

Policy Env 14 Sites of National Importance

Development which would affect a Site of Special Scientific Interest will only be permitted where an appraisal has demonstrated that:

- a) the objectives of the designation and the overall integrity of the area will not be compromised or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

189 Sites of Special Scientific Interest (SSSIs) are areas of land (including land covered by water) which are considered by Scottish Natural Heritage (SNH) to be of special interest by reason of their natural features, i.e. their flora, fauna or geological or geomorphological features. Development which could harm an SSSI will be required to demonstrate reasons which clearly outweigh the nature conservation interest of the site and justify a departure from the national policy to protect such sites.

Policy Env 15 Sites of Local Importance

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.

190 The purpose of this policy is to protect sites of local nature conservation value and designated Local Nature Reserves from damaging development. The network of Local Nature Conservation sites and Local Nature Reserves is shown on the Proposals

Map. Many of these provide connectivity between internationally and nationally important sites and contribute to green networks. A Site Report has been prepared for each LNCS.

Policy Env 16 Species Protection

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'
- d) suitable mitigation is proposed

191 European Protected Species (EPS) are covered by the Habitats Regulations. EPS found in the Edinburgh area are bats, otters, and great crested newts. Other species-specific legislation to be taken into account includes the Protection of Badgers Act 1992 and those species listed in the Schedules of the Wildlife and Countryside Act 1981. If the presence of an EPS or other protected species is suspected, appropriate survey work must be carried out to enable the Council to assess the likely impact of development on the species.

* *The EU Habitats Directive defines 'favourable conservation status' as the distribution and population of the species being at least the same as when the Directive came into force in 1994.*

Countryside Access and Open Space

Policy Env 17 Pentlands Hills Regional Park

Development which supports the aims of the Pentlands Hills Regional Park will be permitted provided it has no unacceptable impact on the character and landscape quality of the Park.

192 This policy aims to ensure that proposals for outdoor recreation activities, whilst likely to be supported in principle, do not detract from the special rural character of the Regional Park. Proposals will also be assessed in terms of other relevant policies such as Env 10 Green Belt and Env 11 Landscape Quality.

Open Space

193 The Proposals Map shows the significant areas of open space identified in an audit of the city. The criteria in Policy Env 18 will be applied to development proposals affecting all such open spaces citywide. Proposals affecting a playing field will be considered against relevant criteria in both Policy Env 18 and Policy Env 19.

Policy Env 18 Open Space Protection

Proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment and
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either

- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.

194 This policy aims to protect all open spaces, both public and privately owned, that contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and its biodiversity. The Council will only support development on open space in exceptional circumstances, where the loss would not result in detriment to the overall network and to open space provision in the locality. Such circumstances tend to exist where large areas of residential amenity space have been provided without a clear purpose or sense of ownership. The Council's Open Space Strategy sets the standards to be met for open space provision across Edinburgh and will be used to assess whether there is an over provision of open space in the immediate area (criterion b). To accord with criterion d), proposals for alternative provision or improvements to open space should normally address an identified action in the Open Space Strategy.

Policy Env 19 Protection of Outdoor Sports Facilities

In addition to the requirements of Policy Env 18, the loss of some or all of a playing field or sports pitch will be permitted only where one of the following circumstances applies:

- a) The proposed development is ancillary to the principal use of the site as outdoor sports facilities
- b) The proposed development involves a minor part of outdoor sports facilities and would not adversely affect the use or potential of the remainder for sport and training
- c) An alternative outdoor sports facility is to be provided of at least equivalent

sporting value in a no less convenient location, or existing provision is to be significantly improved to compensate for the loss

- d) The Council is satisfied that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and the site can be developed without detriment to the overall quality of provision.

195 Outdoor sports facility provision must be considered as a city-wide resource and in terms of its contribution to local needs. The Council's assessment of provision in the city as a whole has concluded that the amount of pitches, whether or not in public ownership or publicly accessible, is equivalent to the need. However, there needs to be significant improvements in quality. On this evaluation, the loss of pitches to development cannot be justified in principle. However, the loss might be acceptable if alternative equivalent provision is to be made in an equally convenient location. Development has been allowed where other pitches serving the local community are to be equipped with all-weather playing surfaces. The Open Space Strategy identifies the locations where such investment is to be concentrated in multi-pitch venues.

Policy Env 20 Open Space in New Development

The Council will negotiate the provision of new publicly accessible and useable open space in new development when appropriate and justified by the scale of development proposed and the needs it will give rise to. In particular, the Council will seek the provision of extensions and/or improvements to the green network.

196 This policy ensures that development proposals (other than housing which is covered by Policy Hou 3) include appropriate open space provision and, where the opportunity arises, contribute to Edinburgh's green network. The term 'open space' covers green space and civic space.

Protection of Natural Resources

Policy Env 21 Flood Protection

Planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

197 This purpose of this policy is to ensure development does not result in increased flood risk for the site being developed or elsewhere. Identified areas of importance for flood management are identified on the Proposals Map. It is essential to maintain strict control over development in these areas. Proposals will only be favourably considered if accompanied by a flood risk assessment demonstrating how compensating measures are to be carried out, both on and off the site, and that any loss of flood storage capacity is mitigated to achieve a neutral or better outcome. In some circumstances, sustainable flood management or mitigation measures may not be achievable.

198 Culverting of watercourses can exacerbate flood risk and have a detrimental effect on biodiversity. Any further culverting across the city will be opposed, and the removal of existing culverts will be sought when possible.

199 New development can add to flood risk if it leads to an increase in surface water run-off. It is also at risk from water flowing over land during heavy rainfall. Policy Des 6 states that these risks should be avoided by the use of sustainable drainage techniques (SUDs).