

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
Harlaw Reservoir, Harlaw Road, Balerno.**

Proposal: To provide toilet facilities and create a seasonal (between March & October) eco-campsite at Harlaw Reservoir.

**Item – Committee Decision
Application Number – 20/05112/FUL
Ward – B02 - Pentland Hills**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Council is the applicant, and the works are more than minor routine operations. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal complies with the development plan. The principle of the development in this location is acceptable. There will be no adverse impact on the character and setting of the Regional Park, the Special Landscape Area or the natural environment and countryside. There are no amenity, archaeological or transport issues. There are no material considerations that outweigh this conclusion. It is recommended the application be granted.

SECTION A – Application Background

Site Description

The application site relates to the east banks of the Harlaw Reservoir located to the south of Balerno. Trees forming a woodland line the sandy shore and are Ancient Woodland Inventory trees. There are formal and informal paths through the site. Harlaw House Visitor Centre is located to the north of the site and there is a public car park further northwards.

The application site is in Pentlands Hills Regional Park, is a Special Landscape Area and is a Local Nature Conservation Site.

The surrounding area is countryside with most of it being farmland.

Description of the Proposal

Planning permission is sought for the establishment of an eco-campsite and a stand-alone zero discharge toilet facility. Ten camping pitches are proposed along the eastern bank of Harlaw Reservoir. They will be scattered along grass openings between the shoreline and the trees, using existing clearings and existing ground coverings. The toilet building will be located in the northern part of the application site. It will be 1.9 metres square and between 2.04-2.24 high with a single pitched gently sloping roof and timber clad.

Scheme 2

Proposed number and location of tent pitches clarified.

Supporting Information

- Tree Survey Report & Tree Impact Assessment
- Ecological Assessment
- Landscape & Visual Appraisal
- Camp Sites Map 1, Map 2 & Map 3
- Toilet Details
- Public Consultation Report - Access and Camping in the Pentlands Hills Regional Park

Relevant Site History

12/00001/FUL
Harlaw Reservoir
Harlaw Road
Balerno

The reuse, reconstruction and operation of Micro-Hydro Power Generation facilities.
Granted
25 October 2012

12/00001/VARY
Harlaw Reservoir
Harlaw Road
Balerno

Non material variation to vary the location and elevations of the turbine house (12/00001/FUL).
VARIED
25 June 2014

Other Relevant Site History

20/05137/FUL - Permitted Development to create up to 34 new parking spaces and install two zero discharge toilets (Decision issued 23 February 2022).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Roads Authority (Transport)

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 25 November 2020

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 2

Section B - Assessment

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?

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 8, Env 9, Env 10, Env 11, Env 12, Env 15, Env 16 and Env 17.
- LDP Design policies Des 1, Des 3, Des 4, Des 6, Des 10
- LDP Transport policies Tra 2, Tra 3

The non-statutory Development in the Countryside and Green Belt Guidance is a material consideration that is relevant when considering policy Env 10. The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the design and transport policies.

Principle of Development

Local Development Plan policy Env 10 (Development in the Green Belt and Countryside) sets out the criteria for development which will be permitted within the Green Belt and Countryside and would not detract from the landscape quality and/or rural character of the area. Criterion a) relates to countryside recreation and scale and quality of design of associated buildings, structures or hardstanding.

The proposal is for a recreational use in a regional park used for recreational purposes. Each tent pitch will sit between the trees and shoreline where the trees are not so dense on existing grass or scrub clearance areas. The toilet building will sit near the existing path along the eastern edge of the site and between trees. The tent pitches and toilet block will sit comfortably within the woodland and will not detract from the woodland or rural character of the area. The use and scale of development is compatible with LDP policy Env 10. The proposal complies with criterion a) of Env 10.

LDP Policy Env 11 (Special Landscape Area) states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas on the Proposals Map.

The proposed tent pitches will be intermingled with the existing trees and grass areas. Generally, as tents are small scale and low level temporary structures and as they will not be clustered closely together, they will not detract from the special character or qualities of the Special Landscape Area (SLA). Due to the small scale of proposed development, neither the tent pitches nor the toilet block will be dominant in the landscape. The application site is a small area of the SLA and, as such, the rural character of reservoir together with the shore and woodland will be retained. The proposal complies with Env 11.

LDP Policy Env 17 (Pentland Hills Regional Park) states that development which supports the aims of the Pentland Hills Regional Park will be permitted provided it has no unacceptable impact on the character and landscape quality of the Park.

The aims of the Pentland Hills Regional Park are:

- to retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;
- caring for the hills so that the landscape and the habitat is protected and enhanced;
- within this caring framework to encourage responsible public enjoyment of the hills;
- co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park.

Camping currently takes place informally on the application site and the proposal is to formalise this situation and manage any impact on the trees, Park and landscape.

Using the site and providing additional facilities for recreational purposes supports the aim of the Pentland Hills Regional Park. The proposal will enable the peaceful enjoyment of the Park and the countryside. Formalising the number and location of the tent pitches will allow any impact on the landscape and habitat to be managed. By providing an eco-toilet facility, this will also encourage responsible use of the Park. There will be no change to the relationship of the application site with the other nearby countryside uses, such as farming and angling. The proposal complies with LDP policy Env 17.

The proposal complies with LDP policies Env 10, Env 11 and Env 17 and is acceptable.

Natural Environment

Trees

LDP Policy Env 12 (Trees) states that development should not damage trees protected by a Tree Preservation Order or any other tree worthy of retention.

The woodland is an important feature contributing to the setting of the reservoir and of the wider Pentland Hills Regional Park and the Special Landscape Area. The Regional Park Authority manages the woodland.

In terms of the impact on the existing trees, the bases of each camp pitch will use the existing ground conditions and, therefore, there will be no adverse impact on the roots of the trees. As tents are low level structures, there will be no impact on the canopies of the existing trees. The Pentland Hills Regional Park authority will manage the camping site and should any impact to trees occur, the park authority would be able to carry out mitigation works, should they be required.

LDP Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it can be demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through design.

The woodland will be retained and the trees, as a feature of the application site, have been incorporated into the design. Each tent pitch has been positioned in such a way as to avoid detrimental impact or damage to the existing trees. The Regional Park Authority will be able to manage the trees and replant if necessary, as part of its Park responsibilities.

Local Conservation Site

Policy Env 15 (Sites of Local Importance) states development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted unless it can be demonstrated that: a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site b) the adverse consequences of allowing the development for the value of the site have been minimised and mitigated in an acceptable manner.

The site forms part of Threipmuir and Harlaw Local Diversity Site. There are a number of notable plant species including nationally notable mosses. The proposed development will have a neutral effect on the plant and mosses, as existing grass and clearance areas are proposed to be used for the tent pitches.

The important factor in landscape visual terms is how the area is maintained in the future to ensure continuous vegetation cover. It would be beneficial to have planting to include a wider selection of plant species suitable for the upland location whilst retaining evergreen species to provide cover during the winter months to give greater resilience to tree and vegetation cover. Given that the Park Authority manages the application site including vegetation and landscaping and will manage the campsite as part of its responsibilities, it is not appropriate to recommend that conditions relating to a landscape plan and a landscape management plan be used, should planning permission be granted.

Species

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 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) there would be no detriment to the maintenance of the species at "favourable conservation status"; and d) suitable mitigation is proposed.

It is not expected that the proposal will have a detrimental impact on existing protective species, given that camping already takes place on the site. disturbed. However, there may be some impact during the construction and informatives are recommended relating to birds, badgers, otters, bats and other protected species.

The proposal complies with LDP policies Env 12, Des 3, Env 15 and Env 16.

Scale, form and design

LDP Policies Des 1 (Design Quality and Context) and Des 4 (Development Design - Impact on Setting) require development proposals to create or contribute towards a sense of place and have a positive impact on its surroundings. The design should draw upon the positive characteristics of the surrounding area. It should have regard to its height and form, scale and proportions, including features on the site.

LDP Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge or adjoining a watercourse where the proposals: a) provides an attractive frontage to the water in question; b) where appropriate, maintains, provides or improves public access to and along the water's edge; c) maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valleys; and d) if appropriate promotes recreational use of the water.

LDP policy Des 6 (Sustainable Buildings) sets out the criteria for sustainable buildings.

Creating a campsite will contribute to a sense of place within the Pentland Hills Regional Park. The small scale of the campsite and the sensitive positioning of each pitch take account of and respect the reservoir's waterside edge and shoreline features of the site. The proposal will promote recreational use of the site and maintain access to the water's edge and access to the water environment. Formalising camping on the site will enable the use to be managed and its impact on the landscaping and nature conservation to be managed.

The proposed toilet is of a sustainable design as it will promote water conservation.

The proposal complies with LDP policies Des 1, Des 4, Des 6 and Des 10.

Archaeology

The City Archaeologist has advised that although occurring within an area of archaeological potential, given the limited scale of the works, it has been concluded that there in this instance there are no, known, archaeological implications.

The proposal complies with LDP policies Env 8 and Env 9.

Amenity

Neighbouring Amenity

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) aims to protect the amenity of neighbouring development and not adversely affect amenity.

There are no immediate neighbours and, therefore, there will be no impact on daylighting, overshadowing, privacy or overlooking of neighbouring properties. Given the distance from neighbouring properties and that the application seeks to formalise an existing situation, there will be a neutral impact in terms of noise disturbance.

The proposal complies with LDP policy Des 5.

Amenity of campers

There are no LDP policies relating to the amenity of future campers or users. Water and toilet facilities will be available on the site. Environmental Protection has advised that it has no objections to the proposal. There will be two composting toilets which are designed to be emptied by tanker and will not discharge into the surrounding soil. Water for handwashing and washing up will be available however the water is not suitable for drinking and campers would require bringing their own supply of potable water. It is recommended that an informative is attached to bring the applicant's attention to this matter.

The proposal complies with LDP policy Des 5.

Transport

The Roads Authority has advised that it has no objections to the application subject to a condition or informative, as appropriate, regarding the existing path on the east of the site.

Zero parking is proposed. The existing car park serving the Harlaw area of the Pentland Hills Regional Park is to be expanded (application number 20/05137/FUL) and will provide parking for vehicles associated with the proposed camping site. Opportunities for informal cycle parking are currently available and this arrangement will continue with the camping site proposal, should it be granted planning permission.

The proposal complies with LDP policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal complies with the development plan. The principle of the development in this location is acceptable. There will be no adverse impact on the character and setting of the Regional Park, the Special Landscape Area or the natural environment and countryside. There are no amenity, archaeological or transport issues.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP. The proposal will protect, enhance and promote access to natural heritage, including green infrastructure, landscape and the wider environment.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Public Comments have raised the impact of the proposal on anglers. Although anglers are not a protected in terms of the Equalities Act, anglers could be people who have protected characteristics. The proposal is formalising camping which currently takes place on the application site and does not propose any changes to access to the waterside or reservoir for anglers.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- disadvantages/adverse impact on anglers. Addressed in section b).

non-material considerations

- management of camp site - designated area only; warden on duty (24x7); rules - need defined & regulated; day tents - control
- suggested alternative location
- future increase in camp site
- increased water activity
- consultation period - withdraw until consultation outcome presented and agreed at an Executive Committee, lack of transparency and speed of submission of planning application
- democratic engagement with communities along Water of Leith
- parking charges

Conclusion in relation to identified material considerations

There are no material considerations that indicate the application should be refused. The material considerations support the presumption to grant planning permission.

Overall conclusion

The proposal complies with the development plan. The principle of the development in this location is acceptable. There will be no adverse impact on the character and setting of the Regional Park, the Special Landscape Area or the natural environment and countryside. There are no amenity, archaeological or transport issues. There are no material considerations that outweigh this conclusion. It is recommended the application be granted.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;-

Conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives:-

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The applicant will be required to ensure that proposed camping site does not compromise existing path on east side of the site.
4. Prior to locating the camping areas, a survey for Breeding Birds should be undertaken by a suitably qualified ecologist outside of the nesting bird season (March - August). If this is not possible, a nesting bird check should be undertaken by an ecologist prior to works commencing on site.

5. There should be a pre-works survey prior to commencement of works carried out in accordance with 'Surveying for Badgers: Good Practice Guidelines V1,' Scottish Badgers (2018)
https://www.scottishbadgers.org.uk/userfiles/file/planning_guidelines/Surveying-for-Badgers-Good-Practice-Guidelines_V1.pdf prior to the commencement of development, using a suitably qualified individual, the applicant confirms the presence/absence of any badger setts within 30 metres of the development. If badgers are present then the applicant should, as necessary, provide details of any licence requirements.
6. Compliance with BS42020 Biodiversity - Code of Practice for Planning and Development - is required. Special cognisance should be given to Protected Species.
7. N.B. The water is not suitable for drinking and campers would require to bring their own supply of potable water.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 20 November 2020

Drawing Numbers/Scheme

01-02, 03A, 04A, 05-06.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
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Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT: No known archaeological implications.

DATE: 10 December 2020

NAME: Roads Authority (Transport)

COMMENT: No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to ensure that proposed camping site does not compromise existing path on east side of the site.

DATE: 4 February 2021

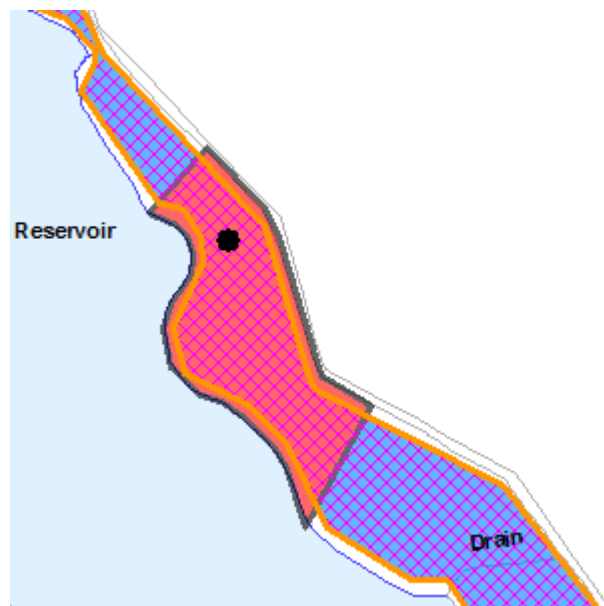
NAME: Environmental Protection

COMMENT: Environmental Protection has no objections to the proposed development.

DATE: 4 August 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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