- 1.30 In respect of transport issues, their own transport assessment demonstrated that the accumulated impact could be accommodated in the existing network. Regarding landscape considerations, there was already significant development around the site.
- 1.31 It was confirmed that the site could be used for housing development which could be delivered within a reasonable timescale.
- 1.32 There was no justification in the claim that the site was not effective. It was well-served by transport, was near to an area of employment growth and the applicant was content to make the required developer contribution.

- 1.33 Ewan McIntyre advised that the proposed development did not present a choice of providing housing or open space, this was a substantial area. In fact there was not much difference between the aspirations of the Council or the applicant for the site.
- 1.34 Part of this application included proposals for a park which would be comparable to the meadows in size. The park would be run by a management company or community trust. This park would not be a burden on public finances and this application would deliver this park.
- 1.35 There was no question that only 50 houses would be delivered in five years. Because of market demand for houses in the area, there would be immediate pressure on the developer to deliver total number in the application. Four parties had expressed an interest in developing the site.
- 1.36 Council policy for the greenbelt indicated that one purpose was to direct planned generation in the most appropriate location and support regeneration. The masterplan for the area was for housing and this was a sustainable location for development providing housing where jobs were located. Scottish Enterprise would deliver 16,000 jobs right on the edge of Craigmillar which was undergoing major regeneration.
- 1.37 The report indicated that a robust masterplan for the site would encourage development in a sustainable, well connected community. The planning officers indicated that this site was capable of sustained delivery. This proposal would take place in less affluent part of the city, where 70% of the community was in favour. The application presented an opportunity to bring a long period of inactivity to an end and to create a development of real benefit to the community.
- 1.38 In conclusion they asked that planning permission be granted.

Deliberation by Sub-Committee Members

- 1.39 Copies of representations received during the consultation period had been made available to members of the Sub-Committee for inspection.
- 1.40 Both parties were questioned on their presentations by members of the Sub-Committee.

Motion

To refuse planning permission for the following reasons:

- 1) The proposal is contrary to SDP Policy 12, Edinburgh City Local Plan Policies Env 10 and Hou 1 and the Second Proposed LDP Policies Env 10 and Hou 1 as there are no compelling reasons to override the strong policy presumption against development in the Green Belt.
- 2) The proposal is contrary to policy Des 2 of the Edinburgh City Local Plan as it would compromise the comprehensive development and regeneration of the wider area, specifically the South East Wedge Parkland, as provided for in the Craigmillar Urban Design Framework.
- 3) The proposals are contrary to Greenspace Proposal GS4 of the Second Proposed Local Development Plan which states that the land around

Craigmillar/Greendykes is retained in the green belt and will be landscaped to provide multi-functional parkland, woodland and country paths, linking with parallel developments in Midlothian. This proposal would not support GS4 and would prejudice the delivery of the parkland.

- 4) The proposal is contrary to Edinburgh City Local Plan Policies Des 3 and Env 11 as the development will not have a positive impact on its setting, the wider landscape and views.

- moved by Councillor Perry, seconded by Councillor Child

Amendment 1

To grant planning permission for the principle of the development subject to the Sub - Committee agreeing appropriate conditions to be attached to the consent.

- moved by Councillor Lunn, seconded by Councillor Ritchie.

Voting

For the motion: 8 votes

For the amendment: 5 votes

Decision

To approve the motion.

For Decision/Action

The Council is asked to consider the recommendation of the Development Management Sub-Committee to refuse planning permission in principle for the reasons outlined in paragraph 1.14 above.

Background reading/external references

Development Management Sub-Committee 22 June 2016

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

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Appendix 1 – report by the Head of Planning and Transport

Development Management Sub Committee

Wednesday 22 June 2016

Application for Planning Permission in Principle

15/05074/PPP

At South East Wedge Development Site, Old Dalkeith Road, Edinburgh

Proposed residential development, community parkland and a primary school on Land at Edmonstone, the Wisp, South East, Edinburgh.

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Summary

The development proposes a new school, community facilities, green spaces and around 770 residential dwellings.

The proposed Local Development Plan (LDP) is currently under examination and the examination report is expected at the end of June 2016. As noted by Planning Committee in May 2015, this report will be binding on the Council.

However, the applicant did not make representations regarding this site during the LDP process and therefore it is unlikely that it will be considered by the examination reporters as a site for housing.

Notwithstanding that the LDP examination is reported shortly, a decision is sought by the applicant at this time. It is a requirement of planning legislation that decisions on planning applications are provided. It should be noted that if members are minded to grant planning permission, the application will be notified to the Scottish Ministers.

In assessment of the application, there are a number of issues that could be addressed through the submission of subsequent AMC applications, if planning permission was granted. These relate to technical matters such as air quality, archaeology, noise and ground conditions. Further information would be required regarding transport and cumulative impacts.

The applicant is proposing to deliver a new primary school on this site, which is supported in principle.

The applicant is proposing to provide financial contributions to the local community to help with various initiatives, if planning permission was granted. However, it should be noted that this could not be secured through a legal agreement linked to the planning permission.

Craigmillar Community Council and The Parent Council of Castlebrae Community High School have indicated support for the proposals and this is noted.

However, it is the fundamental principle of the development that is in question. At present, there is no justification for the development in terms of housing land supply. Even if planning permission was granted, there is no evidence to suggest that housing could be delivered on this site to make a meaningful contribution to the five year supply. This is based on the fact that the site is not assessed as being effective; it is not in the applicant's ownership (it is currently within the ownership of the Council) and future land remediation may delay development commencing. Furthermore, the average time in gaining first completions following the granting of a planning permission in principle is four years. Therefore, an optimistic estimate of the contribution that this site would make to the housing land supply would be around 50 units. This is apparent in the land to the immediate south of this site (on the Edmonstone Policies site, the Walled Garden and Eight-Acre Field) where, despite extant planning permissions, development has not yet commenced.

In terms of the landscape, it is acknowledged that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this site is of strategic importance in providing parkland and cycle/footpath links between Midlothian and Edinburgh. This green space provides a buffer between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle. Despite the Landscape and Visual Impact Assessment noting that many views would be affected to a major/adverse degree, there has been no meaningful discussion with the applicant regarding where development may be directed in order to mitigate any visual or biodiversity impacts.

Therefore, on balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The impact on the landscape has been assessed and is not acceptable. Although there is a recognised need to provide new housing in Edinburgh, this site has been assessed and is not supported by policy and there are no overriding material considerations which outweigh this conclusion.

The development is significantly contrary to the development plan.

It is recommended that planning permission is refused subject to referral to Council. Due to the fact that the development is significantly contrary to the development plan and currently in Council ownership, the application requires to be referred to the Scottish Ministers.

Links

[Policies and guidance for this application](#)

SDP, SDP06, SDP07, LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD8, CITE3, CITE9, CITE10, CITE11, CITE12, CITE15, CITE16, CITE17, CITE18, CITOS3, CITH2, CITH3, CITH4, CITH7, CITCO1, CITCO2, CITCO3, CITT1, CITT4, CITT5, CITT6, LDPP, PLDP01, PLDP28, PLDP01, NSG, NSGD02,

Report

Application for Planning Permission in Principle

15/05074/PPP

At South East Wedge Development Site, Old Dalkeith Road, Edinburgh

Proposed residential development, community parkland and a primary school on Land at Edmonstone, the Wisp, South East, Edinburgh.

Recommendations

- 1.1** It is recommended that this application be Refused, subject to referral to Council for the reasons below.

Background

2.1 Site description

The site covers approximately 65 hectares of green belt land in the Edmonstone area of south-east Edinburgh. It comprises open grassland and scrubland with occasional mature trees and informal paths traversing the site. Areas of dense woodland exist in the far north and south-west portions of the site. The site undulates throughout, sloping from east to west into the valley at Little France Drive.

The Edinburgh Royal Infirmary and the initial phases of the Edinburgh BioQuarter development are situated to the west of the site, beyond which lies the A7 Old Dalkeith Road and the suburb of Moredun. Residential properties forming the area of Danderhall (within the jurisdiction of Midlothian Council) are located adjacent to the south east, immediately beyond The Wisp. The A6106 (The Wisp) is adjacent to the east of the site and forms the boundary with Midlothian Council. The areas of Craigmillar, Greendykes and Niddrie are situated to the north. New residential properties are currently under construction adjacent to the north of the site in the vicinity of Greendykes.

The Edmonstone Local Biodiversity Site straddles part of the southern boundary and is noted for its mixture of woodland, grassland and arable habitats that support a number of locally notable plants. The Craigmillar Castle Hill and Hawkhill Wood Local Biodiversity sites overlap with the north-western part of the site and is noted for a mixture of woodland and grassland habitats.

The southern portion of the site is contained within the Inventory of Designed Landscapes and is a Nature Conservation Site. These designations are included in the Second Proposed Local Development Plan, where the site is also identified as a being within a candidate Special Landscape Area (cSLA).

The East Lodge is a category B listed building (LB reference: LB49519, listed on 10 July 2003) and is located within the site at the partially constructed road on the south east corner. Also within the site is the Home Farm Enclosure, which is a scheduled ancient monument (SAM).

The ruins of the former Edmonstone House are located to the south of the site.

2.2 Site History

Relevant applications within the area:

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

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

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

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

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

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

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

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

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

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

23 December 2013 - application submitted on the same site for a cemetery, crematorium, memorial garden, chapel of rest and associated development (application number: 13/05302/PPP).

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

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

25 November 2014 - application granted to amend existing consent 12/01624/FUL (residential development) to revise housing mix and elevations (application number: 14/00578/FUL).

12 February 2015 - Reporter from the Department of Planning and Environmental Appeals granted planning permission in principle for residential development, ancillary uses and associated development (application number: 14/01057/PPP).

23 April 2015 - planning permission was granted for ground stabilisation works (application number: 14/01166/FUL).

23 April 2015 - application granted for a cemetery (including provision for woodland burials), memorial garden, chapel of rest and associated development (application number: 13/05235/PPP).

9 July 2015 - Proposal of Application Notice submitted for development of public parkland on part of the site covered by this PAN (application number: 15/03231/PAN).

26 May 2016 - Development of an area of existing open space into public parkland. This is to include new active travel links with lighting, paths, landscaping, habitat creation/enhancement and tree planting (application number: 16/02661/FUL).

Main report

3.1 Description of the Proposal

The proposal is for planning permission in principle for approximately 770 new residential units, a new primary school, parkland and community facilities (potentially comprising a doctor's surgery or local shop).

The residential development is proposed to be distributed across nine development plots and is proposed to comprise a range of property sizes and types including semi-detached, detached, terraced and flatted properties. It is anticipated that the building heights would range between two and four storeys.

The area for the primary school is located on the south-eastern part of the application site and extends to approximately 2.43 hectares.

Also proposed is a series of linked open spaces, grassed areas and tree, shrub and hedge planting. Parkland is proposed to be maintained at the far west of the site, closest to Craigmillar Castle. Also remaining is the existing wetland adjacent to the hospital car park, and an area between the Edinburgh BioQuarter and proposed houses, forming a linear park.

Access is proposed to be taken via three vehicular access points on the Wisp. This includes the existing approved access road, which is currently under construction.

Supporting Information

An Environmental Statement was submitted with the application and included issues of noise, air quality and cultural heritage. Further supporting statements were submitted including:

- Pre Application Consultation Report;
- Sustainability Statement;
- Transport Assessment;
- Planning Statement;
- Landscape and Visual Impact Assessment;
- Design and Access Statement.

These documents are available to view on the Planning and Building Standards Online Service.

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 residential development is acceptable;
- b) there is an effective 5 year housing land supply;
- c) this is an effective housing site;
- d) the proposed development is premature;
- e) the proposed development would prejudice the wider strategic development of other land, including land within the adjoining local authority areas;
- f) there are any infrastructure constraints;
- g) the proposal would have acceptable transport impacts;
- h) the scale, design and layout of the proposed development is acceptable;
- i) the development would have an adverse impact on the landscape, including the historic landscape;
- j) the proposal would have an adverse impact on the biodiversity or ecology of the area;
- k) there is sufficient amenity for existing neighbours and future occupiers, and the affordable housing provision is acceptable;
- l) the proposal would raise drainage, flooding, ground stability or contamination issues;
- m) the proposal would have any detrimental air quality impacts;
- n) the development would have any adverse impact on any archaeological remains or the scheduled ancient monument;
- o) the proposal would meet sustainability criteria and contribute towards sustainable economic development;
- p) the proposal would have any equalities or human rights impacts; and
- q) the comments raised by third parties have been addressed.

a) The Acceptability of the Development in Principle

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that any determination under the Planning Acts should be made in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the South East Scotland Strategic Development Plan (SESplan) and the adopted Edinburgh City Local Plan. Other material considerations include the emerging Edinburgh Local Development Plan and Scottish Planning Policy (SPP).

Conformity with SESplan

SESplan was approved in June 2013. The Spatial Strategy sets out locational priorities for development up to 2024 and gives a broad indication of the scale and direction of growth up to 2032. Policy 1A, supported by Figure 1, identifies the Strategic Development Areas (SDAs) where there will be a focus on development and to which new strategic development is to be directed. These locations maximise the potential for development, meeting sustainability and environmental objectives.

Policy 1B (Spatial Strategy Development Principles) sets out the broad principles for LDPs in bringing development forward. Broadly, these principles seek to protect areas with national and local environmental designations and conserve and enhance the natural and built environments.

The application site is located within the South East Edinburgh Strategic Development Area (SDA). Although this means that the location of the site does not conflict with SESplan's overall spatial strategy, this does not mean that all land within the SDA is suitable for housing development in principle. Paragraph 46 of the SDP confirms that the scale of any additional housing allocations will be determined through local development plans (LDPs) following the preparation of SESplan supplementary guidance, taking into account environmental and infrastructure constraints. The SDP requires the definition in LDPs of a green belt around Edinburgh for a number of stated purposes. Several areas of significance to the Edinburgh Green Belt lie within the South East Edinburgh SDA, and SDP Policy 1A requires LDPs to take account of such environmental constraints. This is assessed further below.

SDP Policy 12 (Green Belts) continues to require that the relevant Local Development Plans define and maintain a green belt around Edinburgh. Paragraph 129 of the Strategic Development Plan further states that in preparing Local Development Plans, authorities should seek to minimise the loss of land from the green belt and effort should be made to minimise the impact on green belt objectives and secure long term boundaries.

Criterion a) of Policy 12 aims to maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the local development plan settlement strategy. This proposal has the potential to undermine the identity and character of Edinburgh due to its prominent location. It would sever the greenspace into Midlothian and prejudice the delivery of the Holyrood to Dalkeith green network as set out in the SESplan Main Issues Report. It would also be detrimental as it would result in the coalescence of settlements due to

the proximity of Danderhall in Midlothian. The development would therefore not meet the first criterion.

Criterion b) states that one of the purposes of the defined Edinburgh Green Belt is to 'direct planned growth to the most appropriate locations and support regeneration'. Since the proposal does not conform in principle to the existing development plan or the Second Proposed Local Development Plan, this application does not constitute planned growth. The Environmental Report (2013) that supports the Second Proposed Local Development Plan assessed part of this site in terms of its suitability for development (identified as South East Wedge Parkland, North). The assessment concluded that through the realisation of the parkland proposals, this site will have an important role in providing open space and path routes connecting the settlements of Little France, Danderhall and Craigmillar. It was therefore not considered appropriate for housing development. In addition, a release of additional greenfield sites ahead of the Local Development Plan would be likely to undermine the redevelopment of brownfield sites, and so would not support regeneration. The proposal does not therefore meet the second objective.

Criterion c) states that maintaining the landscape setting of Edinburgh is one of the purposes of the green belt. This proposal does not maintain this landscape setting due to the prominent nature of the site. Development of the site's ridge top location would impact upon the wider landscape setting of the city. The site is visually prominent in views from Craigmillar Castle and throughout the city skyline from the surrounding road network. The landform visually contains the existing urban edge and provides an undeveloped skyline in eastward views. In views from within the site, parkland forms a foreground element in views towards the city with a near continuous backdrop of Edinburgh's hills. The impact on the landscape is further assessed in 3.3(h) below.

Criterion d) states that green belts should 'Provide opportunities for access to open space and the countryside'. The proposals would remove a large area of parkland, although some areas of open space would remain. The resultant areas of parkland would provide some amenity, however the loss of the larger area of parkland would remove an opportunity to create strategic open space for residents of the wider area. The delivery of a strategic area of open space in this location has been a fundamental aim of the Edinburgh City Local Plan, the Craigmillar Urban Design Framework and the emerging Edinburgh Local Development Plan. The site also forms an important part of the Central Scotland Green Network (CSGN), as contained within National Planning Framework 3 (NPF3).

The provisions of SDP policy 12 confirms that:

- Despite an increased need for more housing land, the Edinburgh LDP must also designate land as green belt in places where it will help meet green belt objectives; and
- This process should not be undermined by approving housing proposals on land identified as green belt in the emerging LDP.

As stated above, granting planning permission on this site would undermine green belt objectives in a number of ways. Overall, the proposal does not comply with Policy 12.

To summarise, the proposal does not comply with Policy 12 of the SDP.

Edinburgh City Local Plan

As the site lies within the green belt, policy Env 10 is relevant to the assessment of the proposal.

Criterion a) of Env 10 states that development in the green belt will not be permitted except for 'purposes of agriculture, woodland and forestry, or for a countryside recreational use that is compatible with an agricultural or natural setting'. The proposal for residential development does not conform with the above uses and as such does not comply with criterion a) of Env 10.

Criteria b) and c) apply only to existing buildings and existing non-conforming uses within the green belt and are therefore not relevant in the assessment of this application.

In addition to being contrary to green belt policy, the proposal does not comply with policy Hou 1. Criterion d) of Hou 1 specifies that housing development will be permitted on other suitable sites within the urban area, if proposals are compatible with other plan policies. This site is not within the urban area and therefore does not comply with Policy Hou 1.

To summarise, the proposal does not comply with Edinburgh City Local Plan policies Env 10 and Hou 1.

Proposed Local Development Plan

The first Proposed LDP was published in March 2013. It identifies the site as being within the green belt.

The representation period for the first Proposed LDP ran from 1 May to 14 June 2013. During this time, representations were received from over 2200 individuals and organisations. No representations were made regarding this site. Representations were made regarding the sites to the immediate north, where an appeal (appeal reference: 230-2129) was allowed at the Wisp; and land to the south, where the appeal for the Edmonstone Policies was allowed (appeal reference: 230-2131). The representations to these sites included comments from the applicant, SEPA and Scottish Natural Heritage (SNH). The applicant stated that the site should be removed from the green belt and allocated as a housing proposal due it being an effective housing site within the South East Edinburgh SDA. SNH commented that open space proposal GS 4 (South East Wedge) forms part of major landscaping in the area and the site is also in the LDP as a major green network link. There will therefore be significant positive benefits to Objective 8 (Landscape and Townscape) and also Objective 1 (Biodiversity, Flora and Fauna) of the Environmental Report, Volume 1 if proposal GS 4 is realised.

The Second Proposed LDP was approved by Planning Committee on 19 June 2014. The plan continues to identify the site as being within the green belt. Policy Env 10 (Development in the Green Belt and Countryside) only permits new development for the purposes of agriculture etc or where a countryside location is essential. The proposal is contrary to this policy and is also contrary to Policy Hou 1 (Housing Development) which indicates where housing development will be supported.

The application site was assessed in the Environmental Report, Second Revision for the LDP as an available potential greenfield housing site but was determined to be an unsuitable site for housing development due to its strategic importance as parkland.

Therefore the proposal is contrary to policies ENV10 and Hou1.

Scottish Planning Policy 2014 (SPP)

SPP introduces a presumption in favour of development that contributes to sustainable development. Paragraph 110 of SPP states that the planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

The Edinburgh City Local Plan was adopted more than five years ago, in January 2010. Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. SPP Paragraph 29 lists a number of sustainable development principles which should be used to guide decisions.

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 that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- 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, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- 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;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

In terms of assessing the proposal against these principles of SPP, the applicant has provided justification as to why this site is suitable for development based on the contribution it would make towards sustainable economic development. This is assessed in (o) below. The applicant states that investment in construction would occur as jobs are created during the construction period. In addition, the appellant argues that the site would result in an increase in economically active people in the area, which would support increased expenditure on local services.

While it is acknowledged that construction jobs could be created as a result of this development, this site has been considered in line with green belt objectives and SPP. The key aim of SPP is to deliver sites in a plan-led manner and as SPP sets out, the aim is to achieve the right development in the right place; it is not to allow development at any cost. The potential economic benefits of developing this site cannot outweigh the environmental cost and impact on the landscape setting of the City.

Conclusion on Principle

In conclusion, the application is in accordance with the overall spatial strategy of the SDP as it is located within the Strategic Development Area.

However, the development is contrary to policies Env10 and Hou1 in the ECLP and is therefore a departure from the adopted Local Plan. While Scottish Planning Policy and the Strategic Development Plan require a five year effective housing land supply to be maintained at all times, there is no justification for housing development on this site as the housing land supply is being met through the Local Development Plan.

The proposal is also contrary to policies ENV10 and Hou1 of the Second Proposed Local Development Plan.

The proposal is a significant departure from the Development Plan and the Council has an interest in the site as it is the current land owner. Notification to Scottish Ministers would be required if this application was granted.

b) The Five Year Effective Housing Land Supply

SESplan Policy 5 sets out the policy framework for the identification and development of housing land. It identifies that, for the period from 2009 up to 2024, there is a requirement for housing land to enable 107,545 houses to be built across the plan area, including on land which is committed for housing development. The requirement for the period 2009 to 2019 is 74,835 houses. Supplementary guidance provides detailed information for LDPs as to how much of that requirement is to be met in each area in the periods 2009 to 2019 and 2019 to 2024. Policy 5 also states that LDPs are to allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period.

For the period 2009-2019, sufficient land within the City of Edinburgh requires to be allocated to facilitate the development of 22,300 houses and in the period 2019-2024, land for a further 7,210 houses.

The five-year effective land supply is defined as the expected number of completions on all effective sites over the following five-year period. As such, the contribution to the effective land supply of a particular site is dictated to a large extent by the marketing strategy of the developer. A site may be completely clear of any form of planning or physical constraint but if, for marketing or other reasons, a developer intends to limit the pace of development, only a fraction of the site contributes to the effective supply.

Expected completions will drop (or increase) in reaction to market forces. Assessing the extent of the effective land supply purely on expected completions takes no account of shifts in the economy and market demand. If demand drops, completion rates will decrease lowering the supply of effective land. This then has the contradictory effect of requiring additional land to be identified and allocated.

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

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. The PAN advises that this 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

SDP Policy 6 and Scottish Planning Policy require the Council to maintain a five year effective housing land supply. On 3 December 2015, Planning Committee considered a report on the Housing Land Audit (HLA) and this was presented with a housing land supply commentary. This showed how programmed completions and consequently the five-year effective land supply fell sharply during the recession even though the overall stock of effective land remained broadly constant.

The report to the Planning Committee concluded that the City of Edinburgh does not have an effective 5 year housing land supply based on the current calculation method. However the Council is of the view that a revised approach to calculating effective supply should be applied, focussed on land availability rather than solely on the programming of housebuilding.

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 Second 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.

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 perceived 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.

The Council's approach to the calculation of its five year housing land supply has not always been supported in recent appeal decisions. The position set out above reflects the need to meet housing land requirements for the two separate SDP period (2009-2019 and 2019-2024) which reflects the outcome of the recent appeals in Balerno and South East Edinburgh. A revised approach is supported by the SESplan Joint Committee which at its meeting on 14 December 2015, noted "the difficulty in maintaining the 5-year effective supply in Edinburgh is not related to a shortage of unconstrained land in that area". The Scottish Government's Draft Planning Delivery Advice on Housing and Infrastructure (February 2016) is also generally compatible with a revised approach to calculating the five year effective housing land supply.

Based on the Housing Land Audit 2015 and a revised method of calculation, there is an effective five year housing land supply in City Of Edinburgh.

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.

Calculation of Housing Land Supply

As there is an effective five year housing supply, it is not necessary to consider this application in terms of SDP Policy 7. However, given the outcome of previous appeal decisions in terms of Edinburgh's five year effective supply and the draft status of government advice, an assessment against this policy has been undertaken and is set out below.

This policy sets out the basis for maintaining a 5 year supply of housing land. It states that greenfield housing proposals either within or outwith identified SDAs may be allocated in LDPs or granted planning permission to maintain a five year effective housing land supply subject to the following three criteria being satisfied:

- a) Development will be in keeping with the character of the settlement and local area;
- b) Development will not undermine green belt objectives; and
- c) Additional infrastructure required as a result of the development is either committed or to be funded by the developer.

In terms of these criteria, a comprehensive assessment of all available greenfield land in South East Edinburgh, including this site, was undertaken to inform the LDP and is set out within its accompanying Environmental Report. The site has been assessed and is currently not a reasonable site for development. This is due to the fact that the site is visually prominent in views of the City's skyline and development would affect the wider landscape setting of the City. Consequently, green belt objectives will be undermined if development is permitted at this site. The proposal is therefore contrary to criteria a) and b) of SDP Policy 7 and is not supported.

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 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.

c) Effectiveness of the Site

Planning Advice Note (PAN) 2/2010 sets out a number of criteria which should be used to establish whether a site is effective. It notes that not all of the sites in the housing land audit will be effective, and it is important that the audit distinguishes effective, i.e. unconstrained sites, from those that are affected by constraints which cannot be overcome in time to contribute to the housing land requirement. The decisions and assumptions around effectiveness and programming are crucial to the accuracy and usefulness of the data in the audit and therefore merit careful consideration.

To assess any site (or a portion of a site as being effective), it must be demonstrated that within the five-year period beyond the date of the audit, the site can be developed for housing (i.e. residential units can be completed and available for occupation) and will be free of constraints on the following criteria of ownership, physical, contamination, deficit funding, marketability, infrastructure and land use. These are discussed in turn.

Ownership: This site is within Council ownership and therefore not in the ownership of the applicant. However, the land may be sold to the applicant if planning permission was granted. Thereafter, the applicant would be expected to submit further applications for matters specified in conditions. It is not clear if the site could then be developed within a reasonable timescale in order to make an effective contribution to the five year housing land supply for the period under consideration.

Physical: This site has a number of physical constraints relating to slope, aspect, flood risk, ground stability, former mine workings and vehicular access. These would require to be resolved prior to the construction of development.

Contamination: The site may have some level of contamination. This is examined in (h) below.

Deficit funding: There is no public funding required to make residential development economically viable on this site. Although the site contains an area for a new school, a new primary school would only be required if the development were to proceed; a new school would not be required if the development was refused planning permission. In addition, the delivery of the school would have to be linked with the construction of the housing in order to ensure that there is sufficient space to accommodate the additional pupils arising from the development.

Marketability: The proposal is for approximately 770 units. Current build rates per site are around 50 units per site per year and therefore there is no evidence to suggest that this site will be entirely developed in the five-year period under consideration.

Infrastructure: This is examined in (f) below as the required infrastructure should be provided by the developer to accommodate the development.

Land Use: The site is expected to provide a new parkland in order to serve the new Greendykes housing to the north and the Edinburgh BioQuarter to the south, as well as providing a green network from Holyrood to Dalkeith. This site is important in maintaining greenspace linking to Midlothian Council's area, and in particular the Shawfair development. Housing is therefore not the preferred use of this site.

On balance, it can be concluded that this site is not effective in terms of the criteria contained within PAN 2/2010. This is based on the assumption that physical site constraints and land ownership would prevent the site in making a contribution to the housing land supply.

d) Prematurity

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.

In June 2015, Scottish Ministers dismissed an appeal against the non-determination of a planning application at Cammo Walk (application reference: 14/01776/PPP) and hence refused planning permission for up to 670 dwellings. In dismissing the appeal Scottish Ministers took the view that in the circumstances of the case there was sufficient prejudice to the proposed 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 another 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 and 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 stated 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 on Prematurity

The application is for approximately 770 dwellings. This is significantly larger in terms of housing numbers than the two sites previously mentioned and it is likely to have an impact on cumulative infrastructure requirements, in particular in relation to transport within Edinburgh and also Midlothian. In this regard, 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.

e) The Wider Implications of the Development of this Site

The location of this site is important in strategic terms due to the proximity of the boundary with Midlothian Council and the proposals for open space and links to the Shawfair Masterplan site. The area under the jurisdiction of Midlothian Council is located to the immediate east of the application site and includes The Wisp.

The proposed Midlothian Local Development Plan (MLDP) shows a large area of green space extending from The Wisp to the Borders Railway Line. The text accompanying the MLDP regarding Shawfair states that:

"The Shawfair development was designed to fit in the landscape avoiding development which might breach ridgelines. The Masterplan includes substantial open space provision to form the setting for the communities, including a central 'green' corridor, which provides a link through to open space in the Edmonstone area of Edinburgh. This is a valuable green network which should be safeguarded and enhanced where possible." (Proposed Midlothian Local Development Plan, chapter 8 'Settlement Statements'.)

The Shawfair Masterplan shows a green network of paths across the open space, and in particular it shows a path connecting to The Wisp. The overall aspiration for this large green network is to provide safe off-road routes through from Midlothian through to Edinburgh into the City Centre.

While this aspiration could still be achieved through the delivery of a housing proposal, the applicant has not shown a path or link in an appropriate location to enable a continuous cycle route to/from Midlothian. In addition, there is not a green link of any considerable size that would visually encourage walkers or cyclists to enter the site.

f) Infrastructure Constraints

The two main infrastructure issues relating to this site are transport and education.

The Second Proposed Action Programme (Updated May 2015) accompanies the Second Proposed LDP and sets out how the authority proposes to implement the LDP by aligning its delivery with corporate and national investment in infrastructure.

The Action Programme sets out actions to help mitigate the impact of strategic and planned growth and to deliver the policies and proposals identified in the Proposed Plan.

This site is identified as being within the South East Edinburgh Strategic Development Area. Within this area, there are site-specific actions identified for this application site.

Education

In line with the 'Developer 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 has been prepared. Following the completion of this study, education actions required to mitigate the impact of planned and anticipated housing development, including land safeguards, have been established. The collection of developer contributions towards these actions is through a Contribution Zones approach.

This site is not included in any Contribution Zone as it is not part of the catchment area for any existing non-denominational school and housing development on the site is not supported by the Local Development Plan. However, it would be appropriate to include it within the Castlebrae Education Contribution Zone, if development on the site progressed.

Draft actions to provide new education infrastructure to accommodate additional pupils, expected to be generated by new development, have been prepared for this Zone. These actions include the provision of a new primary school at Brunstane, additional classrooms at existing primary schools, and increased capacity at Castlebrae Community High School.

However, these actions did not account for housing development on this site and the number of pupils expected to come from this development could not currently be accommodated. There is therefore an additional requirement for a single stream primary school, and additional secondary school capacity to accommodate 116 more pupils (Castlebrae High School).

In relation to the 24 Roman Catholic pupils expected to be generated by the development, the site is within the catchment of St John Vianney RC Primary School. This school is expected to face accommodation pressures and contributions towards increasing its capacity are being taken from developments in Liberton/Gilmerton. However, the RC primary school which generally serves the Craigmillar area is St Francis' RC Primary School. A catchment review would be required to put the site within the St Francis' RC Primary School area and additional accommodation would be required as committed developments are expected to take up spare capacity at this school (which shares a campus with Niddrie Mill Primary School). An additional classroom at either St Francis' RC Primary School or St John Vianney Primary School is therefore required to mitigate the impact of the proposed development.

Payment of the standard contribution for the Craigmillar part of the Zone would not provide sufficient funding to ensure that the infrastructure can be delivered and therefore, in line with the Developer Contribution and Affordable Housing guidance (Dec 2015), a non-standard contribution is required. The guidance states that where a site is not included within the predicted levels of housing development and it will result in the requirement for a classroom extension or a new school to accommodate pupils generated from the development, it is likely that these additional costs will be required to be borne by the additional site or developer.

The applicant has indicated that a new primary school could be delivered on the development site. Therefore, Communities and Families would require the developer to provide the following:

- £7,591,930 (as at Q1 2015) to deliver a single stream primary school and 30/30 nursery;
- 2 ha fully serviced and remediated primary school site (at a location to be agreed with Communities and Families);
- £350,000 (as at Q1 2015) for a one class RC primary school extension; and
- £3,723,089 (as at Q1 2015) towards the provision of additional secondary school accommodation;

(All contributions shall be index linked based on the increase in the BCIS All-in Tender Price Index from Q1 2015 to the date of payment.)

If the appropriate contributions and the necessary fully serviced and remediated site for a new primary school (at a location to be agreed with Communities and Families) is to be provided by the developer, Communities and Families does not object to the application in principle.

The applicant has agreed to pay the appropriate levels of contributions towards the relevant education infrastructure actions.

Transport

In line with the approach set out in SPP, the transport infrastructure enhancement requirements arising from the planned growth set out in the Second Proposed 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 are established. Contribution Zones are used to collect developer contributions equitably towards these actions.

The Council's Transport Action Programme indicates that development in this area will require to contribute to transport interventions. However, it is unclear whether the additional traffic from this site can be accommodated within the improvement works set out in the Action Programme.

Conclusion

The educational infrastructure for the site requires a significant financial contribution. If the costs as above can be met fully by the applicant, this is acceptable.

However, it has not been sufficiently demonstrated that additional traffic arising from this site could be accommodated.

g) Transport Impacts

This site is not proposed within the LDP. Therefore, its transport impact on the strategic road network has not been assessed cumulatively. In addition, whilst the applicant has considered the impact of committed development, the cumulative impact of this site in combination with other developments has not been assessed. SPP outlines that this should include existing developments of the kind proposed, those which have permission, and valid applications which have not yet been determined.

The transport impacts of the development have therefore not been fully assessed. However, if planning permission was granted, further information could be requested through an appropriate planning condition.

h) Scale, Design and Layout

The application is for planning permission in principle and therefore detailed designs have not been submitted. However, the application was supported by a Design and Access Statement, showing principles of how the site could be developed. This formed the basis for discussions with the applicant and during the assessment of the application, meetings were held with the architect and project team. Despite these meetings, no meaningful changes were made to the layout and design concepts, contrary to advice that was offered.

A draft revised Design and Access Statement was then submitted on 20 May 2016, showing a larger landscape buffer between the BioQuarter and proposed new housing. However due to timescales, and the applicant's request that the application be reported to the Development Management Sub-Committee in June, there has been no time to consider how these changes may affect the landscape and visual impact of the development in any detail. Nevertheless, the applicant has proposed a condition that could be applied relating to the submission of a masterplan if planning permission was granted.

If the application is granted, a condition would be required that would enable the submission of a masterplan that would demonstrate accordance with Scottish Government guidance on masterplanning, design and placemaking, as well as Council policies and guidance. In terms of the suitability of this condition, it would be preferable on a site of this strategic importance and large-scale housing number that basic design principles and parameters are agreed at the planning permission in principle stage. It would not be the preferred approach to add a condition requiring the submission of a masterplan prior to any work commencing on site.

PAN 83 (Masterplanning) states that a masterplan is generally employed where there needs to be a greater degree of certainty regarding the development of a specific site, and is linked to social and economic analysis and a delivery strategy. Although a masterplan may specify more detailed principles such as building heights, spaces, movement, landscape type and predominant uses, it does not necessarily preclude a degree of flexibility in designs within the plan.

The Design and Access Statement that was submitted in support of the planning application does not suitably demonstrate how the development of this site could happen and therefore does not give sufficient comfort that the site can be delivered to produce a high quality, integrated, urban environment.

While detailed proposals could come forward in further applications, if planning permission in principle was granted, the level of detail as submitted is not sufficient to make a full and informed assessment that the proposals can be deliver a high quality sustainable place.

This is therefore contrary to policy Des 1 (Design Quality and Context) which requires development to demonstrate that the proposal will create or contribute towards a high quality, sustainable living environment.

Scottish Planning Policy 2014 (SPP) contains policy principles in relation to placemaking. It states that 'planning should take every opportunity to create high quality places by taking a design-led approach'. This application includes a concept masterplan and a design statement. The concept masterplan is a series of standard housing layouts imposed upon the plan. The design statement provides no greater detail and states that all aspects will be agreed at a later stage. If this site is to be developed, it should be done on the basis of a set of plans and principles which ensures that this will form a high quality and successful place. There is nothing in the submission that demonstrates how this can be achieved. To create a high quality place, sufficient detail is required at this stage to ensure key aspects, such as connections, views, landscaping, levels, can suitably resolved and delivered.

A further principle is that 'planning should direct the right development to the right place'. The design and access statement indicates that there are very few amenities for residents within a 10 minute walk distance. This would suggest that the site is not suitable for a predominantly residential development with the obvious result being high car dependency and a negative impact on infrastructure and air quality. Although there may be scope for a local shop or doctor surgery within the site, there are no details on this in terms of size or location.

Nevertheless, while it is noted that the site is remote from many services, it is also noted that there is the potential to create a sustainable transport network through this site, which in conjunction with a higher density solution could support a range of amenities within the site. A robust place-led masterplanning exercise could set out how this site could create a sustainable, well connected community which would complement the adjoining Edinburgh BioQuarter and Shawfair development and be served by off-road cycle routes, existing bus services, Shawfair rail halt and potentially the future tram proposal.

Design Conclusion

The design and layout of the proposals have not been sufficiently demonstrated in order to be supported. It is contrary to Des 1 and national guidance.

The proposals were not presented to the Edinburgh Urban Design Panel on the basis that the Panel do not wish to see proposals that are contrary to the development plan.

i) Impact on the Landscape

The impact on the landscape raises a number of concerns. Firstly, there is the consideration of the impact of development on the landscape character of the site. Then there is the impact of the development on the wider landscape setting of the City, as well as the impact of the development at a more local level. Further to these considerations is the weight which is given to the overall potential of the site to deliver a quality parkland for the residents of surrounding approved housing developments, users of the BioQuarter and the wider City. These are assessed in turn.

Landscape Character

The landscape has the potential to provide many services for the population of Craigmillar and beyond. It is part of a strategic network of green corridors and parks, designed to complement existing and new urban development. Currently, the character of the landscape is semi-rural and whilst development has encroached into the parkland, this section of the parkland remains intact. The semi-rural nature of the character has the potential to provide a relaxing, open landscape that is characterised by wildlife that is associated with the countryside. This will be damaged by the loss of parkland area. It has impressive views that are characterised by landscape features that are recognisable as Edinburgh. In the future, the scale of the park would allow for recreational activities to be developed for the benefit of local residents and other residents of Edinburgh that would not be possible in a smaller area of landscape. Loss of this landscape to development prevents the creation of a semi-rural park.

Parkland is proposed, but of a different scale. The resultant park would comprise the area at the north west of the site, the existing wetland adjacent to the hospital car park and a linear area of green space between the BioQuarter and the proposed new development. The wetland would not be useable open space in its current form and the application does not propose any changes to the wetland in terms of increasing permeability through boardwalks etc. The linear area of green space between the BioQuarter and the proposed development would not provide a sufficient buffer between the developments, or provide a parkland that would provide a strategic city-wide amenity space. The larger scale landscape could also provide recognised significant health benefits. As this character is part of the setting of the city, the significant reduction in the parkland would impact on the setting of the City and the remaining setting of Craigmillar Castle.

ECLP policy Des 1: 'Design Quality and Context' states that planning permission will not be granted for...*'proposals that would be damaging to the character or appearance of the area around it particularly where this has special importance.'* The proposals damage the open landscape character that is important as a location for recreation and amenity and is part of the National Planning Framework 3. Part of the landscape character is the experiential aspects of the character. The proposals damage the appearance of the area because the development rises to the high elevations of the ridge that is currently undeveloped at this location and allows views to the countryside beyond.

It is acknowledged that the site is surrounded by urban interventions, and views across the site looking west are interrupted by urban developments such as the hospital, BioQuarter and Greendykes. However, from higher points at the western end of the site looking eastwards, there are sweeping views of greenspace and countryside beyond. A development of the extent proposed would have a detrimental impact on these important views and landscape.

The proposal is therefore contrary to policy Des 1.

Visual Amenity

The sweeping views across the landscape from Craigmillar Castle and Hawkhill Wood draw the eye to the distant hills. These would be affected by the development on the higher elevated ground.

The undeveloped landscape connection between Craigmillar Castle parkland and the ridge is a strong visual characteristic and the views lead the eye down and up the valley. The proposal narrows this green space and it no longer appears as a landscape between development, but as a green link, not a parkland.

The existing development at Greendykes nestles into the valley bottom and its setting is the landscape that surrounds it.

ECLP policy Des 3: 'Design Development' states that development will be permitted where it is demonstrated that it will have a positive impact on setting ,....wider landscape and impact on views.

The proposals do not have a positive impact on the views. This is noted in the applicant's Landscape and Visual Impact Assessment, which indicates that the development will have a significant adverse or major adverse effect on many views. Also, it will not have a positive impact on the landscape character as, for a large part of the site, the open landscape is lost and replaced with an urban character that is not suitable for this area of landscape due to its function as potential parkland and part of the setting of the city and the role it plays in providing strategic green infrastructure of the City.

The proposal is therefore contrary to policy Des 3.

This proposal does not enhance the setting of the City. It urbanises a setting that is not urban in character. Neither does it enhance the special character of the City, where one special characteristic is the view to and from unique and distinctive landscape features that surround the city and can be seen with the City as a foreground. This development blocks views to these unique landscape features and has a significant adverse effect.

The proposal is therefore contrary to policy Des 8.

ECLP policy Env 11: 'Landscape Quality' states that planning permission will not be granted for development that would damage or detract from the overall character and appearance of Areas of Great Landscape Value shown on the proposals map, prominent ridges, or other important topographical or landscape features.

The development is contrary to this policy. The LVIA submitted by the applicant assessed the development as a significant adverse effect on the landscape. It is part of candidate Special Landscape Area which has been designated for its landscape character and visual amenity, both of which will be damaged by this development.

Future Potential of the Site to Deliver Parkland

ECLP Policy Des 2: 'Co-ordinated Development' states that planning permission will not be granted for development which might compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a masterplan or development brief approved by the Council.

The Craigmillar Urban Design Framework showed this area for the future development of parkland to provide recreation and a setting for the designed development of Greendykes, the BioQuarter and the city. It was never envisaged that this would be lost. It is also indicated in the Greendykes masterplan as parkland, which was to provide the open space for the development for new residents.

While it is acknowledged that some parkland is proposed to be retained as part of the proposals, it is not sufficient to provide the strategic parkland as envisaged in the Craigmillar Urban Design Framework, or the multi-functional parkland/woodland, linking with parallel developments in Midlothian, as stated in Greenspace Proposal GR 4 of the Second Proposed Local Development Plan.

The proposal is therefore contrary to policy Des 2.

Historic Landscape

The Council's 2013 Craigmillar Urban Design Framework recognises the significance of the historic landscapes occupying this site, identifying it as an area of valuable open space and parkland. This is the last piece of landscape setting that was part of the original setting for Craigmillar Castle. In terms of the setting of the Castle and the designed landscape, the Environmental Statement notes that there will be a moderate/substantial adverse effect on the setting. This is contrary to ECLP policy ENV 3 (Listed Buildings - Setting) which states development will only be permitted if it is not detrimental to the appearance or character of the building or its setting.

As noted previously, there are a number of urban interventions that are prevalent in various views across the site towards the castle. However, the sweeping nature of the remaining landscape forms an appropriate visual link to the castle, and the urban developments around the castle reinforces the need to retain a substantial landscape setting.

ENV 7 (Designed Landscapes) states that development will not be permitted if it has a detrimental impact upon views to and from the site. The Historic Assessment within the Environmental Statement concludes that there would be an adverse impact on the historic landscape; specifically a major adverse impact on the elements of the Edmonstone Designed Landscape which has a high heritage value.

Historic Environment Scotland (HES) commented on the application in relation to the scheduled ancient monuments (SAMS) within the site. Although HES did not object to the proposed development in principle, it did have significant concerns about the impacts on the SAMs. In particular, HES notes that a number of the figures accompanying the Environmental Statement show areas of development impinging on the Home Farm Enclosure. While this may be due to a mapping error, HES consider that this issue should be resolved in the detailed scheme for the development.

HES also holds concerns about the lack of detail within the Environmental Statement regarding the proposed treatment of and the development of paths across the Home Farm Enclosure and Craigmillar Castle and gardens.

HES strongly advises re-designing the scheme to avoid direct impacts on these monuments. In particular, any mapping errors in relation to the scheduled area around Home Farm Enclosure should be rectified. HES would also request that detailed proposals are provided for the incorporation of the scheduled monuments into green space as part of scheme. HES would expect these to mitigate the impact of any parkland development (paths etc.).

If the mitigation requested is not provided, HES has indicated that it may object to a future application.

Landscape Conclusion

It is acknowledged that the landscape has been eroded by urban developments surrounding the site. However, this reinforces the strategic importance of the parkland in delivering an appropriate landscape setting for these urban developments. The land is also rich in features supporting biodiversity (this is discussed below), which contributes towards the character of the landscape and perceptions/experience while within the site.

While there may be some landscape capacity for development within this site at appropriate locations, the proposals in their current form are not appropriate or acceptable.

j) Biodiversity and Ecology

ECLP policy Env 16: Species Protection states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless:

- a) there is an overriding public interest need for the development and it is demonstrated that there is no alternative;
- b) a full survey has been carried out of the current status of the species and its use of the site;
- c) any necessary licence has been obtained; and
- d) suitable mitigation is proposed.

The Environmental Statement accompanying the application contained an Extended Phase 1 Habitat Survey. The main habitats on site comprise:

- Semi natural broad-leaved woodland: This is present in the western corner and extends east from the area along the northern boundary of the site. It is also present in the south and east of the site, along both sides of the existing access track from The Wisp, and forms boundaries within the site. Species include a range of mature trees, shrubs and grasses. Woodland areas on the site also have recreational and amenity value;
- Unimproved neutral grassland: Areas of unimproved neutral grassland are across the southern and eastern parts of the site and on the slope leading to the western boundary of the site;
- Semi-improved neutral grassland: The remaining grassland habitats on site show a greater degree of management and exhibit a lower diversity than the unimproved neutral grassland. This habitat is of value within the application site boundary only;
- Ephemeral short/perennial: This habitat is present in the north east of the site, colonising two large piles of deposited soil. The habitat is also present immediately to the west of a section of the dirt track traversing the southern part of the site from east to west. Dominant species include meadow grass;
- Standing water: There are four sustainable drainage system (SUDS) ponds within the site. These ponds are currently dominated by sweet canary grass and bullrush; and
- Running water: Two watercourses are located in the western section of the site. The Niddrie Burn and a drainage ditch (a tributary of the Niddrie Burn) flow from the north west to the south east across the site.

The impact of development on these habitats has been assessed in the Environmental Statement as ranging between negligible to moderate adverse. The moderate adverse impacts occur primarily to the semi-improved neutral grassland as some blocks of development are proposed here. In the absence of mitigation, the loss of this habitat would result in permanent, moderate adverse impacts at site level. Similarly, the unimproved neutral grassland has the potential to be affected by the development and is assessed as being moderate and adverse. Although no development is proposed on the areas of unimproved neutral grassland, damage can occur to these areas through littering and trampling.

Appropriate mitigation would require to be sought through the use of an appropriate condition if consent was granted.

With regards to wildlife and protected species, the applicant carried out a survey of protected, biodiversity action plan (BAP) and other notable species within and around the site. This included badgers, bats, otters and breeding birds (among others).

The survey found no evidence of badger setts but recorded feeding signs (snuffle holes) to the south and east of the site. The proposed development could result in a loss of foraging habitat for badgers. However, this could be mitigated with appropriate replacement habitats.

With regards to bats, the proposed development would result in the loss of large areas of potential foraging habitat (grassland) in the eastern portion of the site, although similar habitats in the north/north west of the site would remain undeveloped. The grassland on site offers a diverse population of plant species that would enhance foraging opportunities and the Environmental Statement recommends that the seedbank of grassland is relocated and incorporated into any future landscaping scheme if planning permission was granted. Any future development of the site should include additional habitat features that can maintain foraging opportunities and increase commuting habitat to suitable habitats beyond the site.

The habitats on site provide opportunities for nesting and foraging birds. Four bird species recorded in the Environmental Statement are listed on the Local Biodiversity Action Plan (LBAP), Scottish Biodiversity List (SBL) and Amber listed birds of Conservation Concern.

The Environmental Statement recommended that a breeding bird survey is undertaken as the grassland habitat within the site is suitable to support a wide range of breeding species including those of local and national conservation concern. The application was not supported by a breeding bird survey. Although this was requested, the applicant was reluctant to carry one out due to timescales. As such, a condition would be required if planning permission is granted in order to secure the submission of this survey. Ideally, this survey should be carried out at an early stage in order to inform the layout and extent of any potential future development.

Scottish Natural Heritage (SNH) did not object to the application. However, it noted that this is a strategically important site on the edge of the Local Authority area and presents a range of issues relating to its remit. The relationship of this site and proposed communities and neighbourhoods also contributes towards the delivery of SDP policy 11 (Delivering the Green Network). This policy sets out requirements for connectivity at a variety of spatial scales including between proposed new strategic development sites and existing communities. Furthermore, this site lies within an area defined in the SESplan Main Issues Report as a Regional Green Network Priority Area. The Green Network Technical Note, accompanying the MIR, highlights this area within the wider context of the city region and its growth, and as being an 'area important to setting of the city and surrounding settlements, green belt character and gateways.' It also emphasises that 'a co-ordinated approach to green network development which establishes and maintains a sense of place and delivers cross-boundary connections will be important'.

SNH advised that if the Council were minded to grant planning permission, there are several issues which should be resolved through design modifications or clarified through the production of further detailed information. These issues include travel connectivity; consideration of wider views from The Wisp to the Pentlands and Arthur's Seat; visual impacts and design mitigation on the prominent ridge to the south west of the primary school; long term management of all remaining open spaces, and; further detailed mitigation of impacts on Local Nature Conservation Site.

Biodiversity Conclusion

The site benefits from a wide range of plant species that supports a number of wildlife habitats, foraging and commuting. The impact of development on these habitats can be alleviated to some degree by appropriate mitigation, such as replacement habitats and replacement landscaping. A breeding bird survey would be required to be carried out to assess the level of breeding bird activity on the site and assess appropriate additional mitigation.

As above, the survey has not yet been carried out regarding breeding birds on the site and therefore further consideration should be given to this if planning permission is granted. At present, the development does not accord with this policy, however this could be addressed in subsequent applications if planning permission is granted.

With regards to the rest of the habitats and species assessed on site, mitigation has been proposed for the development.

Scottish Planning Policy (paragraph 203) states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. In the absence of all required information, the full impacts of development on this site cannot be understood.

k) Amenity for Existing and New Residents

Existing Residents

The residents most affected by the proposals will be located to the north in the New Greendykes development. However, due to considerable distances between the properties, there would be no impact on privacy or amenity.

New Residents

The main impact on new residents will be noise arising from road traffic and nearby hospital operations.

Environmental Assessment advised that road traffic, helicopter (from the hospital operations), industrial, commercial and general hospital operations noises require to be fully assessed in a noise impact assessment. The development is proposed to be situated directly beneath an existing flight path as presently utilised by the emergency helicopters coming to and going from the hospital. The new Royal Hospital for Sick Children (RHSC), which is under development, includes a new helipad. The new helipad is likely to increase the number of flights over the proposed development albeit two other routes to and from the hospital are available for use by the helicopter pilots. In this regard, the developer was advised that an assessment of the current helicopter operations is difficult but must be carried out in due course and post development of the RHSC.

Environmental Assessment supports this approach of an updated assessment which will then include the new helipad operations. Therefore in summary, the applicant must submit further detailed assessments in relation to industrial, commercial and general hospital operations, helicopter and road traffic noise with mitigation measures designed and recommended at a further detailed stage, if planning permission was granted.

In relation to community facilities, the applicant has indicated that there is a site for a new primary school within the application site. There is also scope for some local shop developments within the site. This would be secured through further applications if planning permission was granted.

The applicant has also indicated that 25% of the total number of dwellings on site will be affordable.

It is assessed that amenity for existing and new residents may be acceptable, but this will be examined through further applications if planning permission is granted.

l) Drainage, Flooding, Contamination and Ground Stability

Drainage and Flooding

SEPA provided comments in relation to flooding on this site, noting that part of it lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map. It may, therefore, be at medium to high risk of flooding. SEPA also noted that there would likely be field drains within the site which should be identified as part of the planning application.

Cumulative impacts would need to be considered and this is essential at this location due to the flood risk pressures surrounding the proposed development. The site design may be constrained due to surface water management and release into a watercourse which has known flood risk issues and a flood alleviation scheme.

A high level Flood Risk Assessment (FRA) was submitted as part of this planning application. The design flow is theoretical and from the FRA it does not appear to include an allowance for climate change. There is some uncertainty, therefore, associated with the scheme's level of protection.

The site boundary follows the perimeter of the flood storage area and, therefore, SEPA would be unlikely to support any proposal which requires alterations to this area, including raised crossings, without strong evidence that they are adequately sized to not cause a restriction in the channel or interfere with the operation of the storage areas.

This must therefore be considered by the applicant when designing the detailed scheme for any further applications, if permission is granted. Provision should be made to show how the proposed development is protected from pluvial flooding, including a robust drainage strategy.

Therefore, at this stage, it can be concluded that issues of flood risk have been addressed, although further details would be required in future applications, if permission was granted.

Contamination

The Environmental Statement submitted with the application contained information regarding ground conditions. It found that the site is underlain by strata that has been extensively worked in the past.

The applicant submitted a Ground Investigation Report which is currently being assessed by Environmental Assessment. Until this has been completed, Environmental Assessment recommends that a condition is attached to any consent to ensure that contaminated land is fully addressed.

Ground Stability

The application was supported by a report on ground stability and includes a report from the Coal Authority for the site. The report indicates that the site is in the likely zone of influence from workings in eight seams of coal at 210 metres to 800 metres depth and last worked in 1925. It also states that within the site or within 20 metres of the site boundary, there is one mine entry. The Coal Authority's online interactive map also shows that the eastern extent of the site is in a high risk area of probable shallow coal mine workings coinciding with a number of coal outcrops.

The Coal Authority notes from the Proposed Development Framework that the area of the site within which the recorded mine entry is present is to form open space/landscaping. Nevertheless, building over or within the influencing distance of a mine entry raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a

general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any measures, including stabilisation works, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority considers that the content and conclusions of the Phase 1 Desk Study Report are sufficient for the purposes of the planning application and demonstrate that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a suitable condition or conditions to secure the above if planning permission was granted.

m) Air Quality

The Local Authority is required under Part IV of the Environment Act 1995 to monitor, review and assess air quality in its area by way of staged processes. In this regard, a number of pollutants require to be assessed against national air quality objectives. Where these objectives are unlikely to be met by the target dates, the Local Authority must declare Air Quality Management Areas (AQMAs). It also prepares and implements an Air Quality Action Plan to manage and improve air quality in pursuit of the objectives. With respect to this process, there are currently no AQMAs in close proximity to the application site. As there are a number of committed developments and land allocated in the Local Plan for future residential developments, Environmental Assessment has concerns regarding local air quality in the area. The applicant's air quality impact assessment has not taken all these proposals into consideration therefore the submitted air quality impact assessment cannot be deemed a worst case scenario.

There are also concerns with the application due to the pressure this proposal would have on the transport infrastructure. If planning permission is granted, this development would lead to increased congestion and local air pollution. Policy ENV18 of the ECLP states that planning permission will only be granted for development provided it does not have a significant adverse impact on air, water or soil quality, and where appropriate mitigation can be provided.

In relation to this policy, further details would be required in order to assess what mitigation would be appropriate. This could be addressed by an appropriate condition if planning permission was granted.

n) Archaeology

In terms of archaeology, this application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Scottish Historic Environment Policy (SHEP) and also the Edinburgh City Local Plan policies ENV3, ENV7, ENV8 and ENV9 and 2013 Craigmillar Urban Design Framework. 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.

Archaeological evidence (detailed in the environmental statement accompanying this application) shows that the Edmonstone Estate polices surrounding the former house, and which include part of the southern portion of the application site, have been part of an important designed landscape since the 17th century. Contained within the site and sharing its boundary are the remains of the house's former stables, icehouse, ha-ha, dovecot, walled-garden, the estates main farm Edmonstone Mains (Home Farm) and the category (C) listed gate-piers and lodge.

Archaeological investigations carried out in 2013 provided further evidence for potentially nationally significant early industrial mining with the discovery of widespread late medieval/post-medieval bell pits. These early mines dating to the 16th -17th centuries were first identified at Edmonstone in 2008 across the southern part of the estate and are expected to cover the upper Edmonstone Ridge, following the vertical seams of coal which are known to extend across the ridge.

Listed Buildings

It is not specified in the submitted plans if the B-listed East Lodge and listed Gate-piers are to be retained within any subsequent development. Any proposals to demolish these listed buildings would be considered contrary to planning policy. Clarification would require to be sought that these buildings will be retained in any subsequent phases of development arising from this application.

Historic Artefacts

Outwith the listed structures and scheduled ancient monument, the area identified for housing contains significant stone boundary walls, of particular significance is the wall running north-south from the listed East Lodge towards Niddrie Marischal. This wall probably dating to between the 17th and early 19th centuries is a key component to the area's historic landscape, possibly forming Edmonstone Estate's eastern boundary. Accordingly, it is recommended that a condition is attached if permission is granted to ensure that this wall is repaired and reused within this development.

Buried Archaeology - Scheduled Sites Hawkhill wood and Home Farm Enclosure

The application will impact upon two Scheduled Ancient Monuments at Hawkhill Wood and Home Farm enclosure. At this stage, the proposals are not significantly designed out to assess fully the impact upon these two nationally significant sites, although the proposals do indicate that these sites will remain undeveloped. However, given potential impacts which occur as a result of designing and constructing open space and parkland it is necessary, in consultation with Historic Environment Scotland, that both detailed management plan(s) are submitted for approval which will secure not only their protection during development (if granted) but also the long term management, protection and interpretation.

Non-designated Remains

Given the significant archaeological resources occurring across the proposed area (outlined above and in the environmental statement), an archaeological mitigation strategy is required to be undertaken prior to submission of any further detailed applications and development. In essence, this strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the

undertaking of an archaeological evaluation (minimum 10%) linked to comprehensive metal detecting surveys. The results from this initial phase of work will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording of any surviving archaeological remains is undertaken if planning permission is granted.

Archaeology Conclusion

The site contains areas of archaeological significance. Further details would be required in order to understand how the proposals would impact upon archaeological remains and what level of mitigation would be appropriate. This could be dealt with in subsequent applications if planning permission was granted.

o) Sustainability and Sustainable Economic Growth

The proposal is for planning permission in principle and is not at the detailed stage, in terms of building design. Sustainability measures will require further consideration if a detailed application comes forward. Should Committee be minded to grant permission, a condition is recommended to ensure sustainability measures are considered at the detailed design stage.

In terms of sustainable economic development, the Scottish Government published Scotland's Economic Strategy in March 2015. This strategy looks to invest in infrastructure and increase the ability of people to participate in the labour market. It also places emphasis on introducing regeneration to deprived communities and encouraging community-led initiatives. The site is surrounded by some of the most deprived wards in the City with nearby Craigmillar suffering from issues such as crime, employment, health, housing and income. The applicant assumes that around 50% of the new homes will be sold to Edinburgh residents (i.e. they will be displaced) and the other 50% will be sold to non-Edinburgh residents. By introducing a new mix of people into the area with new skill sets and so on, there is an argument that the area could be revitalised. The applicant suggests that some of these new residents may be people who will work at the hospital or the BioQuarter, perhaps introducing a new skill set/enhancing that which already exists.

Edinburgh's economic strategy, 'A Strategy for Jobs 2012-17' aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.

During construction period

Information from the applicant suggests that the proposed development could create approximately 37 full-time equivalent jobs (FTEs) during the construction period with around 67% (25) being from within the local area. Based on a gross value added (GVA) per construction employee of £66,208 per annum, the applicants have estimated that the proposed development would generate an additional £16.5million for the regional economy and £24.6 million at the national level.

Post construction period

The proposed development is expected to deliver approximately 25 FTEs post construction period at the new primary school.

Other

The proposed development can be expected to support jobs in the area via household expenditure. Given the average expenditure of households in Scotland (£449 p/w), the combined expenditure of the households within the development is projected to total approximately £16,343,600 p/a.

Therefore, it is noted that the proposal would make a contribution towards sustainable economic development. However, this would be the case for any development in this location, and is not justification for allowing development on this site. While the site could enable the delivery of housing within a five-year period (albeit a limited number of units), the key aim of SPP is to deliver sites in a plan-led manner. As SPP sets out, the aim is to achieve the right development in the right place; it is not to allow development at any cost. The potential economic benefits of developing this site do not outweigh the environmental cost and impact on the landscape setting of the City.

p) Equalities and Human Rights

The application has been assessed for any potential impacts on equalities and human rights. Air quality and noise issues are largely short-lived matters during the construction stage that can be mitigated against through good working practices.

The proposal would lead to the loss of the existing open space and remove the potential for future generations to enjoy a designed parkland, although the development would provide new housing, including 25% affordable which could aid in improving the standard of life.

Equalities and human rights would be reconsidered at a further detailed stage if permission was granted.

q) Representations

The letters of representation raised the following material issues:

Objections:

- General principle of building on green belt land (assessed in (a) above);
- The loss of green space, and the resultant green space is inadequate (assessed in (a) above);
- The site is not well served by local shops and the nearest shops are outwith easy walking distance (assessed in (k) above);
- The proposal does not promote active travel (assessed in (g) above);
- The road capacity is not sufficient to allow for this development and all other developments in the area (assessed in (g) above);
- Loss of biodiversity and habitats (assessed in (j) above);
- Loss of opportunities for recreational activities (assessed in (k) above; and
- Detrimental impact on the landscape (assessed in i) above.

General Comments:

- Potential issues with flooding and drainage;
- Lack of consultation; and
- Consideration should be given to a segregated off-road cycle network through the site.

Support:

- The development will help sustain the school roll for Castlebrae Community High School.

These comments are noted.

The Craigmillar Community Council also made comments that following community consultation, there was support for the proposed development. The results of a consultation exercise carried out by the Community Council showed that from the 40 respondents, there was general support (65%) in favour of developing the green space. The new parkland would also go some way to delivering the improved parkland described in the Craigmillar Urban Design Framework.

The Community Council also stated that should the development receive planning permission, it would like to put on record its desire that the Council use the capital receipt due from the sale of the land to the developer to fund the delivery of the proposed High School in Craigmillar. The Community Council believes that, along with the improvements to the Town Centre, the new secondary school is central to the regeneration of Craigmillar.

These comments from the Community Council are noted.

Overall Conclusion

The development proposes a new school, community facilities, green spaces and around 770 residential dwellings.

The proposed Local Development Plan (LDP) is currently under examination and the examination report is expected at the end of June 2016. As noted by Planning Committee in May 2015, this report will be binding on the Council.

However, the applicant did not make representations regarding this site during the LDP process and therefore it is unlikely that it will be considered by the examination reporters as a site for housing.

Notwithstanding that the LDP examination is reported shortly, a decision is sought by the applicant at this time. It is a requirement of planning legislation that decisions on planning applications are provided. It should be noted that if members are minded to grant planning permission, the application will be notified to the Scottish Ministers.

In assessment of the application, there are a number of issues that could be addressed through the submission of subsequent AMC applications, if planning permission was granted. These relate to technical matters such as air quality, archaeology, noise and ground conditions. Further information would be required regarding transport and cumulative impacts.

The applicant is proposing to deliver a new primary school on this site, which is supported in principle.

The applicant is proposing to provide financial contributions to the local community to help with various initiatives, if planning permission was granted. However, it should be noted that this could not be secured through a legal agreement linked to the planning permission.

Craigmillar Community Council and The Parent Council of Castlebrae Community High School have indicated support for the proposals and this is noted.

However, it is the fundamental principle of the development that is in question. At present, there is no justification for the development in terms of housing land supply. Even if planning permission was granted, there is no evidence to suggest that housing could be delivered on this site to make a meaningful contribution to the five year supply. This is based on the fact that the site is not assessed as being effective; it is not in the applicant's ownership (it is currently within the ownership of the Council) and future land remediation may delay development commencing. Furthermore, the average time in gaining first completions following the granting of a planning permission in principle is four years. Therefore, an optimistic estimate of the contribution that this site would make to the housing land supply would be around 50 units. This is apparent in the land to the immediate south of this site (on the Edmonstone Policies site, the Walled Garden and Eight-Acre Field) where, despite extant planning permissions, development has not yet commenced.

In terms of the landscape, it is acknowledged that there are a number of urban interventions around the site that impact on the overall landscape setting and character of the site. However, this site is of strategic importance in providing parkland and cycle/footpath links between Midlothian and Edinburgh. This green space provides a buffer between the Edinburgh BioQuarter and new housing developments at Greendykes/Craigmillar and forms an important visual link to Craigmillar Castle. Despite the Landscape and Visual Impact Assessment noting that many views would be affected to a major/adverse degree, there has been no meaningful discussion with the applicant regarding where development may be directed in order to mitigate any visual or biodiversity impacts.

Therefore, on balance, the principle of the development is not supported. Development of this site would prejudice the development of the parkland, which would be detrimental to the future communities in the area. The impact on the landscape has been assessed and is not acceptable. Although there is a recognised need to provide new housing in Edinburgh, this site has been assessed and is not supported by policy and there are no overriding material considerations which outweigh this conclusion.

The development is significantly contrary to the development plan.

It is recommended that planning permission is refused subject to referral to Council.

Due to the fact that the development is significantly contrary to the development plan and currently in Council ownership, the application requires to be referred to the Scottish Ministers.

It is recommended that this application be Refused subject to referral to Council for the reasons below.

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to SDP Policy 12, Edinburgh City Local Plan Policies Env 10 and Hou 1 and the Second Proposed LDP Policies Env 10 and Hou 1 as there are no compelling reasons to override the strong policy presumption against development in the Green Belt.
2. The proposal is contrary to policy Des 2 of the Edinburgh City Local Plan as it would compromise the comprehensive development and regeneration of the wider area, specifically the South East Wedge Parkland, as provided for in the Craigmillar Urban Design Framework.
3. The proposals are contrary to Greenspace Proposal GS4 of the Second Proposed Local Development Plan which states that the land around Craigmillar/Greendykes is retained in the green belt and will be landscaped to provide multi-functional parkland, woodland and country paths, linking with parallel developments in Midlothian. This proposal would not support GS4 and would prejudice the delivery of the parkland.
4. The proposal is contrary to Edinburgh City Local Plan Policies Des 3 and Env 11 as the development will not have a positive impact on its setting, the wider landscape and views.

Financial impact

4.1 The financial impact has been assessed as follows:

As the Council currently own the land, there would be a capital receipt from the sale.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 2 July 2015. Copies of the Notice were also issued to:

- Craigmillar Community Council;
- Liberton and District Community Council;
- Danderhall and District Community Council;
- Gilmerton and Inch Community Council;
- Craigmillar Neighbourhood Alliance;
- Portobello and Craigmillar Neighbourhood Partnership;
- Liberton and Gilmerton Neighbourhood Partnership;
- South Neighbourhood Office;
- Inch Community Association;
- Castlebrae Community High School;
- Ward Councillors;
- Local MSP; and
- Local MP.

A presentation was made to the Gilmerton and Inch Community Council's Planning Sub-Group on 5 August 2015 and Craigmillar Community Council on 11 August 2015. A community engagement event was undertaken on 18 August 2015 at the Hays Business Centre.

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

A pre-application report on the proposals was presented to the Committee on 12 August 2015. The Committee noted the key issues in the report and requested that this application should be considered in tandem with the application for parkland on the same site.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 13 November 2015 and seven letters of representation were received. These included four letters of objection, two letters of support and one letter of general comment.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

To view details of the application go to;

- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision

National Planning Framework 3: NPF3 expects development plans to identify green networks in all of the city regions. But for the next five years, the strategy continues to prioritise environmental improvements in the Central Belt, with the Central Scotland Green Network (CSGN) helping to make this area more attractive to investors and residents.

Strategic Development Plan (SESplan): The location of the green belt is shown in the SESplan Spatial Strategy. The green belt in this location separates the South East Edinburgh SDA from the Midlothian SDA that covers the A7/A68/Borders Rail Corridors.

Edinburgh City Local Plan: The land is within the Green Belt and is part of a Local Nature Conservation Site and area of importance for flood management. The site is designated as Open Space Proposal: OSR 4 - South East Wedge Parkland which indicates that the land should be landscaped to provide multi-functional parkland, woodland and country paths with parallel developments in Midlothian.

Second Proposed Local Development Plan (2014): The land is within the Green Belt and a Local Nature Conservation Site. The site is also part of Greenspace Proposal: GS4 South East Wedge Parkland and retains the same aims as held within the ECLP. The site is also identified as being within a candidate Special Landscape Area and has a tram safeguard route on a north/south axis.

Other: The Edmonstone Estate is identified as a historic garden and designed landscape of local landscape importance.

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

Finalised Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance: This states that the Edmonstone Estate should:

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

Date registered 4 November 2015

Drawing numbers/Scheme 01, 02.,

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer
E-mail: Lesley.carus@edinburgh.gov.uk Tel: 0131 529 3770

Links-Policies

Relevant Policies:

Relevant Policies of the Strategic Development Plan.

SDP06 (Housing Land Flexibility) Policy 6 requires that a 5 year effective housing land supply is maintained. It allows the granting of planning permission for the earlier development of sites which are allocated for a later period in the LDP to maintain the land supply.

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 Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

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

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

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

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

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

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

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Com 3 (School Development) sets criteria for assessing sites for new school development.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant policies of the Proposed Local Development Plan.

Second Proposed LDP Policy Del 1 (Developer Contributions) identifies the circumstances in which developer contributions will be required.

Second Proposed LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

Second Proposed LDP Policy Del 1 (Developer Contributions) identifies the circumstances in which developer contributions will be required.

Relevant Non-Statutory Guidelines.

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

Appendix 1

Application for Planning Permission in Principle 15/05074/PPP

**At South East Wedge Development Site, Old Dalkeith Road,
Edinburgh**

**Proposed residential development, community parkland and
a primary school on Land at Edmonstone, the Wisp, South
East, Edinburgh.**

Consultations

Coal authority consultation response 18 November 2015

Proposed residential development, community parkland and a primary school on land at Edmonstone, The Wisp, South East Edinburgh at South East Wedge Development Site, Old Dalkeith Road, Edinburgh

Thank you for your consultation email of 9 November 2015 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the eastern portion of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority notes that the Environmental Statement which has been submitted in support of this planning application draws upon, and includes in Appendix 11.1, the contents of a Phase 1 Desk Study Report (September 2015, prepared by Mason Evans).

The Phase 1 Desk Study Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of deep coal seams, The Coal Authority records indicate that a mine entry (shaft, CA ref. 330670-009) is present within the application site, adjacent to the eastern boundary and the zone of influence of any off-site mine entry (shaft, CA ref. 330670-008) encroaches across the eastern boundary of the site. In addition, our information indicates that a number of thick coal seams outcrop at or close to the surface of the site which may have been worked in the

past and historic unrecorded underground coal mining is also likely to have taken place at shallow depth beneath the eastern part of the site.

The Phase 1 Desk Study Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, historical OS mapping and BGS data. Based on a review of these sources of geological and mining information, Section 6.5.1 of the Report indicates that surface instability due to mining in the south-east of the site is considered possible and should be taken into consideration in the future development of the site.

Accordingly, the Report goes on to recommend that Phase II investigations are undertaken including consideration of mining instability affecting the site and mine gas emissions. The Coal Authority concurs that intrusive investigations, including the drilling of rotary boreholes, are required in order to ascertain ground conditions and to establish the presence or otherwise of shallow mine workings. These investigation works should also seek to identify the precise position and condition of the recorded entry.

I note from the Proposed Development Framework that the area of the site within which the recorded mine entry is present is to form open space/ landscaping. Nevertheless, I take this opportunity to advise the applicant that building over or within the influencing distance of a mine entry raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any measures, including stabilisation works, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority would also expect the applicant to afford due consideration to the prior extraction of any remnant shallow coal as part of any mitigation strategy. Prior extraction of remnant shallow coal can prove to be a more economically viable method of site remediation than grout filling of voids.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase 1 Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the recorded mine entry and any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to reserved matters/ approval of matters applications:

- * The submission of a scheme of intrusive site investigations for the mine entry for approval;*
- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and*
- * The undertaking of both of those schemes of intrusive site investigations.*

A condition should require as part of the reserved matters/ approval of matters application:

- * The submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of a suitable 'no-build' zone;*
- * The submission of a scheme of treatment for the mine entry on site for approval; and*
- * The submission of a scheme of remedial works for the shallow coal workings for approval.*

A condition should also require prior to the commencement of development:

- * The implementation of those remedial/treatment works.*

The Coal Authority considers that the content and conclusions of the Phase 1 Desk Study Report are sufficient for the purposes of the planning system and demonstrate that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Midlothian Council 2 December 2015

While not formally objecting to the proposal, Midlothian Council wishes to raise the following concerns in relation to Green Belt, transport and landscape impact.

Midlothian Council raised matters on transport and landscape in response to the recent PAN (ref. 15/03214/PAN), and also to your EIA scoping request.

As you are aware the proposed site is within the original South East Wedge development area and was to be undeveloped parkland/open space. Midlothian Council considers there are important cross border issues associated with this significant proposal. This is particularly the case given the site is on the Edinburgh Midlothian boundary and would, if developed, have implications for key vehicular and pedestrian/cyclist cross boundary routes.

The Shawfair Master Plan (also called the Shawfair Design Framework) sets out details of these cross border connections. It can be accessed from Midlothian Council's website through the following link to planning application ref: 02/00660/OUT

Green Belt

The application site has no planning policy support in that the current development plan identifies this area as Green Belt. The City of Edinburgh has identified a number of

greenfield housing sites in the Proposed Edinburgh Local Development Plans, of which this site is not included. If the City of Edinburgh Council is satisfied that sufficient new housing land has been identified, there would appear to be no justification in supporting the release of this application site for development.

Transport

Vehicular Transport

Midlothian Council has concerns regarding the cumulative impact on the transport network arising from this proposal. It is in addition to developments that are in accordance with the development plans of the City of Edinburgh and Midlothian Councils, and other windfall developments in this part of south east Edinburgh that have come forward.

Midlothian Council is aware that a number of improvements to the local road network, in association with development currently underway at new Greendykes, have been made, such as footpath on The Wisp, new bus stop, street lighting, upgrade of the traffic lights at the junction of The Wisp and the A7, and a 30 mph speed limit at the Millerhill Road/The Wisp junction. However, they were primarily to accommodate the new Greendykes development. Additional windfall developments in this area, such as this proposal, may place increased burdens on the existing road network and junction capacities which would require to be mitigated in an appropriate manner.

Midlothian Council considers that the expected impact of traffic flows of all existing, committed and proposed residential development in this part of Edinburgh and the Shawfair area of Midlothian should be considered in the assessment of this proposal. The junction of The Wisp and the A7 has been highlighted as an issue in the Transport Appraisal work undertaken by Midlothian Council for its Proposed Midlothian Local Development Plan. Midlothian Council asks that the findings of this Transport Appraisal work are taken into account in the assessment of this proposal.

The Midlothian Local Development Plan Transport Appraisal work is available on Midlothian Council's website through the below link:

[http://midlothianconsult.](http://midlothianconsult.objective.co.uk/portal/planningpolicy/mldp/mldppp?tab=files)

[objective.co.uk/portal/planningpolicy/mldp/mldppp?tab=files](http://midlothianconsult.objective.co.uk/portal/planningpolicy/mldp/mldppp?tab=files)

This link is to the Supporting Documents for the Proposed Local Development Plan on the Planning Portal on Midlothian Council's website.

Midlothian Council requests that the following also be taken into account in the assessment of the proposal:

- demonstration that the proposal has good access to public transport and provides good walking and cycling routes; and*
- investigate how public transport might be improved along The Wisp.*

Midlothian Council would have strong concerns about a new vehicular road access on to The Wisp from this proposal.

Pedestrian/ Cycle facilities

If this proposal is supported, then Midlothian Council requests that full provision of good multi-user foot and cycle paths is made in order that the development supports and helps facilitate reciprocal connections between local and wider Edinburgh and Midlothian networks. Midlothian Council considers links between Edinburgh and Midlothian in this location an important part of delivering its green network. Further details are set out below:

Access point on the northern edge of Danderhall, by the East Lodge at Edmonstone - shown on Figure 11.4 of the Shawfair Master Plan:

If this proposal were supported Midlothian Council would consider it essential that widened footpaths and a crossing point be provided to connect with the links into Shawfair indicated on Figure 11.4 of the Shawfair Master Plan Framework.

Multi-user path along The Wisp

Midlothian Council requests the proposal considers provision of a multi-user path along The Wisp through the development, connecting with the Greendykes development and Hunter's Hall Park to the north, to provide links to Niddrie Mains Road.

Craigmillar Castle Road

Full consideration should be given to the provision of safe crossing and access at Craigmillar Castle Road to off-road foot/cycle paths along this road.

Developer Obligations - Transport

With regard to impacts on the road network, Midlothian Council is seeking developer obligations from committed and proposed development identified in the Proposed Midlothian Local Development Plan in the Shawfair and Danderhall area for the upgrade and improvement of the Sheriffhall junction on the A720 City Bypass, Borders Railway and other education and infrastructure requirements. These sites includes the:

- approximately 4000 homes and 32.5 ha. of economic development associated with the committed new Shawfair community (sites h43-h45 and e25, e26 and e28 respectively);*
- Shawfair Park (ref. e27), a 9 ha. business allocation from the Midlothian Local Plan (2008); and*
- allocations made in the Proposed Midlothian Local Development Plan (2014).*

This includes housing sites Cauldcoats (ref. site Hs0 - which partly fronts on to The Wisp: allocated for 350 houses with possible potential for a further 200 houses beyond 2024), Newton Farm (ref. Hs1: allocated for 480 houses with possible potential for a further 220 houses beyond 2024) and Shawfair Park Extension (ref. Ec1, a 20 ha. business allocation).

If this development were to be supported, Midlothian Council requests that developer obligations are sought to help contribute to the upgrade of the Sheriffhall junction on the A720 City Bypass, as well as to other necessary improvements that may be required to the local road network. Midlothian Council would expect there to be potential for cumulative implications from this proposal, and other nearby developments, on the Sheriffhall junction and the local road network.

Finally, if the development were to be supported then the above multi-user foot/cycle paths should be secured through the appropriate mechanism. This could include developer obligations.

Landscape

As stated already in this letter, the proposed development site is part of the South East Wedge development area and was to be undeveloped parkland/open space. It is an important cross border location and the landscape impact of the development on Midlothian and Edinburgh should be fully considered.

Archaeology 22 December 2015.

Further to your consultation request I would like to make the following comments and recommendations concerning this application in principal for proposed residential development, community parkland and a primary school on land at Edmonstone, The Wisp.

The site connects the three historic estates of Edmonstone, Craigmillar and Niddrie Marischal overlooking the valley of the Niddrie Burn. Archaeological evidence (detailed in Waterman's EIA accompanying this application) shows that the area has been occupied since the prehistoric period and still contains the nationally important Home Farm Enclosure (Ref 6038) on Edmonstone ridge. Roman occupation is possible with a Roman finds discovered from Hawkhill Wood. The remains of an old road were tentatively identified by GUARD in 2008 as the remains of a Roman Road thought to be in this area, though following subsequent post-excavation the road is seen now to be medieval/post-medieval in date.

The medieval Edmonstone is mentioned in charters from AD 1248 onwards and it is possible that the site has acted as estate centre since the 12th century. Harris (Harris S, Place Names of Edinburgh) records that a Henry de Edmundistun was witness in 1200 to a charter signed by a Henry de Brade with tradition associating the site with Edmond Count of Flanders a companion of Queen Margaret future wife of Malcolm Canmore in 1071. The recent archaeological work by GUARD in 2013, along the route of a new access road running across the western boundaries of this site, to the east & north of the former house, have uncovered significant remains of a possible settlement dating from the 13th century which extend into this application site.

By the 14th century Edmonstone was the centre of an important estate. The original house, destroyed and rebuilt in 1800, was built around an earlier mansion recorded in a charter of 1613, which may have been originally a late-medieval tower-house.

The Edmonstone Estate polices surrounding the former house and which form the southern half of the application site have been part of an important designed landscape since the 17th century. Contained within the site and sharing its boundary are the remains of the house's former Stables, Icehouse, Ha-Ha, Dovecot, Walled-Garden, the estates main farm Edmonstone Mains (Home Farm) and the listed (c) gate-piers and lodge. The coach-house & stable-block is presumed to date from the reconstruction of the House following a fire in 1800. The Icehouse, Ha-ha and wall-garden may be earlier in date, possibly dating to the 18th century with the dovecot likely to date from the 16/17th century.

The 2013 archaeological investigations by GUARD have also provided further evidence for potentially nationally significant early industrial mining with the discovery of widespread late medieval/post-medieval bell pits. These early mines dating to the 16th -17th centuries were first identified at Edmonstone by Headland Archaeology in 2008 across the southern part of 'Area 1' and area expected to cover the upper Edmonstone Ridge following the vertical seams of coal which are known to extend across the ridge. Metal detecting surveys carried out by local amateurs and as part of CEC Braid Burn Flood Prevention scheme, have provided evidence for the use of the area as training grounds during both WWI & WW II.

This application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan policies ENV3, ENV7, ENV8 & ENV9 and 2013 Craigmillar Urban Design Framework. 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.

Listed Buildings

It is not specified in the submitted plans if the B-listed East Lodge and listed Gate-piers are to be retained within any subsequent development. Any proposals to demolish these listed buildings would be considered contra to planning policy. Clarification must be sought that these buildings will be retained in any subsequent phases of development arising from this PPP application.

Historic Landscape

The Council's 2013 Craigmillar Urban Design Framework recognises the significance of the historic landscapes occupying this site identifying it as an area of valuable open space and parkland. As such it contains several design criteria to ensure the preservation/conservation and enhancement of the areas key historic landscape and archaeological features. As such it is essential that these important design principals are followed within this application. Outwith the listed structures and SAM' discussed below, in the area identified for housing contains significant stone boundary walls, of particular being the wall running north-south from the listed East Lodge towards Niddrie Marischal.

This wall probably dating to between the 17th and early 19th centuries is a key component to the areas historic Landscape possibly forming Edmonstone Estates eastern boundary. Accordingly it is recommended that a condition is attached to ensure that this wall is repaired and persevered within this development using a condition based upon the following;

'The applicant shall ensure the repair and preservation of the Edmonstone Ridge historic estate wall in accordance with detailed designs which have been submitted by the applicant and approved by the Planning Authority.'

Buried Archaeology:

Scheduled Sites Hawkhill wood & Home Farm Enclosure

The application will impact upon two Scheduled Ancient Monuments Hawkhill Wood and Home Farm enclosure. At this stage the proposals are not significantly designed

out to fully gauge the impact upon these two nationally significant sites although the proposals do indicate that these sites will remain undeveloped. However given potential impacts which occur as a result of construction and designing open space and parkland it is essential, in consultation with Historic Environment Scotland, that both detailed management plan(s) are submitted for approval which will secure not only there protection during development (if granted) but also there long term management, protection and interpretation.

It is recommended that this Archaeological/Heritage Management Plan is secured using a condition based upon the following;

'No development shall take place on the site until the applicant has secured the implementation of an Archaeological Conservation & Management Plan for both Home Farm Enclosure (Ref 6038) and Hawkhill Wood (Ref 90129) which has been submitted by the applicant and approved by the Planning Authority.'

Non-designated Remains

Given the significant archaeological resources occurring across the proposed area (outlined above and in Waterman's EIA), it is essential that an archaeological mitigation strategy is undertaken prior to submission of any further detailed (FUL/AMC) applications and development. In essence this strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of an archaeological evaluation (min 10%) linked to comprehensive metal detecting surveys. The results from this initial phase of work will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording of any surviving archaeological remains prior to construction commencing is undertaken.

Interpretation

In addition to the interpretation / preservation of Home Farm enclosure & Hawkhill Wood discussed above, the site has the potential for unearthing important archaeological remains. Accordingly it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.

It is recommended that these programmes of work be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, publication, interpretation, protection & conservation, management & public engagement) 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.

Flood Prevention 22 December 2015

In support of the above planning application the Flood Prevention Unit have reviewed the following documents,

*Environmental Statement Chapters 4 and 11;
Appendix 11.2 Flood Risk Assessment.*

In order to better inform the planning application process further information is required with respect to drainage.

- 1. The applicant has not completed a self-certification checklist for this application. This should be completed to capture the information.*
- 2. The applicant has noted the individual plot areas in the master plan on figure WIE10135-100_GR_ES_4.2A. At the next stage of the planning process the applicant will be required to confirm the overall amount of impermeable area across the entire master plan to ensure that the maximum discharge rate from the master plan is in line with CEC Flood Prevention guidelines of the lesser of either the 1:2 year greenfield runoff rate or 4.5 l/s/ha impermeable area.*
- 3. The applicant has provided indicative locations for the SuDS detention basins and CEC Flood Prevention are satisfied that sufficient space can be provided within the development to accommodate the basins. We strongly recommend that the volume of storage required is ascertained and the drainage layout finalised prior to the building layout for the rest of the master plan areas.*
- 4. The SuDS basins will be required to be completed prior to the occupation of the first house within the master plan.*
- 5. Please note in the full planning application we will require flow path diagrams that demonstrate that flows are not directed towards buildings and that the surface flows will mirror the current drainage characteristics of the site. Existing and proposed surface water flow paths will be required to be shown on a drawing. Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system.*

Environmental Health & Scientific Services 1 June 2016

The application proposes to erect a new residential development of up to 700 units and a primary school with associated landscaping and roads.

The site covers approximately 65 hectares in the Edmonstone area of south-east Edinburgh which is currently open scrub land. The Edinburgh Royal Infirmary (ERI) and the Edinburgh Bio-Quarter, is situated to the south-west of the site, beyond which lies the A7 Old Dalkeith Road. Residential properties (Danderhall, Midlothian Council) are located adjacent to the south-east, immediately beyond. The Wisp bounds the site to the east.

New residential properties are currently under construction adjacent to the north of the site in the vicinity of Greendykes. There are a number of other committed developments around the site including to the east in Midlothian.

The land is allocated Greens Space in the Second Proposed Local Development Plan 2014. It states that the land known as GR4 is to be retained in the green belt and will be landscaped to provide multi-functional parkland, woodland and country paths linking with parallel developments in Midlothian.

Air Quality

The Local Authority is required under Part IV of the Environment Act 1995 to monitor, review and assess air quality in their area by way of staged processes. In this regard, a number of pollutants require to be assessed against national air quality objectives. Where these objectives are unlikely to be met by the target dates, the Local Authority must declare Air Quality Management Areas (AQMAs). It also prepares and implements an Air Quality Action Plan to manage and improve air quality in pursuit of the objectives. With respect to this process, there are currently no AQMAs in close proximity to the application site. As there are a number of committed developments and land allocated in the Local Plan for future residential developments Environmental Assessment has concerns regarding local air quality in the area. The applicant's air quality impact assessment has not taken all these proposals into consideration therefore the submitted air quality impact assessment cannot be deemed a worst case scenario.

It has also been noted that Transport Planning has concerns with the application due to the pressure this proposal would have on the transport infrastructure. If consent is granted this development would lead to increased congestion and local air pollution.

Noise

The applicant was advised that a noise impact assessment would be required to support the application. It is advised that road traffic, helicopter (from the RIE Hospital operations), industrial, commercial and general hospital operations noises are fully assessed in any noise impact assessment. The development is proposed to be situated directly beneath an existing flight path as presently utilised by the emergency helicopters coming to and going from the hospital. The new RIE children's hospital extension which is under development includes a new helipad. The new helipad is likely to increase the number of flights over the proposed development albeit two other routes to and from the hospital are available for use by the helicopter pilots. In this regard, the developer was advised that an assessment of the current helicopter operations is difficult but confirm but must be carried out in due course and post development of the children's hospital.

Environmental Assessment supports this approach as an updated assessment which will then include the new helipad operations. Therefore in summary, the agent must submit further detailed assessments in relation to industrial, commercial and general hospital operations, helicopter and road traffic noise with mitigation measures designed and recommended at that detailed stage.

Further to the applicants' noise and vibration assessment criteria Environmental Assessment advises that the applicant demonstrates that internal/external noise levels commensurate with BS8233 and the WHO Guidelines for Community Noise are

achieved. The submitted noise impact assessment has a number of discrepancies and could not be relied on for any detailed planning application.

Ground Condition

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Assessment. Until this has been completed Environmental Assessment recommends that a condition must be attached to any consent to ensure that contaminated land is fully addressed.

Environmental Assessment recommends that the application is refused due to the likely impacts the proposed development would have on local air quality.

Scottish Natural Heritage 21 December 2015

Policy context

This is a strategically important site on the edge of the Local Authority area and presents a range of issues relating to our remit.

Following the consenting of Edmonstone Estate, this proposal occupies a significant area of greenspace proposal area GS 4: South East Wedge Parkland (from the Second Proposed Plan). Supplementary planning guidance for the Bioquarter and South East Wedge Parkland sets out its proposed function as green network. The site has also been identified on a city wide basis in the 2010 Open Space Strategy as an area for the 'creation of [green] network'. We have consistently supported these development principles throughout the current Local Plan period and more recently as set out in the emerging Proposed Plan.

The Council's proposed intention to develop the site as the South East Wedge Parkland would secure and enhance a valuable and substantial area of green infrastructure for the City of Edinburgh, with direct benefit to new and emerging strategic development sites surrounding the site.

The relationship of this site to existing and proposed communities and neighbourhoods also contributes towards delivery of SESplan policy 11 (Delivering the Green Network). This policy sets out requirements for connectivity at a variety of spatial scales including between proposed new strategic development sites and

existing communities and neighbourhoods. Furthermore, this site also lies within an area defined in the SESplan Main Issues Report as a Regional Green Network Priority Area1 . The Green Network Technical Note accompanying the MIR highlights this area within the wider context of the city region and its growth, and as being an "Area important to setting of the city and surrounding settlements, green belt character and gateways". It also emphasises that "A co-ordinated approach to green network development which establishes and maintains a sense of place and delivers cross boundary connections will be important".

In our view, this site could support urban growth within the City of Edinburgh if it is delivered in line with the development principles described above. Whilst doing so it would also form part of a green network with open spaces, active travel networks and habitats operating at a wider regional level. It is worth highlighting that this site could form part of a wider strategic green network out towards the city bypass, and onward to emerging development sites within Midlothian2 and preferred sites identified within East Lothian3. We highlighted these points in our representations on the Proposed Plan (14 June 2013; 03 October 2014) and the Bioquarter and South East Wedge Parkland supplementary guidance (12 August 2013).

Site Assessment - strategic issues

We advise that this proposal has the potential to compromise the Council's ambitions for the creation of a strategic open space as set out in: the second Proposed Plan; the Bioquarter and South East Wedge Parkland supplementary guidance; and the Open Space Strategy.

Furthermore, the proposal has the potential to diminish the site's contribution in helping to deliver the Holyrood to Dalkeith green network as set out in SESPlan MIR Green Network Technical Note. We suggest that there remains a need for further cross boundary work between the relevant Local Authorities to define the co-ordination and planning of the green network in this area and to support the principles of place-making and environmental mitigation for this important strategic area within the City Region.

This collaborative approach is supported by SESPlan.

Site Assessment - detailed issues

If the Council is minded to approve this application for Planning Permission in Principle we advise that there are several issues which should be resolved through design modifications or clarified through the production of further detailed information. These issues include:

- 1) To fully establish how active travel connectivity through the site can be delivered given the proposed location of the school site and distributor road;*
- 2) To fully establish how the various new road and path connections from the proposal to The Wisp, and onward to Midlothian, meet the principles set out in Appendix E of the Active Travel Action Plan;*
- 3) To further consider the issues of wider views from The Wisp towards the Pentlands and Arthur's Seat being restricted by new woodland planting along the road corridor;*
1 SESPlan, Green Network Technical Note, July 2015, area 10b: Holyrood to Dalkeith including South East Edinburgh Strategic Development Area.
2 As identified in the Midlothian Council Proposed Plan 2014.
3 East Lothian Main Issues Report 2015.
- 4) To further consider the landscape and visual impacts and design mitigation of proposed residential development on the prominent ridge south west of the proposed primary school (on Scottish Enterprise land)*
- 5) To fully establish the long term management and maintenance of all remaining open spaces within the application area, and in particular the North Meadow area of the South East Wedge Parkland; and*
- 6) To further detail the mitigation of impacts upon Local Nature Conservation Sites.*

Historic Environment Scotland 21 December 2015

This response covers our comments on the ES for our role as consultee, through Scottish Ministers under the above regulations. We have assumed that you are also seeking comments on the proposed development under The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

This letter contains Historic Environment Scotland's comments for our historic environment interests. That is scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and battlefields on their respective Inventories. Edinburgh City Council's archaeology and conservation advisors will be able to advise on the adequacy of the ES for matters including impacts on unscheduled archaeology and category B and C listed buildings.

Historic Environment Scotland's position

While Historic Environment Scotland does not object to the proposed development in principle, we have significant concerns about the impacts on the scheduled monuments incorporated into the scheme.

In particular, we note that a number of the figures accompanying the ES show areas of development impinging on the Home Farm Enclosure 300m ENE of Scheduled Monument (Index no. 6038). While we understand that this may be due to a mapping error, we consider that this issue should be resolved in the detailed scheme for the development.

We also hold concerns about the lack of detail within the Environmental Statement about the proposed treatment of and the development of paths across the Home Farm Enclosure 300m ENE of (Index no. 6038) and Craigmillar Castle, castle and gardens (Index no. 90129) scheduled monuments.

Historic Environment Scotland's advice

We would strongly advise re-designing the scheme to avoid direct impacts on the monuments identified above. In particular, any mapping errors in relation to the scheduled area around Home Farm Enclosure 300m ENE of (Scheduled Monument, Index no. 6038) should be rectified. We would also request that detailed proposals are provided for the incorporation of the scheduled monuments into green space as part of scheme. We would expect these to mitigate the impact of any parkland development (paths etc.).

If the mitigation requested is not provided, it is possible that we would object to a future application.

We would be happy to meet with the applicants and your Council to discuss our concerns in more detail, and to discuss the potential for alternative options.

We have provided additional comments on our consideration of the application and the adequacy of the accompanying Environmental Statement in the attached annex.

Communities and Families 16 May 2016

The application is for planning permission in principle for a residential development, community parkland and a primary school. While it is possible for the developer to submit a planning application which includes a new primary school, it should be noted that for the establishment of any new school, including determination of its location and catchment area, a statutory consultation requires to be undertaken in accordance with the requirements of the Schools (Consultation) (Scotland) Act 2010 as amended by the Children and Young People (Scotland) Act 2014. This would involve the Education, Children and Families Committee considering and approving a proposed statutory consultation paper followed by an official consultation period with final recommendations made to a full Council meeting in an "Outcomes of the Consultation Report" at the end of the consultation process.

The actual number of units and the breakdown of housing types will only be known once detailed applications have been progressed. However, following discussion with the planning case officer, this assessment has been based on a development of 700 homes, consisting of 560 houses and 140 flats.

In line with the new 'Developer 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 has been prepared. Following the completion of this study, education actions required to mitigate the impact of planned and anticipated housing development, including land safeguards, have been established. The collection of developer contributions towards these actions is through a Contribution Zone approach.

This site is not included in any Contribution Zone as it is not part of the catchment area for any existing non-denominational primary or secondary school and housing development on the site is not supported by the Local Development Plan. However, because of its proximity to Castlebrae High School, it would be appropriate to include it within the Castlebrae Education Contribution Zone if development on the site progressed.

Draft actions to provide the new education infrastructure which it has been assessed would be required to accommodate the additional pupils expected to be generated by new development have been prepared for this Zone.

These actions include the provision of a new primary school at Brunstane (New Housing Site HSG 29 in the Second proposed Local Development Plan), additional classrooms at existing primary schools and increased capacity at either Castlebrae Community High School or, depending on the timing, the new Craigmillar High School which would replace it.

However, these actions did not account for housing development on this site and the number of pupils expected to come from this development could not be accommodated.

If planning permission was granted for this development, there would be a requirement for additional secondary school capacity to accommodate 116 more pupils at either Castlebrae Community High School or, depending on the timing, the new Craigmillar High School which would replace it.

There would also be a requirement for additional primary school capacity and nursery provision. The applicant has suggested that this could be delivered by providing a new primary school on the development site. If that were to be the option which were to be progressed in order to provide the necessary additional capacity, a new single stream (seven class) school and 30/30 nursery would be able to accommodate the pupils generated by this development. This assessment is therefore based on the assumption that a new primary school of this size would be required however if there was a more efficient way of delivering the extra capacity at the time of development then this may be progressed.

In relation to the 24 Roman Catholic (RC) primary pupils expected to be generated by the development, the site is within the catchment of St John Vianney RC Primary School. This school is expected to face accommodation pressures and contributions towards increasing its capacity are being taken for developments in Liberton/Gilmerton. However, the RC primary school which generally serves the Craigmillar area is St Francis' RC Primary School. A catchment review would be required to put the site within the St Francis' RC Primary School catchment area and additional accommodation would be required as committed developments are expected to take

up the spare capacity at this school (which shares a campus with Niddrie Mill Primary School). An additional classroom at either St Francis' RC Primary School or St John Vianney Primary School is therefore assessed as being required to mitigate the impact of the proposed development.

Payment of the standard contribution for the 'Craigmillar' part of the Zone would not provide sufficient funding to make sure that the additional infrastructure set out above can be delivered and therefore, in line with the 'Developer Contribution and Affordable Housing' guidance (Dec 2015), a 'non-standard' contribution is required.

The guidance states that where a site is not included within the predicted levels of housing development and it 'will result in the requirement for a classroom extension or a new school to accommodate pupils generated from the development, it likely that these additional costs will be required to be borne by the additional site or developer'.

The applicant is therefore required to contribute the following (based on the house/flat numbers set out above and delivery of a new seven class primary school - both of which are subject to change if and when detailed applications are received):

- £7,591,930 (as at Q1 2015) to deliver additional primary school and nursery capacity;*
- 2 ha fully serviced and remediated primary school site (at a location to be agreed with Communities and Families);*
- £350,000 (as at Q1 2015) for a one class RC primary school extension;*
- £3,723,089 (as at Q1 2015) towards the provision of additional secondary school accommodation.*

It should be noted that all contributions would require to be index linked based on the increase in the forecast BCIS All-in Tender Price Index between Q1 2015 and the date of payment. In relation to the fully serviced and remediated site, the applicant will have to agree appropriate terms with Communities and Families prior to the S75 being signed.

If the appropriate contribution and the fully serviced and remediated site for a new primary school (at a location to be agreed with Communities and Families) is to be provided by the developer, Communities and Families does not object to the application in principle.

TRANSPORT 13 June 2016

It is recommended that the application be 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, whilst the applicant has considered the impact of committed development, the cumulative impact of this site in combination with other developments does not appear to have been assessed. SPP outlines that this should include existing developments of the kind proposed, those which have permission, and valid applications which have not yet been determined.

The Council's Transport Action Programme indicates that development in this area will require to contribute to transport interventions. However, it is unclear whether the additional traffic from this site can be accommodated within the improvement works set out in the Action Programme.

It should be noted that The Wisp is within Midlothian Council's area and therefore the impact of a substantial part of the proposed development will be outside the City of Edinburgh Council's responsibilities.

If you are minded to grant the application, the following should be included as conditions or informatives as appropriate:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to:

a) Contribute appropriate funding to schemes identified in the Transport Action Programme to mitigate the transport impacts of the proposed development and including those identified in the applicant's Transport Assessment, viz.:

Peffer Place / Duddingston Road West New Signalised Junction;

Greendykes Road / Niddrie Mains Road New Signalised Junction;

Craigmillar Castle Avenue / Niddrie Mains Road New Signalised Junction;

Duddingston Road West / Niddrie Mains Road Upgrade of Junction;

Harewood Road/ Peffer Place closed/stopped up;

Craigmillar Town Square Pedestrian Improvements;

Wauchope Square Bus Stops;

East of Town Centre Bus Stops;

West of Town Centre Bus Stops;

Duddingston Rd West crossroads to Greendykes Rd Bus Priority Scheme;

Greendykes Road / The Wisp Bus Priority Scheme;

Greendykes Road Bus Priority Scheme;

b) Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary;

c) Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

d) Contribute the sum of £2,000 to progress a suitable order to introduce and control disabled parking spaces as necessary;

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, including points of access onto existing and proposed roads, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is

recommended to contact the Council's waste management team to agree details. The applicant should note that the road layout is not approved at this time;

3. The access road at Danderhall (constructed under Road Construction Consent ED/11/0013) was approved as a General Access Road serving the development at Edmonstone. This road is now proposed to serve the development under this application. Given the development may be up to 750 residential units, the applicant should not that this road may require upgrading to a Local Distributor Road in order to cope with development traffic;

4. A Quality Audit, as set out in Designing Streets, to be submitted as part of any subsequent planning application and prior to the grant of Road Construction Consent;

5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

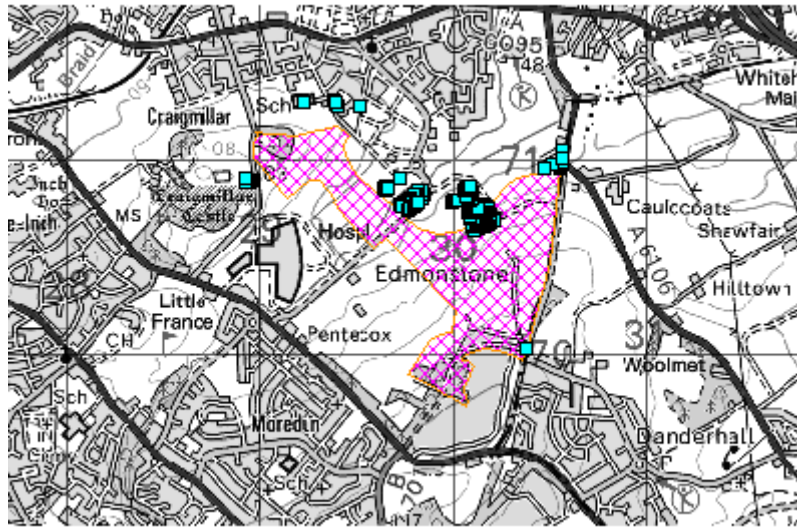
6. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

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

8. Electric vehicle charging outlets should be considered for this development which includes:

Dedicated parking spaces with charging facilities.

Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.



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