



Case reference	NOD/MLN/001
Application details	Proposed retail and tourist facilities
Site address	Fordel Mains, adjacent to the A68 Dalkeith bypass
Applicant	Oakridge Property Ltd
Planning authority	Midlothian Council
Reason(s) for notification	N/A
Objectors	12 plus 2 in support Dalkeith CC object
Date notified to Ministers	27 September 2011 but not fully documented until 30 September 2011
Date of recommendation	19 October 2011
Decision / recommendation	Call in

Description of Proposal and Site:

- Planning permission in Principle (Midlothian ref: 10/00339/PPP) is being sought by Oakridge Property Ltd. for the erection of a hotel (around 90 beds), just under 6,000 sq m of retail space and a tourist orientation centre. It is being promoted as a high quality retail experience, modelled on the House of Bruar in Perthshire. The site is on the west side of the A68 Dalkeith bypass, just east of Dalkeith. The site is Prime Quality Agricultural Land.
- An application also by Oakridge Property for a related development (Midlothian ref: 10/00340/PPP), including petrol filling station and fast food outlet on the opposite side of the A68 was granted with conditions by Midlothian Council on 13 May 2011.

EIA Development:

- EIA is required as the proposal is classed as urban development of over 0.5ha in size (Schedule 2, class 10 of the EIA (Scotland) Regulations 2011) and the visual impact and landscape impact of the proposed development within the countryside is considered to be significant.
- An Environmental Statement was submitted to Midlothian Council covering both this application and the related application for a petrol filling station etc. on the neighbouring site. This was originally comprised of a series of individual

assessments. The Council asked the applicant to reformat these into a single ES. This has been done but has not been rescanned onto the Council's online system, but the individual assessments are all available. As a result, the coverage and quality of the EIA appears reasonable.

Consultations and Representations:

- There are 12 objections to the proposal covering a range of concerns from the impact on local businesses and retail centres to concerns around landscape impact and lack of public transport access. Dalkeith Community Council objects on the basis of the adverse impact on local businesses in Pathhead, and that the development could be better located on a site closer to Dalkeith. The two letters of support highlight economic and tourism benefits including the creation of new jobs.
- Scottish National Heritage, whilst not objecting, advises that there is insufficient information provided to establish if the proposal can be accommodated in landscape and visual terms. Transport Scotland does not object to the proposal but recommends conditions on the approval to limit the size of the development.
- The City of Edinburgh and East Lothian Councils have objected to the proposal, primarily on the impact on retail centres in their areas and significant conflict with the adopted Edinburgh & the Lothian Structure Plan.
- Midlothian Council forms part of the Edinburgh and the Lothians Structure Plan Joint Liaison Committee which operates a Code of Practice for Planning Application Referrals agreed by the Joint Committee (comprising East Lothian, Midlothian, West Lothian and City of Edinburgh Councils) on 25 June 2007. This essentially allows the Committee to discuss applications which have potential cross-boundary impacts. Under the terms of that Code of Practice if the Joint Liaison Committee considered that the application should be refused, Midlothian Council would refer the application to Scottish Ministers. The Joint Committee met on 22 August 2011 to discuss the application. Significant concerns were raised over the impact on neighbouring retail centres although no clear recommendation to refuse was made.

Assessment:

1. The application was presented to Committee on 28 June 2011 with a recommendation for refusal. The recommendation was based on the significant conflict with primarily the retail policies in the approved Edinburgh & the Lothians Structure Plan (2004) and the adopted Midlothian Local Plan (2008), as well as conflict with Scottish Planning Policy. The Committee report also notes potential development plan conflicts around the hotel element of the proposal and on development in the countryside. Members, however, resolved to approve the application on the basis that the economic benefits would outweigh the development plan position.

2. Noting the Council's decision, and following the discussion at the Edinburgh & the Lothians Structure Plan Joint Committee on 22 August 2011, a direction to require notification of this proposal was issued on 2 September 2011. This was on the basis of the potentially significant conflict with the development plan.
3. The site is a key gateway between Edinburgh and the Borders but is set in open countryside. While the developer is promoting the site for a high quality retail operation, there is limited, if any, scope to retain such a use in the long term. The key concern is the proposed out of town location where there is a potential impact on neighbouring retail centres, where walking and public transport options will be limited and where the landscape and visual impact has not been clearly quantified. As well as a potential departure from a range of policies in the development plan, this raises concerns around the fit with Scottish Planning Policy on retail and transport, as well as around the loss of Prime Quality Agricultural Land.

Decision/Recommendation:

- On the basis of a potentially significant conflict with the development plan around retail policy, as well as with other policies, it is recommended that the application is called in.