

Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Scott M Ferrie, a reporter appointed by the Scottish Ministers

- Case reference: NOD-EDB-002
- Site Address: land 1000 metres north-west, south-west and west of Hermiston junction M8, Gogar Station Road, Edinburgh
- Application by Murray Estates Lothian Ltd
- Application for planning permission in principle, ref. 15/04318/PPP dated 21 September 2015, called-in by notice dated 25 July 2016
- The development proposed: proposed residential development, local centre (including Class 1, Class 2 and Class 3 uses), community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings
- Dates of inquiry session: 22-23 May 2017 (SASA impacts)
- Dates of hearing sessions: 23-24 May 2017 (Infrastructure impacts); 24 May 2017 (Housing land and development plan; Conditions and planning obligation); 11 October 2017 (Transport impacts; Conditions and planning obligation)
- Dates of accompanied site visits: 1 June 2017; 12 and 17 October 2017
- Dates of unaccompanied site visits: 7 February 2017; 25 May 2017
- Further written submissions on updated housing land supply: November 2019

Date of this report and recommendation: 13 January 2020

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Proposed residential development, local centre (including Class 1, Class 2 and Class 3 uses), community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings at land 1000 metres north-west, south-west and west of Hermiston junction M8, Gogar Station Road, Edinburgh

• Case reference	NOD-EDB-002
• Case type	Called-in planning application
• Reporter	Scott M Ferrie
• Applicant	Murray Estates Lothian Ltd
• Planning authority	City of Edinburgh Council
• Other parties	Science and Advice for Scottish Agriculture; Royal Bank of Scotland; West Craigs Ltd; Dr Scott/ Ms Harrison
• Date of application	21 September 2015
• Date case received by DPEA	26 July 2016
• Methods of consideration and dates	Accompanied site inspections on 1 June 2017; 12 and 17 October 2017 Unaccompanied site inspections on 7 February 2017; 25 May 2017 Inquiry session on 22-23 May 2017 Hearing sessions on 23-24 May 2017; 11 October 2017 Further written submissions on updated housing land supply: November 2019
• Date of report	13 January 2020
• Reporter’s recommendation	Grant planning permission in principle subject to conditions and a planning obligation

Ministers’ Reasons for Call in:

Scottish Ministers, on 25 July 2016, [directed](#) the City of Edinburgh Council that the planning application be referred to Ministers for determination, “in view of the potential impact on statutory works undertaken at the adjacent Science and Advice for Scotland Agriculture establishment, prematurity in relation to Edinburgh’s Second proposed Local Development Plan, and potential impacts on infrastructure within the West Edinburgh Area.”

The Site:

The application site extends to 53.99 hectares and is mainly in agricultural use. The site is located on the urban fringe to the west of the city of Edinburgh, to the west of the City Bypass at Edinburgh Park. The site is bounded to the north by the A8, the A720 Edinburgh

City Bypass to the east and the Glasgow to Edinburgh railway line to the south. The Royal Bank of Scotland's global headquarters is located immediately to the north-west of the site.

Background to the Proposal:

The planning application was [reported](#) to the council's Development Management Sub-Committee on 16 May 2016. Officers recommended that permission be refused, on the basis that: the development is significantly contrary to the development plan, particularly in respect of green belt; the site is not needed to contribute to the five year effective housing land supply; the transport impacts of the development are not adequately resolved; and the development would be prejudicial to the examination report of the Edinburgh Local Development Plan and is, as a result, premature.

The sub-committee [agreed](#) to recommend to full council that planning permission in principle be granted. In its [response](#) to the call-in of the application, it was confirmed for the council that it supported the proposal for a number of reasons, including: the proposed site lies predominantly within the West Edinburgh Strategic Development Area; the site has good accessibility to existing public transport; a clear and defensible green belt boundary could be formed along Gogar Station Road; the development would integrate well with existing centres of employment, retail and public transport at Edinburgh Park to the east and proposed development at the International Business Gateway (IBG) to the north; the council supports housing development in appropriate locations to increase the delivery rate of housing units; and the proposal would make an important contribution to increase the delivery rate of housing units, including affordable housing units.

Description of the Development

The indicative development framework proposes 10 individual development plots accommodating: no more than 1,350 homes, 25% of which would be affordable; a development plot to accommodate a primary school; a development plot to accommodate a local centre comprising retail space, financial and professional and food and drink premises; creation of 2 new vehicular access points into the site from Gogar Station Road and enhanced connectivity to the wider area for cyclists, pedestrians and the public transport network; a third access for bus/ pedestrian/ cycle route, a green network running north to south through the site, including the re-routing and associated de-culverting of the Gogar Burn; a central network of SUDS basins; and retention of trees and enhancement of boundary landscape edge.

Consultations and Representations

There are no outstanding objections from key consultees, including Scottish Natural Heritage, Historic Environment Scotland and Scottish Environment Protection Agency, subject to conditions ensuring mitigation. Currie Community Council objects to the proposal; three other community councils support the proposal.

Prior to the call-in of the planning application, the council had received 45 representations, 41 of them [objections](#) to the proposed development. The main points of objection related to non-conformity with development plan policy; opposition to development of a green belt site; landscape and visual impacts; impacts on natural and cultural heritage assets; impacts on adjoining uses; impacts on infrastructure; impact on safety; and the development would

not contribute to sustainable development. A further seven letters of representation were received following call-in of the application.

The Applicant's Case:

All of the matters which caused Scottish Ministers to call-in the application for their determination have been resolved. The proposal complies with the development plan and it is supported by other relevant material considerations, including the National Planning Framework and Scottish Planning Policy. The application is supported by the council and there are no statutory consultees who object to the grant of planning permission [excepting one community council]. The application site is within an area identified by the council and Scottish Ministers as one of the best in south-east Scotland for necessary housing development and is within walking and cycling distance of a variety of facilities and would be accessible by a range of public transport measures. The development plan is more than five years old, there is a shortfall in the housing land supply, and the proposal contributes to sustainable development. Planning permission should be granted in line with the council's original decision.

City of Edinburgh Council's Case:

The council supports the grant of this application. The council considers that impacts on infrastructure including education, flooding and transport resulting from the development can be addressed by way of conditions or planning obligation. In terms of housing land supply, although there is an effective 5-year housing land supply the council notes that development of the application site would assist in increasing the delivery programme of housing for the next five years.

Other Parties' Cases:

Science and Advice for Scottish Agriculture and the Royal Bank of Scotland have conditionally withdrawn their objections. West Craigs Ltd considers that the proposal is contrary to the development plan and that the impacts of the proposal on the infrastructure of west Edinburgh cannot be satisfactorily mitigated. Dr Scott/ Ms Harrison (neighbouring residents) consider that the proposal is contrary to the development plan and are concerned in regard to flooding and access impacts.

Reporter's Conclusions:

Based on the evidence before me, it has not been possible to safely conclude that there is currently a 5-year effective housing land supply. There is convincing evidence which points towards the site, or part of it, being free of all relevant constraints and being made available for development within five years.

Significant adverse effects on landscape character would not arise. In the context of surrounding transport infrastructure, built development and policy woodland, the development would be largely contained by surrounding uses and infrastructure. The green belt boundary would not be as clear and well-defined as the boundary currently established by the City bypass. However, the proposed development would not breach a particularly sensitive part of the green belt and a robust green belt boundary could be created and reinforced along Gogar Station Road. The site is well-located in regard to settlement fit.

There are no insurmountable infrastructure impediments to development of the application site. Agreement has been reached between the applicant and SASA in regard to mitigation of the impacts of the proposal on the SASA facility. I am satisfied that this mitigation would be appropriate and that it could be safeguarded by planning obligation.

The proposal represents sustainable development and that there are no other relevant considerations which would, in the planning balance, point towards planning permission being refused.

The proposal meets the key tests of the development plan aimed at addressing a shortfall in the 5-year effective housing land supply. In addition, the development plan is more than five years old. The Scottish Planning Policy presumption in favour of development that contributes to sustainable development is a significant material consideration in the determination of this case and points strongly towards permission being granted.

The proposed development accords overall with the relevant provisions of the development plan and other material considerations, principally the provisions of SPP, indicate that planning permission ought to be granted.

Recommendations:

Planning permission in principle should be granted, subject to conditions and to a planning obligation.

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Planning and Environmental Appeals Division
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DPEA case reference: NOD-EDB-002

The Scottish Ministers
Edinburgh

Ministers

In accordance with my minute of appointment dated 5 May 2017, I conducted inquiry and hearing sessions in connection with an application for planning permission in principle at land 1000 metres north-west, south-west and west of Hermiston junction M8, Gogar Station Road, Edinburgh.

I held a pre-examination meeting on 13 March 2017 to consider the arrangements and procedures for the inquiry and hearing sessions. It was agreed that the following issue would be addressed at an inquiry session: impacts on Science and Advice for Scottish Agriculture (SASA). In addition it was agreed that there would be hearing sessions on the following issues: housing land supply position and compliance with the development plan and SPP; infrastructure impacts; and on conditions and planning obligation.

The inquiry session was held on 22-23 May 2017, and the hearing sessions took place on 23-24 May 2017. Due to further work requiring to be carried out on the applicant's transportation assessment, consideration of transport impacts was delayed pending a re-arranged hearing session, ultimately held on 11 October 2017.

Closing statements were exchanged in writing, with the final closing statement (on behalf of the applicant) being lodged on 10 November 2017.

I conducted unaccompanied inspections of the appeal site, its surroundings and other locations referred to in evidence on 7 February and 25 May 2017. Accompanied site inspections took place on 1 June, and 12 and 17 October 2017.

Following submission of my original report on 6 February 2019, it became apparent that more recent housing land audits had been produced but not submitted to the reporter. On 21 October 2019 Planning and Architecture Division returned the case to DPEA for further consideration of this matter. Under Regulation 13 of the Appeals Regulations 2013, the parties were requested to update their evidence on housing land supply, with specific reference, but not limited to, the most recent version of the housing land audit and the SESplan Housing Land Position Statement dated September 2019. The applicant, the council and West Craigs lodged further written submissions, with the applicant and West Craigs later commenting on the submissions of the other parties.

My report, which is arranged on a topic basis, takes account of the precognitions, written statements, documents, closing statements and further written submissions on the updated housing land supply position lodged by the parties, together with the discussion at the

inquiry and hearing sessions. It also takes account of the Environmental Assessment and other environmental information submitted by the parties, and the written representations made in connection with the proposal.

Following the relevant inquiry and hearing sessions, the following objections were withdrawn conditionally:

- Science and Advice for Scottish Agriculture (SASA) objection withdrawn conditionally, by email dated 29 September 2017; and
- RBS objection withdrawn conditionally, by letter dated 8 February 2018.

I have nevertheless reported on the objections made by SASA, in the event that Ministers do not agree with my overall conclusions and recommendation that permission ought to be granted subject to the relevant conditions and terms of the planning obligation on the basis of which the objections were conditionally withdrawn.

CHAPTER 1: BACKGROUND

Preliminary matter

1.1 On 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force. The 2017 regulations revoked the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 with certain exceptions. The 2011 Regulations continue to have effect for an application for planning permission where the applicant submitted an environmental statement in connection with the application before 16 May 2017. That was done in this case. I have therefore considered this application in accordance with the 2011 regulations as they applied before 16 May 2017.

Description of the site and the proposal

1.2 The applicant, Murray Estates Lothian Ltd, seeks planning permission in principle for proposed residential development, a local centre (including class 1, class 2 and class 3 uses), community facilities (including a primary school and open space) green network, transport links, infrastructure, ancillary development and demolition of buildings.

1.3 The application site extends to 53.99 hectares and is mainly in agricultural use. The majority of the site consists of arable land, and an area to the south-west is occupied by a poultry farm. The southern part of the poultry farm has ceased to operate and has been decommissioned, and all operations are to cease prior to any commencement of the proposed development.

1.4 The site is located on the urban fringe to the west of the city of Edinburgh, to the west of the City Bypass at Edinburgh Park. The site is bounded to the north by the A8, the A720 Edinburgh City Bypass to the east and the Glasgow to Edinburgh railway line to the south. The site's western boundary is Gogar Station Road, excluding land associated with the Millburn Tower and Gardens, and the Gogar Park Estate, currently occupied by the Royal Bank of Scotland. The Royal Bank of Scotland's global headquarters is located immediately to the north-west of the site. Also to the north and immediately beyond the A8 lies the Edinburgh Tram Depot which is surrounded by land associated with the airport and the planned Edinburgh International Business Gateway. To the east, immediately beyond the A720 bypass lies the commercial area of Edinburgh Park. Beyond the railway line to the south, and beyond Gogar Station Road to the west, lies further agricultural land.

1.5 The site is relatively level, sloping gently downwards towards the south. Much of its perimeter is mature mixed deciduous tree belt and hedgerow. The Gogar Burn enters the site from the south and flows west to east across the southern part of the site before passing through a culvert under the A720 city bypass. The burn then flows north through the Edinburgh Park area in a culvert before re-entering the northern part of the site, flowing through the site east to west as an open channel and then exiting in the north-west of the site.

1.6 The principal points of access to the site are from Gogar Station Road lying to the west and the A8 Glasgow Road to the north. Two underpasses which run beneath the City Bypass connect the site with Edinburgh Park to the east. The northernmost underpass is approximately 6 metres wide, and is used for maintenance access only. A narrower

underpass lies to the south, and provides a footpath/ cycle link and also accommodates the Gogar Burn. The Hermiston Gait interchange and M8 lie to the south east of the site. To the north of the site beyond the A8 lies the Edinburgh Tram Depot. The proposed Edinburgh International Business Gateway lies to the northwest. The south and west of the site is surrounded by agricultural land. To the east of the City Bypass lies Edinburgh Park.

1.7 The Edinburgh Park Central tram stop is located approximately 400 metres (around five minutes walking distance) from the eastern edge of the site as accessed via the existing pedestrian underpass. There is also a tram stop at Gogarburn, approximately 520 metres from the northern edge of the site, accessed via Gogar Station Road and the RBS bridge. A further tram stop is located at Edinburgh Gateway Station, approximately 300 metres from the northern edge of the site.

1.8 Pedestrian access would be provided across the A8 and the Gogar Roundabout. There are no signalised pedestrian crossings at present. Edinburgh Park railway station lies about a 10-15 minute walk from the eastern and southern parts of the site, via the southern underpass. South Gyle railway station is located approximately 1.7 kilometres walking distance from the eastern edge of the site, via the underpass.

1.9 On the western perimeter of the site, Millburn Tower with its garden store, walled gardens and gate piers is a category B Listed Building (LB ref 27306). The building was listed on 22 January 1971 and is within the setting of an Inventory Garden and Designed Landscape. At the southern entrance from Gogar Station Road, Millburn South Lodge walls and gate piers are also category listed B (LB ref 27313). There are three undesignated archaeological assets present within the site: two crop marks and one short cist burial. It is recognised that there may also be previously unrecorded cultural heritage assets within the site.

1.10 Beyond the application boundary, but within the environmental impact assessment study area, there are scheduled monuments including the Union Canal, Easter Norton standing stone, and Baberton Mains; 25 listed buildings of which Gogar Bank House on Gogar Station Road, Castle Gogar with cottage, gatehouse and stables on Glasgow Road are category A listed; and the Hermiston Conservation Area.

1.11 The proposed development comprises residential development, a local centre (including Class 1, Class 2 and Class 3 uses), community facilities (including primary school and open space), a green network, transport links, infrastructure and ancillary development. The applicant intends that the [indicative development framework](#) which supports the application will set the parameters for further details to be addressed through applications for approval of matters specified in conditions (AMC).

1.12 The indicative development framework proposes the following main elements:

- 10 individual development plots ranging in size from 1.12 hectares to 4.66 hectares, accommodating housing;
- a development plot to accommodate a primary school;
- a development plot to accommodate a local centre comprising approximately 1,860 square metres of retail space (Class 1), financial and professional (Class 2) and food and drink (Class 3) premises;
- creation of 2 new vehicular access points into the site from Gogar Station Road and enhanced connectivity to the wider area for cyclists, pedestrians and the public transport network;

- a third access for bus/ pedestrian/ cycle route, utilising the underpass below the A720 from Edinburgh Park, as well as enhancement to the southern underpass, which provides a pedestrian and cycle route;
- a green network running north to south through the site, including the re-routing and associated de-culverting of the Gogar Burn;
- a central network of SUDS basins;
- retention of trees and enhancement of boundary landscape edge; and
- a maximum building height of 4 storeys.

1.13 The proposed principal use of the site is residential development. Whilst it is estimated that the site can accommodate approximately 1,500 homes, the applicant is agreeable to restricting development to no more than 1,350 homes. The exact number of homes is to be identified in relevant AMC planning application(s). It is proposed that 25% of the housing provision would be affordable, as defined by the council. Based on a total of 1,350 homes, a density of development of up to 49 homes per hectare can be accommodated across the site.

Consultation responses

1.14 Prior to the call-in of the application, consultation responses to the planning application can be summarised as follows, as set out in the council's [committee report](#):

1.15 City of Edinburgh Council (CEC) Services for Communities: the developer has made a commitment to deliver 25% of affordable homes on site and this is welcomed by this department. This department is supportive of the application.

1.16 City Strategy and Economy (CEC): it is estimated that the proposed development would, if fully occupied, directly deliver approximately 128 jobs on site plus a further 39 jobs throughout Scotland via multiplier effects, giving a total impact of approximately 167 jobs. By comparison, it is calculated that the existing agricultural uses could support approximately 1 full-time equivalent job if fully utilised. It is estimated that the development would, if fully occupied, directly support £3.2 million of gross value added per annum on site (2013 prices) plus a further £1.5 million throughout Scotland via multiplier effects, giving a total impact of approximately £4.7 million per annum. By comparison, it is calculated that the current uses of the site could be expected to generate a farm gate value of approximately £0.1 million per annum if fully utilised. The development is therefore expected to significantly increase the jobs and economic output associated with the site, as well as providing up to 1,500 new homes and a primary school. The majority of the new jobs and gross value added are expected to be net additional. However, it is anticipated that there would be an element of displacement from the Gyle shopping centre and Hermiston Gait retail park as some workers from Edinburgh Park currently spending money at these locations choose to instead spend money at the new neighbourhood centre.

1.17 Police Scotland: strongly recommended that the architect and client meet with a Police Architectural Liaison Officer to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

1.18 Historic Environment Scotland: having reviewed the planning application and environmental statement, recommend that mitigation measures are explored to lessen the impact upon the Milburn Tower Garden and Designed Landscape. A small planted buffer is proposed along the west side of the development to screen development from view from

the designed landscape. However, it is recommended that this planted buffer is increased in size and planted with tree species appropriate to the designed landscape. This would help both screen new development in views from the estate and by using similar tree species, would help blend new housing into its landscape setting. It is also recommended that consideration is given to enhancing the proposed planting mitigation to ensure that views of the new development are screened in views on the approach into the designed landscape from the south. Historic Environment Scotland does not consider that the proposals raise historic environment issues of national significance.

1.19 Scottish Environment Protection Agency: originally objected to the proposal due to lack of information on flood risk. Following the submission of further information by the appellants, SEPA withdrew its objection but requires that further assessment would be required at detailed proposal stage.

1.20 Edinburgh Airport: no objection subject to conditions including the submission of a bird hazard management plan and a limitation on the height of buildings and structures within the site.

1.21 Flood Prevention (CEC): following the submission of further information by the appellants, no objection subject to conditions.

1.22 Transport Scotland: does not propose to advise against the granting of permission. Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision, if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal, for an agreement with the applicant to make an appropriate and proportionate contribution to address the cumulative impact on the strategic transport network and for a related action to be incorporated within the council's local development plan.

1.23 Scottish Natural Heritage: while the proposal has the potential to alter the landscape character of the area and alter the role of the existing Edinburgh Green Belt in a strategically important area of western Edinburgh, SNH believes impacts on the natural heritage could be reduced by well-considered siting and design and detailed environmental mitigation. The naturalisation of the Gogar Burn is key to securing many of the potential gains for landscape, biodiversity and amenity that may arise from the proposal. However, SNH is currently unable to advise the council on the suitability and deliverability of the proposed environmental mitigation due to a lack of information within the submitted documents.

1.24 Environmental Assessment (CEC): Environmental Assessment will not be able to support an application in this location for several reasons. It is located adjacent to a scrap metal yard where crushing frequently operates and there are major road/ rail networks bounding the site. The poultry farm is a serious cause of concern as it is understood that this land is not under the ownership of the applicant so there is no guarantee that the poultry farm operation would stop if this proposed application is consented. Odours, particulate matter and emissions from poultry farms are serious problems.

1.25 Scottish Rights of Way and Access Society (ScotWays): no objection subject to conditions.

- 1.26 Affordable Housing (CEC): this application is welcomed and it is requested that the affordable homes are to be of approved affordable housing tenures, as described in Planning Advice Note 2/2010. In any future detailed application it is requested that the developer identifies the proposed plots/ location of the homes, which should be close to local amenities and public transport. The developer will be required to enter into a Section 75 agreement to secure 25% of the homes for affordable housing.
- 1.27 Archaeology (CEC): no objection subject to conditions.
- 1.28 Roads Authority (CEC): recommend that permission be refused as the package of transport mitigation measures proposed by the applicant remains significantly short of the measures identified in the council's East of Millburn Tower Transport Appraisal (dated January 2015).
- 1.29 Children and Families (CEC): no objection subject to developer contributions to meet the cost of a new primary school; the provision of a fully serviced site for provision of the primary school; and contributions towards the cost of improved education facilities elsewhere.
- 1.30 Spokes: object to the proposal as the planned development would significantly worsen conditions for cycling (and walking) on the surrounding roads, particularly Gogar Station Road, the consequences of which would outweigh any benefits that are planned to assist active travel.
- 1.31 Scottish Water: sufficient capacity exists to service the development but further detailed assessment will be required.
- 1.32 Balerno Community Council and Cramond and Barnton Community Council support the proposal as the site: has good existing infrastructure; good transport links; is near to areas of employment; is in close proximity to shopping facilities. The proposal is: a well-planned and well-integrated development; incorporates a local centre, green space, school, community facilities and transport linkages; allows for scope for further development building on existing and proposed infrastructure in contrast to 'bolt on' greenbelt housing proposals; and will reduce pressure to grant the highly contentious development on Cammo Fields.
- 1.33 Juniper Green Community Council: no objection subject to using brownfield sites first, connection routes, road capacity, removal of other sites in LDP 2, and creation of a robust new green belt boundary on the western perimeter of the site.
- 1.34 Currie Community Council: object as contrary to the development plan, traffic access/ egress inadequate, traffic report not credible, brownfield sites should be developed before green belt sites, development on class 2 arable land.
- 1.35 Ratho and District Community Council: no comment.

Representations

- 1.36 Prior to the call-in of the planning application, the council had received 45 representations, 41 of them [objections](#) to the proposed development. The main points of objection were summarised as:

- SESPlan policies provide no support for the release of this site for housing at this time;
- the proposal is contrary to the Edinburgh Local Development Plan. It was discussed and rejected under the name “Edinburgh Garden District” during the LDP consultation phase;
- brownfield sites should be promoted for development, not green belt sites. The developer has not demonstrated that the proposed 1500 houses cannot be built on already identified brownfield sites within the city;
- this part of the green belt is prime agricultural land;
- the proposal conflicts with government environmental awareness and green policies;
- the SESplan Spatial Strategy identifies West Edinburgh as one of four Strategic Development Areas within the Regional Core, with an emphasis on maintaining and developing its established role as the capital city. The RBS World Headquarters are strategically placed at the heart of this;
- granting permission for development of this site would risk the delivery of allocated sites in the proposed plan;
- this part of the green belt is an invaluable and irreplaceable buffer between the countryside and city. This would be a serious breach of the Edinburgh green belt, would undermine its effectiveness, openness and landscape character. The proposal will set a precedent all around the ring road green areas;
- the site provides an open vista to the Pentland Hills from the A8 entry to the city and a highly visible and attractive frame for the historic capital city;
- the site abounds an Area of Outstanding Landscape Quality;
- in conjunction with the Garden District proposal the proposal would urbanise the West Edinburgh green belt;
- the proposed development fails to protect the setting of the category B listed Millburn Tower and associated designed landscape;
- any new green belt boundary would not compare favourably with the robust existing green belt boundaries along the City Bypass;
- flooding issues associated with the Gogar Burn - controlled by the large soak away on the application site. The problem would be made worse by the proposed development;
- health hazard of proximity to neighbouring poultry farm;
- noise and traffic pollution;
- technical problems relating to flooding and potential bird strike;
- in order to assess the environmental impact of the application the entire Masterplan for the Garden District needs to be taken into account;
- more recreational opportunities are to be encouraged;
- traffic increase and congestion/ road infrastructure is over capacity;
- major road infrastructure works are required prior to any further development in this locality;
- pressure on traffic infrastructure would push out to the A70 Calder Road via Lanark Road through Juniper Green, Currie and Balerno;
- possible disruption to access to RBS Headquarters and Edinburgh Airport;
- the proposal does not include the cumulative impact of RBS Headquarters moving 4,000 employees to Gogar within future traffic projections. Transport assessment does not include further committed development. Over 500 employees of RBS cycle to work;
- impact on cyclist and pedestrian safety;

- the development would not contribute to sustainable development as it is remote from the city and poorly located for public transport, walking and cycling links;
- the proposal would have a cumulative adverse effect on West Edinburgh transport network;
- Gogar Station Road has recently been resurfaced with lanes for cyclists;
- cumulative impact of traffic with the International Business Gateway;
- the proposal would have a detrimental impact upon surrounding rural roads such as Gogar Station Road, Gogarbank, Addiston Farm Road, Roddinglaw which have no street lighting and are very narrow in some places, have 60 miles per hour limits and no or inadequate pavements;
- discrepancies in the Transport Assessment;
- concerns regarding construction traffic movement;
- the proposal does not take account of the recommendations in the LDP Transport Appraisal;
- all motor traffic should access the site from the Gogar roundabout and leave Gogar Station Road untouched;
- concern regarding travel to school routes;
- the proposal would impact on the efficient operation of Edinburgh Park;
- objection to the use of the under-pass for bus access to Edinburgh Park;
- impact on local biodiversity; badgers/ deer/ birds/ bats;
- tree felling has begun, destroying habitats. Tree felling should have been done after tree surveys and not before;
- the local doctors' surgery is already full;
- the proposal does not consider the need for a secondary school;
- the proposal does not demonstrate that the necessary education infrastructure would be provided/ lack of information in respect of primary school regarding site selection and delivery;
- a new catchment area would be required if a new school is introduced;
- there is a lack of information on the plans;
- the proposal lacks playing fields, small workshops, every-day facilities required of a new town;
- the proposal promotes 25% affordable housing but current demand is approximately 64% of housing land;
- the site is in a remote location isolated from shops, schools and employment locations. Residents would be heavily reliant upon cars to access facilities outwith the site;
- the application does not include a phasing plan as to how infrastructure would be delivered parallel to housing completions;
- dissatisfaction with public consultation/ neighbour notification exercise which was misleading and related to the Garden District proposal;
- the northern access requires traffic signal equipment to be positioned on land outwith the applicant's ownership.

1.37 A further seven letters of representation were received following call-in of the application, including one from Alex Cole-Hamilton MSP.

The position of the planning authority

1.38 The planning application was [reported](#) to the council's Development Management Sub-Committee on 16 May 2016. Officers recommended that permission be refused, on

the basis that: “the development is significantly contrary to the development plan, particularly in respect of green belt. The site is not needed to contribute to the five year effective housing land supply. The transport impacts of the development are not adequately resolved, meaning that the occupants of the development may be car dependent and there would be adverse impacts on the existing transport infrastructure in the area, for example, because of more congestion. The development would be prejudicial to the examination report of the Edinburgh Local Development Plan and is, as a result, premature.”

1.39 The council’s Head of Planning and Transport requested that the sub-committee recommend to the full council that the application be refused for the following reasons:

- 1) The proposal is contrary to Strategic Development Plan Policy 7 in that the proposal will not be in keeping with the rural character of the area and will undermine the green belt objectives.
- 2) The proposal is contrary to Rural West Edinburgh Local Plan Policy E5 in respect of Development in GB/Countryside restriction, as it will result in a non-conforming use.
- 3) The proposal is contrary to Policy E7 of the Rural West Edinburgh Local Plan in relation to the Protection of Prime Agricultural Land as it would result in the permanent loss of prime agricultural land.
- 4) The proposal is contrary to Rural West Edinburgh Local Plan Policy TRA1 in respect of mode of access, as the proposal has poor connectivity to public transport network.
- 5) The proposal is contrary to the Second Proposed Local Development Plan Policy Env 11 in respect of Special Landscape Areas, as the proposal will result in a change of the rural character of this special landscape area.
- 6) The proposal is contrary to the Second Proposed Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as it will result in a non-conforming use in the green belt.
- 7) The proposal is contrary to Rural West Edinburgh Local Plan Policy TRA2 in respect of capacity of road network, as the occupants of the development will be car reliant.
- 8) The proposal is contrary to Rural West Edinburgh Local Plan Policy E8 as it will affect the setting of Areas of Outstanding Landscape Quality and will impact on the long views to the Pentlands designated Area of Great Landscape Value.
- 9) The granting of planning permission would be premature and would not accord with the provisions of paragraph 34 of Scottish Planning Policy in respect of this.

1.40 Having considered the report and heard from interested parties, the sub-committee [agreed](#) to recommend to full council that planning permission in principle be granted, subject to tabled conditions, informatives and legal agreements, and subject also to notification to Scottish Ministers.

1.41 In its [response](#) to the call-in of the application, it was confirmed for the council that it supported the proposal for the following reasons:

- the proposed site lies predominantly within the West Edinburgh Strategic Development Area. The strategic development plan states that there is a policy presumption for directing any new housing releases to SDAs;
- the site has good accessibility to existing public transport;
- a clear and defensible green belt boundary could be formed along Gogar Station Road at the western edge of the site, and the railway line provides a clear edge to the south;

- the development of the site would integrate well with existing centres of employment, retail and public transport at Edinburgh Park to the east and proposed development at the International Business Gateway (IBG) to the north;
- development of the site would have an acceptable impact on the city's landscape setting because it is largely contained. The city's landscape character around the site is in a period of transition following the development of Edinburgh Park, RBS headquarters at Gogarburn and the proposed development at IBG. The proposal would integrate with the existing urban area and future planned growth of the city;
- the council supports housing development in appropriate locations to increase the delivery rate of housing units;
- the proposal would make an important contribution to increase the delivery rate of housing units, including affordable housing units, and would make efficient use of a greenfield site by achieving high density development near a transport corridor;
- the council would expect 25% of the units to be affordable in line with its planning policy;
- the development of the site would represent a sustainable expansion of the city;
- the council considers the site can be developed without compromising green belt objectives;
- development of the site would enhance access to public open space by creating a 40 acre park that incorporates the Gogar Burn; and
- the proposed development would create a pleasant environment that would encourage walking and cycling and link to the wider transport network.

Ministers' reasons for call-in

1.42 Scottish Ministers, on 25 July 2016, [directed](#) the City of Edinburgh Council that the planning application which is subject of this report be referred to Ministers for determination. The direction was given "in view of the potential impact on statutory works undertaken at the adjacent Science and Advice for Scotland Agriculture (SASA) establishment, prematurity in relation to Edinburgh's Second proposed Local Development Plan (LDP), and potential impacts on infrastructure within the West Edinburgh Area."

CHAPTER 2: POLICY CONTEXT AND DETERMINING ISSUES

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires Ministers to determine this appeal in accordance with the development plan unless material considerations indicate otherwise.

2.2 The development plan comprises of the SESplan Strategic Development Plan 2013, together with the Edinburgh Local Development Plan 2016.

2.3 National policy is set out in the third National Planning Framework (NPF 3) and in Scottish Planning Policy (SPP). Both documents, approved in 2014, are the most recent expressions of national planning policy and weight should be afforded to them accordingly.

2.4 Having regard to all of the submitted material, I find that the main issues in this appeal are: housing land supply and effectiveness of the application site; settlement fit (including green belt issues) and landscape and visual effects; infrastructure impacts; impacts on the nearby SASA facility; and whether any other relevant issues point towards approval or refusal of planning permission in principle. I deal with each of these in the following chapters of this report.

2.5 I also require to have special regard to the desirability of preserving the setting of nearby listed buildings, in accordance with section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2.6 Similarly, I require to pay special attention to the desirability of preserving or enhancing the character or appearance of the Hermiston Conservation Area.

The development plan: SESplan

2.7 The [SESplan](#) Strategic Development Plan was approved by Scottish Ministers in 2013.

2.8 SESplan Policy 1A: *The Spatial Strategy: Development Locations* indicates that local development plans will direct strategic development to the Strategic Development Areas, of which West Edinburgh is one. Policy 1B: *The Spatial Strategy: Development Principles* provides that local development plan will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species;
- Ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites in particular World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in the Inventory of Gardens and Designed Landscapes;
- Have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live;

- Contribute to the response to climate change, through mitigation and adaptation; and
- Have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

2.9 SESplan Policy 5: *Housing Land* states that:

The Strategic Development Plan identifies that, for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development. Of that total, the requirement for the period 2009 to 2019 is for 74,835 houses. Supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.

The supplementary guidance will be based on an analysis of opportunities and of infrastructure and environmental capacities and constraints, and will be undertaken in consultation with the six constituent planning authorities.

Subject to any justifiable allowance for anticipated house completions from ‘windfall’ sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance. Where appropriate they will indicate the phasing and mix of uses to be permitted on any sites to be allocated for housing development.

Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.

2.10 The consequent Supplementary Guidance on Housing Land was approved in October 2014 and sets a housing requirement for Edinburgh of 22,300 houses in the period 2009 – 2019 and 7,210 houses in the period 2019 – 2024. (It should be noted that the supplementary guidance was prepared in the context of superseded Scottish Planning Policy, and the term ‘Housing Requirement’ has been replaced by ‘Housing Supply Target’. The term Housing Requirement is now defined in Scottish Planning Policy as the Housing Supply Target + Generosity. For the avoidance of doubt, the figures contained in the Supplementary Guidance represent the Housing Supply Targets, which are the basis for calculating the adequacy of the housing land supply).

2.11 SESplan Policy 6: *Housing Land Flexibility* states that:

Each planning authority in the SESplan area shall maintain a five years’ effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.

2.12 SESplan Policy 7: *Maintaining a Five Year Housing Land Supply* indicates that sites for greenfield housing development either within or outwith the identified Strategic Development Areas may be allocated in local development plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria:

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

The development plan: LDP

2.13 The [Edinburgh Local Development Plan](#) was adopted in 2016.

2.14 Policy Hou 1: *Housing Development* is the principal housing policy of the LDP. It states that:

1. Priority will be given to the delivery of the housing land supply and the relevant infrastructure* as detailed in Part 1 Section 5 of the Plan including:
 - a) sites allocated in this plan through tables 3 and 4 and as shown on the proposals map
 - b) as part of business led mixed use proposal at Edinburgh Park/ South Gyle
 - c) as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre)
 - d) on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.
2. Where a deficit in the maintenance of the five year housing land supply is identified (as evidenced through the housing land audit) greenfield/ green belt housing proposals may be granted planning permission where:
 - a) The development will be in keeping with the character of the settlement and the local area
 - b) The development will not undermine green belt objectives
 - c) Any additional infrastructure required* as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time.
 - d) The site is effective or capable of becoming effective in the relevant timeframe.
 - e) The proposal contributes to the principles of sustainable development.

*This should be addressed in the context of Policy Del 1, Tra 8 and the associated Supplementary Guidance.

2.15 Paragraph 222, which follows this policy, states that Policy Hou 1 reflects the emphasis on delivery of the identified land supply. However, it also sets out a mechanism through which to bring forward additional land if a five year supply is not maintained. The criteria which apply reflect the considerations already established through SESplan (Policy 7) as well as the Scottish Planning Policy presumption in favour of sustainable development. Whilst the green belt is established by the plan this should not automatically

preclude housing development where the relevant balance of considerations points to approval and the objectives of the city wide designation of green belt are maintained.

2.16 Policy Del 1: *Developer Contributions and Infrastructure Delivery* of the local development plan states that:

1. Proposals will be required to contribute to the following infrastructure provision where relevant and necessary to mitigate* any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development:

- a) The strategic infrastructure from SDP Fig. 2, the transport proposals and safeguards from Table 9 including the existing and proposed tram network, other transport interventions as specified in Part 1 Section 5 of the Plan and to accord with Policy Tra 8. Contribution zones will apply to address cumulative impacts.
- b) Education provision including the new school proposals from Table 5 and the potential school extensions as indicated in Part 1 Section 5 of the Plan. Contribution zones will apply to address cumulative impact.
- c) Green space actions if required by Policy Hou 3, Env 18, 19 or 20. Contribution zones may be established where provision is relevant to more than one site.
- d) Public realm and other pedestrian and cycle actions where identified in the Council's public realm strategy, or as a site specific action. Contribution zones may be established where provision is relevant to more than one site.

2. Development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time.

In order to provide further detail on the approach to implementation of this policy and to provide the basis for future action programmes Supplementary Guidance** will be prepared to provide guidance including on:

- The required infrastructure in relation to specific sites and/ or areas
- Approach to the timely delivery of the required infrastructure
- Assessment of developer contributions and arrangements for the efficient conclusion of legal agreements
- The thresholds that may apply
- Mapping of the cumulative contribution zones relative to specific transport, education, public realm and green space actions.
- The council's approach should the required contributions raise demonstrable commercial viability constraints and/ or where forward or gap funding may be required.

* Further assessments may be required to detail the required mitigation

** This guidance should be submitted to Ministers within one year from the date of adoption of this Plan. In the event that timing of the findings of the Cumulative Impact Transport and Land Use Appraisal Working Group would delay inclusion of details on cross boundary issues an interim approach will be detailed through the Supplementary Guidance to be confirmed through the replacement development plan.

The supplementary guidance required by this policy has been submitted by the council to the Scottish Government but as yet remains outstanding. The council states that the draft supplementary guidance nonetheless is a material consideration.

2.17 Policy Tra 8: *Provision of Transport Infrastructure* states that:

Development proposals relating to major housing or other development sites, and which would generate a significant amount of traffic, shall demonstrate through an appropriate transport assessment and proposed mitigation that:

- a) Identified local and city wide individual and cumulative transport impacts can be timeously addressed in so far as this is relevant and necessary for the proposal.
- b) Any required transport infrastructure in Table 9 and in the general and site specific development principles has been addressed as relevant to the proposal.
- c) The overall cumulative impact of development proposals throughout the SESplan area (including development proposals in West Lothian, East Lothian and Midlothian) has been taken into account in so far as relevant to the proposal. Assessment should draw on the findings of the Cumulative Impact Transport and Land Use Appraisal Working Group once these become available.

2.18 Policy Env 11: *Special Landscape Areas* 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 shown on the proposals map.

2.19 Policy Env 10: *Development in the green belt and countryside* states that within the green belt and countryside shown on the proposals map, development will only be permitted where it meets one of four criteria and would not detract from the landscape quality and/ or rural character of the area. Those specified criteria are: a) for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, etc.; b) for the change of use of an existing building; c) for development relating to an existing use or building; and d) for the replacement of an existing building with a new building in the same use.

National Planning Framework NPF3

2.20 NPF3 gives recognition to the effects of the financial climate on the housing market, but indicates that there is a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth. In that regard, it places particular emphasis on meeting housing need in the SESplan area. On page 13 it states: “The SESPlan area is projected to have the second largest rate of growth of the four SDPAs – a 20% increase in population and 32% increase in households between 2010 and 2035. A planned approach is required to ensure development needs are met, whilst taking into account existing and future infrastructure capacity. Led by SESplan, we wish to see greater and more concerted effort to deliver a generous supply of housing land in this area.”

Scottish Planning Policy

2.21 Scottish Planning Policy 2014 introduces a presumption in favour of development that contributes to sustainable development. This is an important material consideration in this application. Paragraphs 32 and 33 of the SPP state that:

“32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in

principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old”.

2.22 Paragraph 125 of SPP states that:

“Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant”.

2.23 SPP paragraph 110 states the planning system should “identify a generous supply of land... to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times” Paragraph 118 sets out the role of strategic development plans in setting out the housing supply target and the housing land requirement for the plan area, each local authority area and each functional housing market area”. Paragraph 119 also states that “Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.”

2.24 The SPP at paragraph 123 reflects Planning Advice Note 2/2010 on what constitutes an effective housing site, stating that “A site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing.”

Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits

2.25 PAN 2/2010 sets out advice on good practice in the preparation of housing land audits, on determining what should constitute effective land and what should be included in the five year housing land supply. It states at paragraph 45 that annual housing land audits have two key functions: “to demonstrate the availability of sufficient effective land to meet the requirement for a continuous five-year supply; and to provide a snapshot of the amount of land available for the construction of housing at any particular time”.

2.26 Paragraph 55 states that “To assess a 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 basis: ownership... physical... contamination... deficit funding... marketability... infrastructure... and land use”

2.27 The programming and delivery of housing from identified effective sites is further discussed in paragraph 56, where it is stated that the “Programming of sites is an important element of the audit.... The contribution of any site to the effective land supply is that portion of the expected output from the site which can be completed within the five-year period.”

2.28 The draft *Housing and Infrastructure: Draft Planning Delivery Advice* was published by Scottish Government for consultation but has since been withdrawn.

The main points for the applicant

2.29 It had been expected that SESplan 1 would have been replaced by SESplan 2 sometime in 2018, thereby establishing up-to-date Housing Supply Targets for Edinburgh and the other SESplan Council areas. However, in May 2019 the Scottish Ministers decided to reject Proposed SESplan 2. Progress on the document has therefore ceased and there are no intentions to proceed with it. Proposed SESplan 2 therefore has little or no weight. Having not been replaced, SESplan 1 continues to form part of the development plan. SESplan 1 was approved in July 2013 and its Supplementary Guidance containing Housing Requirements was adopted on 28 October 2014. Therefore SESplan 1 is now out-of-date because it is more than 5 years old (SPP paragraph 33). Indeed, that is why SESplan 2 was being prepared to the timetable it was, in order to ensure that it was replaced before becoming out of date.

2.30 The rejection of SESplan 2 coincided with the new Planning Act, which does not provide for Strategic Development Plans. This means that SESplan 2 will not be progressed further and it will now be the function of the National Planning Framework (NPF) to set housing targets. Further guidance is awaited from the Scottish Government as to exactly how and when up-to-date housing targets will be established for the SESplan area (or other area), but recent announcements from the Scottish Government indicate that it will be about 2 years before NPF4 is approved.

2.31 Policy Hou 1(2) of the adopted local development plan can be considered out-of-date insofar as any deficit in the housing land supply is to be calculated against out-of-date SESplan 1 housing requirements. In our view, the application complies with the criteria in Policy Hou 1(2). Any assertion that the proposals would prejudice the delivery of LDP allocated sites is wrong.

2.32 SPP paragraph 33 states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

2.33 The Strategic Development Planning Authority (SDPA) agrees that SESplan 1 is now out-of-date, confirming this in its [Housing Land Position Statement](#) (paragraph 2.4) which was approved on 30 September: “SDP1 is approaching five years old. Once the

SDP is over 5 years old, under the terms of SPP its policies can be considered out of date, including the housing figures contained within the plan”. The 2019 housing land audit was finalised before SESplan 1 became out-of-date and its commentary to the effect that the council considers it is maintaining an effective housing land supply is therefore also out-of-date.

2.34 Since this was written, the SDP and its Supplementary Guidance are now more than 5 years old. SPP Paragraph 33 is unequivocal that if the development plan is out of date then the presumption in favour of development that contributes to sustainable development is a “significant” material consideration (as opposed to simply a “material” consideration – see paragraph 32). The courts have found that this means the decision maker must apply a “tilted balance” towards granting permission if the proposals contribute to sustainable development.

2.35 A key policy consideration in determining this application is Policy 7 of SESplan 1. This states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be granted planning permission to maintain a five years’ effective housing land supply, subject to satisfying certain criteria. This policy is now out-of-date, however in legal terms it remains part of the development plan and cannot simply be disregarded. In our view, the weight to be attached to the policy and any 5 year land supply calculation of the SESPlan 1 numbers needs to be considered carefully, taking account of the up-to-date context, in particular in respect to the most up-to-date robust and credible assessment of housing need and demand i.e. [HNDA 2](#). This view is supported by the SESPlan Housing Position Statement which, in paragraph 7.5, quotes from the SESPlan 2 Examination Report. It notes that the SDP Reporters further found “that analysing performance against SDP1 requirements is of little assistance to an assessment of the extent of the actual housing supply backlog. This is because SDP1 targets were based on an earlier HNDA that no longer provides the most up-to-date and reliable picture of housing need and demand...”.

2.36 HNDA 2 is the most recent robust and credible assessment of housing need and demand, which when compared with the current effective supply for Edinburgh and the wider SESplan area, shows massive unmet need and demand. Emerging LDPs (insofar as they are emerging) will not bring additional site delivery into the supply for some years to come. So, although we agree that an HNDA cannot readily be used to calculate a housing target for an individual authority, it is relevant when considering the weight to be attached to out-of-date development plan policies. We do know, based on HNDA 2, that there is massive unmet need and demand in Edinburgh. Edinburgh, of course, is at the heart of the City Region and West Edinburgh is a highly sustainable location for development.

2.37 Paragraphs 32 & 33 of Scottish Planning Policy 2014 refer to the presumption in favour of sustainable development as follows:

“32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be a material consideration.

33. Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.”

2.38 Paragraph 125 of SPP states that:

“Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.”

2.39 The 2019 Opinion of the Court of Session, [Graham’s the Family Dairy and Mactaggart & Mickel Homes Limited v The Scottish Ministers](#) is instructive in setting out the impact of the development plan being out of date. The Court of Session (following the judgement of The Supreme Court in the case of [Hopkins Homes v Communities Secretary](#)) made it clear that in these circumstances a “tilted” balancing exercise requires to be undertaken by the decision maker. The Court of Session (paragraph 36) found: “They [Scottish Ministers] must, however, in this case address how they have approached the “tilted” balancing exercise which the housing land shortage requires (SPP paras 33 and 125; Hopkins Homes v Communities Secretary [2017] 1 WLR 1865, Lord Carnwath at para 59, Lord Gill at para 80). In particular, they must make it clear whether and how, in accordance with SPP (paras 33 and 125), they regarded the shortage as a “significant material consideration” (cf the conclusion and recommendation in the submission to the respondents and the proposed press release) and the extent to which they regarded the green belt as “significantly and demonstrably” outweighing or otherwise the benefits of the development.”

2.40 The Supreme Court judgement (in dealing with the equivalent policy in the English National Planning Framework) explained the effect of the “tilted balance” referred to by the Court of Session. In paragraph 54 of the Supreme Court’s judgement, Lord Carnwath stated: “In the absence of relevant or up-to-date Development Plan policies, the balance is tilted in favour of the grant of Permission except where the benefits are “significantly and demonstrably” outweighed by the adverse effects...”

2.41 That is precisely the situation we have in this case. In our view, the evidence that we have already submitted in respect to the East of Millburn Tower site demonstrates that there are no significant and demonstrable adverse impacts when assessed against the wider policies of the SPP. In those circumstances it must follow that there is a presumption in favour of granting planning permission.

2.42 It is important to note that the application site is located within the West Edinburgh Strategic Development Area. SESplan identifies this area as one of the primary locations for growth and investment in South East Scotland, which is “well located in relation to the road network and [at the time that SESplan was approved] will soon be accessible by a range of other transport modes”. SESplan’s supplementary guidance specifically identified

West Edinburgh as a location where additional housing development beyond that contained in the proposed LDP could be accommodated.

2.43 The Capital Coalition Motion of 14 May 2015 recognised that the application site fell within the West Edinburgh Strategic Development Area and indicated the council's support for the allocation of the site within the proposed LDP. It is, therefore, clear that the development plan recognises this area as a place where housing development, if required, is encouraged. This has been endorsed a number of times by both the council and by Scottish Ministers through their approval of SESplan and its Supplementary Guidance. The Supplementary Guidance in particular highlights the suitability of the West Edinburgh area for further housing development following "an analysis of opportunities and of infrastructure and environmental capacities and constraints" across the entire SESplan region.

The main points for the council

2.44 The council supports the grant of this application subject to conditions and a legal agreement. The council considers that impacts on infrastructure including education, flooding and transport resulting from the development can be addressed by way of conditions or planning obligation.

2.45 The council considers that transport mode accessibility has been satisfactorily demonstrated. The relevant transport policy for the assessment of this application is Tra 8 in the Edinburgh Local Development Plan. The council's view is that Policy Tra 1 does not apply to major housing developments.

The main points for West Craigs

2.46 Edinburgh Local Development Plan Policy Hou 1 is the principal policy for housing development. Policy Hou 1 provides that priority will be given to sites that meet one of four criteria. The application site does not meet any of those criteria, and that remains the position irrespective of any changes in the housing land supply position. Policy Hou 1(2) set out tests that must be met before greenfield/greenbelt development may be granted planning permission on the grounds that there is a shortfall in the council's five year housing land supply. It was, and remains, West Craig's position that this application does not meet those tests. If the council's latest submissions on housing land supply are accepted then Part 2 of Policy Hou 1 is not engaged.

2.47 At the hearing session on housing land supply, the council's position was that, on its preferred methodology there was no shortfall in the effective housing land supply. The council accepted however, that when development delivery was considered, there was a shortfall in the five year effective housing land supply. The 2019 housing land audit indicates the council now considers itself to be maintaining an effective five year housing land supply under both approaches.

2.48 The SESPlan Housing Land Position Statement has not been subject to any consultation, and supporting material upon which it relies has not been disclosed. It does not correctly apply SPP and makes assumptions about SESPlan 2 that are not properly made out. It can be afforded only very limited, if any, weight in the determination of this application.

2.49 Even if a shortfall in the effective housing land supply is identified, the application does not accord with the relevant criteria in Policy Hou 1 (2). It does not represent sustainable development, and prejudices delivery of LDP allocated sites (many of which either have planning permission, or a resolution of approval from the council). This latter issue is of particular concern and relevance given the apparent shift in position of the council on the issue of primary school provision.

2.50 SPP provides that, where a development plan is considered out of date, the presumption in favour of sustainable development is a material consideration to which significant weight should be given. SPP does not advocate an approach that relies on the importation of extraneous material in lieu of development plan policy. The applicants' position appears to be that, by operation of paragraph 33 of SPP, little or no weight should be given to the policies in SESplan, and they make specific reference to SESPlan policy 7 in this regard. They do not set out their position on the policies in the LDP.

2.51 The approach in paragraph 33 of SPP applies in various circumstances, including where there is a shortfall in the housing land supply as well as where a plan is over 5 years old. SPP does not make any distinction between these different circumstances.

2.52 There is a tension between the applicants' position now, and the one taken at the time of the hearing sessions. Whilst previously the applicants considered SDP and LDP policies to apply in conjunction with paragraph 33 of SPP, they now argue that paragraph 33 of SPP means that the SDP policies do not apply. Their position on LDP policies is not made clear.

2.53 Whilst SESplan is over five years old, it remains part of the development plan. Rather than simply substitute in HNDA2 to replace the SDP, as the applicants now advocate, we refer to the approach outlined at paragraph 9 of the applicants' closing submissions. The weight to be given to SESplan policies is a matter for the planning judgement of the Reporter and Scottish Ministers. The applicants' position on housing land supply and its reliance of HNDA2 places it at odds with the SDPA, City of Edinburgh Council and recent appeal decisions in the SESplan area. Taken at its highest, the applicants' position is that there is a shortfall in the housing land supply such as to trigger the presumption at paragraph 33 of SPP. For the reasons set out in their evidence and submissions, it is West Craig's position that the application does not represent development that contributes to sustainable development, and the presumption in SPP does not support the grant of planning permission. If the council's position on housing land supply is preferred, then the application is contrary to both parts of Policy Hou 1, and Paragraph 33 of SPP does not apply.

2.54 It has been open to the applicants throughout this process to provide an assurance that their development would not prejudice delivery of allocated sites by utilising infrastructure required for those developments. No such assurance has been given. It remains West Craig's position that the application is contrary to the development plan, and there are no material considerations which support the grant of this application.

The main points for RBS

2.55 RBS do not object to the principle of residential-led development on the application site. However, this is subject to the development not having an unacceptable impact on the operation of the RBS headquarters at Gogarburn.

2.56 Subsequent to the hearing sessions, it was confirmed for [RBS](#) on 8 February 2018 that it wished to withdraw its objections to the proposed development, subject to the imposition of specified conditions.

The main points for Dr Scott/ Ms Harrison

2.57 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides the starting point for any consideration of this development and the application assessment process (paras 3.1-3.2) set out in the applicant's statement of case is accepted as the appropriate way to proceed.

2.58 The only matter where circumstances have now changed, from the applicant's case, and as set out in that statement of case, is that the Scottish Planning Policy (SPP) reference from para. 33 is no longer applicable, in that the LDP is brand new, having only been adopted on 24th November 2016. The applicant will, no doubt, make much of the letter that the Minister of Local Government and Housing sent to the council dated 9 November 2016, but, whilst that letter is clearly critical, it does not in any way undermine, or otherwise change, the status of the LDP as part of the development plan.

2.59 In terms of the LDP, the main policy for consideration of the proposal is Policy Hou 1. Part 1 of Policy Hou 1 is not applicable and so the question is whether part 2 is, and the extent to which this proposal complies with it. If it complies, then the application complies with that part of the development plan. If it does not, then other material considerations must indicate that a departure is merited. The weight to be attached to those is for the decision-maker to determine.

2.60 The case for Dr Scott/ Ms Harrison comments only on Policy Hou 1 rather than all relevant policies in SESPlan and the LDP. There are numerous other policies applicable to the application, but it would appear that all parties see Policy Hou 1 as the key policy. Others are no less important, but likely to be met if the proposed development complies with this overarching policy.

2.61 The first requirement of part 2 of Policy Hou 1 is whether there is a five-year housing land supply. The position seems to have been addressed by the examination reporter, who in relation to Issue 23 para 20 states that "from my conclusion in Issue 5 there is a clear deficiency in the anticipated programming of the housing land supply particularly in the first five years". In that regard, unless something has changed in the meantime, then it is only fair that we adopt the position previously taken on this matter in the letter of 7 December 2016 and agree that part 2 does apply in this case.

2.62 Policy Hou 1 thereafter has five criteria that must be met by a proposed development for it to be acceptable. It is the view of Dr Scott and Ms Harrison that the development fails to comply with four of them: criteria a) in character with settlement and area, b) not undermine greenbelt objectives, c) infrastructure requirements and d) effectiveness (partly). In terms of criterion e), it is accepted that the development is

sustainable development, but the applicant has not provided any cogent evidence that this is significant. If there isn't a five-year effective housing land supply, paragraph 125 of SPP states that "development plan policies for the supply of housing land will not be considered up-to-date" and policies 32-35 in the SPP "will be relevant". That is accepted, but paragraphs 32 and 33 of SPP, plainly read, state that because the development plan is up-to-date and it contains policies relevant to the proposal, sustainable development is a material consideration, but not a significant one.

CHAPTER 3: HOUSING LAND SUPPLY AND EFFECTIVENESS OF THE APPLICATION SITE

3.1 Those parties who had participated in the hearing session on housing land supply were invited to update their submissions based on the 2019 housing land audit. The [applicant](#), the [council](#) and [West Craigs](#) lodged further written submissions on this matter. The [applicant](#) and [West Craigs](#) then commented on the written submissions of the other parties.

3.2 The main points raised in these submissions are incorporated in this chapter, and in chapter 2 to the extent that they affect the policy context for determination of this application.

The main points for the applicant

3.3 Since the approval of SESplan 1, there has been a well-established and agreed methodology for calculating the adequacy of the land supply in the SESplan area. At the hearing for this called-in application, the most recent housing land audit for Edinburgh was HLA 2016. The adequacy of the 5-year housing land supply at that time was calculated as follows:

Edinburgh Housing Supply Target	2009 - 2021	25,184
Completions	2009 - 2016	11,564
5yr Housing Supply Target		13,620
5yr Effective Housing Supply (HLA 2016)		11,970
5yr Housing Shortfall		1,650 (4.39 years supply)

3.4 Thus, based on the 2016 Edinburgh HLA, there was a shortfall in the 5-year housing land supply of 1,650 homes. The same calculation can be undertaken for the current position, based on the recently agreed HLA 2019:

Edinburgh Housing Supply Target	2009 - 2024	29,510
Completions	2009 - 2019	19,001
5yr Housing Supply Target		13,620
5yr Effective Housing Supply (HLA 2019)		13,748
5yr Housing Surplus		3,239 (6.5 years supply)

3.5 This shows that, based on the out-of-date housing requirements of SESplan 1, there is a surplus of 3,239 units in the 5-year supply of housing land. The question then arises of what considerations should be considered material in determining a planning application in this out-of-date context. The SESplan Housing Position Statement provides the following commentary on that point in paragraph 5.4 onwards:

“5.4 QC opinion is that all of the following documents can also be taken into account as a material consideration in the determination of Planning Applications:

a) the policies of proposed SDP2 with the exception of those policies relating to transport infrastructure

(b) the supporting material prepared in respect of SESplan2

(c) Housing Need and Demand Assessment 2

(d) General Register Office Predictions on population growth

(e) Housing Land Audits

(f) the material contained within the Reporter’s examination report.

5.5 The issue, however, is the weight that can be applied to each of these and interpretation given by individual Reporters from the DPEA.

5.6 In summary, it is concluded that in determining planning applications consideration should be given to the terms of the extant development plan and the matters raised at (a)-(f) above until such time as the development plan is replaced.”

3.6 Our view on the weight that should be attached to the above matters in the determination of this application is as follows (NB. we have not seen the full opinion of the council’s QC, nor the questions he/she was asked):

(a) the policies of proposed SDP2 with the exception of those policies relating to transport infrastructure

In our view, the policies of Proposed SDP2 should have little or no weight attached to them as the plan has been completely rejected and is to be progressed no further. We are not clear what the QC means when referring to policies relating to transport infrastructure. The Chief Planner’s letter to the SESplan Authority on 16th May 2019 stated the following: “The plan does not take sufficient account of the relationship between land use and transport. ... The plan does not properly acknowledge and address the region’s infrastructure constraints to support the spatial strategy for delivering housing land across the area.”

3.7 We note that in paragraph 6.1 of the SESplan Position Statement, it comments on the Chief Planner’s SDP2 rejection letter in the following terms: “No specific dissatisfaction has been expressed about the approach taken to housing numbers and the evidence base that underpins it”. We question what is implied by this statement. Just because housing numbers are not specifically mentioned cannot be taken to mean there were no concerns. Scottish Ministers were concerned not with the content of the policies related to transport infrastructure, but rather with the evidence base that underpinned the entire spatial strategy.

3.8 In our view, therefore, very little or no weight should be applied to Proposed SDP2 and, in particular, its spatial strategy which includes housing targets.

(b) the supporting material prepared in respect of SESplan2

3.9 In our view, this depends on what that supporting material is. Similar to our comments on point (a) above, if that supporting material relates to conclusions reached on a preferred spatial strategy (e.g. housing numbers and location), it should have little or no weight attached to it. If, on the other hand, the material is recent factual information, then clearly that can be taken into account.

(c) Housing Need and Demand Assessment 2

3.10 This is the most recent robust and credible objective assessment of housing need and demand in the SESplan area and its constituent council areas. It has not been informed by the SDP2 spatial strategy or transport matters. Given that SESplan 1 is now out-of-date, and HNDA2 contains a more recent assessment of housing need and demand, in our view it is a very significant material consideration.

(d) General Register Office Predictions on population growth

3.11 In our view these are of little weight. The established mechanism (referred to in Scottish Planning Policy) to establish housing need and demand is through the HNDA process, the expectation being that these are updated on a 5-yearly basis. GRO predictions form just one element of the HNDA process.

(e) Housing Land Audits

3.12 The objective elements (i.e. housing completions and projections) in up-to-date and agreed housing land audits should be given significant weight in the determination of planning applications. They are a snapshot of the housing land supply at a point in time and, amongst other things, provide the basis to calculate the adequacy of the 5-year housing land supply. They do not establish the target against which the adequacy of the supply is measured, that being provided by an up-to-date SDP. When the SDP is out of date, as is the case here, other considerations require to be taken into account.

(f) Material contained within the Reporter's examination report

3.13 In our view, any such material that related to transport and the spatial strategy that is not 'factual' base information should have very little or no weight attached to it. Such material would include policy conclusions on housing numbers and locations, for example, because these were not, in the Ministers' view, informed by a proper understanding of transport implications. HNDA 2 is not based upon spatial planning considerations and has been agreed as robust and credible. We are not aware of any agreed programme to update it. Its findings, as one would expect given the significant changes in housing need and demand since HNDA 1, are significantly different to HNDA 1. Naturally, it also looks further ahead than HNDA 1.

3.14 The Wealth Distribution 2 scenario set out in HNDA2 was identified by the SESplan Development Plan Authority as the most realistic projection, and was accepted by Homes for Scotland in its comments on SESplan 2. This scenario found a housing need and demand for 2012-2032 of 81,685 units for Edinburgh, part of a requirement of 136,807 units for the SESplan area as a whole. It is acknowledged that the content of an HNDA does not in itself provide a housing supply target – it is simply the most recent robust and credible

assessment of how much housing is actually needed across the whole of the SESPlan area (which it is agreed is one functional housing market area).

3.15 The table below has been prepared using the same calculation methodology for adequacy of the 5-year housing land supply in respect to HNDA 2 as has been applied in the tables above in respect to the housing supply targets in SESplan 1. Although this is not a 5-year land supply calculation as envisaged by SPP, it does give an indication of the adequacy of the existing supply to meet the most recently predicted levels of need and demand in Edinburgh.

Housing need and demand	2012/13 - 2022/24	49,210
Completions	2018 - 2019	14,529
5yr remaining HND	2019/20 - 2023/24	34,591
5yr Effective Housing Supply (HLA 2019)		13,748
5yr Housing Shortfall		20,843 (1.99 years supply)

3.16 It is apparent that there is a massive shortfall of 20,843 homes in Edinburgh over the next five years compared to need and demand. Given that the SESplan area is deemed to be a single housing market area, it is appropriate to consider this shortfall against the position in the other five council areas. However, the surpluses of housing in the five other council areas still leave a very large net shortfall of 7,656 homes in the SESplan area as a whole.

3.17 We acknowledge that one purpose of SESplan 2 would have been to have fixed housing supply targets for each council area, providing the basis for new LDP housing allocations strategies to follow. However, with the rejection of SESplan 2 this will not happen in a concerted or timely fashion. Although Edinburgh is due to publish its MIR in December 2019, we are not aware that other SESplan Councils intend to replace current LDPs until new housing supply targets are established through NPF4 in two years' time at the earliest.

3.18 This unfortunate state of affairs results from SESplan 1 not being replaced before it became out-of-date. In this regard, it is important to emphasise that this is not just a technical procedural failure against the terms of Scottish Planning Policy. Plans require to be updated every five years for very good reasons, one of the most important of which is to ensure that housing need and demand is provided for. The figures above show very clearly that if urgent measures are not taken immediately, there will be no prospect of meeting housing need and demand in the SESplan area over the next five years.

3.19 Edinburgh's replacement LDP will not be adopted until 2022 at the earliest, and it is likely to be not until 2025 at the earliest before new plan-led additions to the land supply are actually developed to begin to mitigate the shortfall that exists in the preceding years. If some of Edinburgh's housing need and demand is exported to other council areas this will take some years longer given that the other replacement LDPs are behind that of Edinburgh.

3.20 In conclusion on this matter, therefore, if the shortfall in actual housing need and demand in Edinburgh is to be mitigated, it will be necessary to bring sites forward through the development management process. SPP provides for this scenario through its identification of the ‘presumption in favour of sustainable development’.

3.21 Turning to the issue of effectiveness of the application site, Policy Hou1 criterion (d) indicates that the site should be “effective or capable of becoming effective in the relevant timeframe”. The site is effective, considered against the criteria set out in PAN 2/2010. The PAN requires that the land is “in the ownership or control of a third party which can be expected to develop it or release it for development”. All land required to implement the development is either in the applicant’s control or it is in the control of parties with whom the applicant is currently in discussions. None of those parties has objected to the application and no party has indicated that they will not release their land to enable the development to take place.

3.22 The suggestion put for West Craigs that Amber Infrastructure, who own part of the application site, might stand in the way of the development is not supported by any evidence. RBS has conditionally agreed to make land within its control available to facilitate the development. In addition, the council has powers to bring about the implementation of development that it supports. The applicant does, however, not expect to have to request the use of the council’s powers based on their discussions to date with third parties, but the powers remain and are a material factor.

3.23 The applicant is already in advanced discussions with a number of house builders about development of the application site and it is anticipated that if planning permission in principle is granted by Scottish Ministers, applications for approval of matters specified in conditions would be submitted very soon thereafter. The extension of the statutory period for those applications was proposed to give those house builders a degree of flexibility so that if, for example, in year 3 of their build programme they wished to substitute house types due to new designs becoming available, they could do so within the ambit of the planning permission in principle. That approach is commonplace but in the circumstances, the applicant is content to revert to the 3 year statutory period set out in the 1997 Act for submission of further applications.

3.24 In regard to off-site road works, the evidence presented to date does not suggest that the necessary Gogar Station Road works would be subject to the full requirements of the EIA regime.

The main points for the council

3.25 The table below summarises the updated housing land supply position based upon evidence in the [Housing Land Audit and Completions Programme 2019](#). The 2019 Housing Land Audit and Completions Programme was reported to the council’s Planning Committee on 2 October 2019. The programming of likely completions within the audit was agreed as reasonable with Homes for Scotland for all housing sites. The audit shows that there is sufficient unconstrained land to meet the remaining housing land requirement in full, and the five year completions programme is 30% above the 5 year delivery target.

Housing Supply Target 2009 to 2019	22,300
Housing supply Target 2019 to 2024	7,210
Housing Supply Target 2024 to 2026	2,884
Completions 2009 to 2019	18,984
Housing Supply Target 2019 to 2026	13,410
Supply	Output
Housing Land Requirement 2019 to 2026 14,751	Completions Target 2019 to 2024 10,526
Effective Housing Land Supply 22,696	5 year completions programme* 13,748

* Previously referred to as 'the 5 year effective land supply'

3.26 The completions target is calculated as the target for the period 2019 to 2024 (**7,210**) plus the shortfall in the target for the first period (target 2009 to 2019 (**22,300**) minus the completions that took place over that period (**18,984**)) i.e. $7,210 + (22,300 - 18,984) = \underline{\underline{10,526}}$.

3.27 The change in the assessment of the completions programme against the target is due to both a reducing five year target and an increase in anticipated delivery. The Housing Supply Targets set by the SDP and its supplementary guidance were for two separate periods: 2009-2019 and 2019-2024. The annual target for the first period was significantly higher than for the second period. The base date for the target coincided with the credit crunch and subsequent recession. During the early years of the target period, completions were significantly below the required target level resulting in an annual target for the remainder of the first period increasing year on year. The position at 2017, therefore, had a five year delivery target that was inflated by all of the delivery shortfall for the period 2009–2016. In recent years, completion rates have been above the original annual target, resulting in the delivery shortfall for the first period being reduced. The five year target has been further reducing each year since 2014 as the 5 year period extends further into the 2019-2024 period, which has a much lower annual target of 7,210.

3.28 Since the adoption of the council's Local Development Plan, anticipated delivery of new homes has been increasing. The LDP allocated new land for over 8,500 units on greenfield land. Many of the newly allocated sites are now under construction with high levels of delivery anticipated. The 5 year programme in the 2019 Housing Land Audit and Completions Programme demonstrates the highest completions programme ever recorded in Edinburgh.

3.29 In terms of housing land supply, the council's current position is that there is sufficient housing land, free from development constraints, to meet the housing land requirement set by the Strategic Development Plan. Additionally, the Housing Land Audit and Completion Programmes 2019 report demonstrates that the five year completions programme, previously referred to as the five year effective land supply, is above the five year completions target.

3.30 It is, however, important to note that the application site has for some time been considered by the council to have potential as a housing allocation. In addition it is worth noting that the site is located within the West Edinburgh SDA, which is identified by the Strategic Development Plan (June 2013) and in the Housing Land Supplementary Guidance (November 2014) as a priority location for additional development.

3.31 The council supports housing development in appropriate locations to increase the delivery rate of housing units. This proposal would make an important contribution to increasing the delivery rate of housing units for the city, including affordable units, and would make efficient use of a greenfield site within the West Edinburgh Strategic Development Area, where new housing development is supported by the SDP.

The main points for West Craigs

3.32 The council's position is that it is maintaining a five year effective housing land supply. Table 3 of the council's submission notes that its five year "completions programme" (more commonly referred to as the five year effective land supply) is 13,748 units for the period 2019 to 2024 against a target of 10,526 units. This gives a surplus of 3,222 units. This is broadly in line with the applicants' own calculations, which show a surplus in the five year effective housing land supply of 3,239 units in its Table 2.

3.33 The application site is not effective and there can be no certainty as to when, or if at all, the site would be brought forward for development. The applicant does not own all the land within the application red line boundary, with a significant proportion of land owned by the Amber Real Estate Investment Trust. There is no legally binding arrangement in place between the applicant and this landowner. It should be noted that one of the agreed conditions put forward by the applicant and the council is that Amber's poultry operation must cease and the site be remediated before any residential unit can be occupied. This gives Amber an effective ransom over the site, and means that unless/ until the poultry business is closed down and the site remediated the site is not effective. There is no evidence that Amber have agreed to sign the necessary section 75 agreement.

3.34 There is insufficient detail from the applicant to demonstrate when, if at all, it would be able to deliver off-site road improvements. Where an application is brought forward on the basis of a shortfall in the five year effective housing land supply, and in the context of policy Hou1 paragraph 2, an applicant must also be able to demonstrate that they will be able to obtain control of all the necessary land within the relevant timescales. There are no council resolutions approving the use of compulsory purchase powers to facilitate delivery of this development.

3.35 This application would not of itself allow the development to proceed. Even if planning permission was granted, the applicant would still need to secure a further permission from the council for the proposed RBS junction works. Those works require land owned by RBS.

3.36 The application development constitutes EIA development. The RBS junction works would form part of that same development (or "project" in EIA terms). As part of the same project, and so as to avoid the risk of project splitting, any application for the RBS junction works would constitute an application for EIA development. Even if the applicant can obtain planning permission for the RBS junction works (having completed the necessary EIA procedures), and even if it is able to secure control of all the land currently in third party control, it will still require to deliver significant infrastructure works before any housing can be brought forward. This raises serious doubts as to the level of contribution to any shortfall in the five year effective housing land supply this application can genuinely make.

3.37 Policy Hou 1 (2)(d) expects sites to be immediately effective or capable of becoming effective in the relevant timeframe. The purpose of this policy is to address a shortfall in the

five year housing land supply, and to allow development on greenfield and green belt sites that would otherwise be contrary to the LDP. The grant of planning permission for a very large site, in this case 1,400 homes, when only a small proportion of that housing can be expected to contribute to that shortfall, cannot be justified.

The main points for Dr Scott/ Ms Harrison

3.38 The first requirement of part 2 of Policy Hou 1 is whether there is a five-year housing land supply and this will turn on what the policy means by that. The position seems to have been addressed by the LDP examination reporter, who in relation to Issue 23 paragraph 20 states that “from my conclusion in Issue 5 there is a clear deficiency in the anticipated programming of the housing land supply particularly in the first five years”. In that regard, unless something has changed in the meantime, which only the council will know, then it is only fair that we adopt the position previously taken on this matter in the letter of 7 December 2016 and agree that part 2 of Policy Hou 1 does apply in this case.

Reporter’s conclusions

3.39 Drawing on the conclusions of the housing land audit 2019, the council concludes that there is sufficient unconstrained land to meet the remaining housing land requirement in full, and that the 5-year completions programme (13,748 units) is 3,222 units or about 30% above the 5 year delivery target.

3.40 The applicant agrees with these figures, finding there to be, on this metric, a surplus of 3,239 units which represents a supply of 6.5 years. Significantly however, the applicant points out that these calculations are based on the out-of-date housing requirements of SESplan 1.

3.40 Taken at face value, the housing land supply position set out above represents a considerable improvement on the previous position, based on the findings of the council’s 2016 housing land audit, when the council contended there to be sufficient land to meet the five year effective housing land supply but conceded that the delivery programme for the following five years demonstrated a shortfall in delivery.

3.41 The applicant has not criticised the council’s methodology in calculating the housing land supply. That calculation appears to me to be based on a recognised methodology and I have no evidence to dispute the calculations. I note also that the housing land audit 2019 was agreed with Homes for Scotland; that enhances its credibility in regard to output and programming assumptions.

3.42 There is however, a serious difficulty in deciding what conclusions to draw from the output of the housing land audit. As the applicant correctly states, the housing land supply target figures are taken from SESplan 1, approved more than five years ago, and its associated supplementary guidance. In accordance with paragraph 33 of SPP, there can be no dispute that the development plan is more than five years old and that consequently the presumption in favour of development that contributes to sustainable development is a significant material consideration in the determination of this application.

3.43 The applicant invites me to take a range of other factors into account in reaching a conclusion of the adequacy of the housing land supply, partly drawing on the SESplan Housing Position Statement, prepared following the rejection of proposed SESplan 2. In my

view, taking such considerations into account in attempting to quantify a rolled-forward housing supply target would be fraught with difficulty and uncertainty. For example HNDA2, which although certified as robust and credible, is intended only as a starting point for the preparation of plans. Expecting the individual decision maker to select an appropriate growth scenario is unrealistic and would be most unsatisfactory from a public participation standpoint. This is illustrated by the applicant's espousal of the Wealth Distribution 2 Scenario contained within HNDA2, which it uses to demonstrate a shortfall in excess of 20,000 units in the current supply.

3.44 Overall on this matter I find that there would be too many uncertainties in taking account of such considerations in order to somehow roll forward the housing supply target set out in SESplan 1. Such an approach would likely lead to widely varying demand-side calculations from case to case. I need not in any event embark on such an exercise. The SPP paragraph 33 presumption in favour of development that contributes to sustainable development is already potentially engaged in this case, due to the age of the development plan. The same consideration would apply in the absence of a five year housing land supply. It seems clear to me that this is the appropriate mechanism intended by SPP for situations such as this one, rather than an ad-hoc rolling forward of supply targets, any concept of which is absent from SPP.

3.45 Paragraph 125 of SPP states that where there is a shortfall in the effective 5-year housing land supply, development plan policies for the supply of housing land will not be considered up-to-date and paragraphs 32-35 will be relevant. For the reasons stated above, in this case I am unable to conclude with certainty that there is currently an effective 5-year housing land supply. Policy 7 of SESplan and Policy Hou 1 (2) of the local development plan are intended to guide decision makers in situations of an inadequate housing land supply. These policies remain part of the development plan, despite its age, and I agree with the applicant that they cannot simply be disregarded. In any event these policies reflect the relevant provisions of paragraph 29 of SPP, where 13 principles of sustainable development are set out. I return to consider these policies and principles in my overall conclusions in chapter 9 of this report.

3.46 Turning to consider the issue of the effectiveness of the application site, as required by Policy Hou 1, PAN 2/2010 sets out seven criteria against which the effectiveness of a site is to be assessed. Within five years the site or part of it must be free of ownership, physical, contamination, deficit funding, marketability, infrastructure and land use constraints. There is evidence before me which seeks to challenge the effectiveness of the site in regard to ownership and infrastructure constraints. I find in regard to the latter, in Chapter 5 of this report, that there appear to be no insurmountable infrastructure constraints.

3.47 The evidence before me on ownership is that the applicant does not own the entire application site, but that the owner of the southern part of the site is in discussion with the applicant, has not objected to the proposal, and has not indicated that the land would not be made available to enable the development to proceed. RBS has agreed in principle to make land available to facilitate the development. In addition, the council has indicated that land in its ownership would be made available to allow for access improvements.

3.48 I find there, on the whole, to be convincing evidence which points towards the site, or a significant part of it, being free of all relevant constraints and being made available for

development within five years. In addition, there is good evidence of house builder interest in development of the site.

CHAPTER 4: SETTLEMENT FIT AND LANDSCAPE AND VISUAL IMPACTS

The main points for the applicant

4.1 Despite its current green belt designation, the site is located within an area of significant change with strategic housing development planned, including new housing allocations at Cammo, Maybury and at the International Business Gateway. The proposals would consolidate the overall settlement and allow a robust and defensible green belt boundary to be identified.

4.2 The site is located within the West Edinburgh SDA. It is, therefore, ideally located to accommodate housing development, taking advantage of the public transport infrastructure, existing road network capabilities and the opportunities available to connect into the existing pedestrian and cycle network.

4.3 The site is well-contained within the existing landscape structure. With the exception of a small number of trees, it is proposed to retain and enhance the existing woodland as well as providing robust landscape edges around the perimeter of the site. The landscape and visual impact assessment assesses the green belt character areas within the study area and concludes, “there would be localised residual adverse effects but these would be minor, and across the site and study area this would be mitigated by the inclusion of a wide range of planting types and habitats, and the opportunity to improve the degraded areas of landscape as the broiler farm is to be relocated, including opportunities to strengthen and enhance the wider green network.”

4.4 The proposed development makes provision for an attractive green network running through the core of the site and also connections to the countryside beyond. The application site, which predominantly comprises an arable field, does not presently provide good access opportunities to open space and the countryside.

4.5 It is considered that the release of the application site for residential development would not prejudice the aims, objectives, purpose or integrity of the green belt at this location.

Landscape impacts

4.6 Of the three green belt landscape character areas assessed within the study area, the Lowland Farmland/ West Craigs Farmland character area would not be directly affected and there would be minimal visibility of the proposed development from the wider area. The Gogar Farmland and Institutions and the Hermiston Farmland areas would be directly affected and there would be indirect effects throughout those wider areas.

4.7 The assessment of residual effects concludes that there would be minor adverse effects on the Gogar Farmland and Institutions character area. Whilst there would be a physical loss of part of this area, its characteristics are of a lower quality than the adjacent policy woodlands and parkland. Development within the Hermiston Farmland character area would result in the loss of a small area of green belt, but that area is already degraded by the broiler farm, the scrapyards and road and rail infrastructure. Due to the relocation of the broiler farm it is concluded that residual effects would be minor beneficial for this character area. There would be minor adverse effects on the Lower Almond Farmland

character area, due to its location within the green belt, its natural heritage and historic interest, and acknowledging that much of the area is a candidate special landscape area.

4.8 There would be localised residual adverse effects but these would be minor, and this would be mitigated by planting to enhance the wider green network

Visual impacts

4.9 The greatest potential for views are from those locations immediately adjacent to the application site, and in particular from the A8 Glasgow Road and the A720 City Bypass, particularly the latter as the road is elevated above the site. However, views from those receptors would be seen in passing and in the context of built form to the north, south and east. The provision of perimeter framework planting would mitigate views but the relative levels of the site and the City Bypass would mean that not all views of the development would be screened. However, as the views would be seen in passing and in the context of adjacent built development to the east, there would be no significant adverse effects on those road receptors.

4.10 Receptors that immediately bound the site to the south include a scrapyards, a plant storage yard and Fairview Farm. The sensitivity of these receptors is assessed as low, due to the condition of the current views, and foreground views of the railway line and the broiler farm. There would be no significant effects to the two yards, but the change to views from the farm would be moderate adverse (significant) due to the change from rural views being replaced by a foreground of built development.

4.11 The setting of, and receptors within, the Hermiston Conservation Area would be unaffected due to the presence of foreground tree and scrub vegetation. The setting of Gogarbank House is well protected by mature tree planting, although there may be potential for glimpsed partial views of higher development from the upper rooms of the house. Proposed perimeter planting would reinforce existing planting and further mitigate any visual impacts.

4.12 Visual receptors to the west of the proposed development would not in the main experience significant adverse visual effects. The setting of Millburn Tower is well protected by existing mature mixed broadleaved tree planting and the proposed perimeter planting would assist in ensuring that the setting of the tower is not compromised.

4.13 There would, however, be views into the site at the entrances to the proposed development, which would mean framed but focussed views of built form and which would likely mean long distant views to Corstorphine Hill would be lost entirely or in part, a change from views across a rural arable landscape. However, views from the northern site entrance would be principally of new open parkland and a tree-lined access road as development would be set back due to other constraints. Moderate adverse effects to receptors to the west of the development would, therefore, be limited to the south-west, at the proposed southern entrance and from Gogar Station Road as it passes over the railway line, due to the change from a rural character to one of built form in foreground views.

Cumulative landscape and visual impacts

4.14 In the main, the green belt and the Lower Almond Farmland landscape character type are already influenced by urban edge development, major road and rail routes and Edinburgh Airport. As such, cumulative effects are not considered significant.

4.15 Of the ten visual receptors assessed, only the one located on Craigs Road would experience cumulative visual effects. Due to its elevated position these effects could be significant adverse as all five proposed development sites assessed are potentially visible from this location, either in part or in full. Overall, there would be no other significant cumulative adverse effects.

Applicant's conclusions

4.16 The proposed development would be in keeping with the character of the settlement and local area and would not undermine green belt objectives.

4.17 The site is well contained within the landscape, and its urban fringe character means that its development would maintain the identity and character of Edinburgh. The development would not result in coalescence. The appeal site is within the West Edinburgh SDA. It is exceptionally well located in respect to nearby employment opportunities and public transport. There are also a number of opportunities available to connect into the existing pedestrian and cycle network. The site is well contained within the existing landscape setting of the city. With the exception of a small number of trees, it is proposed to retain and enhance the existing woodland as well as providing robust landscape edges around the perimeter of the site. The conclusion of the landscape and visual impact assessment demonstrates that the proposed development would maintain the landscape setting of the city.

4.18 In assessing the application site for recommended inclusion in the LDP, the Examination Reporter stated that: "The site is open farmland and I agree that it establishes a clear contrast to the edge of the built up area to the east. On my site visits I noted the view from the A8 where the site is seen in the foreground of the regional landscape setting of the Pentland Hills. I note the location of the site adjacent to the Inventory Designed Landscape of Millburn Tower. My assessment is that the wooded estate policies along the western boundary create a sense of enclosure and backdrop to the site when viewed from the city bypass and the A8. I consider that this established woodland belt could be managed and enhanced to achieve an effective green belt boundary. However, I agree with the council's officers that it would not be as clear, consistent or legible as that already defined along the edge of the City bypass."

4.19 Despite its current green belt designation, the site is located in an area of significant change with strategic housing development planned including new housing allocations at Cammo, Maybury and at the International Business Gateway. The proposals would consolidate the overall settlement and allow a robust and defensible greenbelt boundary to be identified.

4.20 The site is within the West Edinburgh SDA. It is therefore ideally located to accommodate housing development taking advantage of the public transport infrastructure, existing road network capabilities and the opportunities available to connect into the existing pedestrian and cycle network.

4.21 The landscape and visual impact assessment assesses the green belt character areas within the study area and concludes: “there would be localised residual adverse effects but these would be minor, and across the site and study area this would be mitigated by the inclusion of a wide range of planting types and habitats, and the opportunity to improve the degraded areas of landscape as the broiler farm is to be relocated, including opportunities to strengthen and enhance the wider green network.”

4.22 The proposed development makes provision for an attractive green network running through the core of the site and also connections to the countryside beyond. The application site, which predominantly comprises an arable field, does not presently provide good access opportunities to open space and the countryside.

4.23 It is clear from the council’s ultimate endorsement of the proposal that it accepts the applicant’s position on these matters. It also accords with the LDP Examination Reporter’s conclusion that “I do not consider there would be a significant impact on the wider quality, character, landscape setting and identity of the city or on recreational access”. It is, therefore, clear that the proposed development meets the first and second criteria of Policy 7 of SESplan and Policy Hou 1 of the local development plan.

The main points for the council

4.24 The council, in the Capital Coalition Motions (19 June 2014 and 14 May 2015) set out its reasons for supporting development of the site in favour of others identified. The council resolved to grant the application for the following reasons, amongst others:

- a clear and defensible green belt boundary could be formed along Gogar Station Road at the western edge of the site and the railway line provides a clear edge to the south;
- development of the site would integrate well with existing centres of employment, retail and public transport at Edinburgh Park to the east and proposed development at International Business Gateway (IBG) to the north;
- development of the site would have an acceptable impact on the city’s landscape setting because it is largely contained. The city’s landscape character around the site is in a state of transition following the development of Edinburgh Park, RBS headquarters at Gogarburn and the proposed development at IBG. The proposal would integrate with the existing urban area and future planned growth of the city;
- the development would make efficient use of a greenfield site by achieving high density near a transport corridor. The development of the site would represent a sustainable expansion of the city; and
- the council considers the site can be developed without compromising green belt objectives.

The main points for West Craigs

4.25 The council’s assessment of the application site in its Environmental Report for the proposed LDP found that it was not a “reasonable site.” The council’s landscape and visual assessment concluded that: “Development would alter the pattern of open farmland to the west of the bypass and diminish the legibility of the urban edge... Any new green belt boundary would not compare favourably with the robust physical and visual nature of the

existing green belt boundary.” The council’s overall conclusion was that development “would affect the landscape setting of the City.”

4.26 In the proposed LDP examination report, the Examination Reporter agreed with the council officers’ conclusion that, if the development were to be built out, the new green belt boundary “would not be as clear, consistent or legible as that already defined along the edge of the City bypass.” Further, the Reporter concluded that “...there would be a significant localised impact on landscape particularly in the context of loss of an open view to the Pentlands and the countryside setting to the west of the bypass.”

4.27 In their report to the council’s pre-determination hearing on the application in May 2016, council officers concluded that: “The development proposal would transform the character of the site from rural to urban/ suburban. This would significantly erode the sense of place of the city by diminishing its defined edge and the impression of entry into Edinburgh.” It was also stated that “Development on this site would undermine the greenbelt effectiveness and the loss of the rural open character to urban character would damage this candidate Special Landscape Area.”

4.28 This demonstrates a consistency among the council’s professional planning and landscape officers and Scottish Government reporters that development of the application site would have an adverse landscape and visual impact, and be detrimental to the Edinburgh Greenbelt.

4.29 The applicants’ own landscape and visual impact assessment concluded that there would be moderate adverse (significant in EIA terms) visual effects to Gogar Station Road. The council’s pre-determination hearing report found that the applicants’ LVIA: “...does not place the same emphasis as the Council on the site’s contribution to the city’s landscape setting because it does not give the same weight to the importance of the road network as a strategic route into the city that has a high volume of users. This alters the assessment and results in an adverse effect on these views.”

Reporter’s conclusions

4.30 Based on my site inspections and the material before me, I agree that the findings set out in the environmental statement provide an accurate prediction of the likely landscape and visual effects of the proposed development.

4.31 The application site is bounded to the east by the City Bypass with Edinburgh Park beyond. To the north is the A8 Glasgow Road with further transport infrastructure beyond. A broiler farm and a main railway line with a scrap yard beyond is located to the south of the site. To the north-west is located the RBS headquarters set in extensive grounds. To the west, beyond Gogar Station Road, lies further agricultural land. An extensive area of policy woodland separates the application site from Gogar Station Road for much of its length, with only the southern part of the site directly abutting the road.

4.32 Clearly, the character of the landscape would be directly affected by the proposed development, with a loss of agricultural landscape character over the application site. There would be further indirect effects on the character of landscape character areas outwith the application site. Overall, due to the largely enclosed nature of the site and its relationship with adjacent development, as set out above, I do not find that significant adverse effects on landscape character would arise, other than the direct effect caused by

development of the site itself. The same conclusion applies to the effect on the special landscape area, which I note in any event already accommodates significant built development.

4.33 I agree that there would be adverse visual impacts arising from the proposed development, most significantly to the north of the proposed development where there are currently clear views southwards over agricultural land. Due to the relatively low-lying nature of the site, however, I find that the longer distance views southwards, for example from the A8, towards the Pentlands would not be significantly affected. Similarly, due to differences in levels, there would be some open, albeit glimpsed views into the development from the City Bypass to the east.

4.34 However, I have set out above the context of surrounding transport infrastructure, built development and policy woodland. I found the site to be largely contained by surrounding uses and infrastructure. That sense of containment could no doubt be further enhanced by the landscape framework proposals which form part of the application.

4.35 That said, I agree with those parties who contend that the resultant western boundary to built development, and effectively the green belt boundary, would not be as clear and well-defined as the boundary currently established by the City Bypass. However, I anticipate that the distinction between urban and rural will in any event become further blurred by development at Maybury and at the International Business Gateway. All told I do not consider that the proposed development would breach a particularly sensitive part of the green belt, or that it would lead to issues of coalescence. I am satisfied that with well-designed framework planting, a robust green belt boundary could be reinforced along Gogar Station Road.

4.36 Turning to consider the issue of settlement fit, I find the site to be extremely well-located. The site is located in the vicinity of the West Edinburgh Strategic Development Area, a significant area of change. It is adjacent to significant employment and retail opportunities. It is also remarkably well-located to take advantage of public transport infrastructure, including train and tram. I consider transport infrastructure in further detail in Chapter 5 of this report, but for the purposes of this chapter, major road junctions would also be easily accessed and a bus route could be provided through the site. Cycling infrastructure and countryside access routes are also close to hand and the proposal would provide for links to those routes.

CHAPTER 5: INFRASTRUCTURE ISSUES

The main points for the applicant

5.1 Policy 7(c) of SESplan requires that any additional infrastructure required as a result of the development is either committed or is to be funded by the developer.

5.2 The council's and the applicant's transport hearing statements set out in some detail the transport infrastructure that is required in order to facilitate the development. There is agreement between the council and the applicant on the extent of necessary transport infrastructure and that has been the product of a lengthy and detailed discussion over many months. A set of conditions and heads of terms for a planning obligation to deliver the required infrastructure have been agreed with the council and these are acceptable to the Royal Bank of Scotland and (with one exception related to off-site infrastructure) to the Gogarburn Bicycle Users Group. The effect of the conditions and the planning obligation, which the heads of terms envisage, is that all necessary transport infrastructure required as a result of the development would be delivered in accordance with the council's requirements.

5.3 Of the parties to the inquiry, only West Craigs opposes the proposal on road infrastructure issues, setting out concerns with road design standards where the council, as roads authority, has none, together with concerns in regard to the operation of the private road network at the RBS Headquarters, where RBS is now satisfied. Those objections appear to be commercially motivated.

5.4 The applicant is committed to the provision of suitable public transport to/ from the site. That commitment has never been in doubt and has been agreed with the council as set out in the ninth of the agreed heads of terms. The applicant has had positive discussions with Lothian Buses in connection with the provision of services to and through the site. The applicant's expectation is that there would be further discussions with Lothian Buses and the council to establish exactly what level of subsidy would be required and for how long. The level of commitment would undoubtedly have to be agreed between the applicant and Lothian Buses but would also, in terms of the Section 75 obligation, require the approval of the council as planning authority.

5.5 It should also be noted that Lothian Buses have not raised concerns about the viability of single deck buses versus double decker buses, and that it operates single deck buses on a commercial basis on numerous routes across the city. The proposed development would result in a substantial number of potential bus patrons for Lothian Buses and in view of the location of the application site in such close proximity to the Gyle Shopping Centre, Edinburgh Park, the Royal Bank of Scotland, the airport and the International Business Gateway area, it is highly likely that new or enhanced services in the vicinity of the application site would prove to be commercially viable in due course.

5.6 There is agreement between the council and the applicant on the extent of the improvement works for the whole length of Gogar Station Road required to support the proposed development. These are covered by the agreed heads of terms of the planning obligation and by proposed planning conditions. Gogar Station Road in its current form carries a mix of traffic including HGV traffic and the existing shuttle signals at the railway bridge are designed to manage traffic at this location in a safe manner. The council is of

the view that the development could be accommodated without the need to widen the railway bridge and by retaining the shuttle signals. This approach would maintain the safe operation of the road whilst controlling traffic flow and the use of the road as a rat run for through traffic. The council also considers that the introduction of a new set of traffic signals at the bridge over the Gogar burn, adjacent to the scrap yard, would support a coherent form of traffic control along Gogar Station Road and would deter through traffic.

5.7 The transport assessment predicts that the majority of traffic to and from the development would travel via the northern access and the A8, where road widening is proposed, with much smaller increases in traffic to the south of the southern access on Gogar Station Road. Therefore, the package of traffic measures agreed between the applicant and the council is considered to be appropriate.

5.8 Turning to education, the applicant has committed to delivering a primary school on site in accordance with the council's requirements. The applicant has also committed to funding a proportionate contribution towards the construction of a new secondary school in west Edinburgh. The council's evidence is that the contributions on offer from the applicant are sufficient to mitigate the impact of the proposed development. There is no doubt that the planning of future education capacity is a complex matter, but it is clear from the council's position that it is comfortable that the development can be accommodated with appropriate mitigation regulated by conditions and a Section 75 obligation.

5.9 There is, therefore, no doubt that the proposal complies with Policy 7(c) of SESplan and Policy Hou 1 (2)(c) of the local development plan.

5.10 Policy Tra 8 of the LDP states that development proposals relating to major housing or other development sites, and which would generate a significant amount of traffic, shall demonstrate through an appropriate transport assessment and proposed mitigation that: identified local and city wide individual and cumulative transport impacts can be timeously addressed in so far as this is relevant and necessary for the proposal; any required transport infrastructure in Table 9 and in the general and site specific development principles has been addressed as relevant to the proposal; and the overall cumulative impact of development proposals throughout the SESplan area has been taken into account in so far as relevant to the proposal. Assessment should draw on the findings of the Cumulative Impact Transport and Land Use Appraisal Working Group once these become available.

5.11 As part of the scoping for the transport assessment with the council and Transport Scotland, it was agreed that the parameters from the council's East of Millburn Tower Transport Appraisal, which addressed the cumulative impacts of LDP developments in west Edinburgh on the main road corridors including the A8 and A71, would be utilised. This approach to cumulative impacts was further refined with the [WETA refresh study](#) (published in December 2016) which includes the site at East of Millburn Tower in the cumulative impact assessment. WETA considered the cumulative impacts of development on the A8 corridor including the Gogar and Maybury junctions. Subsequently, further cumulative transport assessment work was undertaken as set out in the Addendum to the Transport Assessment for the wider area and more specifically for Gogar Station Road using the WETA transport model.

5.12 The reference in Policy Tra 8 to the Cumulative Impact Transport and Land Use Appraisal Working Group is to the Cross Boundary Transport Study that was prepared for

SESplan and project managed by Transport Scotland on their behalf. The findings of this study are now available and can be used to consider the wider cumulative impacts of the local development plans for West Lothian, East Lothian and Midlothian on the strategic road network.

5.13 It is, therefore, considered that appropriate transport assessments were carried out to address the cumulative impacts of development on the surrounding road network, including East of Millburn Tower, through the WETA refresh and subsequent updates to WETA for Gogar Station Road. Contributions would be made to upgrading transport infrastructure as identified in WETA through the cumulative contribution zone in West Edinburgh.

5.14 The council is content that the proposed development complies with these policies and that the conditions and heads of terms of the planning obligation would deliver the necessary mitigation in connection with the application in combination with other developments in the area.

5.15 In regard to flooding issues, the development proposals include a proposed diversion of the Gogar Burn through the centre of the site, taking it out of the existing long culvert under Edinburgh Park. Presently, the Gogar Burn is classified as 'overall bad ecological status' under the Water Framework Directive, due to the morphological pressures on the watercourse. The new channel has been designed to contain the predicted 200 year flow in-bank and the proposals provide adequate green space for morphological features to be developed in the new channel through the development site.

5.16 The model used to assess flood risk demonstrates that flood risk is considerably less with the new channel for the diverted Gogar Burn in place. The area proposed for residential development and SUDS is located outside the 200-year event flood plain. Overall, post development, the new channel diversion and de-culverting of the Gogar Burn is assessed to have an impact of large (beneficial) significance on changes to flow paths and improvements in channel morphology, and a beneficial impact on reducing flood risk at the site.

5.17 The council's Flood Prevention consultation response raises no objection to the proposed development, confirming the detail provided, including detail on SUDS raises no concerns at the planning in principle stage. SEPA recognises that the proposed realignment of the Gogar Burn should have environmental benefits and it does not object to the proposed development. The proposal is fully in accordance with the relevant flooding, drainage and water infrastructure policies of the development plan.

The main points for the council

5.18 In regard to transport, the council supports the use of the existing underpasses to provide at-grade crossings under the City Bypass, and considers that the existing underpasses can be upgraded to create safe and pleasant routes to existing public transport, employment and retail centres. The council considers that adequately designed underpasses can provide satisfactory connectivity. It is not considered that an overbridge is necessary or practical. It was estimated for the council that for 97% of the time there would be no conflict between pedestrians, cyclists and buses making use of the northern underpass, providing reassurance that the shared use of the northern underpass would be satisfactory.

5.19 The natural topography supports an underpass rather than an overbridge. A bridge would be unnaturally high and would require significant land take. Officers supported an overbridge to promote the use of double decker buses. However, there is no need for double decker buses to service the application site. The council is satisfied with the applicant's proposals in respect of servicing of the site by single decker buses. The exact services and routes would be subject to discussion between the applicant, the council and Lothian Buses.

5.20 Both tram stops in Edinburgh Park are easily accessible. Lochside Avenue provides direct at grade access to footways along it and walkway connections to the centre of Edinburgh Park, the tram stops and the Gyle Centre. The council is satisfied that the site is adequately connected and accessible.

5.21 The council is satisfied that the applicant's proposals provide for safe movement of pedestrians and cyclists. There is a section of verge to the south-west of the Gogar roundabout which is not within the application red line and nor is it within the boundary of the adopted road. This land is, however, owned by the council. The applicant has confirmed that pedestrian and cycle connectivity would be provided across this verge. This point is addressed in the updated draft schedule of conditions.

5.22 In regard to vehicle access and road traffic impacts, the council commissioned a refresh of the West Edinburgh Transport Appraisal (WETA) in May 2016. The study recommends that improved crossings are provided for bicycles and pedestrians at multiple locations. The WETA Refresh supports the applicant's proposals to improve connectivity at Edinburgh Gateway.

5.23 Additional modelling was subsequently undertaken in May 2017, on behalf of the council, using the WETA Refresh traffic model, which more accurately incorporated the mitigation proposals included within the applicant's transport assessment. The applicant used the revised WETA modelling to update its transport assessment. This included a series of sensitivity tests regarding the distribution of RBS traffic flows between two available access points to RBS from the A8. This indicated satisfactory performance of the proposed RBS eastern access traffic signal controlled junction.

5.24 Measurements indicate that road widths on Gogar Station Road are less than shown on Ordnance Survey plans. The council notes that the applicant is willing to provide improvements to this sub-standard section of Gogar Station Road between the RBS eastern access and the A8, to support road safety for all transport users including pedestrians and cyclists.

5.25 Similar issues were also identified between the northern site access and the RBS eastern access. The council's view is that minimum road and shared footway/ cycleway widths should be 6.5 metres and 4 metres respectively, as set out in the applicant's drawing SK048. Between the RBS service access and the RBS eastern access, the proposed road widening impacts on a retaining wall supporting the landscaped area and a number of adjoining trees. The retaining wall would require re-location.

5.26 The existing Gogarburn bridge requires widening on both the western and eastern sides and the adjacent western wall between the bridge and the RBS service access would require relocation, impacting on adjoining trees. A visibility splay of 90 metres requires to

be provided in each direction along Gogar Station Road from the RBS service access. To the south along Gogar Station Road this would impact on a further number of adjoining trees. The RBS service access would also require modification. The council supports the proposal shown in the applicant's drawing SK056. The council would not support any proposal involving a traffic controlled service access with the main road on permanent green apart from the times that a service vehicle is exiting.

5.27 The council considers that transport mode accessibility has been satisfactorily demonstrated. The relevant transport policy for the assessment of this application is Policy Tra 8 in the Edinburgh Local Development Plan. The council's view is that Policy Tra 1 does not apply to major housing developments.

5.28 The council and the applicant submitted a statement of agreed matters in respect of education infrastructure. The council does not have a history of objecting to developments on the basis of a lack of education infrastructure. The council's draft supplementary guidance provides that third party delays in infrastructure delivery will not normally be allowed to prevent the granting of planning permission or the undertaking of development. The council assessed the impact of the growth set out in the LDP through an Education Appraisal. That appraisal identified where additional infrastructure would be required to accommodate the cumulative number of new pupils from development. The council's infrastructure actions are set out in the council's Action Programme.

5.29 The council's draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery specifies the contributions due in respect of education infrastructure. Education Contribution Zones are identified and per house and per flat contributions established. The supplementary guidance has not yet been approved by Scottish Ministers.

5.30 In regard to primary school infrastructure, the applicant has agreed that a new non-denominational primary school would be constructed on the application site. The applicant is willing to provide a fully serviced and remediated 2 hectare site and the required primary school contribution. The council is proceeding on the basis that the majority of pupils generated by the development would choose to go to the new on-site primary school. If some pupils do choose to go to a denominational school, the council has a statutory duty to provide places. The primary school contribution for the development based on the applicant's proposed split of houses and flats (650 houses and 700 flats) is £9,338,668 (as at Q1 2015) (indexed to the date of payment), based on the cost of delivering a new 10 class primary school and nursery.

5.31 In regard to secondary school infrastructure, the council has a statutory duty to provide school places. There are several options open to the council in respect of providing additional capacity in west Edinburgh, including a new secondary school as identified in the Action Programme and Supplementary Guidance; extensions of existing schools; or catchment reviews. The council's preferred option is a new secondary school. The council is confident that whatever education infrastructure was to be delivered, the per unit contribution identified in the council's hearing statement would be sufficient to mitigate the impact of the development.

5.32 A new secondary school in west Edinburgh is required regardless of this proposal. The council has a successful history of expanding schools and reviewing catchment areas, should this be required. The contribution requirement is based on the same proportionate share as other developments in the contribution zone. The total contribution figure for the

W-1 sub-area (which includes the application site) can be split between what is attributed to primary school actions and what can be attributed to secondary school actions.

5.33 The following secondary school contribution rates should therefore be applied to the development:

- Per unit secondary school infrastructure contribution requirement:
 - Per House - £7,440;
 - Per Flat - £1,116;

- Per unit secondary school land contribution requirement:
 - Per House - £1,888;
 - Per Flat - £283.

5.34 Flooding was not a reason for recommending refusal in the report to full council dated 2 June 2016. As detailed in the report, SEPA withdrew its objection on 21 January 2016. The council's Flood Prevention team did not object to the principle of the land being developed providing that the diversion of the burn be fully constructed prior to the occupation of the first house within the masterplan. The Flood Prevention team also made various other recommendations in terms of conditions and the council is satisfied that these matters can be regulated by conditions.

The main points for RBS

5.35 The proposed development requires the acquisition of a substantial amount of land which is currently in RBS ownership in order to carry out road mitigation works as well as significant changes to the private RBS road network. In the event that permission is granted for the proposed development, it is essential that suspensive conditions are attached requiring the mitigation works on the RBS road infrastructure and Gogar Station Road to be put in place before any part of the development can be occupied. The withdrawal of the RBS objection is conditional on the imposition of those conditions.

5.36 RBS has agreed, subject to a legal agreement, to make land within its control available to the applicant to implement the necessary works.

The main points for West Craigs

5.37 The applicant and the council both accept that additional infrastructure is required as a result of the development. However, it is apparent that the council has taken a light touch approach to what it considers to be the necessary provision of infrastructure, in terms of both education and transport.

5.38 It is agreed between the applicant and the council that there is insufficient capacity within the catchment primary schools to accommodate the proposed development. Notwithstanding the acknowledged lack of capacity in the catchment primary schools, the council has given a commitment that if planning permission is granted it would provide all interim solutions at no cost to the applicant. In effect this means the council would have to provide this development with any remaining capacity within its catchment schools and thereafter fund additional capacity requirements itself until such time as new schools are available.

5.39 Even if the council's assumption that all Roman Catholic children from the development would attend the new primary school proved to be correct, that is only relevant from the point from which that school is available. Neither the council nor the applicant have proposed a control on the number of houses that could be built or occupied before the new primary school is available. The entire development could, therefore, be built out before this point.

5.40 In the absence of controls on the number of units that could be built and occupied before a new primary school is provided, there remains a requirement for denominational primary school capacity at least as an interim solution. The application contains no proposals, and none have been agreed between the applicant and the council, to address this infrastructure requirement.

5.41 West Craigs proposed a condition to the council which would have required an assessment of school capacities to be undertaken to ensure the appropriate limits on development could be put in place. The council rejected this proposal on the basis that "this condition is not required as the council is under a statutory obligation to provide a school place for every child within its local authority area".

5.42 The council appears to have fundamentally misunderstood the purpose and intention of that condition. The proposed condition was not put forward as a means of creating an obligation on the council to provide school places, but to ensure that the rate of development of the application site could be controlled such as to reflect the availability of places and potential cumulative impacts. The council's response conflates its duties as education authority with its role as planning authority.

5.43 The inevitable consequence of this approach is that this development would be entitled to utilise all existing capacity within the catchment primary schools. As that capacity is, by the council's own evidence, limited and insufficient to accommodate the full extent of this development, it would fall to subsequent developments to address the capacity constraints created by this application. The application would not deliver the additional primary school infrastructure required as a result of the development, and fails to take account of its cumulative impact. It is, therefore, contrary to Policy Hou 1 (2)(c) of the LDP.

5.44 The applicant's and the council's joint position is that secondary education provision would be addressed by the provision of a new secondary school in west Edinburgh. This approach is not consistent with the extant LDP, which identifies extensions to existing schools in West Edinburgh, and makes no provision for a new secondary school.

5.45 No restrictions are proposed on the level of development that would be allowed to proceed until a new secondary school in west Edinburgh is provided. There is no information from either party on what the interim solution pending delivery of a new secondary school would be. Indeed, despite being asked to clarify the position, the council has been unable to identify which existing secondary school children from the development would attend pending delivery of a new secondary school.

5.46 Consequently it is not possible to assess whether all additional secondary school infrastructure requirements resulting from the development are either available or will be provided at the appropriate time. The sole solution to addressing secondary education issues is the provision of a new high school in west Edinburgh. The Scottish Ministers refused to allow the council's previous draft supplementary planning guidance to be

adopted due to concerns relating to the provision of a new secondary school in west Edinburgh. At this time there can be no certainty as to when, if at all, a new school in west Edinburgh would be provided.

5.47 It is contended for the council that it has “many different options”. That evidence requires to be seen in the context of the council’s actual response to the Scottish Ministers on the issue, which was to restate its aspiration for a new secondary school in west Edinburgh. The explanation for this is that there is insufficient capacity within existing secondary schools and that these are not capable of being extended. The council has not been able to identify a site for its proposed new school. The applicant’s only response to the need for new secondary school capacity is to make payments towards a new secondary school. The prospects of that school coming forward are highly uncertain, and the council’s timescales can be seen only as aspirational.

5.48 The council’s unsubstantiated assurances are not consistent with its more recent position to Scottish Ministers that there is insufficient capacity within existing secondary schools to accommodate LDP sites. No evidence was provided on what the cumulative impacts of the development may be with other sites, including LDP allocated sites. On the issue of secondary school education, the application fails to meet the tests in Policy Hou 1 paragraph 2 (c).

5.49 Turning to transport and access issues, it became apparent that the environmental impact assessment was inadequate. As a consequence of the remedial work done to address that, the applicant has had to concede that the development cannot proceed on the basis of the planning application currently before Scottish Ministers, and that a further planning application for junction improvement works at RBS’s headquarters at Gogarburn would also be needed.

5.50 Despite being relatively close in physical terms to existing transport infrastructure, the application site is constrained by the fact it sits to the west of the City Bypass, to the south of the A8 dual carriageway and is isolated. The applicant’s approach to connectivity, in the main, relies on the provision of frequent bus services into the site. It was confirmed during the hearing process that there would be no ability for double decker buses to enter the site via Edinburgh Park due to the constraints of the underpass. While there has been much discussion over double decker bus provision, this is not an unreasonable in-principle demand of the council’s professional transport officers, but a recognition that a greater number of single decker buses would be required to deliver the appropriate service to the development, requiring greater funding and reducing the commercial viability of the bus services.

5.51 The provision of a new bus service into a development will often require a financial subsidy as services are unlikely to be economically viable on patronage alone. The applicant has failed to confirm that it would commit to ongoing financial support for the provision of a bus service. The consequence of this approach is that whatever benefits a bus service may provide, there can be no certainty these would be secured in the long term. There is no indication of how long financial support for a bus service would continue and, in the absence of a binding commitment that a bus service would always be provided, the benefits claimed by the applicant can be given only limited weight.

5.52 SPP requires development proposals to promote non-motorised forms of transport ahead of public transport and the use of the private car. Spokes identifies the inadequacy

of the crossing of the City Bypass and South Gyle Broadway for cycle users. The applicant has confirmed that access from the development to the Gyle Centre and the wider cycle network would involve seven separate controlled crossings.

5.53 The applicant and the council have agreed that the delivery of a segregated footpath/cyclepath to the necessary standards is required to support the development, as an alternative route to Gogar Station Road. This requirement is as a direct result of the predicted impact of traffic on vulnerable users on Gogar Station Road. Indeed, the applicant has accepted that this facility would need to be of sufficiently high quality to encourage cyclists to divert away from Gogar Station Road onto the longer and less direct alternative. The applicant cannot deliver the full length of the alternative route to the necessary standards, the reason being that a substantial length of this route is not available to it. This is reflected by the draft conditions and heads of terms for the S75, where there is no requirement or provision for the applicant to deliver the necessary identified transport infrastructure that would make the development effective and accessible, contrary to LDP Policies Hou 1 and Tra 8(a).

5.54 The applicant and the council take the view that the central underpass (also referred to as the northern underpass in certain documentation) would provide a suitable cycle and pedestrian link into the development. West Craigs' transport consultant reaches a different conclusion, highlighting the constrained and unattractive nature of the underpass as a route, and the fact that pedestrians and cyclists would be required to defer to buses, meaning the proposed approach fails to give priority to non-motorised users as required by SPP. The shared pedestrian and cycle lane in the underpass does not meet Scottish Government minimum width standards. The applicant does not dispute that this is the case, but argues that cyclists would use the road rather than the pedestrian/ cycleway, moving on to this when they encounter vehicles. The pedestrian and cycle lane, with an 0.85 metre clear width, represents a significant deterrent regardless of whether cyclists use this lane.

5.55 Sharing a carriageway with bus traffic in the manner suggested may not be attractive to more infrequent and recreational cyclists, or parents with young children on bicycles and scooters. It was contended that buses would only be in the underpass some three percent of the time. However, this is of no relevance in regard to the risk that the proposals represent, particularly for vulnerable users. In this regard the proposals represent a unique and untested arrangement that would require pedestrians and cyclists to move out of the way of approaching buses. The frequency of conflict should not in itself be the measure of the severity or likelihood of risk.

5.56 The applicant envisages a bus frequency of one bus every six minutes, meaning a bus would need to be passing through the underpass every three minutes, assuming the two-way operation through the central underpass. The underpass is approximately 40 metres long. This would take approximately 30 seconds to walk through at an average walking speed. However, it would clearly take someone with reduced mobility longer. Even allowing for a walk time of 30 seconds (which is unlikely to be the case for all potential residents) a pedestrian would, on average, have a 1 in 6 chance of encountering a bus.

5.57 The applicant has not proposed adequate access for pedestrians and cyclists to mitigate the substantial barrier represented by the A720 City bypass. The proposal would deter active travel and make the development more reliant on the private car, contrary to the submitted transport assessments and contrary to Policy Tra 8(a) of the LDP.

5.58 In so far as mitigation measures have been identified, these include measures not within the scope of this application or the control of the applicant. There is no certainty as to when, if at all, these infrastructure measures would be delivered. This is contrary to Policy Hou 1 (2)(d) of the LDP.

The main points for the Gogarburn Bicycle Users Group

5.59 The Gogarburn Bicycle Users Group remains concerned about the following aspects of the proposal:

- it is critical that the proposed route to and through the development is contiguous and of adoptable standard for its entire length. There are concerns about the ambiguity around the section of muddy track near the southern underpass;
- there must be improved provision for people on foot and people on bicycles on Gogar Station Road, particularly on the railway bridge and the southern-most bridge over the Gogar Burn;
- there is an unresolved risk of significant conflict between people on foot and people on bicycles on the RBS bridge over the A8; and
- strenuous efforts must be made to protect people on bicycles from construction traffic, and to provide a safe alternative route for people on bicycles from the earliest opportunity.

The main points for Spokes

5.60 The evidence of Spokes is focused on the proposed crossing of the City Bypass and South Gyle Broadway at the north-east corner of the development site. The developer's proposals are inadequate in terms of Scottish Planning Policy's requirement to promote sustainable and active travel. The proposed crossing would attract only a fraction of the users that an overbridge could achieve. An overbridge would involve a shorter crossing distance, would take less time to cross, and being segregated from motor traffic would feel and be safer for users. It would provide the most direct route to the Gyle Centre and the various public transport options nearby.

5.61 There is potential for hundreds of car journeys a week to be avoided if the crossing is attractive to users. The applicant has made no serious effort to identify what type of crossing would attract the highest level of patronage. Its proposals, which would involve the use of seven different pedestrian crossings, is not backed up with any analysis or impartial support. This leads us to the view that it is being promoted for cost minimisation purposes rather than to achieve policy objectives. Our preference for an overbridge has been supported in a submission by Living Streets (Edinburgh), who campaign on pedestrian matters in the city.

5.62 In light of the above we cannot see how the applicant's proposals could be judged to meet the Scottish Planning Policy requirement for a connected place, which amongst other things states: "The aim [of development planning] is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars."

5.63 In conclusion, we ask that a direct overbridge is required as a condition of the development going ahead.

The main points for Dr Scott/ Ms Harrison

5.64 In regard to access, there are concerns relating to the impact of the development on Gogar Station Road and the wider road network. Changes to Gogar Station Road may impact upon access into the Millburn Tower estate. The estate has three main points of access. All three accesses should remain open and free of any obstacles. More generally, Gogar Station Road is narrow. It is a rural road used by walkers, cyclists and farm machinery, as well as cars, and seems ill-suited to serve a major development.

5.65 In regard to flooding, the Lesser Millburn has been somewhat overlooked in the flood risk assessment, with the flood risk consultants having to make assumptions as to its catchment and capacity. There has been no measured topographical survey of the Lesser Millburn and certainly not of that part within the estate. It is, therefore, unclear that the proposed development would not exacerbate the risk of flooding occurring along the length of the Lesser Millburn, or indeed the contrary point that the proposed changes to the wider area would not lead to it drying up.

5.66 Submitted photographs show two flooding events that have affected the Lesser Millburn, one in 2000 that led to overtopping of the burn and flooding of Millburn Lodge and the main driveway to Millburn Tower, and a more recent, and common, event where fields opposite Millburn Lodge flood due to blockages to, or simply the lack of capacity in, the culvert that runs under Gogar Station Road from the fields opposite and that emerges just beyond Millburn Lodge.

5.67 There is a precautionary principle approach to flooding and it is suggested that it is premature to be considering this application until the Lesser Millburn has at least the same status as the Gogar Burn, where the same condition is asking for full details of a scheme already well-rehearsed rather than a wholly new (and as yet unseen) flood risk assessment.

Reporter's conclusions

Transport and access

5.68 I consider the site to be well placed to take advantage of transport connections. I have already found in Chapter 4 that the site is remarkably well located in regard to rail and tram routes. Here I consider road access, bus access and active travel connections.

5.69 The site would be accessed via two connections onto Gogar Station Road, a formerly rural road which has been improved in parts to provide road access to the RBS headquarters to the west. The road would be further adapted and improved to provide access to the proposed development. Some parties, notably West Craigs, are critical of those provisions. Both the council and RBS are now content with the proposed road access arrangements. There is no convincing evidence before me to suggest that Gogar Station Road, as adapted as part of this proposal, would not provide a safe means of access to the site, nor that it would be unable to deal adequately with increased traffic flows.

5.70 The applicant has worked with the council and with Transport Scotland to consider the impact of increased traffic flows on the wider road network, including on nearby trunk roads. Subject to contributions towards the costs of road improvements to address

cumulative demands, the council and Transport Scotland are content that the wider road network can accommodate increased traffic arising from the proposed development. I have no evidence to suggest that this would not be the case. I note that some land needed for those improvements is not in the control of the applicant, nor is it within the boundary of the adopted road. It is, however, owned by the council and is to be made available for the purposes of access improvements.

5.71 Turning to the provision of a bus route into or through the site, it is proposed that the site would be accessed via the central underpass. The physical constraints of doing so mean that only single decker buses could be used. That does not seem exceptional to me. The applicant has been in discussion with Lothian Buses and the council. There appears to be agreement in principle to the provision of a bus route into the site; that would require subsidy from the applicant at a level and for a period to be agreed with Lothian Buses and the council, safeguarded by legal agreement. I find that this consideration, together with the proximity of the application site to existing bus routes and to high volume bus destinations, makes it likely that the site would be served by bus services sustainable in the long term.

5.72 In regard to active travel routes, I have noted in the previous chapter that the site is well located to take advantage of nearby pedestrian and cycle routes. The proposal would provide for linkages to those routes, and would include the provision of a north-south active travel route through the site. Part of that route outwith the site, linking to Gogar Station Road, is not in the applicant's control, meaning that there is no certainty that its surface could be improved. In my experience that would not deter walkers and some cyclists. For others there would remain the option of cycling along Gogar Station Road.

5.73 I have carefully considered the representations of those seeking an active travel overbridge to provide a convenient means of connection to and from the site. The council considers that the height and land take of such an overbridge could not be justified by its advantages. The application proposes active travel routes via both underpasses, connecting to Edinburgh Park and beyond, together with connection via the RBS overbridge and its shared pedestrian/ cycle path. I agree that an active travel overbridge would provide for more convenient linkages, but do not find the alternatives proposed as part of this application to be either unsafe or so inconvenient as to deter usage.

Education

5.74 The proposed development would provide a serviced site to the council for the provision of a non-denominational primary school within the site, together with funding for its construction, secured by planning obligation. Contributions towards the provision of other educational facilities outwith the site, including denominational primary and secondary, and non-denominational secondary, would also be secured by planning obligation.

5.75 There appears to me to be considerable uncertainty in regard to the council's aspiration to provide a new non-denominational secondary school in west Edinburgh. That uncertainty is connected to the fact that the council's supplementary guidance on developer contributions and infrastructure delivery has not yet been cleared for adoption. That situation also impacts on the weight which I can ascribe to the level of developer contributions agreed between the council and the applicant.

5.76 I note, however, the council's confirmation that whatever the outcome may be in regard to the siting of that secondary school, it would provide for the education of pupils

arising from the proposed development. That may mean the council would require to exercise its education functions, including in regard to catchment zoning.

5.77 It seems to me that the council is to be commended, rather than criticised, for proactively seeking to facilitate development of the site, resulting in much-needed housing, by exercise of all powers available to it. Accordingly I am satisfied that the council would, one way or another, provide for the educational needs of residents of the development site. It seems counter intuitive to me also that the continuing uncertainty around the council's supplementary guidance should be permitted to delay development of residential sites, particularly in a case such as this where the council is clearly supportive of the proposed development.

5.78 I conclude on this issue that there can be sufficient certainty that the educational demands arising from the proposed development could be appropriately addressed.

Flooding

5.79 I note the criticisms of the proposals and the accompanying flood risk assessment. I note also, however, that following further work and subject to conditions, neither SEPA nor the council's flood prevention team object to the proposal on flooding grounds. I have no substantive evidence which could reasonably lead me to reach a contrary conclusion. I note also that significant benefits are predicted to arise from the de-culverting of the Gogar burn as it runs through the site.

Overall conclusion on infrastructure

5.80 Taking these considerations into account, I find there to be no insurmountable infrastructure impediments to development of the application site, consistent with the relevant terms of SESplan and the LDP.

CHAPTER 6: IMPACTS ON SCIENCE AND ADVICE FOR SCOTTISH AGRICULTURE (SASA)

6.1 An inquiry session was held on 22-23 May 2017 to take evidence from SASA and from the applicant on the impacts of the proposed development on the SASA estate, located to the west of the application site. A further inquiry session on the same matter was due to be held on 10 October 2017.

6.2 On 29 September 2017, the applicant and SASA together lodged a [joint statement](#), advising that a mitigation scheme had been agreed which allowed SASA to withdraw its objection to the proposed development. The scheme entails a financial payment, together with the transfer of land to SASA, to allow mitigation measures to be implemented. That would require to be secured by means of legal agreement in the event that permission is granted for the proposed development.

6.3 In order to provide Ministers with sufficient information, I briefly outline the respective positions of the applicant and SASA before and after the joint statement, together with my conclusions on those.

The main points for the applicant

Prior to agreement of the joint statement

6.4 It is understood that SASA has concerns about direct conflicts with their field trials should the proposed housing development go ahead. It is considered for the applicant that high fences around young plots of plants to prevent animal damage (and low-rise fencing and hedges bordering their fields where the trials are sited) together with locked gates to prevent casual access to fields in appropriate circumstances would continue to provide a proportionate level of protection to SASA's facility if the proposed development was to go ahead. This is based on the proactive educational role and community engagement which SASA adopts with its neighbours.

6.5 SASA has expressed concerns about the possibility of having to alter its farming techniques, specifically the application of agrochemicals to crops and complying with the Code of Practice for using plant protection products in Scotland, should there be nearby houses. By adhering to best practice and the Health and Safety Executive Code of Practice, application of agrochemicals such as pesticide sprays would only be undertaken in conditions when there is minimal risk of spray drift. The Code of Practice also suggests that "It is generally good practice to tell the people who occupy land, premises or houses close to the area that you will apply pesticides to". There are houses currently adjacent to various fields used by SASA, so measures that may be currently used to inform those householders about spray operations (if any) could be extended to the wider community. It is not anticipated that SASA's plant protection activities would cause any issues for residents of the proposed development by reason of spray drift.

6.6 SASA suggests that "should there be a significant inappropriate ingress into fields by members of the public, spray operations may be jeopardised". Provided ingress of the public into fields is discouraged by locked gates, and warning notices displayed that pesticides have been used in specific fields (as recommended in the Code of Practice), it is unlikely that there would be a need for SASA to change its pesticide regime.

6.7 SASA suggests that it is clear that the level of risk associated with a greatly increased level of uncontrolled access onto SASA's land increases the likelihood of an introduction and subsequent spread of a new pest or pathogen which ultimately severely disrupt SASA's businesses. However, the proposed development would not necessarily result in a greatly increased level of uncontrolled access onto SASA's land. Access could be controlled or restricted more stringently than the current security arrangement if that is genuinely required. If this was done through enhanced fencing and greater use of locked gates this would avoid any significant impact on SASA's activities.

6.8 SASA refers to the possibility of transmission of pathogens by physical contact. The documents submitted by SASA do not demonstrate that there is any significant risk of transmission in this case. Many of the documents acknowledge the impact which temperature can play in the spread of pathogens. SASA highlights the effectiveness of national biosecurity awareness campaigns and it is considered that SASA could build on this increased public awareness of biosecurity by, for example, increasing signage around its facility to warn of the risk of any potential pathogen spread and the damage that could be caused to its operations by unauthorised access.

6.9 It is further suggested that "an increase in garden plants in the vicinity of SASA could also lead to increased likelihood of airborne pests and diseases, especially if gardeners do not use pest control". The application site is obviously downwind of the SASA site and sits to the east/ north-east of SASA's facility. It is separated by Gogar Station Road and, for the majority of the site, by existing agricultural fields and by the Millburn Tower Estate. These factors lessen any risk that may exist of airborne transmission of pests or pathogens.

6.10 It is not considered that a limited fencing or hedging exercise would have any significant impact on SASA's operations as the trials that they currently undertake do not utilise the whole field area and any loss of field area around the field margins would not have a noticeable impact on SASA's ability to carry out its operations.

6.11 In addition, given the arable nature of the SASA operation, the opportunity to retain dog walks within the site through good design and the opportunity to educate new householders on the impact of their off-site activities on the SASA facility, means that an increase in dog ownership near to the SASA site arising from the proposed development is unlikely to have any adverse effects on the operation of the SASA site.

Following agreement of the joint statement

6.12 The impact which the proposed development may have on the adjacent facility operated by Science and Advice for Scottish Agriculture is clearly a material consideration. The SASA facility is one of national, if not international, importance and the applicant has been involved in detailed discussions with SASA on securing a package of mitigation which ensures that both the proposed development and SASA's facility can co-exist harmoniously.

6.13 The joint statement produced by SASA and the applicant confirms that a satisfactory package of mitigation measures has been agreed. This ensures that the SASA facility is protected but not only that, it provides SASA with a secure environment from which to continue its important operations. The joint statement confirms that the transfer of land to SASA has a beneficial impact on SASA's ability to conduct its operations at its

nationally significant facility at Gogarbank. This, in itself, is a material consideration to be taken into account by Scottish Ministers. Given the importance of the SASA facility, this is a significant factor that weighs in favour of the application.

The main points for SASA

Prior to agreement of the joint statement

6.14 SASA has been able to adopt an informal, personal approach with regards to public access on to its land. This is entirely as a result of the very low frequency of visits it currently experiences from members of the public, most of whom are known to SASA's Farm Manager and occupy houses neighbouring the site. The overwhelming majority of access onto SASA's land is controlled and comprises SASA staff and government inspectors who receive training in the necessary biosecurity measures. The applicant has failed to demonstrate that SASA would not experience negative consequences as a result of the neighbouring housing stock increasing by 3,000%.

6.15 It is noted for the applicant that 22% of Scottish households have a dog. A rough calculation would indicate that the proposed development of 1,500 houses would bring a minimum of an additional 330 dogs to the existing population (depending how many dogs each of the additional dog owning householders may own). SASA is mandated to conduct its functions by government and conducts field trials on behalf of plant breeding companies. Its work plays a vital role in bringing to market new varieties which are resistant to pests and diseases, which can be farmed more sustainably or which have attributes which make them more attractive to consumers and processors. In that regard SASA plays a small but vital role on behalf of the UK's food and drink sector which is reliant on domestic produce.

6.16 In regard to controllable environmental factors which could confound SASA's work, such as intentional or unintentional damage to its trials caused by people and animals, it should be stressed that SASA's green belt location and the surrounding low population pressure means that it has limited experienced of such incidents thus far. This underlines the importance of the green belt location to SASA.

6.17 The applicant's comments with regards signage for dog owners around SASA's site are noted. The distributed nature of the signage reflects the multiple access points (field gates) onto SASA's land and the direct experience of SASA's Farm Manager as to where dog walkers have been observed previously. Because the Farm Manager has been able to discuss directly with regular dog-walkers, there are no significant issues with dog waste and there is therefore little point in installing waste bins for a problem which does not currently exist. It is highly unlikely that 330 additional dog walkers would use the same limited internal 2.7 kilometre circuit proposed as part of the new development.

6.18 The applicant's contention that SASA does not appear to recognise wider statutory access rights is completely refuted. SASA has adopted a proportionate response to access which takes into account the surrounding low population pressure on its site; it maintains access through the right of way across its land, has created field margins in all its fields for access and has installed signage encouraging responsible access.

6.19 The applicant is incorrect in stating that the walking distance from the proposed development greenspace to the SASA boundary is 850 metres. The first access point onto SASA's land from the development greenspace would be the gate at Station Field, a

distance of less than 200 metres. It is conceded that accessing the public right of way from the development would require walking along (rather than simply crossing) Gogar Station Road, significantly reducing the attractiveness of doing so for safety and amenity reasons. Hence it is much more likely that dog walkers would not chose this option and simply cross Gogar Station Road and enter SASA's land by the gate at Station Field. SASA is, therefore, unconvinced that good design of the proposed development would not result in dog owners moving further afield onto the SASA site.

6.20 SASA is not a typical arable farm. The consequences of any problems on its operation would be significantly greater than the simple loss of a small portion of a crop. The current level of risk to SASA's operation is very low, however this would undoubtedly increase with the development of 1,500 houses and potentially 330 additional dogs in very close proximity to its land. It is important to note, however, that SASA's objection is not solely based on irresponsible dog owners. There are also concerns over the increased levels of fly-tipping, vandalism and theft; the heightened biosecurity risk; and the impact accommodating the rights of a greatly increased number of close neighbours may have on SASA's spray regime and general operation of the farm. In addition, there is a failure to recognise the potential risk that arises from ornamental plants likely to be introduced within the residential development that would be in close proximity to SASA's trials.

6.21 Theft or damage to even a small number of plants could result in a delay to introduction to market for new varieties and, since trials are conducted over growing cycles, such a delay would be at least a year. Unlike normal farms, SASA cannot simply elect to switch to less vulnerable crops to minimise impacts caused by proximity to the urban fringe.

6.22 Another key constraint is SASA's requirement to maintain standard and robust pesticide applications across crop plots. In practical terms, this means that SASA's plots must be sprayed with pesticides to ensure disease control is achieved. Since it is also a requirement to grow susceptible as well as resistant varieties, this means spraying is frequent when disease pressure is high. An increase in access to the land by members of the public or their pets from the neighbouring development presents a critical risk to SASA's crops, as spray operations would be hampered or prevented thereby jeopardising the work. Unlike a normal farm, SASA is not able to simply discontinue growing crops which require frequent pesticide applications, as SASA carries statutory responsibility for these crops.

6.23 A portion of SASA's genetic resource collection is a living collection of field grown plants, particularly potatoes. Moreover, regeneration of seed of other crops, for example peas, is a vital field operation to maintain the viability of the collection. For some varieties this means the unique genetic resource is held in SASA's field in small plots with as few as six plants. In practical terms this could mean that theft of a carrier bag full of potatoes would represent the loss of all of the potatoes of certain varieties held by SASA.

6.24 SASA's considered view is that a large-scale housing development adjacent to the field-trialling, training and genetic resource facility at Gogarbank would inevitably result in significant problems for its statutory activities. If the development were to be approved, SASA may need to move further away from the urban fringe with considerable associated costs to the public purse.

Following agreement of the joint statement

6.25 SASA did not ultimately lodge a closing statement. However, in its covering email attaching the joint statement, it stated that following productive discussions between SASA and the applicant, a package of mitigation measures has been agreed that allows SASA to withdraw its objection to the application.

Reporter's conclusions

6.26 Following agreement of the joint statement between the applicant and SASA, I can be brief in my conclusions on this matter.

6.27 I find that the proposed development would significantly increase the number of residents living in fairly close proximity to the SASA facility. Based on my observations during accompanied and unaccompanied site inspections, I find to be credible SASA's contention that the number of walkers through and around its facility is currently low and manageable.

6.28 I acknowledge that the proposed development would have attractively designed open space and that this would be likely to appeal to residents as a route for short walks. The Union Canal is located further to the south of the site and is also likely to appeal for longer walks. However, although attractive once accessed, I found the walk to access the canal to be generally unattractive and therefore likely to discourage some walkers.

6.29 In contrast, I found the SASA estate with its network of paths to be an attractive proposition for longer circular walks. It is closer to the proposed development than the Union Canal path and, although necessitating Gogar Station Road to be crossed, would not entail an unattractive and relatively lengthy walk southwards along Gogar Station Road.

6.30 In addition, I do not find that the applicant had completely addressed the potential risks to the SASA facility of the transmission of pathogens, given the highly specialised nature of the SASA operation and its contribution to national objectives, including those on plant health.

6.31 Based on these findings, I conclude that without the agreed mitigation, the proposed development would be likely to have a significant adverse effect on the operation of the SASA facility. I am satisfied in principle that the mitigation scheme now agreed between the applicant and SASA would reduce that impact to a manageable level, and that it would also be likely in some respects to enhance the operation of the facility.

CHAPTER 7: OTHER RELEVANT ISSUES

7.1 In the preceding chapters I have considered the main topics of contention between the parties. For completeness, I now turn to address other considerations which Ministers will require to take into account when deciding whether permission in principle ought to be granted.

7.2 The application was accompanied by a range of supporting material, including an environmental statement, which seeks to address the impacts of the proposed development. Following discussion with the council and consultees, some of that information was supplemented or updated.

Cultural heritage impacts

7.3 For the applicant it is stated that the environmental statement which accompanies the application addresses cultural heritage impacts. The Millburn Tower Inventory Garden and Designed Landscape (IGDL) lies immediately to the west of the application site. Following submission of the planning application, the boundary of the IGDL was revised. Notwithstanding this alteration, the cultural heritage assessment concludes that following mitigation works the impact on the IGDL would be of minor or negligible significance. Historic Environment Scotland in its consultation response agrees that the impact would not be significant, and following further discussions with the applicant's landscape advisor, confirmed that the level of planting proposed adjacent to the boundary satisfied the requirements set out in its response.

7.4 The cultural heritage assessment together with the archaeological evaluation report consider the potential for archaeological remains within the application site. The evaluation report, which was informed by on-site investigative works, identified structures of local importance but not significant enough to prevent the development going ahead. The consultation response of the council's archaeologist considers the findings of the studies and does not object. A programme of pre-development archaeological works is recommended.

7.5 The environmental statement reports that there are 25 listed buildings in the outer study area. The Hermiston Conservation Area is also located within the outer study area, about 750 metres to the south of the inner study area. No significant residual effects are predicted for any of those assets. Millburn Tower and Millburn South Lodge, category B listed buildings, are located to the west of the application site. The former is currently well-screened from the application site by mature woodland along its boundary. Further planting along that boundary is proposed as part of the application.

7.6 In its consultation responses, Historic Environment Scotland raises no objection, subject to appropriate mitigation, in regard to impact on the setting of listed buildings.

7.7 The proposed development would be theoretically visible from the Hermiston Conservation Area, but views would be restricted.

7.8 The council raises no outstanding concerns in regard to the impact of the proposed development on the setting of listed buildings or the conservation area.

Natural heritage impacts

7.9 For the applicant, it is confirmed in the environmental statement that a Phase 1 Habitat Study and protected species surveys were undertaken. The statement concludes that mitigation measures could be put in place to avoid any significant long term adverse impacts on any ecological feature of local or higher value. In addition, it considers that the diversion of the Gogar Burn would result in an increased biodiversity of the watercourse and associated riparian habitat. The Naturalisation Strategy which was prepared in response to Scottish Natural Heritage's first consultation response of 5 November 2015, Edinburgh Airport's consultation response of 18 October 2015, and subsequent meetings, identifies how the re-routed and naturalised Gogar Burn would allow for increased biodiversity within the site.

7.10 Scottish Natural Heritage raised no objection to the proposed development in its response of 8 January 2016, noting that it was content with both the level of ecological survey work carried out and the level of detail presented in the naturalisation strategy. For the council it was concluded in the report to committee that the proposed development could increase the conservation value of the application site.

Compatibility with neighbouring land uses

7.11 For the applicant it is noted that the council's committee report concludes that the proposed development would not result in an adverse impact on neighbouring residential amenity. The Design and Access Statement Addendum takes into account requirements in relation to aviation safety identified in Edinburgh Airport's consultation response, including requirements for: a bird hazard management plan; height limitations on buildings; an appropriate landscaping scheme; and SUDS requirements.

7.12 In the council's report to committee, it is stated that a number of objections have been received from neighbouring residents expressing concern at the impact of the scale development within this rural location. The proposal is for planning permission in principle and, whilst illustrative development plots have been submitted, there are no details of siting or orientation of buildings. The site is currently used for agriculture, so any introduction of development on the site would impact upon the surrounding users by means of the change in land use, noise, lighting and associated traffic movements. The site is fairly isolated from residential properties, with Millburn Tower and its Gatehouse, and a scattering of rural dwellings along Gogar Station Road as the key residential neighbours to be affected by the development. The proposal would not have an adverse impact on neighbouring residential amenity, provided adequate separation distances are secured at detailed stage.

Design and residential environment/ noise/ air quality

7.13 For the applicant it is stated that the amenity of new residents is largely a matter for detailed design stage and the principles are addressed in the Design and Access Statement and Addendum. However, noise and air quality impact assessments submitted as part of the environmental statement confirm an acceptable level of amenity for residents of the proposed development. In regard to design quality, the Design and Access Statement and Design and Access Statement Addendum address design matters, including relevant policy and advice. The Statement and Addendum set out a design concept which draws upon the positive characteristics of the surrounding area and this includes the opportunity to divert and de-culvert the Gogar Burn, to improve its ecological value and reduce the flood risk.

The design concept illustrates a proposal which is distinct and integrates into its setting by fixing a maximum building height of 4 storeys, incorporating a high proportion of accessible green infrastructure, makes provision for buffer planting and includes a central green corridor.

7.14 In the council's report to committee, it is noted that its Environmental Assessment team considers that the site is not suitable for residential development, given the noise pollution from the neighbouring scrapyard and noise from the adjacent railway line. [This view was not shared by committee members.] Should planning permission be granted, however, it should be recognised that on site measures may be required to achieve a good level of residential amenity for residents. This could have an impact upon height and siting of dwellings and the site capacity. In regard to air quality, a condition would be required which ensures the complete removal of the poultry farm operations prior to the occupation of the first dwelling house.

Whether the proposal represents sustainable development

7.15 It is stated for the applicant that the proposal contributes to sustainable development for the following reasons:

- there would be significant net economic benefit. The estimated cost of the development is nearly £235 million over an 8-year period. The main impacts would be those generated by construction, operation and additional housing/ people. At the Edinburgh level, the project would sustain an additional 10 full-time equivalent jobs in Year 1 and this would increase steadily to reach 166 jobs by Year 5. It would maintain an additional 59 jobs going forward from Year 9. The long term output impact, after full completion in Year 8, would be just under £4 million a year and the long term gross value added (GVA) impact would be around £2.4 million per year. That would assist in achieving the objectives contained in Edinburgh's Economic Strategy 2012 – 2017;
- the development would support good design and the six qualities necessary to support a successful place;
- the proposed development would make efficient use of land in an area that has excellent accessibility;
- the proposal would support the delivery of accessible housing allowing both existing and new residents the opportunity to move from existing housing stock, freeing it up for other purchasers at other points along the housing ladder, creating wider choice for all involved;
- the proposal would support the delivery of the infrastructure that is needed to serve it;
- the proposal would support the objectives of climate change mitigation through the construction of houses that meet national standards in terms of sustainable construction and materials;
- the proposals have regard to sustainable land use as set out in the Land Use Strategy;
- the proposed development has no negative impact on cultural heritage;
- the proposed development complies with local and national standards for minimising the production of waste and encouraging recycling;
- the proposal does not represent over-development and would ensure the protection of the amenity of existing development; and
- there would be no adverse impacts on water or air quality.

7.16 For the council it is stated that the proposal would make an important contribution to increase the delivery rate of housing units, including affordable housing units, and would make efficient use of a greenfield site by achieving high density near a transport corridor. Development of the site would represent a sustainable expansion of the city.

7.17 For West Craigs it is stated that due to landscape and visual impacts, and transport and connectivity constraints, the application does not contribute towards sustainable development.

Reporter's conclusions on other relevant issues

7.18 In regard to cultural heritage impacts, there would be no direct impacts on archaeological features not capable of being mitigated by condition. Indirect impacts on setting would be experienced at the Millburn Tower Inventory Garden and Designed Landscape and at the two associated category B listed buildings. Those assets are, however, largely screened from the application site by mature woodland along its boundary, and further framework planting would be secured by means of condition. I find that the setting of those assets would, with mitigation, be preserved. The Hermiston Conservation Area is located about 750 metres to the south of the application site, beyond the M8 motorway. There would be likely to be glimpsed views of the development from the conservation area, but these would have a negligible impact and I find that the character and appearance of the conservation area would be preserved.

7.19 In regard to natural heritage impacts, there would be no significant adverse effects on ecological receptors, subject to appropriate mitigation. I note also that there is no outstanding objection from Scottish Natural Heritage, and that in addition the re-routing and naturalisation of the Gogar Burn would contribute towards increased biodiversity within the application site.

7.20 In regard to compatibility with neighbouring land uses, there is no doubt that the proposed development would change the semi-rural character of the area currently enjoyed by existing residents. As the council notes, however, adverse impact on residential amenity would be considered at any further detailed application stage. The objections of RBS and SASA, two significant neighbouring uses, have now been conditionally withdrawn. I note also that the initial concerns of Edinburgh Airport have been addressed by the applicant and that this matter is capable of being safeguarded by means of condition.

7.21 In regard to design and residential environment/ noise/ air quality, I agree with the applicant and the council that detailed design issues stand to be considered at any later detailed application stage. The location and characteristics of the site lead me, however, to find that the site is capable of providing a good quality residential environment, provided that the necessary noise and air quality mitigation measures are satisfactorily undertaken.

7.22 Turning finally to consider whether the proposal represents sustainable development, I acknowledge that development of a mainly greenfield site in a green belt location inevitably weighs, to some degree, against finding the proposal to represent sustainable development. However, I note the significant contribution to housing land supply which the site would make; the remarkable location of the site adjacent to public transport and active travel opportunities; the acceptable landscape and settlement fit of the proposal; together

with my conclusion that there would be no other unacceptable impacts not capable of being mitigated by means of planning conditions or a planning obligation.

7.23 Taking that into account, I find that the proposal does represent sustainable development.

CHAPTER 8: PROPOSED CONDITIONS AND PLANNING OBLIGATION

8.1 A hearing session on conditions and planning obligations was held on 24 May 2017, with conditions relating to transport and access being considered at a hearing session on 11 October 2017. Conditions and planning obligations relevant to SASA had been discussed at the close of the inquiry session on 23 May 2017.

8.2 Following discussion at the hearing sessions and subsequent discussions between the parties, a finalised set of [draft conditions](#) and [heads of terms](#) of a planning obligation were submitted by the applicant on 10 November 2017. The council [confirmed](#) on 13 November 2017 that it was content with those.

8.3 On 8 February 2018, it was confirmed on behalf of RBS that the withdrawal of its objection was conditional on conditions 3, 5 and 24 of the 10 November schedule of conditions being attached to any permission.

8.4 It has been [confirmed](#) for SASA that the withdrawal of its objection is conditional on the agreed heads of terms of the planning obligation relating to SASA's interests.

8.5 For West Craigs it is stated that Scottish Ministers will need to consider the implications of the Supreme Court decision in *Elsick* on the terms of any potential planning obligation. Obligations must restrict or regulate the development of land. The education financial contribution provisions in the heads of terms do not seek to restrict or regulate the development of the site, but simply say payments will be made. The only restriction is that land for a primary school is to be transferred, but there are no controls linked to payment of contributions. There is no evidence on school capacities and when payments would require to be made. If planning obligations were found contrary to the Supreme Court judgment there is a risk they would require to be discharged, and development would proceed with no contributions then being payable.

8.6 For Dr Scott/ Ms Harrison a condition requiring further investigation of the Lesser Millburn is requested. For the Gogarburn Bicycle Users Group, conditions requiring a high quality north-south cycle route into and through the site is requested. For Spokes a condition requiring an active travel overbridge to the Gyle Centre is requested.

Reporter's conclusions

8.7 The applicant has negotiated mitigation which resulted in the conditional withdrawal of their objections by SASA and RBS. I am satisfied that the necessary conditions and/ or obligations are contained in the draft schedules of conditions and heads of terms.

8.8 I note that the conditions agreed between the applicant and the council require further investigation of the Lesser Millburn, and that further details of the north-south cycle route are required. I have concluded in Chapter 5 that an active travel overbridge would not be a reasonable requirement, and accordingly such a condition would not meet the test of necessity or reasonableness.

8.9 I am satisfied that conditions and/ or obligations required by consultees are also included.

8.10 I am satisfied that those conditions meet the tests for conditions set out in Circular 4/1998: *The use of conditions in planning permissions*. Accordingly, I recommend that those conditions in Appendix 7 below, with minor amendment to improve precision and clarity, be attached to any grant of planning permission.

8.11 I have also carefully considered the representations of West Craigs in regard to the infrastructure provisions of the heads of terms agreed between the applicant and the council. I am satisfied firstly that those requirements do seek to regulate development of the application site. I take the point in regard to lack of certainty over the level of contributions, given that the relevant supplementary guidance has not yet been cleared for adoption. It may be that the supplementary guidance is adopted before the conclusion of any legal agreement. In that case the heads of terms would clearly stand to be reconsidered. Failing that, I do not consider that this continued uncertainty should be permitted to stymie the provision of much-needed houses and flats.

8.12 On this matter I conclude that the agreed heads of terms of the proposed planning obligation, set out in Appendix 8 below, meet the tests of Circular 3/2012: *Planning obligations and good neighbour agreements*.

CHAPTER 9: OVERALL CONCLUSIONS AND RECOMMENDATION

9.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application be determined in accordance with the development plan, unless material considerations indicate otherwise. Having regard to that requirement and to the material before me, the main issues in this case are (i) housing land supply and effectiveness of the application site; (ii) settlement fit (including green belt issues) and landscape and visual effects; (iii) infrastructure impacts; (iv) impacts on the nearby SASA facility; and (v) whether any other relevant issues point towards approval or refusal of planning permission in principle.

9.2 I find in Chapter 3 that, based on the evidence before me, I am unable to conclude with certainty that there is currently an effective 5-year housing land supply. Policy 7 of SESplan and Policy Hou 1 (2) of the local development plan are intended to guide decision makers in situations of an inadequate housing land supply. These policies remain part of the development plan, despite its age, and I agree with the applicant that they cannot simply be disregarded.

9.3 I find also in that chapter that there is no convincing evidence which could reasonably point towards the site, or part of it, not being free of all relevant constraints and being made available for development within five years.

9.4 I find in Chapter 4 that, due to the largely enclosed nature of the site and its relationship with adjacent development, significant adverse effects on landscape character would not arise. There would be adverse visual impacts, most significantly to the north of the site. However, in the context of surrounding transport infrastructure, built development and policy woodland, the development would be largely contained by surrounding uses and infrastructure. The green belt boundary would not be as clear and well-defined as the boundary currently established by the City Bypass. However, the proposed development would not breach a particularly sensitive part of the green belt and I am satisfied that a robust green belt boundary could be reinforced along Gogar Station Road. I find the site to be well-located in regard to settlement fit.

9.5 I find in Chapter 5 that there are no insurmountable infrastructure impediments to development of the application site, subject to appropriate mitigation.

9.6 I note in Chapter 6 that agreement has been reached between the applicant and SASA in regard to mitigation of the impacts of the proposal on the SASA facility. I am satisfied that this mitigation would be appropriate and that it could be safeguarded by planning obligation.

9.7 I find in Chapter 7 that the setting of nearby listed buildings would be preserved, in accordance with section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Similarly, I find that the character of the Hermiston Conservation Area would be preserved, in accordance with Section 64(1) of the same Act. I also find that the proposal on the whole represents sustainable development.

9.8 Having been unable to conclude with certainty that there is currently an effective 5-year housing land supply, the proposal stands to be assessed against Policy Hou 1 of the Edinburgh LDP and Policy 7 of SESplan. I am satisfied that these are the most relevant

provisions of the development plan in regard to assessment of this proposal. Although the development plan is more than five years old, I cannot simply disregard these policies, although the weight to be afforded to them is affected.

9.9 SESplan Policy 7: *Maintaining a Five Year Housing Land Supply* indicates that sites for greenfield housing development either within or outwith the identified Strategic Development Areas may be allocated in local development plans or granted planning permission to maintain a five years effective housing land supply, subject to satisfying each of the following criteria: a. The development will be in keeping with the character of the settlement and local area; b. The development will not undermine green belt objectives; and c. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

9.10 Part 2 of Policy Hou 1: *Housing Development* of the LDP states that where a deficit in the maintenance of the five year housing land supply is identified, greenfield/ green belt housing proposals may be granted planning permission where: a) the development will be in keeping with the character of the settlement and the local area; b) the development will not undermine green belt objectives; c) any additional infrastructure required as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time; d) the site is effective or capable of becoming effective in the relevant timeframe; and e) the proposal contributes to the principles of sustainable development.

9.11 Based on my findings above, I conclude that the proposal is consistent with these key policies. For completeness I conclude that the detailed impacts of the proposal are accordingly consistent with the other relevant policies of the development plan, including policies Tra 8 and Del 1 of the local development plan.

9.12 Scottish Planning Policy provides that where a development plan is more than five years old, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. I find in Chapter 3 that, as SESplan 1 was approved in 2013, the development plan is now more than five years old and that accordingly the SPP paragraph 33 presumption in favour of development that contributes to sustainable development is a significant material consideration in the determination of this case.

9.13 The appellant contends that I must go further than what SPP paragraph 33 in its terms says by importing an additional tilted balance, borrowed from case law from England or from a case interpreting policy documents applicable to England. I do not need to express a concluded view on that point in order to report in the present case, but am not convinced that this is correct or is the right interpretation of the Scottish cases when those cases use the term “tilted balance”. It seems to me more likely that the term is being used as a shorthand for the test in SPP paragraph 33. Since the wording in English planning policy is different (including specifically not containing an equivalent of paragraph 29 of SPP) and since, in contrast to Scotland, there is greater policy clarity on the preferred methodology, I would reserve judgement on whether the so-called “equivalent policy in the English National Planning Framework” is in fact to be equated to SPP. Nothing in the Scottish cases cited assists in addressing the policy wording differences. All told I prefer to interpret SPP paragraph 33 in its own terms.

9.14 Having so found (giving rise to the SPP paragraph 33 presumption), I have considered but identified no adverse impacts of the proposed development which significantly and demonstrably outweigh its benefits. This consideration points strongly towards granting planning permission in principle, although I have in any event concluded that the proposal is consistent with Policies Hou 1 and SESplan 7 of the development plan. In this regard I am satisfied that there are no adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in SPP, including the principles of sustainable development set out at paragraph 29.

9.15 I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that other material considerations, principally the provisions of SPP, indicate strongly that planning permission ought to be granted.

9.16 Turning to the reasons for call-in of the application, I note the following points:

- the Edinburgh Local Development Plan has been adopted and accordingly there is no issue in regard to prematurity;
- the SASA objection has been withdrawn, following the agreement of mitigation measures which would be secured by means of planning obligation; and
- I have concluded that impacts on the infrastructure of west Edinburgh could be adequately mitigated.

9.17 I therefore recommend that planning permission in principle is granted, subject to the conditions listed in Appendix 7 below, and subject to a planning obligation covering the heads of terms set out in Appendix 8 below.

Scott M Ferrie

Assistant Chief Reporter

Appendix 1: Note of pre-examination meeting

NOTE OF PRE-EXAMINATION MEETING AND PROCEDURE NOTICE

Held on Monday 13 March 2017 at 10:30 in the Novotel Edinburgh Park

1 Introductions and purpose of the meeting

1.1 The reporter, Scott M Ferrie, has been appointed by the Scottish Ministers to report to them, with recommendations, on the called-in planning application submitted by Murray Estates Lothian Ltd for proposed residential development, local centre (including class 1, class 2 and class 3 uses), community facilities (including primary school and open space) green network, transport links, infrastructure, ancillary development and demolition of buildings on land 1000 metres northwest, southwest and west of Hermiston Junction M8 Gogar Station Road, Edinburgh.

1.2 The purpose and scope of the pre-examination meeting was purely to discuss the arrangements and procedures to be followed before and during the inquiry. The meeting is not part of the examination, and no evidence on the merits of the proposal was heard on the day.

1.3 This note of the meeting is also a procedure notice under the Appeals Regulations.

2 Attendance

2.1 A list of those attending was taken on the day and is attached as Annex 3 to this note.

2.2 The following parties participated in the discussions:

- Murray Estates Lothian Ltd (applicant): represented by Mr Ewan MacLeod of Shepherd and Wedderburn
- The City of Edinburgh Council: represented by Mr Rory Alexander of Morton Fraser
- Science and Advice for Scottish Agriculture (SASA): represented by Mr Peter Ferguson of Harper MacLeod
- RBS: represented by Mr Michael Greig of DLA Piper
- West Craigs Ltd: represented by Mr Craig Whelton of Burness Paull
- Ms Harrison and Dr Scott: represented by Paul Houghton of Houghton Planning Ltd

3 The application of The Town and Country Planning (Appeals) (Scotland) Regulations 2013

3.1 The 2013 Planning Appeals Regulations set out how appeals are to be determined, and include Inquiry and Hearing Session Rules relating to the conduct of oral procedure. The Regulations provide the ability to tailor procedures to the particular case, which means

that further procedure is required only for those matters or topics where the reporter considers that further information or discussion is required. There are essentially four options available:

- formal public inquiry sessions – where those giving evidence are open to cross examination;
- informal hearing sessions – where the reporter chairs a round table discussion of the issues involved;
- further written submissions – where parties are invited to expand upon or clarify their evidence on a particular issue in writing; and
- no further procedure – where there is sufficient written material before the reporter, and no oral or further written process is necessary.

Further information and a link to the Regulations is available on the DPEA website.

4 The Reporter's provisional assessment of the issues/ topics which require inquiry/ hearing sessions

4.1 It was emphasised that all material already before the reporter, including representation letters, will be taken into account in his report to Ministers. Having considered the material already before him, the reporter has concluded that he has sufficient information on a number of the issues, but will need further information and evidence on others. At the meeting the reporter set out the main issues which needed to be examined further, together with appropriate procedures. These were:

- a hearing session to consider the housing land supply position and conformity with the development plan and SPP;
- a separate hearing session to consider infrastructure impacts (including connectivity and transportation);
- a hearing or inquiry session to consider impacts on SASA, including on bio-security;
- and a hearing session to consider those conditions to be imposed in the event that planning permission is granted by the Scottish Ministers, and any planning obligations or other legal agreements proposed.

4.2 The parties were generally content with the proposed further procedure and a number of detailed matters were clarified as follows:

- the applicant, SASA and the council agreed with the reporter that an inquiry session would be more appropriate than a hearing session to consider impacts on SASA, as issues relating to bio-security would be considered;
- infrastructure impacts on SASA would be considered under the inquiry session on SASA impacts, as would conditions relevant to SASA's interests; and
- responding to a question from Mr Houghton, the reporter confirmed that the issue of flooding would fall under the hearing session on infrastructure impacts.

4.3 The reporter may require further information as his examination progresses. Under the appeal regulations he may request further information in writing at any time or require additional inquiry or hearing sessions as necessary.

5 Participation of interested parties in further procedures

5.1 The parties indicated that they wished to take part in the inquiry and hearing sessions as set out in Annex 1 to this note.

5.2 All parties are now required to confirm within 14 days of the date of this notice whether they intend to participate and in which session(s). Any of the other parties who had opted-in to further procedure, but were not present at the meeting, must also confirm within the 14 day period whether they wish to participate in the further procedure set out above and in Annex 1.

6 Dates and likely duration of inquiry and hearing sessions

6.1 The parties discussed potential dates for commencement of the sessions, the number of witnesses each party might call and the likely duration of the inquiry.

6.2 It was made clear for the council that it would be unlikely to be in a position to provide a witness on compliance with the development plan if the dates suggested by the reporter were to be adhered to. This was said to be due to the council having to take a view on compliance of the proposal with the newly-adopted LDP, complicated by the impending council elections. The matter would be unlikely to be considered by the council, in those circumstances, before August.

6.3 Following discussion, it was agreed that the sessions would proceed in May as planned, but that the council would be unable to give evidence on compliance of the proposal with the development plan, although it would participate in the relevant hearing session as far as the housing land supply position is concerned. The applicant's representatives were content that the inquiry should proceed in that way; a number of other participants expressed reservations. The reporter has subsequently satisfied himself of the appropriateness of proceeding in that way, and that the disadvantages are outweighed by the advantages in making good progress with the case.

6.4 The likely duration of the sessions was discussed at the meeting. The broad consensus was that about 4 days would be required for the sessions, with a further 2 days being identified for potential slippage.

6.5 The applicant had indicated that it would be unable to be represented on the first offered start date of 8 May. Dates were discussed and agreed as follows. The inquiry session on SASA impacts will open at 10:00 on Monday 22 May 2017. That session will be followed by the hearing session on infrastructure; then the hearing session on housing land supply and development plan compliance; and then the hearing session on conditions.

6.6 It is hoped that all sessions shall be completed by 25 May, but 31 May and 1 June are identified to accommodate any potential slippage in the programme.

7 Prior disclosure of cases

7.1 There are a number of written exchanges which need to take place before the inquiry and hearing sessions, to ensure that each party is fully aware of the case to be made by those on the other side of the argument. The sequence of these is set out below and (for ease of reference) in Annex 2 to this note.

7.2 All parties taking part in the inquiry session require to produce inquiry statements (copied to each other) by 24 April. These statements should outline their case, list the documents to be relied on, and identify the witnesses to speak at the session (and the topics each will cover).

7.3 All parties taking part in a hearing session require to produce hearing statements (copied to each other) by 8 May. These statements should **fully** set out their case, list the documents to be relied on, and identify the witnesses to speak at the session (and the topics each will cover).

7.4 Anyone wishing to refer to particular documents at the inquiry or hearing sessions should lodge those no later than 24 April. All documents should be arranged logically, with each document clearly numbered (preferably with a prefix to identify the party). Wherever possible, documents should have numbered pages and paragraphs for ease of reference. They should be edited to remove irrelevant matters or have the relevant parts highlighted.

7.5 Each witness giving evidence at the inquiry session is required to prepare a precognition (a written statement of the evidence he/she intends to give to the inquiry), which should be lodged no later than 8 May. Each precognition should be a maximum of 2000 words. Witnesses should not attach as appendices to their precognitions documents which other parties have not seen, as these documents should be lodged as documents in the normal manner.

7.6 In preparing their evidence for the inquiry and hearing sessions, the parties will consider the scope for agreed statements, so that the sessions can focus on the matters in dispute which are relevant to the proposal before Scottish Ministers. The applicant, the council and SAS in particular will consider whether there are any basic facts, data or assumptions which can be agreed in advance, to avoid wasting time in the preparation of cases, and in the presentation of evidence and cross examination at the sessions. Those agreed statements should be lodged as documents by 24 April.

7.7 By the same date (24 April), the applicant and the council will jointly produce a schedule of draft conditions – highlighting those that are agreed and those in dispute (and why) – which can form the basis of discussion at the hearing session. For the conditions hearing session each participating party must submit a brief statement of all matters they wish to discuss. Any proposed legal agreements should also be discussed as far as possible between the parties before the hearing session.

7.8 Each party should send a copy of their statements, documents and precognitions to DPEA, send a copy to each of the other parties to that session, and confirm to DPEA that the exchanges have been made with other parties. The reporter is content to receive most material electronically. The exception to that is illustrative material, mapping, hearing and inquiry statements, precognitions and schedules of conditions. It is left to the discretion of other parties to agree between themselves as to whether they wish to receive hard copy material from each other. It would also be helpful if each party could supply a set of their documents on disc for the reporter.

7.9 The parties should send an additional hard copy of all material to the council, so that these can be placed on deposit. The council will arrange for the deposit set of documents to be brought to the inquiry and hearing sessions when they open.

8 Procedures for the hearing of evidence

8.1 At the inquiry session, the applicant will present its evidence first, followed by SASA, and then the council. The order may be adjusted to accommodate any difficulties with attendance of particular witnesses. Each party at the inquiry session will be invited to present evidence in chief, which will be subject to cross-examination by parties of opposing view, following which there will be an opportunity afforded for re-examination. The reporter may also have questions on the evidence. In general terms, the reporter will seek an efficient inquiry by preventing repetitious or irrelevant lines of question and by encouraging clear and concise answers.

8.2 The hearing sessions shall take the form of a structured discussion between the parties involved, which the reporter will lead, and at which no cross examination will be permitted.

8.3 Parties will be invited to make closing submissions after the evidence has been heard. Those submissions ought to address each parties' position on those matters which have been subject to oral process. These will be made in writing to an agreed timetable (to be agreed at the final session) with the applicant having the final word.

8.4 If any party is considering making legal submissions that could affect the running of the hearing and inquiry sessions, those should be lodged as soon as possible, and not left until the start of proceedings. Delaying any such legal submissions is contrary to the spirit of prior disclosure, wasteful of expensive inquiry time, and unfair on other parties.

9 Venue and housekeeping

9.1 It was agreed that a larger room within the Novotel would be suitable, subject to availability. Failing that a suitable alternative will be sought. Whichever venue is booked, the case officer will ensure that the room and facilities are accessible to all.

9.2 In the interests of openness and widening access to proceedings, it is currently intended that the inquiry and hearing sessions will be webcast live and made available for viewing later through the DPEA website. That will also entail use of a PA system. The final position will be confirmed nearer the time.

9.3 On the first day, the session will start at 10.00, and on subsequent days at 9:30. We will generally sit to about 16.30 to 17.00. There will be a break for lunch of about an hour starting at a convenient time between 12.30 and 13.00, and short mid-morning and mid-afternoon breaks. These times may be varied as necessary to ensure the efficient running and prompt completion of the sessions.

10 Miscellaneous

10.1 The location for the deposit of the public set of documents will be confirmed by the council, but is likely to be the Drumbrae Library.

10.2 The reporter has already carried out an unaccompanied site inspection in the vicinity of the appeal site. Arrangements for an accompanied inspection of the site and its surroundings shall be discussed at the opening of the inquiry session. That site inspection

should be planned to allow the reporter to consider all aspects of the proposal, not just those considered during the inquiry and hearing sessions. The applicant will liaise with the other parties to agree a route and locations for the inspection.

10.3 Anyone wishing to contact the DPEA about the inquiry and hearing sessions should telephone the case officer, Jane Robertson on 01324 696467 or email her at jane.robertson@gov.scot. The address of the DPEA is 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. You can also keep in touch with developments in the appeal through the DPEA website:

[DPEA case file](#)

11. Any other relevant matters

11.1 In response to a point raised by Mr Whelton, it was confirmed for the council that, as the final decision in this case will be taken by Ministers, it had flexibility to discuss conditions beyond those agreed at committee.

Scott M Ferrie
Assistant Chief Reporter

ANNEX 1: Participation in inquiry and hearing sessions

	Housing land and development plan	Infrastructure and access	SASA	Conditions
Applicant	✓	✓	✓	✓
Council	Housing land supply only	✓	✓	✓
Science and Advice for Scottish Agriculture			✓ (including relevant conditions)	
RBS	Reserving position	✓		✓
West Craigs Ltd	✓	✓		✓
Ms Harrison/ Dr Scott	✓	✓		✓

ANNEX 2: Key dates relating to the inquiry and hearing sessions

Week commencing	Procedure
13 March	Pre-Examination Meeting 13 March
20	
27	Note of PEM issued
3 April	
10	All parties to confirm participation in inquiry and hearing sessions by 10 April
17	
24	Inquiry session statements; and documents for all sessions (including any Agreed Statements and Schedules of draft conditions) by 24 April
1 May	
8	Precognitions for SASA inquiry session; and hearing statements for hearing sessions by 8 May
15	
22	Inquiry and hearing sessions during 22-25 May
29	Provision for slippage reserved on 31 May and 1 June

ANNEX 3: List of those attending the pre-examination meeting

<p>For the applicant:</p> <p>Ewan MacLeod – Shepherd and Wedderburn</p> <p>Robin Holder – Holder Planning Lesley McGrath – Holder Planning Russell Wilkie – Murray Estates</p> <p>e-mail contact: XXXX</p>	<p>For the City of Edinburgh Council:</p> <p>Rory Alexander – Morton Fraser</p> <p>Graham Nelson - CEC John Inman – CEC Nicola Harvey – CEC Ursula Currie – Morton Fraser</p> <p>e-mail contact: XXXX</p>
<p>For SASA:</p> <p>Peter Ferguson – Harper MacLeod</p> <p>Professor Gerry Saddler SASA</p> <p>e-mail contact: XXXX</p>	<p>For RBS:</p> <p>Michael Greig – DLA Piper</p> <p>Oliver Munden – GVA Neil Miller – RBS Duncan Birrell – Modus Transport</p> <p>e-mail contact: XXXX</p>
<p>For West Craigs Ltd :</p> <p>Craig Whelton – Burness Paull</p> <p>Ian Gallacher – Icen Projects Lynsey Reid – Burness Paull</p> <p>e-mail contact : XXXX</p>	<p>For Ms Harrison and Dr Scott</p> <p>Paul Houghton – Paul Houghton Planning</p> <p>e-mail contact: paul@houghtonplanning.co.uk</p>
<p>Colin Smith – Turley</p>	<p>Craig Latto - Arup</p>
<p>Robin Matthew – PPCA Ltd</p>	<p>Gael Fisher</p>
<p>Phil Pritchett – Pritchett Planning Consultancy</p>	<p>Rob Newton - GVA</p>

Appendix 2: Schedule of documents

The applicant

Application documents

M1	Planning Application Form
M2	Location Plan
M3	Application Boundary with Buildings to be Demolished
M4	Pre-Application Consultation Report
M5	Planning Statement
M6	Design and Access Statement
M7	Indicative Development Framework
M8	Sustainability Form
M9	Tree and Woodland Study
M10	Environmental Statement
M11	Environmental Statement Addendum and Clarification covering letter, 23 November 2015
M12	Letter from Kaya Consulting relating to Ground Conditions, Geology, Hydrology - Including Water Resources, Flood Risk and Drainage, 23 November 2015
M13	Bird Hazard Management Approach, November 2015
M14	Naturalisation Strategy, November 2015
M15	Archaeological Data Structure Evaluation Report, 19 November 2015
M16	Response to Edinburgh and Lothians Greenbelt Network Representation, November 2015
M17	Design and Access Statement Addendum
M18	Letter from Kaya Consulting re response to SEPA comments, 24 December 2015
M19	Addendum to Transport Assessment
M20	Response to CEC Roads Authority Consultation Response and associated correspondence between Murray Estates Transport consultant and CEC Roads Authority, April 2016
M21	Number not in use
M22	Murray Estates response to SASA representation, 18 January 2016
M23	Scottish Water response re Waste Water and Water, 14 April 2016
M24	Murray Estates Letter to Councillors, 13 May 2016
M25	Strategic Boundary Report
M26	Comments on Report to Committee
M27	Email from Amber Real Estate to City of Edinburgh Council
M28	Correspondence between Gillespies and Historic Environment Scotland, November 2015
M29	Number not in use

Council and Scottish Minister Correspondence and Papers

M30	City of Edinburgh Council, Development Management Sub Committee Report, 16 May 2016
M31	City of Edinburgh Council, Development Management Sub Committee, Minutes, 16 May 2016
M32	City of Edinburgh Council Committee, Report of Pre-Determination Hearing – referral from the Development Management Sub-Committee, 2 June 2016
M33	City of Edinburgh Council, Minutes, 2 June 2016

- M34 Scottish Ministers Notification Direction to City of Edinburgh Council re application ref: 15/0431/PPP, 15 March 2016
- M35 Scottish Ministers, Assessment of NOD-EDB-002, 29 June 2016
- M36 Scottish Ministers, Section 46 Direction, 25 July 2016
- M37 City of Edinburgh Council to Murray Estates re confirmation of Direction, 25 July 2016
- M38 City of Edinburgh Council, Planning Committee, Report re Housing Land Audit, 3 December 2015
- M39 City of Edinburgh Council, Planning Committee, Minute, 19 June 2014
- M40 City of Edinburgh Council, Planning Committee, Full Papers, 14 May 2015
- M41 City of Edinburgh Council, Planning Committee, Minute, 14 May 2015
- M42 City of Edinburgh Council, Capital Coalition Motion, 14 May 2015
- M43 Scottish Government, Examination Report into Edinburgh Local Development Plan - proposed plan 2 and table of recommendations, 30 June 2016
- M44 Edinburgh and Lothians Structure Plan Abandonment Letter, 22 January 2007
- M45 Scottish Ministers, Approval of Abandonment, 23 March 2007
- M46 Scottish Government, Examination Report into South East Scotland Strategic Development Plan and table of recommendations, 12 April 2013. Scottish Ministers Letter of Approval 27 June 2013
- M47 City of Edinburgh Council, East of Millburn Tower Transport Appraisal, January 2015
- M48 Number not in use
- M49 Number not in use

Consultee and other responses

- M50 Scottish Police, 12 October 2015
- M51 City of Edinburgh Council, Strategy and Economy, 8 October 2015
- M52 Number not in use
- M53 Scottish Canals, 14 October 2015
- M54 Historic Environment Scotland, 20 October 2015
- M55 SEPA, 20 October 2015
- M56 Edinburgh Airport, 18 October 2015
- M57 City of Edinburgh Council, Flood Prevention, 22 October 2015
- M58 Transport Scotland, 23 October 2015
- M59 Spokes, 9 November 2015
- M60 Scottish Natural Heritage, 5 November 2015
- M61 Science and Advice for Scottish Agriculture (SASA), 5 November 2015
- M62 Scotways, 6 November 2015
- M63 City of Edinburgh Council, Environmental Assessment, 3 August 2015
- M64 Edinburgh and Lothians Greenbelt Network, 6 November 2015
- M65 City of Edinburgh Council, Affordable Housing, 12 November 2015
- M66 Transport Scotland, 13 November 2015
- M67 SEPA, 26 November 2015
- M68 City of Edinburgh Council, Flood Prevention, 14 December 2015
- M69 City of Edinburgh Council, Archaeology, 14 December 2015
- M70 City of Edinburgh Council, Roads Authority, 30 December 2015
- M71 Scottish Natural Heritage, 8 January 2016
- M72 SEPA, 21 January 2016
- M73 City of Edinburgh Council, Roads Authority, 17 March 2016
- M74 City of Edinburgh Council, Children and Families, 30 March 2016
- M75 All supporting comments

M76	All objection comments
M77	All general comments
M78	Number not in use
M79	Number not in use

Murray Estates Additional Documents

M80	Millburn Tower Inventory of Garden and Designed Landscape Boundary, 11 May 2016
M81	SASA Study with maps and appendices, April 2016
M82	Connectivity Statement, September 2016
M83	Gogar Roundabout Pedestrian Cycle Route Connectivity Options
M84	Murray Estates Representation (with appendices) to LDP2 re accessibility, October 2014
M85	Murray Estates Representation to LDP2 re housing supply and demand, October 2014
M86	Murray Estates Representation to LDP2 re infrastructure, October 2014
M87	Murray Estates Representation to LDP2 re green belt, October 2014
M88	Murray Estates Representation (with appendices including Main Issues Report Response) to LDP2 re site specific matters, October 2014
M89	SEPA Technical Flood Risk Guidance, 2015
M90	Economic Impact Assessment for Proposals for Land East of Millburn Tower (Redheughs), September 2016

Murray Estates Additional Documents lodged Post 16 September 2017

M91	Email exchange between Scottish Government and HolderPlanning re fencing strategy
M81*	Revised maps submitted 10 February 2017
M92	SK009 - proposed junction layout Gogar Station Road & RBS Crossroads
M93	RBS Alternative Design Solution Capacity Results
M94	Photo of Gogar roundabout pedestrian & cycle crossing proposals
M95	SASA representation to the proposed Edinburgh Local Development Plan 2014
M96	Proposed Edinburgh LDP examination FIR 26 request and responses of SASA, City of Edinburgh Council and Murray Estates
M97	Proposed Edinburgh LDP examination FIR 28 request and responses of SASA and City of Edinburgh Council – Note Murray Estates Response is Document M81
M98	Proposed Edinburgh LDP examination FIR 34 request and response of SASA Murray Estates Additional Documents in respect of Expert Witness Dr Evans
M101	Dr Kenneth Andrew Evans, April 2017, Specific objections raised by SASA referring to the documents submitted by SASA and a considered response
M102	http://www.outdooraccess-scotland.com/Practical-guide/public/dog-walking
M103	Scottish Outdoor Access Code – Dog Owners Leaflet http://www.outdooraccess-scotland.com/sites/default/files//docs/dog_owners_leaflet.pdf
M104	SNH Taking the lead www.snh.org.uk/pdfs/publications/access/taking%20the%20lead%20-%20full%20version.pdf
M105	National Institute for Agricultural Botany Webpage re Trails and Evaluation www.niab.com/pages/id/9/Trials_and_Evaluation
M106	Scottish Government GM Crop Ban 09 August 2015 https://news.gov.scot/news/gm-crop-ban

- M107 The Cost of Incidents on Urban Fringe Farms: a Planning Problem?" (K Willis & K J Thomson (1984), Planning Outlook vol.27, pp45-50
- M108 UK Government VCU protocols and procedures for testing agricultural crops
www.gov.uk/guidance/vcu-protocols-and-procedures-for-testing-agricultural-crops
- M109 United Kingdom National List Trials: Trials Procedures For Official Examination Of Value For Cultivation And Use (Vcu) Harvest 2017
www.gov.uk/government/uploads/system/uploads/attachment_data/file/606711/vcu-procedure-potato17.pdf
- M110 NFUS Poster Campaign, December 2015
- M111 SCRI – a history, B Macfarlane Smith, SCRI 2011

Murray Estates Additional Documents in respect of Expert Witness Stephen Jenkinson

- M121 Jenkinson, S April 2017 Walkers with Dogs: Impacts and Mitigation
- M122 Curriculum Vitae of Stephen Jenkinson
- M123 Lowe et al, 2014 Environmental and Social Impacts of domestic dog waste in the UK; investigating barriers to behavioural change in dog walkers. International Journal of Environment and Waste Management, Vol 13 No 4 2014
- M124 Jenkinson, S (2013) Planning for dog ownership in new developments. East Hampshire District Council, Hampshire County Council and the Kennel Club
- M125 East of Millburn Tower Dog Walking Route

Murray Estates Additional Documents in respect of Planning Policy and Housing Land Supply

- M131 Minister's Letter re Notice of Intention to Adopt LDP, 9 November 2016

Murray Estates Additional Documents in respect of Transport

- M141 Transportation Matters, Sweco, April 2017
- M142 Current proposals for Gogar roundabout walking and cycling links
- M143 Letter to C Carr from DLAPiper 100217

Additional Documents lodged since start of Inquiry and Hearing Proceedings

- M144 SASA Information document
- M145 Richborough Estates Supreme Court Judgement
- M146 Amber relocation letter 22 May 2017
- M147 SWECO Technical Note - RBS Eastern Access and Gogar Station Road, 31 August 2017
- M148 Finalised Proposals for Gogar Station Road and the RBS Eastern Access, September 2017
- M149 Sections Along Gogar Station Road
- M150 Email of 18/09/2017 re RBS service yard
- M152 Murray Estates: cycle routes
- M153 SESplan Housing Land Position Statement 2019
- M154 Housing Land Audit and Completions Programme 2019
- M155 Scottish Ministers' letter rejecting SESplan2
- M156 SESplan HNDA 2
- M157 Grahams Dairy Judgement
- M158 Hopkins Homes Judgement

The council

- CEC 1. City of Edinburgh Council Local Development Plan
- CEC 2. The Strategic Development Planning Authority for Edinburgh and South East Scotland Strategic Development Plan June 2013
- CEC 3. LDP Action Programme dated December 2016
- CEC 4. Draft Supplementary Guidance on Developer Contributions dated March 2017 and report to Planning Committee on 30 March 2017
- CEC 5. LDP Education Appraisal dated March 2017
- CEC 6. West of Edinburgh Transport Appraisal Refresh dated December 2016
- CEC 7. Spreadsheet in relation to West of Edinburgh Transport Appraisal (in electronic form only)
- CEC 8. City of Edinburgh Council Design Guidance dated 16 May 2013
- CEC 9. Extract of examination report on proposed LDP on issues 5 and 14
- CEC 10. Scottish Planning Policy 2014
- CEC 11. Adopted SESplan Housing Technical Note
- CEC 12. Adopted SESplan Housing Land Technical Note
- CEC 13. Adopted SESplan Housing Land Supplementary Guidance
- CEC 14. City of Edinburgh Council Housing Land Audit 2014
- CEC 15. City of Edinburgh Council Housing Land Audit 2015
- CEC 16. City of Edinburgh Council Housing Land Audit 2016
- CEC 17. Report to Planning Committee on 19 June 2014
- CEC 18. Minutes of meeting of Planning Committee on 19 June 2014
- CEC 19. Report to Planning Committee on 14 May 2015
- CEC 20. Minutes of meeting of Planning Committee on 14 May 2015
- CEC 21. Report to Planning Committee on 3 December 2015
- CEC 22. Minutes of meeting of Planning Committee on 3 December 2015
- CEC 23. Minutes of meeting of Development Management Sub-Committee of the Planning Committee on 16 May 2016
- CEC 24. Minutes of meeting of City of Edinburgh Council on 2 June 2016
- CEC 25. Report to Planning Committee on 5 September 2016
- CEC 26. Minutes of meeting of Planning Committee on 5 September 2016
- CEC 27. Report to Planning Committee on 6 October 2016: Housing Land Audit and Delivery Programme 2016
- CEC 28. Minutes of meeting of Planning Committee on 6 October 2016
- CEC 29. Report to Health and Social Care Committee on 15 November 2016
- CEC 30. Minutes of meeting of Health and Social Care Committee on 15 November 2016
- CEC 31. Report to City of Edinburgh Council on 24 November 2016 item 8.1
- CEC 32. Report to City of Edinburgh Council on 24 November 2016 item 8.2
- CEC 33. Minutes of meeting of City of Edinburgh Council on 24 November 2016
- CEC 34. Report to Planning Committee on 8 December 2016
- CEC 35. Minutes of meeting of City of Edinburgh Council on 8 December 2016
- CEC 36. Report to Education, Children and Families Committee on 13 December 2016 (Developing a Vision for the Schools and Lifelong Learning Estate)
- CEC 37. Report to Education, Children and Families Committee on 7 March 2017 (Schools and Lifelong Learning Estate Update)
- CEC 38. PAN 2/2010 Affordable Housing And Housing Land Audits
- CEC 39. Technical Note prepared by Jacobs on The City of Edinburgh Council strategic VISUM model, Forecast Gogar Station Rd traffic volumes, dated 23 May 2017

- CEC 40. Letter from the Chief Planner, Scottish Government to City of Edinburgh Council dated 3 July 2017 in respect of the Council's draft Supplementary Guidance
- CEC 41. Report to Education, Children and Families Committee on 15 August 2017
- CEC 42. Report to Housing and Economy Committee on 7 September 2017
- CEC 43. Letter to Scottish Government and appended statement dated 12 September 2017
- CEC 44. Draft Supplementary Guidance: Developer Contributions and Infrastructure Delivery, September 2017
- CEC 45. Report of Consultation on Supplementary Guidance (September 2017)
- CEC 46. Summary of Consultation responses received in respect of draft Supplementary Guidance
- CEC 47. Education Infrastructure Appraisal (September 2017)
- CEC 48. Scottish Government representation in respect of draft Supplementary Guidance (February 2017)
- CEC 49. TD 41/95 Vehicular Access to All-Purpose Trunk Roads

SASA

SASA's Representations on Planning Application and Local Development Plan

- SASA 1 Letter of Objection by Scottish Government in relation to impacts on SASA dated 5 November 2015
- SASA 2 Written submission by SASA dated 15 December 2016
- SASA 3 Letter from the Scottish Government dated 8 April 2016
- SASA 4 SASA response to DPEA request of 9 May 2016

SASA and SASA's Operations

- SASA 5 List of Relevant Legislation (AV)
- SASA 6 Plan showing the extent of Gogar Farm and its constituent fields and other infrastructure
- SASA 7 Figure 2 Photograph showing SASA's range of potato plots
- SASA 8 AHDB Potatoes Market Intelligence Report (2015). (A)
- SASA 9 Photograph showing courses for cereal crop inspectors
- SASA 10 Scotch Whisky Association (2015). (B)
- SASA 11 Field Crop Rotation Schedule. (C)
- SASA 12 NOT USED
- SASA 13 NOT USED
- SASA 14 NOT USED

SASA's Approach to Risks and Security

- SASA 15 HSE (2006) Code of practice for using plant protection products in Scotland.
- SASA 16 Scottish Outdoor Access Code (AQ)
- SASA 17 NFUS poster campaign halves dog fouling on farmland, NFUS (2015)
- SASA 18 Taking the Lead: Managing access with dogs to reduce impact on land management, Scottish Natural Heritage (2015) (AT)
- SASA 19 Scottish Government Land Use Strategy
- SASA 20 Photograph showing SASA community projects
- SASA 21 NOT USED
- SASA 22 NOT USED
- SASA 23 NOT USED

Adverse Impacts of the Proposed Development on SASA's Operations

- SASA 24 Handel, M.E. (1998) Conflicts arise on the urban fringe, *California Agriculture*, 52 (3), 11-13. (E)
- SASA 25 Blair, A. M. (1980). Urban influences on farming in Essex, *Geoforum*, 11(4), 371–384. (F)
- SASA 26 Willis, K. and Thomson, K.J. (1984). The cost of incidents on urban fringe farms: a planning problem? *Planning Outlook*, 27: 45-50. (G)
- SASA 27 Heimlich, R., & Anderson, W. D. (2001). Research paper: Development at the Urban Fringe and Beyond: Impacts on Agriculture and Rural Land (No. Report number: AER-803). (H)
- SASA 28 Bryant, C. R. (1984). The recent evolution of farming landscapes in urban-centred regions. *Landscape Planning*, 11(4), 307–326. (I)
- SASA 29 BBC Radio 4 - Food Programme, 11 May, 2009) Farming on the Urban Fringe. (J)
- SASA 30 Farmers Union of Wales (2014). (K)
- SASA 31 Litter Strategy Campaign, *Farmer's Weekly* (£)
- SASA 32 £400 fly-tipping fixed-penalty fines introduced, *Farmer's Weekly* (2016).
- SASA 33 Bond, R. (1984) "Reaping the Penalties of the Urban Fringe", *Surveyor*,
- SASA 34 Photograph showing onion trials
- SASA 35 Photograph showing strategy adopted at Woodland Mains Farm
- SASA 36 *Farmer's Weekly* Article 2009 (O)
- SASA 37 Biosecurity Guidance for SEARS Staff, Scottish Government (Rev. 2010)(W)
- SASA 38 Scottish Plant Health Strategy, Scottish Government (2016) (P)
- SASA 39 Scottish Government, *Plants Get Ill Too* (2011)(Q)
- SASA 40 Forestry Commission Scotland, *Keep it clean protect our forests* (R)
- SASA 41 CABI's *Crop Protection Compendium* (AU)
- SASA 42 The European and Mediterranean Plant Protection Organization's PQR - EPPO Plant Quarantine Data Retrieval system (X)
- SASA 43 Hulme, P.E., Bacher, S., Kenis, M., Klotz, S., Kuhn, I., Minchin, D., Nentwig, W., Olenin, S., Panov, V., Pergl, J., Pysek, P., Roques, A., Sol, D., Solarz, W. & Vila, M., (2008) Grasping at the roots of biological invasions: a framework for integrating pathways into policy, *Journal of Applied Ecology*, 45, 403 – 414 (S)
- SASA 44 Webber, J. (2010) *Pest Risk Analysis and Invasion Pathways for Plant Pathogens*, *New Zealand Journal of Forestry Science*, 40 suppl. (2010) S45-S56 (Y)
- SASA 45 Bienapfl, J.C. & Balci, Y. (2013) *Plant Disease*, Vol. 1, 134 – 144 (AX)
- SASA 46 Bandyopadhyay and Frederiksen (1999) (T)
- SASA 47 Todd, J.M. (1958) *Spread of potato virus X over a distance*, Department of Agriculture for Scotland (U)
- SASA 48 Verhoeven, J. Th. J & Hüner, L. & Virscek Marn, M. & Mavric Plesko, I. & Roenhorst, J.W. (2010), *Mechanical transmission of Potato spindle tuber viroid between plants of Brugmansia suaveolens, Solanum jasminoides and potatoes and tomatoes*, *European Journal of Plant Pathology* 128, 417–42. (V)
- SASA 49 Scientific Opinion on the assessment of the risk of solanaceous poospiviroids for the EU territory and the identification and evaluation of risk management options, European Food Standards Authority, *EFSA Journal* 2011;9(8):2330 (Z)
- SASA 50 Finding of the harmful organism Potato Spindle Tuber Viroid on tomato plants in the Liguria region of Italy (AA)
- SASA 51 Matousek, J. and co-workers (2007). *Experimental Transmission of Pospiviroid Populations to Weed Species Characteristic of Potato and Hop Fields.*

Journal of Virology 81:11891-11899(AB)

SASA 52 Mackie, A.E. and co-workers (2016). Potato spindle tuber viroid: alternative host reservoirs and strain found in a remote subtropical irrigation area. European Journal of Plant Pathology 145: 433.(AC)

SASA 53 Turrini & Co-workers (2016). "Effects of urbanization on direct and indirect interactions in a tri-trophic system" Ecological Applications, 26(3), 66-675

SASA 54 Gardening without harmful invasives, Non-native Species Secretariat (2017) (AE)

SASA 55 Importing and Exporting Plants, RHS Gardening (AF)

SASA 56 Thomas, Y. "Anything to Declare?" The Daily Telegraph, 19 July 2003, (<http://www.telegraph.co.uk/gardening/gardenprojects/4188630/Anything-to-declare.html>) (AG)

SASA 57 Gardening Guides: Ethical Plant Buying, BBC (2014) (http://www.bbc.co.uk/gardening/today_in_your_garden/ethical_buyingplants.shtml)

SASA 58 Robbins, J., "Dishing the Dirt on Diseased Seeds", Which Magazine, 19 December 2014, <https://conversation.which.co.uk/shopping/buying-seeds-onlineebay-amazon-risks/> (AI)

SASA 59 Dehnen-Schultz, K. and others (2010), "Structural change in the international horticultural society: some implications for plant health", Scientia Horticulturae 125, 1-15 (AY)

SASA 60 Gardening without harmful, invasive plants, Royal Horticultural Society (2010) (AZ)

SASA 61 NOT USED

SASA 62 NOT USED

SASA 63 NOT USED

Potential Mitigation Options

SASA 64 Plot Security Advice, Garthdee Field Allotments Association (2017) (AJ)

SASA 65 Crime Prevention Advice for Allotment Theft, Warwickshire Rural Watch

SASA 66 Police Scotland, Secure your Garden and Outbuildings (2017) (AW)

SASA 67 Greener SASA Autumn 2016 Newsletter (AL)

SASA 68 SAC Consulting Report (AM)

SASA 68a SAC Consulting Report Drawing 20119569-1

SASA 68b SAC Consulting Report Drawing 20119569-2

SASA 69 Scott, A.J. (2013). Disintegrated development at the rural–urban fringe: Re-connecting spatial planning theory and practice. Progress in Planning 83: 1–52

SASA 70 Daily Record (2010). <http://www.dailyrecord.co.uk/lifestyle/locallifestyle/youth-project-tackles-vandalism-dumbarton-2593557> (AO)

SASA 71 Solihull Metropolitan Borough Council Rights of Way Improvement Plan 2016-2026 (AP)

SASA 72 NOT USED

SASA 73 NOT USED

SASA 74 NOT USED

Miscellaneous

SASA 75 Professor Gerry Sadler CV

SASA 76 Dr John Kerr CV

SASA 77 SASA Inquiry Statement

SASA 78 Topic Paper by Professor Gerry Saddler

SASA 79 Topic Paper by Dr John Kerr

SASA 80 Precognition of Professor Gerry Saddler

RBS

- RBS 1 National Planning Framework 3
- RBS 2 West Edinburgh Strategic Design Framework dated 13 May 2010
- RBS 3 Edinburgh Planning Guidance - West Edinburgh Landscape Framework dated 8 December 2011
- RBS 4 South East Scotland Strategic Development Plan dated June 2013
- RBS 5 Extracts from Edinburgh Local Development Plan 2016 as modified
- RBS 6 West Edinburgh Transport Appraisal Refresh dated 2 December 2016
- RBS 7a Council's Decision Notice for Application 02/00769/OUT
- RBS 7b Site Boundary Drawing for Application 02/00769/OUT
- RBS 8 Council's Decision Notice for Application 02/00768/FUL
- RBS 9a Council's Decision Notice in relation to 05/01369/REM – landscaping (approval of reserved matters pursuant to 02/00769/OUT)
- RBS 9b General Arrangement Landscape Works Drawing - Trees - for 05/01369/REM
- RBS 9c General Arrangement Landscape Works Drawing - Shrubs – for 05/01369/REM
- RBS 9d General Arrangement Landscape Works Drawing - Grasses – for 05/1369/REM
- RBS 9e General Arrangement Landscape Works Drawing - Hedges – for 05/1369/REM
- RBS 9f Location Plan for 05/01369/REM
- RBS 10 Council's Decision Notice for Application 06/04736/FUL
- RBS 11 Council's Decision Notice for Application 15/03096/FUL
- RBS 12a Council's Decision Notice for Application 15/05130/FUL
- RBS 12b General Arrangement - Proposed Site Plan for Additional Parking
- RBS 12c General Arrangement - Location Plan
- RBS 13 Planning Statement in relation to application 15/05130/FUL dated October 2015
- RBS 14 Roads Adoption Plan
- RBS 15 Technical Appendix 5 - Access, Traffic and Transport Revision 006 by Grontmij
- RBS 16 RBS objection letter to Council (by GVA) dated 5 November 2015
- RBS 17 Email from Duncan Birrell to Claire Carr dated 21 December 2015
- RBS 18 Addendum Report - Transport Assessment Revision 001 by Grontmij
- RBS 19 Audit of Gogar Station Road by JCT Consultancy dated 3 March 2016
- RBS 20 Email correspondence between Claire Carr of Sweco, Duncan Birrell of Modus and Ruth Mustard of Grontmij dated 22 February 2017 and 11 March 2017
- RBS 21 RBS objection letter to Council (by GVA) dated 31 March 2016
- RBS 22 PowerPoint Presentation by RBS dated May 2016
- RBS 23 RBS objection letter to the Council (by DLA Piper) dated 1 June 2016
- RBS 24 RBS letter to Scottish Ministers (by DLA Piper) dated 6 July 2016
- RBS 25 Email from Claire Carr at Sweco to Duncan Birrell of Modus dated 13 September 2016
- RBS 26 E-mail from Sweco with Drawing SK008 attached dated 5 October 2016
- RBS 27 Alternative junction design summary of junction capacity tests (November 2016)
- RBS 28 Sweco, GVA, RBS and MTS meeting to discuss East of Milburn Tower access proposals dated 21 November 2016

RBS 29 Email from Sweco and attached Drawing SK009 dated 21 November 2016

RBS 30 Email from Sweco and attached Drawings SK009A, SK010, SK011 dated 25 November 2016

RBS 31 E mail correspondence between Claire Carr of Sweco and Duncan Birrell of Modus dated 12 and 13 January 2017

RBS 32 Technical Note by JCT Consultancy dated 9 December 2016

RBS 33 Letter from DLA Piper to Claire Carr of Sweco dated 10 February 2017

RBS 34 Technical Note No.1 by Modus dated February 2017

RBS 35 Email from Sweco requesting another meeting with RBS, MTS and GVA dated 2 March 2017

RBS 35.5 Alternative Junction Design Plan SK013 dated 8 March 2017

RBS 36 Email from Sweco and attached drawings SK0013 and SK0014 in advance of meeting dated 13 March 2017

RBS 37 Email from Sweco and attached drawing SK015 dated 30 March 2017

RBS 38 Technical Note No 2 by Modus dated March 2017

RBS 39 Technical Note by JCT Consultancy dated 6 April 2017

RBS 40 E mail correspondence between Graeme Kelly of Sweco, Duncan Birrell of Modus and Claire Carr of Sweco dated 2 May 2017

RBS 41 Technical Note by Jacobs dated 23 May 2017.

RBS 41a Headed Review of Jacobs Technical Note dated 23 May 2017

RBS 42 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus and Kevin Martin of Aecom dated 31 May 2017

RBS 43 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco and Kevin Martin of Aecom dated 31 May 2017

RBS 44 E mail correspondence from Kevin Martin of Aecom to Duncan Birrell of Modus and Claire Carr of Sweco dated 2 June 2017

RBS 45 E mail correspondence from Duncan Birrell of Modus to Kevin Martin of Aecom dated 5 June 2017

RBS 45a Attachment to RBS 45: Modus Transport Solutions' comments in relation to WETA traffic modelling.

RBS 46 E mail correspondence from Duncan Birrell of Modus to Graeme Kelly of Sweco dated 9 June 2017

RBS 46a Attachment to RBS 46: Traffic count (spreadsheet 1)

RBS 46b Attachment to RBS 46: Traffic count (spreadsheet 2)

RBS 47 E mail correspondence from Graeme Kelly of Sweco to Duncan Birrell of Modus dated 13 June 2017

RBS 47a Attachment to RBS 47: WETA flows on GSR/RBS junctions.

RBS 48 E mail correspondence from Duncan Birrell of Modus to Graeme Kelly of Sweco dated 28 June 2017

RBS 49 E mail correspondence from Graeme Kelly of Sweco to Duncan Birrell of Modus dated 29 June 2017

RBS 49a Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK018

RBS 49b Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK019

RBS 49c Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK020

RBS 49d Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK021

RBS 49e Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK022

RBS 49f Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK023

RBS 49g Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK024

RBS 49h Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK025

RBS 49i Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK026

RBS 49j Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK027

RBS 49k Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK028

RBS 49l Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK029

RBS 49m Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK030

RBS 49n Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK031

RBS 49o Attachment to RBS 49: Swept Path Manoeuvre Drawing 116478_SK032

RBS 50 E mail correspondence from Duncan Birrell of Modus to Graeme Kelly of Sweco dated 4 July 2017

RBS 51 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 7 July 2017

RBS 51a Attachment to RBS 51: Plan showing entry points to car park

RBS 51b Attachment to RBS 51: RBS junction test results

RBS 52 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco dated 14 July 2017

RBS 53 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 18 July 2017

RBS 53a Attachment to RBS 53: Photo of sign reading "Main Car Park Full. Use West Car Park"

RBS 53b Attachment to RBS 53: RBS Junction Test Results

RBS 53c Attachment to RBS 53: Drawing SK_015_RevA

RBS 53d Attachment to RBS 53: RBS Junction test results model

RBS 54 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco dated 19 July 2017

RBS 55 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 24 July 2017

RBS 55a Attachment to RBS 55: Summary table of test results

RBS 55b Attachment to RBS 55: Drawing SK_015_RevB

RBS 55c Attachment to RBS 55: Drawing SK_015_RevC

RBS 56 E mail correspondence from Kevin Martin of Aecom to Claire Carr of Sweco and Duncan Birrell of Modus dated 25 July 2017

RBS 57 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 29 August 2017

RBS 58 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco dated 30 August 2017

RBS 59 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 30 August 2017

RBS 60 E mail correspondence from Jestyn Davies of Murray Estates to Claire Carr of Sweco and Duncan Birrell of Modus dated 30 August 2017

RBS 61 E mail correspondence from Claire Carr of Sweco to Jestyn Davies of Murray Estates and Duncan Birrell of Modus dated 30 August 2017

RBS 62 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco dated 30 August 2017

RBS 63 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco dated 5 September 2017

RBS 64 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 6 September 2017

RBS 64a Attachment to RBS 64: Drawing SK053

RBS 64b Attachment to RBS 64: Drawing SK054

RBS 65 E mail correspondence from Duncan Birrell of Modus to Claire Carr of Sweco dated 6 September 2017.

RBS 66 RBS photos of Gogar Station Road with descriptions

- RBS 67 E mail correspondence from Claire Carr of Sweco to Duncan Birrell of Modus dated 7 September 2017
- RBS 67a Attachment to RBS 67: Drawing SK053B
- RBS 67b Attachment to RBS 67: Gogar Station Road Tree Report September 2017
- RBS 68 RBS Service Access Existing SK009
- RBS 69 RBS Service Access EoMT Proposal SK010
- RBS 70 Email from CEC to Oliver Munden attaching Tree Preservation Order Map
- RBS 70a Attachment to RBS 70: Tree Preservation Order Map
- RBS 71 Email correspondence between Calum Ablett of DLA Piper and Steve Milne of CEC.

West Craigs

- WCL 1. City of Edinburgh Council LDP Action Programme May 2015.
- WCL 2. Report to City of Edinburgh Council Planning Committee on 3 December 2015 re Supplementary Guidance on Developer Contributions and Affordable Housing
- WCL 3. Consultation response by West Craigs Limited dated 3 February 2017 on the City of Edinburgh Council Draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery.
- WCL 4. Consultation response by The Scottish Government Planning Unit on City of Edinburgh Council Draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery.
- WCL 5. Decision letter ref PPA-230-2153 re appeal by Taylor Wimpey UK Ltd at 85 Craigs Road, Edinburgh.
- WCL 6. Decision letter ref PPA-180-2049 re appeal by Kirkwood Homes Limited at Linlathen Village, Linlathen Road, Broughty Ferry, Dundee.
- WCL 7. Report to City of Edinburgh Council Development Management Subcommittee on 19 April 2017 in respect of West Craigs Limited application for residential development, up to a maximum of 1400 units, and ancillary commercial (Class 1 retail and Class 2 financial and professional) including landscaping, access and services and all other ancillary development at Site 100 Metres North East Of 19 Turnhouse Road Edinburgh (Application No: 16/04738/PPP).
- WCL 8. City of Edinburgh Council decision notice in respect of application 16/04738/PPP dated 20 April 2017.
- WCL 9. Craigmount High School Proposal of Application Notice (City of Edinburgh Council reference 16/05621/PAN).
- WCL 10. City of Edinburgh Council Scheme of Delegation to Officers.
- WCL 11. Planning Policy Assessment by Holder Planning to appeal by Ashfield Commercial Properties Limited at land at Goshen Farm, Musselburgh (reference PPA-210-2054)
- WCL 12. The Town and Country Planning (Notification Of Major Applications) (Housing Proposals within West Edinburgh) Direction 2016.
- WCL 13. Roads Adoption Plan for the Gogar area and covering email dated 12 April 2017.
- WCL 14. Arup Design Standard Dimensions summary document.
- WCL 15. Arup Underpass drawings:
 - 15.1 WET-ARP-XX-XX-DR-SK-0001
 - 15.2 WET-ARP-XX-XX-DR-SK-0002
 - 15.3 WET-ARP-XX-XX-DR-SK-0003
- WCL 16. Transport Scotland Cycling by Design June 2011.

- WCL 17. TD 36/93 Subways for Pedestrians and Pedal Cyclists Layout and Dimensions July 1993.
- WCL 18. Sustrans Design Manual Chapter 8 – Bridges and Other Structures (draft) February 2015.
- WCL 19. MID127776 – Title Sheet and Title Plan.
- WCL 20. Appeal Site Location Plan showing MID127776.
- WCL 21. Arup-annotated Appeal Site Location Plan showing infrastructure requirements outwith redline boundary and adopted roads.
- WCL 22. Correspondence between Burness Paull and Morton Fraser solicitors dated 7 June 2017 and 18 August 2017.
- WCL 23. Arup Drawing No WET-ARP-XX-XX-DR-ATR-001 P1.1
- WCL 24. Arup Drawing No WET-ARP-XX-XX-DR-ATR-002 P1.1
- WCL 25. Arup Drawing No WET-ARP-XX-XX-DR-ATR-003 P1.1
- WCL 26. Arup Drawing No WET-ARP-XX-XX-DR-SK-004
- WCL 27. Arup Drawing No. WET-ARP-XX-XX-DR- SK-005.
- WCL 28. Extract from Design Manual for Roads and Bridges Volume 6, Section 2, Part 3 - TD 50/04.
- WCL 29. Extract from Design Manual for Roads and Bridges Volume 6, Section 1, Part 1-TD 9/93.
- WCL 30. Letter to John McNairney, Scottish Government, from Burness Paull dated 28 September 2017.
- WCL 31. Notice of Intentions Letter Appeal Ref. PPA-230-2201 dated 21 September 2017

Ms Harrison/ Dr Scott

Key map and photographs

Gogarburn Bicycle Users Group

- GBUG 01 Designing Streets: A Policy Statement for Scotland
- GBUG 02 Gogar Station Road Cycle improvement proposals, General Layout 1 of 2
- GBUG 03 Cycling by Design
- GBUG 04 Construction logistics and cyclist safety
- GBUG 05 Too close for comfort: campaign aims to give cyclists safe space
- GBUG 06 Vehicle information: MQP
- GBUG 07 Illustrations

Appendix 3: Statement of agreed matters

[Statement of agreed matters on infrastructure between the council and the applicant](#)

Appendix 4: Inquiry session precognitions

[SASA impacts: Dr John Kerr for SASA](#)

[SASA impacts: correction to Dr Kerr's precognition](#)

[SASA impacts: Professor Gerry Saddler for SASA](#)

[SASA impacts: Dr Kenneth Evans for the applicant](#)

[SASA impacts: Stephen Jenkinson for the applicant](#)

Appendix 5: Hearing session statements

Hearing session on housing land and development plan

- [Applicant's planning policy and housing land supply statement](#)
- [Council's housing land supply statement](#)
- [RBS initial statement on all issues](#)
- [Dr Scott and Ms Harrison statement on all issues](#)
- [West Craigs development plan and housing land supply statement](#)

Hearing sessions on infrastructure and access

- [Applicant's flood risk statement](#)
- [Applicant's transportation statement](#)
- [West Craigs infrastructure statement](#)
- [Council's infrastructure statement](#)
- [Gogarburn Bicycle Users Group infrastructure statement](#)
- [Applicant's updated transportation statement](#)
- [Applicant's transport statement](#)
- [Council updated transport statement](#)
- [West Craigs updated transportation statement](#)
- [RBS initial statement on all issues](#)
- [Dr Scott and Ms Harrison statement on all issues](#)
- [RBS transportation statement](#)
- [RBS transportation statement](#)
- [RBS supplementary statement on transport](#)
- [Gogarburn Bicycle Users Group statement](#)
- [Spokes updated transport statement](#)

Hearing session on conditions and legal agreement

- [Council's initial statement on planning conditions and planning obligations](#)
- [Applicant's final draft conditions](#)
- [Applicant's final draft heads of terms of legal agreements](#)
- [RBS initial statement on all issues](#)
- [Dr Scott and Ms Harrison statement on all issues](#)

Appendix 6: Closing statements

[The applicant](#)

[The council](#)

SASA – no closing statement lodged

[RBS](#)

[West Craigs](#)

Ms Harrison/ Dr Scott – no closing statement lodged

[Gogarburn Bicycle Users Group](#)

[Spokes](#)

Appendix 7: Schedule of proposed conditions

1. No development shall be undertaken on site until a detailed Masterplan for the whole site has been approved in writing by the Council as Planning Authority. The Masterplan shall include a plan identifying individual sub-sites and their proposed phasing including the maximum amount of retail floor space; all being no greater than the maximum levels assessed by the EIA supporting this application. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.

Reason: In order to secure an integrated layout and satisfactory urban design for the site as a whole, restrict the quantum of development to that appropriate to the site characteristics and to that assessed by the associated Environmental Statement, and to protect the vitality and viability of existing town centres.

2. The development hereby approved shall provide for a maximum of 1,350 residential units of which a maximum of 650 shall be dwelling houses and the remainder shall be flatted units.

Reason: In order to secure an appropriate level of development with regard to its impact on existing and proposed local infrastructure.

3. No development shall take place on the development site until full details of the specification of a scheme of works for (first) the improvement and widening of Gogar Station Road between the northern site access and its junction with the A8; (second) the signalisation of the Royal Bank of Scotland and works for the widening of approach roads to the roundabout have been submitted to and approved by the Council. Those details shall:-

- include all the road widening, signalisation, pedestrian/cycle crossing and road layout works shown on the SWECO Drawings ref SK047 SK048 and SK056;
- including the re-engineering of the Royal Bank of Scotland service yard entrance together with the provision of the necessary 90 metre visibility splays to that junction as shown on SWECO Drawing ref SK056;
- include a detailed scheme of replacement tree planting to be carried out along the new western boundary of the widened Gogar Station Road;
- In the event that footway to the west side of Gogar Station Road is to be realigned as shown on SWECO Drawing SK047 then include proposals for closure of the extent of existing footway on the west side of Gogar Station Road which would no longer be required;
- demonstrate that there is control over all land required for the works;
- demonstrate that there is agreed scheme in place for the maintenance of all required traffic management signals which are not located on a public road which shall fund such maintenance in perpetuity or until they are adopted by the roads authority.

The approved works shall thereafter be implemented in full and completed before the commencement of any development, including any preparatory works, other than those works necessary for the construction of the cycle path identified at condition 24, within the development site the subject of this application.

Reason: In order to ensure that the public road network has been suitably improved so as to provide a safe means of access between the development site and the wider public road network. Also to ensure a suitable level of replacement planting so as to retain the landscaped appearance of this part of Gogar Station Road and the Royal Bank of Scotland premises.

4. No development shall take place on the development site until full details of the specification of works, resolution of all land ownership issues, and construction management plan for the upgrade of both the northern and southern underpasses of the A720 have been submitted to and approved by the Council. Those details shall provide a package of measures for the upgrade of both the northern and southern underpasses of the A720 to incorporate pedestrian, cycle and bus access, including their integration with Edinburgh Park infrastructure to permit the safe movement of pedestrians and cyclists from and to the site. Those works shall thereafter be implemented in full and be available for use on or before the occupation of the first residential property within the development hereby approved.

Reason: In order to ensure that there is a suitable means of pedestrian, cycle and bus access between the development site and the road network to the east of the application site prior to the first occupation of any part of that development.

5. No development shall take place on the development site until full details of a scheme of work for provision of the cycle route to and through the development, starting north of the M8 overbridge on Gogar Station Road, have been submitted to and approved by the Council. Those works shall thereafter be implemented in full and be available for use on or before the occupation of the first residential property within the development hereby approved. These details shall:

- a) Include a cycle path heading North East across the field immediately to the North of the M8 overbridge on Gogar Station Road and connecting with the Eastern end of the Gogar Station Road spur, near the distribution warehouse and continuing from there over the railway to the Southern Underpass;
- b) Include details of connection points from the new route into the existing cycle networks to the north and south of the site so as to demonstrate how it will provide a genuine alternative to Gogar Station Road, and beyond that, onto RBS Gogarburn (including the RBS Business School); and
- c) Demonstrate that there is control over all land required for the works

Reason: In order to ensure that there is a suitable means of cycle access to and through the development site that provides a genuine alternative to Gogar Station Road prior to the first occupation of any part of that development.

6. a) No development shall commence on site until full details of the flood prevention measures (including any diversion of the Gogar Burn) have first been submitted to and approved by the Council as Planning Authority in consultation with SEPA. This shall include full details of the proposed realigned Gogar Burn channel, the proposed enhanced storage area and the proposals for managing the risk of flooding from the Lesser Mill Burn at the later planning stages.
- b) Thereafter the agreed flood prevention measures shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to ensure a satisfactory scheme of water management within the site.

7. No residential dwelling shall be occupied until the poultry farm use on the site has ceased and the operational land and buildings related to the poultry farm have been suitably decommissioned.

Reason: In the interests of human health and amenity.

8. Prior to the commencement of any work on a site which forms part of an identified sub-site development plot details of the undernoted matters shall be submitted to and approved in writing by the Council as Planning Authority; the submission shall be in the form of a detailed layout of the site within the relevant development plot.

Approval of matters

- Height, massing, siting and ground floor levels within the Masterplan approved by condition 1.
- Design and external appearance of all buildings, roof form, open space, public realm and other structures;
- All operational aspects of open space and public realm including the incorporation of the diverted Gogar Burn - note:- all development shall be placed outside the predicted 200 year plus climate change flood extent for the 25% culvert blockage scenario.
- Existing and finished site and floor levels in relation to Ordnance Datum;
- Roads, footways, cycleways, servicing and layout of car parking and cycle parking provision in accordance with standards agreed within the Masterplan;
- The provision of a pedestrian link directly between the northern boundary of the site and the existing pedestrian footway on the south side of the A8;
- Amendments of any treatment to adopted roads and footways;
- Signing of pedestrian and cycle access routes to/from and through the development;
- Surface water management, drainage arrangements, SUDs proposals and SUDs maintenance plan;
- All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;
- Waste management and recycling facilities;
- External lighting, including floodlighting and street lighting arrangements for the development;
- Site investigation/decontamination arrangements;
- Ecological studies including mitigation works to protect against any damage to protected species; including bats, otters and badgers.

Landscaping

- Detailed soft and hard landscaping plan and levels;
- A schedule of all plants to comprise species, plant size and proposed number and density;
- Inclusion of hard and soft landscaping details including tree removal;
- Landscape management plan including schedule for implementation and maintenance of planting scheme;
- Any boundary treatments, including noise (acoustic) barriers and details of the boundary treatment with the property and 'designed landscape' at Millburn Tower, for an increase in the width of the proposed planting belt and specific details of the tree species to be planted, appropriate to blend with that 'designed landscape';
- A method statement for the treatment of invasive non-native species, such as Giant Hogweed.

Reason: In order to secure a satisfactory design.

9. As part of the Masterplan requirement at Condition No 1 there shall be a full tree survey carried out across the entire application site. Thereafter those trees identified to be retained shall be appropriately protected during the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 "Trees in relation to design, demolition and construction".

Reason: In order to adequately protect trees within the site.

10. Construction details, specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Council as Planning Authority before work is commenced on each sub-site. Note: sample panels of the materials are to be erected and maintained on a site for an agreed period during construction. Thereafter only those approved materials shall be used in the subsequent development unless materials have first been subject to further written submission and agreement by the Council as Planning Authority.

Reason: In order to consider these matters in more detail.

11. Prior to the commencement of construction works on each of the identified sub-sites:
(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Council as Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Council as Planning Authority.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Council as Planning Authority.

Reason: In the interests of human health.

12. No development shall take place on each sub-site until a scheme for protecting the residential development hereby approved from noise from the adjoining roads [A8 & A720] as well as any commercial noise (existing and proposed) has first been submitted to and approved in writing by the Council as Planning Authority (in consultation with Transport Scotland in relation to trunk roads). All works which form part of that approved scheme shall be completed to the satisfaction of the Council as Planning Authority before any part of that sub-site is first occupied.

Reason: In the interests of human health and amenity.

13. Class 1 Retail hours of operation including servicing and deliveries require to be agreed at the Approval of Matters specified in Conditions (AMC) stage.

Reason: In the interests of amenity.

14. Retail floor space quantum requires to be agreed at the Approval of Matters in Conditions (AMC) stage.

Reason: In order to protect the vitality and viability of existing town centres.

15. No development shall take place on each of the identified sub-sites until the applicant has secured the implementation of a programme of archaeological work (excavation, field walking and metal detecting, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Council as Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by the City of Edinburgh Council Archaeology Service (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.

Reason: In the interests of archaeological heritage.

16. Prior to the commencement of development details of landscape planting and fencing along the boundaries with the trunk road shall be submitted for the approval of the Council as Planning Authority in consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents and also to provide adequate environmental screening.

17. Prior to the commencement of development, and as part of the Masterplan requirement at Condition No 1, a detailed Air Quality Impact Assessment shall be submitted to and approved in writing by the Council as the Planning Authority. That assessment shall specifically deal with potential impacts of the adjoining trunk roads upon the future occupants of the proposed development site and also the cumulative impacts of the traffic generated by this development upon other Air Quality Management Areas (AQMAs) as defined by the Council. Thereafter the development of the site shall be carried out in full accord with the agreed recommendations and mitigation measures.

Reason: In order to fully assess the air quality impacts resulting from the development.

18. Prior to the commencement of development road modification proposals at Gogar Roundabout to achieve safe pedestrian and cycle access to the Edinburgh Gateway/ Tram Interchange shall be submitted to and approved in writing by the Council as Planning Authority. The approved measures shall be implemented prior to the occupation of the first dwelling.

Reason: In order to ensure satisfactory pedestrian and cycle connectivity at this location.

19. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Council as Planning Authority. The submitted plan shall include details of:

- monitoring of any standing water within the site temporary or permanent;

- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS)' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>);
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design';
- reinstatement of grass areas;
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow;
- which waste materials can be brought on to the site/ what if any exceptions e.g. green waste;
- monitoring of waste imports (although this may be covered by the site licence) physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste; and
- signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the Plan are to take place unless first submitted to and approved in writing by the Council as Planning Authority.

Reason: In the interests of aircraft safety.

20. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/ occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/ occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Reason: In the interests of aircraft safety.

21. Height Limitation on Buildings and Structures: No building or structure of the development hereby permitted shall exceed 25 metres AGL.

Reason: In the interests of aircraft safety.

22. Prior to the commencement of any work on a site, which forms part of an identified sub-site development plot full details of soft and water landscaping works relating to that sub-site, shall have been submitted to and approved in writing by the Council as Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- any earthworks;

- grassed areas;
- the species, number and spacing of trees and shrubs;
- details of any water features;
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>);
- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS.

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Council as Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of aircraft safety.

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

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

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Council as Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of aircraft safety.

24. Prior to the commencement of any works, a site-wide Construction Environmental Management Plan (including a Construction Travel Plan) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters:

- Signage for the construction traffic, cyclists, pedestrians and other users of the site
- Details of the routes, signage, lighting and surfacing of any temporary cycle paths that demonstrate that these temporary routes are an attractive alternative to Gogar Station Road for cyclists
- Scheduling of the construction of temporary cycle routes, so that a safe and attractive alternative to cycling on Gogar Station Road is available
- Controls on the route taken by construction vehicles along Gogar Station Road to minimise the risk of conflict between large vehicles and cyclists
- Controls on the arrival and departure times for the construction vehicles
- Hours of working
- Prevention of mud/debris being deposited on public highways and any temporary cycle paths or footpaths

The approved Construction Environmental Management Plan shall be implemented accordingly.

Reason: to ensure that construction traffic is managed.

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 4. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

Appendix 8: Heads of terms of proposed planning obligation

Affordable Housing

On-site Affordable Housing

1 A minimum of 25% of the total housing units shall be affordable housing units, which units shall be constructed on the affordable housing subjects. [This could be identified on a whole site or a sub-site basis.]

2 The commencement date shall not occur until the Applicant has agreed with the Council the following details in writing:

- (a) the type of affordable housing tenure(s) for the affordable housing units;
- (b) the location(s) of the affordable housing subjects, if not already agreed between the Council and the proprietors;
- (c) the design standards to which the affordable housing units are to be built, which standards shall be agreed with the Council's Housing Regeneration section and shall not be deemed to have been agreed by virtue of the grant of planning permission or any other approval granted by the Council;
- (d) the type of affordable housing contracts by which the affordable housing units are to be leased, sold or otherwise made available to persons in housing need whether by transfer or land or completed units to the Council, to a registered social landlord or otherwise;
- (e) all of those affordable housing units shall have been constructed and capable of occupation prior to completion of 66% of the open market housing units within the whole site or the sub-site, subject to the choice made at 1 above.

Healthcare Infrastructure Contributions

3 The health infrastructure contribution is to be calculated, in accordance with the provisions set out in the Council's supplementary guidance for defined contribution zone No 13, 'West Edinburgh', at a multiplier of £1,050 per housing unit. Therefore, at the indicated number of housing units proposed by the Applicant of 1,350 the total contribution would be £1,417,500.

4 The commencement date [either of the whole site or the sub-site] shall not occur until after the proprietors have paid to the Council the appropriate proportion of the healthcare infrastructure contribution indexed to the date of payment.

5 The Council shall utilise the healthcare infrastructure contribution towards the provision of healthcare infrastructure improvements, that are identified as actions in the Council's Action Programme within the Health Care Contribution Zone, located to the North and East of the Development.

6 The Council may transfer the healthcare infrastructure contribution to the Health Board(s) responsible for where the healthcare infrastructure improvements are to be made who shall then apply the healthcare infrastructure contribution in accordance with 5 on the healthcare infrastructure improvements identified by the Council.

Education

Primary School Land

7 The terms of the transfer of ownership from the Applicant to the Council of land capable of accommodating a primary school and nursery (2 ha) within the Development are to be agreed. The terms of the transfer of ownership will ensure that the primary school land is delivered to the Council at no cost along with all necessary access rights (including temporary access rights during the

construction period), with the land being fully remediated and serviced. The primary school land is to be transferred by the Applicant to the Council prior to the completion of the 25th residential unit.

Primary and Secondary Education Contributions

8 Further detail in respect of the education contributions sought is contained in the Council's hearing statement on infrastructure. All contributions are to be indexed to the date of payment.

Contributions sought:

- £9,338,668 (650 houses and 700 flats) (as at Q1 2015) to deliver additional primary school and nursery capacity (based on the cost of delivering a new 10 class primary school and nursery);
- £7,440 per house and £1,116 per flat (as at Q1 2015) towards the provision of additional secondary school capacity;
- £1,888 per house and £283 per flat to be attributed to the costs of securing land for the provision of additional secondary school capacity.

(a) The commencement date shall not occur [for each of the sub-sites] until the proprietors have paid to the council the appropriate proportion of the education contribution.

(b) The Council shall utilise the education contribution towards alleviating accommodation pressures at any school where the catchment area includes the Development, or towards any actions identified in the Council's Action Programme which will alleviate accommodation pressures within the Education Contribution Zone(s) which includes the Development.

Transport Infrastructure Contributions

9 The planning obligation shall secure the necessary funds and/or measures to implement a number of the transport measures as set out in the Council's East of Millburn Transport Appraisal dated January 2015 (M47) as recommended by the Council's transport consultant, AECOM. These shall be identified in the Masterplan phasing plan together with appropriate trigger points agreed in respect of the following matters:

- The introduction of shuttle traffic signals on Gogar Station Road where the road crosses the Gogar Burn to the south of the site and in close proximity to Daltons Scarp Yard.
- Improvements to the A71 Hermiston Park and Ride roundabout.
- Contributions of a scale representative of transport impact towards improvements to the A8 corridor as identified in the wider transport infrastructure studies (West Edinburgh Transport Assessment (WETA)). The total calculation of these contributions for the Development is £7,212,546 (such sum to be indexed to the date of payment).
- The security of funds for the financial support for bus services serving the site prior to the occupation of the first dwelling. Bus services connecting through the site shall be in operation to coincide with occupation of the first dwelling.

The following contributions are also sought:

- Contributions of a scale representative of transport impact towards the installation of MOVA to the two identified junctions on the A720, the Calder and Hermiston Transport Contribution Zone in the supplementary guidance. This is a SESplan and Transport Scotland action to address cross boundary traffic flows related to the cumulative impacts of developments in the SESplan area. The details of the action and costs are still to be established and these are anticipated next year.

Tram

10 A tram contribution is payable at a multiplier of [£1.060.89] per housing unit. Therefore, at the indicated number of housing units proposed by the Applicant of 1,350 the total tram contribution would be £1,432,205.

The commencement date [either of the whole site or the sub-site] shall not occur until after the proprietors have paid to the Council the total [proportion of the] Tram contribution indexed to the date of payment.

SASA Mitigation and Related Matters

11.1 A suspensive obligation requiring payment to SASA prior to commencement of development of the sum of £150,000 (as indexed from 1 January 2018 by reference to any increase in General Index of Retail Prices from 1 January 2018 to the most up to date published figures available before the payment date) as a contribution towards the cost of SASA implementing the mitigation measures recommended in the report by SAC Consulting which forms Inquiry Document SASA 86. This obligation should be enforceable against the owners of the main development site.

11.2 A suspensive obligation requiring the owners of the land delineated red on Inquiry Document SASA 87 to transfer title to that land to SASA for nil consideration prior to commencement of development. Note that this area is situated outwith the red line of the planning application boundary. The current owners of the land in question are Murray Estates (Calyx Village (North)) Limited.

11.3 An obligation requiring the owners of the land at Kellerstain shown delineated pink on Inquiry Document SASA 88 to: (1) allow SASA access to the land to enable the establishment thereon of a tree buffer strip as part of the mitigation measures described at para 11.1 above; and (2) after establishment and 5 years initial maintenance by SASA, to retain and maintain the tree buffer strip in perpetuity. Note that this area is situated outwith the red line of the planning application boundary. It is understood that the land in question is currently owned by Murray Estates (Kellerstain) Limited.

Note: The Scottish Government issued a direction to the Council dated 3 July 2017 directing the Council not to adopt and issue the Council's Supplementary Guidance - Developer Contributions and Infrastructure Delivery.

New proposed Supplementary Guidance has been prepared taking fresh account of representations received from consultees, in the light of the Direction from Scottish Ministers.

In terms of the revised Supplementary Guidance, the overall education contribution due is now lower than previously agreed in the agreed statement on education infrastructure. This is due to the contribution requirement in the revised final version of the Supplementary Guidance being based on a proportional share (427/900) of the new secondary school, as opposed to developers funding a full 600 capacity school.

A school with capacity for 900 pupils would have sufficient space to accommodate pupils from this new development. The contribution requirement is therefore based on the same proportionate share as other developments in the contribution zone.

The total contribution figure for the W-1 sub-area (which includes the application site) can be split between what is attributed to primary school actions and what can be attributed to the secondary school actions in the following way:

SEE OVER:

	W-1 Total Infrastructure Contribution	Primary Infrastructure Contribution	Secondary Infrastructure Contribution
Flats	£2,849	£1,734	£1,116
Houses	£14,869	£7,429	£7,440

	W-1 Total Land Contribution	Primary Land Contribution	Secondary Land Contribution
Flats	£703	£420	£283
Houses	£3,686	£1,798	£1,888

The established secondary school contribution rates which are set out below should therefore be applied to the development:

Per unit secondary school infrastructure contribution requirement:

- Per House - £7,440;
- Per Flat - £1,116.

Note – all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.

Per unit secondary school land contribution requirement:

- Per House - £1,888;
- Per Flat - £283.

Note – no indexation to be applied to land contribution.