

Development Management Sub Committee

Wednesday 19 April 2017

Application for Planning Permission in Principle 16/04122/PPP

**At Land 445 Metres North Of 103, Newcraighall Road,
Edinburgh**

Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works (as amended.)

Item number	6.1(b)
Report number	
Wards	A17 - Portobello/Craigmillar

Summary

The proposed development is acceptable in principle, and is in accordance with the Local Development Plan (LDP). The strategic masterplan and accompanying documents set out how the proposed development complies with the HSG 29 Brunstane site development principles and the LDP Action Programme requirements including the associated infrastructure. The setting of the listed buildings and Scheduled Monuments has been taken into account in the proposed design and layout and, subject to detailed landscaping proposals for the open spaces and Newhailes landscape edge which can be secured by condition, there is no adverse impact on the special interest of the listed buildings, or their setting, or the Inventory Garden and Designed Landscape of Newhailes.

The overall design concept draws on the heritage, key views, landscaping and open space to create a successful place which will become a new residential area of the city focused around a local centre and school. Road network issues raised are addressed through the LDP Action programme and can be secured through legal agreement. There are no significant implications for residential amenity and an acceptable living environment will be afforded to future residents. There will be no adverse equalities or human rights impacts. The proposals are acceptable and there are no material considerations that outweigh this conclusion. It is recommended that this application be granted planning permission in principle, subject to legal agreement.

Links

[Policies and guidance for this application](#)

LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN07, LEN08, LEN09, LEN12, LEN15, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LTRA10, LRS06, NSDCAH, NSGD02, LTS1, NP01, NSMDV,

Report

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Recommendations

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

Background

2.1 Site description

The site covers approximately 55 hectares of greenfield land in the Brunstane area of east Edinburgh. It comprises agricultural land with some grassland, scrubland and mature trees at the site boundaries.

The site is accessed via an existing field track access from Gilberstoun near Brunstane House. Informal paths enter the site from the south, east and north, and the East Coast Mainline Railway traverses the site. An existing bridge for agricultural use forms a vehicle crossing into the eastern fields of the site. Areas of dense woodland exist to the north of the site, along the John Muir Way, and beyond the eastern site boundary Newhailes House, gardens and Designed Landscape. The site undulates sloping from west to east with a 10 metre slope down from the railway line to the north-east corner of the site. The overhead power lines have recently been removed from the eastern field.

To the north is the John Muir Way, a recreational footpath adjacent to the Brunstane Burn, and a Local Nature Conservation Site. Beyond this, there is a mix of uses including residential, Edinburgh College, and cemetery grounds adjoining the proposed access to Milton Road East.

The southern boundary is formed by a disused railway embankment that now carries a footpath/cycle path, part of National Cycle Route 1 (NCR1), and a high voltage transmission line follows the same route. There are also residential properties of the Newcraighall north site immediately to the south of NCR1 and other residential properties accessed from Newcraighall Road. A bowling club is located on Newcraighall Road to the south of the site.

Residential properties forming the Gilberstoun area are along the western boundary of the site with some mature woodland. There is a strip of scrubland with some mature trees which is a Nature Conservation Site separating the proposed development from existing residential properties.

There are two Scheduled Monuments (SMs) within the site - Brunstane Enclosure within the western field (reference No.10580, designated on 14 January 2003) and Brunstane Moated site within the western field (reference No. 4112, designated on 25 January 1978).

The application site boundary is along the listed boundary walls of several of the adjoining properties - Brunstane House, Portobello Cemetery, Newhailes and Wanton Walls Steading.

There are a number of listed buildings in close proximity to the site:

Brunstane House, a category A listed building (LB reference: LB28034, listed on 14 December 1970) and Brunstane House Steading and Brunstane Farm Cottages (LB reference: LB28035, listed on 24 September 1991) are located on the western boundary.

To the North, there is the category B listed Portobello Cemetery and Lodge House with Gates, Railings, Gatepiers, Boundary walls and Pavilion (LB reference: LB27103, listed on 4 September 1995).

To the east of the site, within the jurisdiction of East Lothian Council, are:

- the walled boundary of Newhailes House with Gatepiers, a category A listed building (LB reference LB10911: listed on 22 January 1971);
- Newhailes House, Stables a category A listed building (LB reference LB10916: listed on 22 January 1971);
- Newhailes House, Shell Grotto which is category B listed (LB reference LB10915: listed on 27 November 1990);
- Newhailes House, Walled Garden, Walled Flower Garden, Fruit Store, Tea House, Ice House and Terraced Walk, Category B listed (LB reference LB13038: LB listed on 26 August 1994);
- Newhailes House Dovecot category B listed (LB reference LB10913: listed on 19 April 1961);
- Newhailes House, Gardener's Cottage category C listed (LB reference LB10914: listed on 27 November 1990);
- Newhailes House, Earl of Stair Monument category B listed,(LB reference LB10912: listed on 22 January 1971); and

- Newhailes Road, Newhailes house Gatepiers, Gates, Quadrants, Railings and Policy Walls category B listed (LB reference LB10917: listed on 22 January 1971).

The site is adjacent to Newhailes Inventory Garden and Designed Landscape, (reference: GDL00296: added to the inventory on 31 March 2001), which has an old undulating stone wall along the eastern boundary of the site. The Designed Landscape includes wooded rococo pleasure grounds set out along the Newhailes Burn includes the terrace walk - a raised walkway, the Shell Grotto and the now ruinous Tea House and was delimited by a ha-ha.

Newhailes Policies, Wanton Walls Farmhouse and Steading, is a category C listed building, (LB reference 46550, LB listed on 12 January 2000) and is located outwith the site, on the southern boundary near the proposed access.

2.2 Site History

17 December 2015 - Proposal of Application Notice submitted for residential development, new primary school, new local centre including retail and other ancillary commercial uses and community facilities, parkland and other associated infrastructure (application number: 15/05835/PAN).

Relevant applications within the area:

18 July 2014 - planning permission in principle 'Minded to Grant' subject to a legal agreement for residential development of 220 units comprising houses, cottages and flats and two commercial units (as amended), at Land 335 Metres Southwest Of 103, Newcraighall Road, Edinburgh - referred to as Newcraighall North (application number: 13/03181/FUL).

7 September 2015 - Permission granted for planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision (i.e. masterplan) at land 263 metres south of 104 Newcraighall Road - referred to as Newcraighall East(application number: 10/03506/PPP).

16 March 2016 - Permission approved for residential development comprising 176 No. dwellings and associated infrastructure including the discharge of condition No. 4 of PPIP Consent ref. 10/03506/PPP (as amended) at land 263 Metres south of 104, Newcraighall Road, Edinburgh (application number 15/04112/AMC).

Main report

3.1 Description Of The Proposal

The application is for Planning Permission in Principle (PPP) for residential-led mixed use development including:

- residential development (including class 8 residential institutions, class 9 houses and sui generis flats), providing circa 1330 residential units in a mix of housing types and sizes, with 25% of the units being affordable;

- a new primary school (class 10 non-residential institution);
- a new local centre (including class 1 retail, class 2 financial and professional services, class 3 food and drink, class 10 non-residential institutions and class 11 assembly and leisure);
- the formation of three new site accesses, one from the north (via Milton Road East) and two from the south (via Newcraighall Road), as well as a network of internal roads, cycle routes and paths, a replacement vehicle bridge over the East Coast Main Line (ECML) railway and a new bridge over the ECML railway for pedestrians and cyclists;
- a green network, including open space, parkland, allotments, play areas, planting buffers to the railway and existing services within the site; and
- Other structural and amenity landscaping and planting including boundary treatments to Newhailes and the John Muir Way.

Amended Scheme

The scheme was amended to revise the strategic landscaping, and revised pedestrian links.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards online services:

- Strategic masterplan document;
- Strategic landscape framework;
- Strategic movement framework;
- Strategic Masterplan Design Code;
- Design and Access Statement;
- Transport Assessment;
- Processing agreement;
- Sustainability statement form;
- Pre-application Consultation Report;
- Planning Statement; and
- Environmental Statement - including non technical summary and technical appendices.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the proposal is acceptable in principle;
- (b) the impact on the historic environment;
- (c) compliance with the terms of the Brunstane Site Brief - Development Principles and the LDP Action Programme;
- (d) the design, layout, density, street hierarchy and landscaping are acceptable;
- (e) road network issues;
- (f) any other issues;
- (g) sustainability;
- (h) equalities and human rights; and
- (i) public comments.

a) Principle

The Adopted Edinburgh Local Development Plan (2016) (LDP) identifies the application site as an allocated housing site, HSG 29 Brunstane. The site lies within the urban area and is no longer in the green belt. Policy Hou1 (Housing Development) allocates the site for between 950-1330 dwellings and the strategic masterplan accompanying the application shows how 1330 units can be accommodated within the site.

The masterplan shows the urban block layout and the mix of house types with sizes to be detailed later. The proposed density overall equates to 38 dwellings per hectare (excluding open space). Twenty-five percent affordable housing is proposed in accordance with policy Hou6 Affordable Housing. The affordable housing provision would be secured through an appropriate legal agreement.

The masterplan includes a local centre which accords with the requirements of shopping proposal S5 Brunstane and Policy Hou10 (Community Facilities) which aim to ensure that new housing includes the provision of a range of community facilities. No further details have been provided about the number of units or proposed floorspace.

The masterplan also identifies a 2 ha site for a new primary school as required by proposal SCH9 (New School Proposals).

The proposed range of uses (Class 1 Retail, Class 2 Financial Services, Class 3 Food and Drink, Class 10 Non Residential Institutions and Class 11 Assembly and Leisure,) is compatible with a newly created local centre and is acceptable.

In conclusion, the principle of residential development including new primary school, local centre and associated infrastructure, complies with the Adopted LDP and is acceptable.

b) The impact on the historic environment

There are important heritage matters to consider in relation to the impact from the proposed development on the adjacent category A listed Brunstane House, Newhailes House with its associated listed buildings and garden and designed landscape, and the scheduled monuments extending into the site. The impact on these heritage assets will be assessed in turn against policy Env 3 (Listed Buildings - Setting) and the development principles.

Policy Env 3 of the adopted LDP requires that development affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance, or historic interest of the building or to its setting.

Brunstane House - A Listed

Brunstane House dates from the 16th century or earlier and was remodelled extensively in the 17th century for the Duke of Lauderdale by William Bruce to create a U plan mansion with corner turrets on the south east elevation, and a great stair to the garden from the 'grand chamber' on the other main elevation to the North-East. These elevations include the principal rooms and were designed to benefit from open views over the semi-rural site and remain prominent in the landscape.

The allocation of HSG 29 Brunstane will transform the setting of Brunstane House from an area of countryside to a housing site.

Historic Environment Scotland (HES), whilst raising no objection, state that the proposals will fundamentally alter the open setting of Brunstane House resulting in severe impact on its setting. HES advise that it is important to retain a sense of an open and extensive landscape with respect of the setting of Brunstane House. Important views require to be retained as part of any masterplan proposals.

The development principles set out for the site require the impact on Brunstane House to be minimised through the appropriate design, layout and sufficient landscaping of any development.

Within the strategic masterplan appropriate landscaping measures have been developed, in consultation with HES, to adequately preserve the setting of Brunstane House.

These measures include:

- Inclusion of 2 ha of open space (Brunstane Park), including the Brunstane Enclosure (SAM), around Brunstane House encompassing its north east and south east elevations and its immediate setting;
- The creation of a view corridor, centred on the middle view of the Grand Chamber, from Brunstane House, across Brunstane Park to the Firth of Forth - shown as the Lauderdale View;
- Orchard planting around the site of the former walled garden associated with Brunstane House;
- An additional view corridor from Brunstane House/Park to Fife - shown as the Fife View; and
- A widened Brunstane Walk connecting Brunstane House/Brunstane Park with Brunstane Green and allowing wider views from/to these historic assets.

The proposed new housing is at least 74 metres away from Brunstane House. The Brunstane Park Avenue fronting Brunstane Park, would be at least 90m away, and would consist of 2-3 storeys housing at a density of 40 units/ha. This is acceptable to provide setting to Brunstane House whilst also addressing and enclosing this substantial open space.

The Lauderdale view corridor to the sea would be 30 metres wide, Fife view corridor 20 metres and Brunstane Walk 22 metres. These landscaped open space view corridors would allow views across the site, preserving the relationship of the building with its landscape and key views, and contribute to placemaking. The orchard planting would also maintain a historic link between Brunstane House and the site of its walled garden - which is no longer visible but aligned with Orchard Lane as shown on the Strategic Landscape Framework and covered the area towards Brunstane Green. HES welcomes these mitigation measures as addressing its concerns.

Through the design and layout including open space and key view corridors, the impact of the new housing on the setting of Brunstane House is mitigated. The detailed design of the adjacent phases of development must also endeavour to offset the impact on setting through e.g. design, public realm and landscape proposals. This accords with Policy Env 3 (Listed Buildings - Setting).

Newhailes - A Listed

Newhailes, a category A listed building is set in a garden and designed landscape that includes listed buildings like the shell grotto. Newhailes boundary is a stone wall with some areas of existing woodland which provide a tree buffer. The development principles require a landscape buffer for Newhailes boundary to protect its setting. The detailed siting and design of dwellings should also respect the views to Arthur's Seat from Newhailes House as is proposed in the strategic masterplan.

Newhailes Inventory Garden and Design Landscape

Policy Env 7 Historic Gardens and Designed Landscapes permits development where there is no detrimental impact on the character of a site nor adverse effects on its setting or upon component features which contribute to its value.

The development principles require a landscape buffer for Newhailes boundary to protect its setting in line with Policy Env 7. The development principles set out a requirement that the detailed siting and design of dwellings should respect the views to Arthur's Seat from the grounds of Newhailes House. HES advised that a strong landscape boundary is required to protect the value of the Garden and Design Landscape. Both HES and East Lothian Council (ELC), whilst raising no objection, are concerned about the visibility of new development from within the estate. ELC are also concerned about the ambience of Newhailes and the less tangible presence of domestic noise.

A new landscape edge is proposed as public open space including a mix of green space, woodland, SUDS and pedestrian and cycle links. This landscape buffer along the Newhailes boundary would be a minimum of 30m wide and increasing to 50 metres nearer to Newhailes House. The residential development will be gable end onto the Newhailes boundary rather than a street frontage facing Newhailes. This will allow filtered views from Newhailes, and some overlooking and passive surveillance of the open space from the nearby properties.

Due to the topography, there remains the potential for visible residential development sitting above the pleasure grounds - the part of the garden, near to Newhailes House. The detailed design of the landscape buffer needs to relate to the topography of the site, encompassing the first row of urban blocks and create a multi- functional green corridor which provides a high quality green space edge to Newhailes. Therefore a condition is required to ensure that the detailed design of the Newhailes edge is comprehensive and includes a range of appropriate green spaces, trees, woodland, grasses areas and allotments, as well as the first row of urban blocks, coming forward as part of an early AMC application to offset the impacts on setting.

The strategic masterplan incorporates two key views from Newhailes grounds in to the proposed design: the view from the Shell Grotto to Arthurs Seat and the view from the first floor level at Newhailes House to Arthurs Seat. The Shell grotto view is currently obscured by existing Newhailes woodland but its incorporation into the strategic masterplan facilitates a long term plan by Newhailes to reinstate this view. The Newhailes House view to Arthurs Seat is included as the Arthurs Seat view corridor culminating in the Amphitheatre Park which would be seen against the back drop of Arthur's Seat. HES welcome the preservation of key views from Newhailes House and the Inventory Designed Landscape towards Arthurs Seat. This is acceptable under policy Env 7 (Historic Gardens and Designed Landscapes).

Brunstane House Steading and Brunstane Farm Buildings

The proposed development includes a substantial 2 Ha area of public open space, Brunstane Park, adjacent to Brunstane House which will protect the setting of these listed buildings. The existing historic tree belt near to these listed buildings will also be retained.

Newhailes - other listed buildings and structures including the Gardeners Cottage

The proposed landscape buffer along the Newhailes Inventory Garden and Designed Landscape would mitigate the impact of the proposed development on the other listed buildings including the Gardeners Cottage which is adjacent to the Newhailes boundary.

Wanton Walls Farmhouse and Steading

Wanton Walls farmhouse and steading is on the southern boundary. The proposed development will be set back and this boundary will include a SUDS pond, and allotments.

Portobello Cemetery

The proposed Milton Road East access will be parallel to the cemetery boundary wall and will require a separate LBC application should any works be proposed to the boundary wall.

Scheduled Monuments

Brunstane Moated Site Scheduled Monument (SM) is incorporated into a 1 Hectare public open space - Brunstane Green. Brunstane Enclosure SM is incorporated within the Brunstane Park public open space as set out above. A condition is required to ensure that detailed design and management proposals of the landscape context around the SM, is forthcoming. A condition is also required to secure the protection of the SM's during development phases, their long term management and interpretation, and that HES is consulted on these matters.

Archaeology

The site is identified as of archaeological significance and therefore in accordance with policy Env 8 (Protection of Important Remains) and policy Env 9 (Development of Sites of Archaeological Significance,) the aim should be to preserve any archaeological remains in situ. A phased programme of archaeological investigation is required, linked to more detailed archaeological mitigation strategy, and should be undertaken by a professional archaeological organisation, prior to submission of any AMC's, which can be secured by condition. The Council Archaeologist also recommends that this rich archaeological heritage is incorporated in final designs whether through public art or interpretative panels. This complies with Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance).

The strategic masterplan adequately addresses the impact on the setting of Brunstane House, Newhailes and the Scheduled Monuments and complies with the development principles and policy ENV 3 Listed Buildings Setting and policy ENV 7 Historic Gardens and Designed Landscapes.

c) Compliance with the terms of the Brunstane Site Brief - Development Principles and the LDP Action Programme

Policy Des 2 of the LDP encourages a comprehensive approach to development including the preparation of masterplans to identify the full design potential for creating successful places. The adopted LDP includes development principles for HSG 29 New Brunstane as an allocated housing site.

The development principles set out the Council's approach to infrastructure delivery in combination with Policy Del 1 (Developer Contributions and Infrastructure Delivery). Policy Tra 8 (Provision of Transport Infrastructure) requires a transport assessment to propose mitigation that addresses cumulative and cross boundary transport impacts. The LDP Action Programme (2016) sets out the infrastructure required to implement the LDP to ensure that proposed development is closely aligned with the infrastructure needed to support it, and is a material consideration in the determination of planning applications.

The requirements of the development principles and the LDP Action Programme infrastructure are set out below in relation to transport, accessibility and connectivity, green spaces and landscaping, education and community facilities. The development principles also refer to flooding and mining which are covered below.

1. Transport

(a) Brunstane HSG 29 Site Brief - Development Principles

The applicant's Transport Assessment took into account the cumulative impact of traffic from other development sites and identified appropriate mitigation required with respect to the A1/Newcraighall Road junction, to junctions on the A199 and to the Old Craighall Junction. Detailed junction modelling shows that the proposed site access junctions onto Newcraighall Road and Milton Road East are able to accommodate the level of traffic anticipated to occur and include improvements to cycle and pedestrian crossings.

Two vehicle accesses are to be provided through the Newcraighall North site from Newcraighall Road. Another vehicle access from Milton Road East requires a bridge construction over the Brunstane Burn and integration with the core path in accordance with the design principles. No vehicle access is proposed from the Gilberstoun Area.

The proposed road layout shown on the masterplan allows for the proposed new bus route through the site connecting Newcraighall Road and Milton Road East by way of a replacement vehicle crossing over the ECML. Upgrades to existing bus stops on Milton Road East and Newcraighall Road and a contribution to bus services would be provided via a Section 75 agreement, once the bus route is available for use.

(b) LDP Action Programme 2016

The LDP Action Programme South East Edinburgh (North) Transport contribution zone requires contributions towards:

- Old Craighall Junction upgrade;
- A Toucan Crossing on Newcraighall Road (implemented);

The site specific Transport actions include:

- Bus infrastructure including the provision of a bus route through the site and improvements to bus frequency and bus stops;
- New junctions with Milton Road East and Newcraighall Road and enhance existing pedestrian/cycle crossing facilities on these roads as required;
- A review of road safety on Milton Road East and Newcraighall Road is also required with improvements, if necessary; and
- Review operation of A1/Newcraighall Road junction and help provide improvements if deemed necessary.

The LDP Action Programme infrastructure requirements can be secured by condition and legal agreement as appropriate.

2. Accessibility and connectivity

(a) Brunstane HSG 29 Site Brief - Development Principles

The development principles seek to improve the accessibility and connectivity of the site for modes other than the car. To that end, the site brief identified a number of new footpaths/cycle paths into the site from the Brunstane Burn Core Path (John Muir Way), Gilberstoun, and the existing National Cycle Route 1 (NCR1)/Innocent Railway cycle path to the south. The development principles set out the opportunity to enhance core paths along the site boundaries particularly the Brunstane Burn Core Path (John Muir Way), Innocent Railway Core Path, NCR1, as well as path connections to the railway stations at Brunstane and Newcraighall. Increased cycle parking facilities are also promoted at Brunstane and Newcraighall stations.

The proposed masterplan incorporates the new footpaths/cycle paths contained within the development principles and sets out enhancement of the core paths and the creation of a new pedestrian link along the boundary with Newhailes. The provision of cycle parking facilities is ensured by condition.

The LDP site development principles required an investigation into the potential for a new pedestrian/cycle bridge within the eastern part of the site. The new pedestrian crossing is essential for connectivity, permeability, accessibility, and linkages through the site for both local and strategic connections. It will create an off-road pedestrian and cycle link allowing the eastern field housing easy access to Newcraighall Road and the primary school as well as Newcraighall Railway Station. It is essential in delivering green network connections completing a circular walk around the site.

The applicants have agreed in principle to the provision of a second pedestrian/cycle crossing and the exact location is to be confined to the area of search shown on these plans and ensured by Section 75 agreement. Detailed design of the bridge would be required as part of the detailed design of the adjacent block layouts and landscaping to ensure the bridge is fully integrated into the proposals.

(b) LDP Action Programme 2016

The LDP Action Programme requires green space actions including the establishment of new green network connections to Newcraighall Village, Newcraighall Public Park, and Gilberstoun, The John Muir Way/Core Path 5 Innocent Railway and Queen Margaret University and future developments in East Lothian.

The proposed layout contributes to the green network by providing eight pedestrian accesses to the site and creating a circular pedestrian and cycle route around the site from Newcraighall village along the Newhailes boundary to Brunstane Mill Park and access to the sea.

The Brunstane Burn will have another pedestrian route on the western part of the site encompassing a woodland play trail and leading towards the substantial area of open space at Brunstane Park, and linked by a green view corridor to Brunstane Green. The path alongside historic tree belt nature conservation site and allotments allow access to the NCR1 and parallel lower level cycle path complete this circular route. This is acceptable.

The John Muir Way/Core Path 5 enhancement proposed will be subject to detailed design, however it should include upgrades, like path widening, to accommodate the increased pedestrian and cyclists using this route. The proposals to enhance the current John Muir Way realign the route, integrating it with the site landscape as shown in the Design Code. This is acceptable. However, it should be noted that any diversion would need to comply with the underlying public rights of way (PROW) and Core Path - a separate application under Section 208 of the Town and Country Planning (Scotland) Act 1997, and remain open and free from obstruction during and after any proposed work, which can be ensured by condition.

The plans have been amended to show an additional link to the John Muir Way from the north-east corner of the site to enable better connectivity with Brunstane Mill Park and beyond, as requested by Scottish Natural Heritage.

The LDP Action Programme infrastructure requirements and contributions can be secured by condition and legal agreement as appropriate.

The strategic masterplan and strategic movement framework shows that the proposed development would connect with existing routes - the John Muir Way and NCR 1, and links to Brunstane and Newcraighall stations as well as providing permeability through the site and creating a new link from Newcraighall to the sea along the boundary with Newhailes. This delivers on the routes required in site brief design principles and LDP Action Programme.

3. Green Spaces, Landscape and Open Space

(a) Brunstane HSG 29 Site Brief - Development Principles

The streets and open spaces should be designed to benefit from views to the coast, Arthurs Seat and Pentland Hills. The development principles require open space and landscaping to the north and east of Brunstane House to minimise the impact on its setting. Open space to retain the open setting for the two Scheduled Monuments is also required. The landscape framework is required to provide a landscape buffer to Newhailes boundary respecting the views to Arthurs Seat from the grounds of Newhailes House.

The overall design concept, set out in the applicant's Strategic Masterplan, has embedded five key views to these landmarks from the historic buildings as landscaped open space corridors across the site. This includes the views to Arthurs Seat from the Shell Grotto in Newhailes grounds. The key views are incorporated through the creation of landscaped open spaces corridors or key routes, providing a sense of place. The matrix formed by the key views led to the geometry of streets and spaces within the site.

The Strategic Landscape Framework document includes a 2 Ha Brunstane Park fully encompassing the Brunstane Enclosure SM and minimising the impact on the setting of Brunstane House, and the incorporation of the SM Brunstane Moated Site within the 1 HA Brunstane Green should also retain its open setting.

The site design principles also require grassland habitat underneath the overhead power lines in the eastern part of the site and woodland connectivity across the site. As a result of the removal of the overhead power lines, the associated open space has been distributed to strengthen the landscape buffer to Newhailes. This is acceptable and provides an enhanced open space along this site boundary.

New woodland is proposed along the north site boundary, integrating around the SUDS ponds and along the boundary to Newhailes. Individual street trees are proposed across the site, enclosing areas of open space whilst retaining the key views of the landscape green space corridors.

Forty three full size allotment plots are included in three locations within the site, including adjacent to Newcraighall North, as required by the development principles, subject to detailed design.

The provision of Brunstane Green, Brunstane Park, the landscaped open space corridors and proposed green network open space along the site boundaries, altogether fulfil the site brief requirements.

(b) LDP Action Programme 2016

The LDP Action Programme requires the establishment of green network connections as has already been assessed above. These connections and their associated open space are acceptable.

The strategic landscape framework shows that open space and landscaping is proposed across the site, in key view corridors, as the landscape context for the SM's and along the site boundaries to the north and east to provide landscaping buffers and enhance the green network in these locations.

4. Education

(a) Brunstane HSG 29 Site Brief - Development Principles

LDP policy Del 1 Developer Contributions, the LDP Action Programme and Supplementary Guidance on Development Contributions and Infrastructure Delivery set out the Education Infrastructure Actions and Delivery Programme. The development principles on education for South East Edinburgh include new school proposal SCH 9. The masterplan includes a 2 Ha site for the proposed primary school within the local centre creating a focal point within the site. This reflects the location of the new school site which has been safeguarded within the Council's Local Development Plan.

(b) LDP Action Programme 2016

The Council's Action Programme identifies a requirement for a new 11 class primary school and nursery on the site. The estimated delivery date for the new school is August 2022. The applicant has confirmed that it is willing to transfer the land ownership of a two hectare area of serviced land within the application site boundary to the ownership of the Council in order for the Council to then construct and operate a new primary school. The delivery mechanisms for the school and the transfer of the 2 hectare school site will need to be agreed with the developer through an appropriate planning agreement.

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. This site falls within Sub-Area C-3 of the 'Castlebrae Education Contribution Zone'. The application is for planning permission in principle. The required contribution should be secured through a legal agreement based on the established 'per house' and 'per flat' contribution figures set out below:

Per unit infrastructure contribution requirement:

- Per Flat - £4,207
- Per House - £20,322

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 land contribution requirement:

- Per Flat - £636
- Per House - £2,724

Note - no indexation to be applied to land contribution.

This assessment has been based on the mid-point of the estimated total capacity set out in the Council's Local Development Plan (1140 units). However, the application is for planning permission in principle and the applicant has stated that around 1,330 units could be delivered. If a higher number of units were delivered, the new primary school may have to have a larger capacity. As the legal agreement should be based on a per unit rate, the total contribution required in order that the new school can be delivered would increase as the number of units increased.

5. Local Centre and Community Facilities

(a) Brunstane HSG 29 Site Brief - Development Principles

The development principles require a new local centre as part of a community focal point with the primary school. The masterplan includes a local centre, fronting the proposed square, adjacent to the proposed primary school site in close proximity to the replacement bridge and in the proposed higher density development area of the site as set out in the Strategic Masterplan Report Design Code.

(b) LDP Action Programme 2016

LDP Policy Hou 10 (Community Facilities) states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed.

The LDP Action Programme identifies that new medical facilities will need to be provided within Brunstane to service the proposed development and the Supplementary Guidance on Developer Contributions and Infrastructural Delivery March 2017, sets out developer contribution rates for healthcare. At this stage, it is not known whether medical provision is best served by new premises or extensions and upgrading of existing facilities. Therefore, it is proposed to secure by legal agreement a contribution towards a new medical practice as set out in the LDP Action Programme and the Supplementary Guidance on Developer Contributions and Infrastructure Delivery. Should NHS Lothian instead require extensions and alterations to existing medical practices in lieu of this contribution, this can be negotiated with the applicant through the legal agreement process within specified timescales. This allows for the impact of the proposed development on medical centre provision to be assessed and delivered in the manner best suited to NHS Lothian. This is acceptable.

5. Flooding

(a) Brunstane HSG 29 Site Brief - Development Principles

The site design principles require any proposals for housing and/or other uses on the site to be informed by an adequate flood risk assessment which includes enhanced sustainable urban drainage (SUDS) to address current/future water quality pressures and no detrimental impact to bathing waters at Fishers Row.

A Flood Risk Assessment (FRA) was submitted as part of this planning application. No development or SUDS features are proposed within the 1 in 200 year floodplains of any of the watercourses. The strategic masterplan shows four SUDS ponds along the northern boundary, one SUDS pond along the boundary with Newhailes and a larger SUDS pond adjacent to the south-east boundary. The site drainage system will be designed to attenuate surface water runoff from the development and limit discharges to watercourses to green field runoff rates. Based on the output from the Simple Index Approach Tool, SEPA has no objection to the proposed development and is satisfied that the proposals for SUDs are appropriate. CEC Flooding also raises no objection as adequate allowance has been made for space in the proposed layout at this PPP stage but subject to condition of acceptable drainage details. This accords with policy ENV21 Flood Protection and the development principles.

(b) LDP Action Programme 2016

No actions are proposed.

6. Mining

(a) Brunstane HSG 29 Site Brief - Development Principles

The site design principles require any necessary site remediation to be addressed. The site falls within the defined Development High Risk Area with coal mining features and hazards. The Coal Authority raises no objection and considers that the Environmental Statement demonstrates that the application site is, or can be made, safe and stable for the proposed development. Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation. This can be secured by condition requiring site investigation works prior to commencement of each phase of development. If remedial works are required to treat the mine entries and/or areas of shallow mine workings, these can also be secured by condition.

(b) LDP Action Programme 2016

No actions are proposed.

Conclusion

The proposed Strategic Masterplan has been assessed against the Site Brief Development Principles for HSG 29 Brunstane and the LDP Action Programme 2016 requirements in relation to transport, accessibility and connectivity, green spaces and landscaping, education and community facilities. It is acceptable or can be ensured by condition and/or legal agreement. This complies with policy Del 1 (Developer Contributions and Infrastructure Delivery) and policy Tra 8 (Provision of Transport Infrastructure.)

d) The design, layout, density and landscaping are acceptable

Design

The overall design concept will create a new residential area of the city. It will focus on a local centre and school. Open space will be provided around the edges, along key view landscape corridors and will provide open setting for the historical assets. The Edinburgh Urban Design Panel supported the applicant's use of a Design Code, 3D modelling and sectional information to establish building scales, open space structure, and relationship of the masterplan with landscape.

The submitted Strategic Masterplan Report Design Code (Design Code) is a comprehensive way of ensuring a successful place can be achieved. It explains the site context and analysis which have informed the preparation of the design, including site constraints.

From this analysis, the Design Code evolves a set of urban design principles which are incorporated into the Strategic Masterplan. This process demonstrates a design-led approach to placemaking focusing on design principles of landscape, movement, neighbourhood and culminating in an overall design concept that draws upon the positive characteristics of the surrounding area. This accords with policy Des 1 (Design Quality and Context). The strategic masterplan design and layout fulfils the requirements of HSG 29 Site brief development principles in accordance with policy Des 2 (Coordinated Development.) It is recommended that the Strategic Masterplan Report Design Code becomes an approved document.

Layout and Landscaping

The Design Code also sets out neighbourhood design principles linking activity areas with the hierarchy of routes and compatible housing densities. These principles set out street and housing design that complements the role of public spaces and open spaces to create a sense of place for residents. Legibility is enhanced through the organic layout of streets responding to topography and integrating the built form with view corridors and green spaces with existing heritage and landscape features. The design code defines frontages framing the principal streets, secondary streets and public spaces to provide overlooking and focus activity in the public realm. Police Scotland has asked to be consulted at the AMC stage in relation to secured by design and crime prevention through environmental design in relation to this development.

The landscape masterplan sets out the green space provision to meet the needs of future residents. Brunstane Park as a 2 hectare public open space is within 800m of all homes. Brunstane Green public open space is 1 ha to enclose the SAM soft landscape and trees. The network of spaces across the site also serves to provide local greenspace within 400 metres of proposed housing parcels.

The design code shows that a combination of individual private gardens and communal areas of green space will be provided. Under Policy Hou 3 Private Green Space, a minimum of 20% of the total site area should be useable greenspace. As set out in the Design Code, the East field Site open space is 4.8 ha or 23.8% and the West field is 6.9 ha or 24.2%, clearly above the minimum required in terms of Policy Hou3 which is acceptable.

SNH consider the proposals a positive and diverse mix of open space types and green infrastructure, delivery of which is dependent on the Environmental Statement mitigation measures being taken forward into the AMC stages. This can be secured by condition. The detailed design proposals also need to set out how quality will be achieved which can be ensured by condition for the green spaces.

The design code shows play provision within the Linear Park and Amphitheatre Park which should be to 'Very Good' play value and a number of other local spaces which could provide informal opportunities for unequipped play. The quality and phasing of play area provision is critical and can be secured by condition.

The proposed development is set back from the boundaries to help mitigate its impact on the character and integrity of the surrounding areas. The SUDS are integrated along with the John Muir Way, Brunstane Burn and new access along the northern boundary creating a landscaped open space buffer along the south side of the Brunstane Burn. The proposed layout seeks to provide landscape integration of new woodland, four SUDS ponds, swales, meadow grass and new footpaths and setting back the built development between the minimum of 40 metres to 90 metres from the Brunstane Burn. The proposed layout incorporates two storey housing, with density of approx 30-35 units per hectare along this Brunstane burn valley landscape.

The boundary to the South is delineated by National Cycle Route 1 and provides a landscaped buffer, including a play area, allotments, and swales, to this elevated route. The Wanton Walls standing landscaped edge includes a SUDS pond and community growing area or allotments with housing at least 40 metres from the boundary. This helps mitigate its impact on the existing village of Newcraighall.

Key views are retained from the site to the wider landscape - The Firth of Forth, Arthurs Seat, North Berwick Law and the Pentland Hills. The geometry of the streets and spaces within the strategic masterplan is derived from the matrix formed by the key views and integrated with the landscape setting at the site boundaries. The grid pattern of streets, coherence between proposed blocks and open space all seek to respond to the topography of the site. This complies with Policy Des 4 (Development Design - Impact on Setting).

The design code focuses on quality place-making and sets out requirements for the AMC applications to deliver in terms of the qualities of the urban spaces, the open spaces, landscape edges and character of typical residential streets. Streetscape design incorporating swales and SUDS ponds are also set out. The design code has been assessed. It contains detailed design principles to establish the quality of place-making required for future AMC applications. This approach is beneficial where development is likely to be delivered over time and by various different developers at the AMC stage. This is acceptable and complies with policies Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features).

House Types

The design code shows a range of house types - large family, smaller houses, flats and housing for elderly of which 25% would be affordable in a range of different tenures in accordance with Policy Hou 6 Affordable Housing. Building heights would range from 1.75 storeys at the Newhailes landscaped edge to 4 storeys enclosing Brunstane Green. Three storey building heights define the principal streets and open spaces, framing key views. Two storey housing is proposed adjacent to Gilberstoun and towards the other landscaped site boundaries. This range of house types and heights is acceptable - under Policy Hou 2 (Housing Mix).

Density

Lower density of 20-25 units per hectare is proposed along the Newhailes boundary with the majority of the site being 30-40 units per hectare and increasing to 50 units per hectare at the local centre/Brunstane Green area. The Edinburgh Urban Design Panel had requested a lower range of densities across the site in order to respond to the particular characteristics of the site; similarly East Lothian Council had suggested setting back housing from Newhailes and adjusting the density of development elsewhere. The site is expected to delivery up to 1330 units and therefore significantly lowering the density across the site would not achieve this. This density range is acceptable in accordance with Policy Hou 4 (Housing Density).

The Strategic Movement Framework

The strategic movement framework shows the principal street/bus route connecting to and from Newcraighall Road, through the local centre and using the replacement ECML crossing and Brunstane Burn bridge to access onto or from Milton Road East.

The street hierarchy consists of principal streets, secondary streets, shared spaces, combined foot and cycle paths, and proposed footpaths. It provides permeability, accessibility across the site and linkages and connectivity with existing footpaths, and cycleways beyond it. The hierarchy complements the adjoining uses, activities and needs of different user groups.

There is a comprehensive and integrated approach to the layout of the streets and spaces within the strategic masterplan, derived from the matrix formed by the key views and integrated with the landscape setting at the site boundaries. The grid pattern of streets, coherence between proposed blocks and open space all seek to respond to the topography of the site. The street widths are detailed in the design code. The diverse mix of street types is intended to follow the density with more urban streets in the higher density areas to more informal rural streets in the lower density areas along the boundaries with Brunstane Burn and Newhailes. This improves legibility, character and reinforces the sense of place evidence through the creation of the design code. The design code sets out the characteristics of each street within the hierarchy combining our street design guidance with the landscape and topography. The layout design encourages walking and cycling and the use of public transport with the proposed bus route accessible. The streetscape is designed to reduce vehicle speeds and encourage parking to be provided in pends, courtyards. This is acceptable, complies with policy Des 7 Layout Design and progressed further at detailed design stage, subject to RCC consent.

Replacement Vehicular Bridge over the East Coast Main Line

The design code sets out the width requirement of the vehicular bridge over the railway to ensure adequate provision for pedestrians, cyclists and vehicles. The proposed design integrates the bridge by ramping up the principal street on either side to meet the bridge.

Conclusion

The strategic masterplan, strategic landscape framework, strategic movement framework, and Design Code demonstrate that the proposed development is based on an overall design concept that draws upon the positive characteristics, particularly the key views, of the surrounding area and will create a sense of place. The evolution of the design from the assessment of site constraints and analysis has allowed this placemaking potential to be the focus of the strategic masterplan. In the design and layout of new buildings, streets and spaces, the proposals show that the existing quality and character of the wider environment are respected and local distinctiveness is generated.

e) Road Network Issues

Policy Tra 8 (Provision of Transport Infrastructure) requires development proposals to demonstrate through an appropriate transport assessment and proposed mitigation that identified local and city wide individual and cumulative transport impacts can be addressed, and that the overall cumulative impact of the development proposals throughout the SESplan area has been taken into account in so far as relevant to the proposal. In addition to the transport requirements identified through the LDP process, the Transport Assessment advises additional mitigation measures.

Newcraighall Road

The Transport Assessment (TA) notes that Brunstane will impact on the A6095 Newcraighall Road and concludes that post all development including background growth and committed development, Newcraighall Road is projected to operate satisfactorily.

Milton Road East/Edinburgh Road

The TA results show that this junction is predicted to continue to operate satisfactorily with the effects of background growth and with the addition of the development traffic.

Milton Road East/Milton Road traffic signals

The TA cumulatively assessed the impact of development on the Milton Road East/Sir Harry Lauder Road/ Milton Road traffic signals. The applicant's analysis reveals that interventions will be required to mitigate the impact of the proposed development.

However, the TA has also identified that this junction is over capacity at the moment and further mitigation will be required to enable the junction to accommodate background traffic growth.

The TA identified mitigation is required to:

1. accommodate the proposed development in its entirety;
2. deliver increased capacity at the junction; and,
3. accommodate background traffic growth.

To ensure that all three requirements are delivered, the following action will be added to the Action Programme and a cost, design and delivery mechanism identified.

South East Edinburgh Transport Contribution Zone

Action - Milton Road East / Sir Harry Lauder Road / Milton Road junction

- a. Widening of Sir Harry Lauder Road north to allow 2 lane northbound exit;
- b. Permit 2 lanes of right turn from Milton Road into A1 southbound;
- c. Extend right turn lane on A1 for traffic turning into Milton Road East; and
- d. Signalise Brunstane Road/Brunstane Road South to improve queue management and allow traffic to safely exit.

The applicant has agreed to contribute their relevant share (one third of the total cost in either payment or payment in kind) of the above action.

This will be secured through a legal agreement.

In respect of this junction, additional infrastructure has been identified as being required over and above what is required to mitigate the impact of development on this junction. The Council's appropriate share (two thirds) will be identified within the Action Programme.

There are currently no other funding sources to deliver the other two thirds (increased capacity at the junction, and, accommodate background traffic growth) at this time. These elements cannot be attributed to this development site but are required to comprehensively improve this junction. The financial implications of this are set out in Section 6, Financial Implications.

With regards to a timescale for the delivery of the action, the TA identifies that the early phases (up to 625 units) of the Brunstane development, prior to the completion of the new internal site vehicular ECML bridge, will have little effect on the operation of this junction, with performance comparable to that predicted without the development. The delivery of the action will therefore be phased to link to the completion of the on-site vehicular crossing.

The proposed development subject to the conditions and legal agreement outlined above, accords with policy Tra 8 Provision of Transport Infrastructure.

f) Other issues

Amenity for existing residents

The proposed development includes landscaped edges to the existing residential areas. Detailed designs will come forward and will address privacy, overlooking and daylight and sunlight for existing residents.

Amenity for future residents

The layout proposes a continuity of urban frontages which interact closely with the street and provide natural surveillance and promote community security. There is a clear distinction between the public spaces and the private threshold spaces in the urban design code which can be further sensitively integrated into the detailed design. Detailed designs will come forward and will address privacy, overlooking and daylight and sunlight, as well as the noise impact of the railway, for future residents. No objection under Policy Des 5 (Development Design Amenity).

Biodiversity/Protected Species/Invasive Species/Breeding Birds

The Environmental Statement chapter 6 shows with appropriate mitigation, there should be no significant impact on ecology. SNH support the findings, recommendations and mitigation measures in relation to protected species. These measures should be implemented to ensure compliance with protected species legislation, and they will also inform any licence requirements that may be identified through time and detailed design. No objection under Policies Env 15 Sites of Local Importance and Policy Env 16 Species Protection.

Contamination

The applicant has submitted a Ground Investigation Report and Environmental Protection recommend that a condition is attached to ensure that contaminated land is fully addressed.

Air Quality

Environmental Protection do not object but have concerns regarding the potential impacts this development may have on local air quality. This is due to the increasing numbers of cars, cumulative traffic impacts on the local road network and the possible introduction of large energy plants serving the non residential properties. The proposed development may contribute towards potential adverse local air quality impacts in Musselburgh which has been raised with East Lothian Council (ELC) who ask that any mitigation measures should be assessed. Mitigation measures proposed include measures relating to public transport, provision of electric charging points, and car parking provision. Environmental Protection support the pedestrian/cycle and public transport proposals. The provision of Electric Charging Points has been agreed can be secured by informative. Environmental Protection stresses that car parking numbers must be kept to a minimum which can be assessed at detailed design stage.

Odours

The applicant will need to submit details of the cooking ventilation systems when details of the Class 3, 8, 10 & 11 units are available. This can be secured by condition.

Floodlighting

If proposed at AMC stage, conditions will be attached to ensure that it does not adversely affect the proposed residential amenity.

The proposed development accords with policies Env 15 (Sites of Local Importance) and Env 16 (Species Protection) and policy Env 22 (Pollution, and Air, Water and Soil Quality.)

g) Sustainability

The applicant has submitted a sustainability statement in support of the application. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water Conservation	10	10
Section 3: Surface water run-off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total Points	80	80

A condition relating to the requirements of the AMC applications is required to ensure that suitable measures are incorporated into these proposed. Subject to condition, the proposal is acceptable in terms of sustainability.

h) Equalities and Rights

A mix of uses is proposed to create a residential led mixed development focused on a local centre and primary school. The proposed development will give good access to public transport, pedestrian and cycle links, green spaces and local facilities. There are no identified equalities issues. The proposal is likely to have a positive impact on equalities or human rights.

i) Public comments

Material Representations - Objections

Principle of Development

- Affordable housing - more affordable housing needed/most housing won't be affordable addressed in section 3.3 (d).

- Housing density - too high density and threatens surrounding area/ too much high density flats when greater need for low density and family homes - addressed in section 3.3 (d).
- Employment - lack of employment opportunities in East Edinburgh and lack of associated employment development with the proposal addressed in section 3.3 (a) - and proposed mix of uses are principle.
- Environmental Assessment - Local Plan failed to include an Environmental Impact assessment of the site addressed in section 3.3 (c).
- Housing should include 25% affordable to rent and housing for the elderly - addressed in section 3.3 (c).
- Cumulative impact of housing in this area - addressed in section 3.3 (a).

Transport Issues

- Impact on road network - road infrastructure will not cope with increased traffic, insufficient traffic management in local area - addressed in section 3.3 (c) and (e).
- Cumulative traffic impacts and cross boundary transport implications on the east side of the city - addressed in section 3.3 (e).
- Traffic pollution - air quality addressed in section 3.3 (f).
- Road safety issues - walking along local roads will be more difficult, will impact on safe routes to school and children play in local streets, cycle and go to and from school; assessed in section 3.3 (c) and (e).
- Emergency vehicles - concern about accessing site and local road network at peak times addressed in section 3.3 (c) and (e).
- Traffic assessment flawed - addressed in section 3.3 (c) and (f).
- Access arrangements - addressed in section 3.3 (c).
- Bus stops block traffic already on Milton road - addressed in section 3.3 (c).
- John Muir Way - access road across it will negatively impact addressed in section 3.3 (c).
- Cycling - more cycle paths, separate cycle routes and cycle parks required - addressed in Section 3.3 (c).
- Pedestrians - walking on Milton Road will be more difficult; need better walking routes to Asda and the Fort, local pedestrian routes are heavily used - addressed in Section 3.3 (c).
- Public Transport - site does not integrate with public transport - no existing public transport links, not viable, not wanted, lack of capacity to meet demand and would be difficult to serve by public transport - addressed in Section 3.3 (c).
- Brunstane Station - parking at station causes congestion and road safety issues - addressed in section 3.3 (c).
- Newcraighall Station - encourage residents to use Newcraighall station as walkable and parking available - addressed in section 3.3 (c).
- Car parking - need sufficient car parking - addressed at AMC stage.
- Rail - capacity issues addressed in Section 3.3 (c) and (e).
- Developers should pay towards new bridge south of Brunstane Station and upgrade cycle link - addressed in section 3.3 (c).
- Safety in relation to East Coast Main line needs to be assessed - addressed in section 3.3 (f).

Infrastructure

- Proposed development will pressure already stretched infrastructure and amenities and development is not supported by investment in appropriate planned infrastructure - addressed in section 3.3 (c).
- Lack of appropriate infrastructure will be detrimental to existing local community - addressed in section 3.3 (c).
- Schools - primary school only proposed, no secondary school provision proposed and will add to pressure at Secondary School level. Addressed in section 3.3 (c).
- Healthcare - medical services - doctors and dentists struggling to meet existing demand and could not cope with proposed increased volume of residents; proposal for new medical surgery depends on NHS requirements - Addressed in section 3.3 (c).
- Child play areas should be provided - addressed in section 3.3 (d).
- Local shops - lack of shops in plan - addressed in section 3.3 (c).
- Lack of leisure facilities - culture and sport to improve residents health and well being and facilities for teenagers - addressed in section 3.3 (c).
- lack of allotments, - addressed in section 3.3 (c).
- No local community benefit and detrimental impact on community life - addressed in Section 3.3 (c).
- Mining - previous coal mining - shafts, shallow coal workings, sink holes, which may require stabilisation and ground works which have environmental implications - addressed in Section 3.3 (c).
- Sewage - capacity issue of existing sewage pipes evidenced by leaks into burn at Newhailes House and Brunstane burn and existing problems at Brunstane Mill - addressed in section 3.3 (f).
- Drainage - no topographical information available making it impossible to determine visual impact and drainage impact - addressed in section 3.3 (f).
- SUDS issues - no reference to calculation methods and water impact assessments, concerns of maintenance, topography changes, SUDS ponds capacity - addressed in section 3.3 (f).

Heritage

- Archaeology - site is of significant archaeological importance and SHEP policy should be applied - addressed in section 3.3 (b).
- Builds over remains of walled garden at Brunstane House - addressed in section 3.3 (b).
- Significant detrimental effect on historically and architecturally important Brunstane House and Newhailes House - addressed in section 3.3 (b).
- Newhailes boundary treatment should be larger, addressed in section 3.3 (b).
- Other historical and listed buildings at Brunstane and Brunstane Farm will be impacted and ruin their preservation and farm setting - addressed in section 3.3 (b).
- Impact on Newhailes estate as it was surrounded by farmland - addressed in section 3.3 (b).
- Blocks of flats near Brunstane House are out of keeping with the existing Brunstane farm and are not sensitive to their surroundings - addressed in section 3.3 (f).

- Newhailes stone boundary wall is a fragile retaining wall and this is not addressed by the proposed development - addressed in section 3.3 (b) and (f).
- The integrity and character of Newcraighall village would be undermined destroying its heritage as a mining village - addressed in section 3.3 (f).

Landscape

- Loss of high scenic value areas as important green buffer zone and negative impact on wider landscape setting of both Edinburgh and Musselburgh - addressed in section 3.3 (d).
- Brunstane Burn area is an important wildlife haven, addressed in section 3.3 (f).
- Loss of openness along Brunstane Burn Path/John Muir Way - addressed in section 3.3 (c).
- Character of area, access in Daiches Brae will change - addressed in section 3.3 (d) and (e).
- Open space - area of great natural beauty, significant loss of open space - addressed in section 3.3(a).
- Openness - loss of openness and views from NCR1, loss of local landmarks and local landscape - addressed in section 3.3 (c).
- Green Space - loss of green space vital for well being exercise and quality of life - addressed in section 3.3 (c).
- Green space - loss of fields, countryside, loss of amenity woodland, grassland and subsequent loss of wildlife and biodiversity and damage to local environment - addressed in section 3.3 (f) and mitigation measures proposed.
- Sustainability - other sites more sustainable and better equipped - addressed in section 3.3 (a) - housing is an acceptable land use in principle.
- Biodiversity - loss of biodiversity at Brunstane Burn; loss of a diverse range of wildlife with no adequate assessment and no mitigation measures - addressed in section 3.3 (f).
- Biodiversity - loss of link in wildlife corridor between Pentlands and sea and impact on local nature conservation site - addressed in section 3.3 (f).
- Biodiversity at Newhailes has not been taken into consideration - increased people visiting Newhailes would impact on wildlife - addressed in section 3.3 (f).
- Open space should be maintained between Newhailes cottage and built development as shown on plans - addressed in section 3.3 (f).
- •Clarify deliverability, ownership and long term management of allotments - addressed in section 3.3 (f).

Amenity

- detrimental to local community - addressed in section 3.3 (f).
- Maintain residential amenity to residents near Newhailes House - addressed in section 3.3 (f).
- Prevent unauthorised access to Newhailes house and gardeners cottage - addressed in section 3.3 (f).

Environmental Factors

- air quality would be reduced due to more vehicular pollution - addressed in section 3.3 (f).
- Pylons - removed from site east field prior to the application determination.

Design

- Layout - well planned but in wrong place creating a nice environment within the site but little concern about impact on surrounding area - addressed in section 3.3 (d).
- Residential units are out of character with existing buildings in the area - addressed in section 3.3 (d).
- Type of housing - not contain environmentally sustainable housing - addressed in section 3.3 (d).

Material Representations - Support :

- Affordable housing provision is welcome.
- More job opportunities and construction jobs - addressed in section 3.3 (a).
- More housing, housing shortage especially in local area - assessed in section 3.3 (a).
- Traffic - busy at peak times only, assessed in section 3.3 (c).
- Access - improve access arrangements, concern about number and location of access roads and need to cross Brunstane Burn/ John Muir Way and East Coast Main line - assessed in section 3.3 (c).
- Cycle - cycle path availability makes the site a viable choice - addressed in section 3.3 (c).
- Use - makes good use of land - addressed in Section 3.3 (a).
- Location of development - need more houses in Edinburgh, new houses in East Lothian encourages commuting to Edinburgh.
- •Public transport accessibility - good links due to proximity of railway stations, bus routes and cycle links - addressed in section 3.3 (c).
- Greenbelt - site not valuable greenbelt as surrounded by development, addressed in section 3.3 (a).
- Design and layout - like proposed open spaces, geometric layout on key views addressed in section 3.3 (d) and found acceptable.

Non- Material Representations

- Amount of and need for housing
- Appeal Decisions Windfall sites
- Surplus Housing Supply
- CEC own land and conflict of interest as Council making a decision on land they own.
- Community engagement - lots of objections listen to them. Proposals will ruin community.
- Green Belt - loss of green belt especially one of the last green belt areas around Edinburgh and should not be developed, loss of separation between Edinburgh and East Lothian

- Redevelop brownfield land elsewhere in the city first
- Prefer use of Brownfield land - unused previously developed or urban land or empty buildings should be used first
- Develop Shawfair first
- Loss of farmland - prime agricultural land, quality land, arable land, food growing area
- Significant reduction in quality of life of existing residents as it will cause a huge disruption to all aspects of the existing community.
- Contrary to Strategic Development Area/SESplan as Brunstane identified as greenbelt and LDP is not consistent with the Regional (south-east Scotland) Development Plan addressed in section 3.3 (a).
- ELDP2 not formally adopted when application submitted- addressed in section 3.3 (a).
- Loss of view
- Headlights would shine into my windows
- Devalue my property
- Detrimental to the enjoyment of my property
- Plan to tackle Council debt
- Disruption caused by building works
- Should have built residential rather than student accommodation in Edinburgh
- Council election issue
- Additional housing not required
- Proposal is being legally challenged
- Trespass issues to Newhailes would increase
- Proposals are inaccurate and poorly communicated
- Implications for secondary school catchment areas for at Gilberstoun
- Water infrastructure provision like new pipes could cause disruption to local area.
- Object as more houses means more likely more anti social behaviour, housebreaking and vandalism and local police is already stretched.
- Coalescence of Edinburgh and Musselburgh; Joppa and Newcraighall will lose their identity.
- noise pollution - especially into Portobello cemetery as access road traffic notes would disturb cemetery visitors

Community Council

The Portobello Community Council objected to the proposed development on the following grounds:

- impact of such a development on the immediate area - addressed in section 3.3(d).
- traffic impact - increased congestion on roads, how existing traffic flows could be adversely affected and how changes to the roads layout would affect existing residents - addressed in section 3.3 (c) and (e).
- concern about parking, road safety and pollution - addressed in section 3.3 (c) and (e).
- loss of greenbelt land - addressed in section 3.3 (a).
- loss of green space - addressed in section 3.3 (a).

- coalescence with Musselburgh - addressed in section 3.3 (a).
- threats to wildlife and local biodiversity - addressed in section 3.3 (f).
- impact on services like doctors' surgeries and dentists - addressed in section 3.3 (c).
- impact on local high school- addressed in section 3.3 (c).
- Pressure on existing public transport infrastructure - addressed in section 3.3 (c).

Conclusion

The proposed development is acceptable in principle and is in accordance with the Local Development Plan. The strategic masterplan and accompanying documents set out how the proposed development complies with the HSG 29 Brunstane site development principles and the LDP Action Programme requirements including the associated infrastructure. The setting of the listed buildings and Scheduled Monuments has been incorporated into the proposed design and layout and, subject to detailed landscaping proposals for the open spaces and Newhailes landscape edge which can be secured by condition, there is no adverse impact on the special interest of the listed buildings, or their setting, or the Inventory Garden and Designed Landscape of Newhailes. The overall design concept draws on the heritage, key views, landscaping and open space to create a successful place which will become a new residential area of the city focused around a local centre and school. Road network issues raised are addressed through the LDP Action programme and the applicant's Transport Assessment and can be secured through legal agreement. There are no significant implications for residential amenity and an acceptable living environment will be afforded to future residents.

The proposals are acceptable and there are no material considerations that outweigh this conclusion. Due to the scale, complexity and nature of the proposed development, a Direction under Section 59 (5) of the Town and Country Planning (Scotland) Act 1997 has been issued, to increase the time period within which the development can commence. This has been extended by a period of 4 years. It is recommended that this application be minded to grant, subject to conditions and the conclusion of a legal agreement.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the submission of any applications for the approval of matters specified in conditions (as required by condition 2 below), a phasing framework shall be submitted for the approval by the Planning Authority.

The phasing framework shall include a plan identifying individual sub-sites and phasing. Thereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing framework.

The phasing framework shall include the following items and the timing of their delivery for each sub-site:

- the location of development phases;

- the location of the school and commercial uses;
- the minimum and maximum number of residential units;
- open space, landscaping, play provision, woodland management, allotments and SUDS;
- connectivity and access;
- pedestrian, cycle and vehicular links;
- the proposed access arrangements and two East Coast Main Line bridge crossings;

The delivery of individual plots and sub-sites will then be carried out in accordance with the approved phasing framework.

Subsequent applications for each phase of the development shall be accompanied by the following supporting information:

- an updated phasing plan;
- an updated Transport Statement the scope of which will be agreed with Planning and Transport;
- a Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
- an updated Landscape and Visual Impact statement;
- details of management and maintenance of the landscaping, allotments, SUDS and open space; and
- surface water management strategy.

2. Before any work on a site which forms part of an identified sub-site as required under condition 1 is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission shall be in the form of a detailed layout for the relevant sub site and shall be in accordance with the Phasing Framework as approved by condition 1.

(a) a site development layout showing a phased implementation programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management;

(b) details of the siting, design and height of development, including the design of all external features and materials and appearance of all buildings and glazing specifications (including acoustic capabilities) and ground floor levels in relation to Ordnance Datum;

(c) details including the siting, design, and materials of the proposed pedestrian and cycle bridge. (The bridge must be designed as part of the adjacent phases of development outlined in orange on the Amended Strategic Masterplan Design Code Appendix G.

(d) the precise location and extent of individual uses to be developed including the number of residential units and any community/commercial/business uses;

- (e) design and configuration of public realm and open spaces, all external materials and finishes and details of play equipment;
- (f) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, servicing areas and electric charging points;
- (g) footpaths and cycle routes, including proposed multi-use paths and the signage of pedestrian and cycle access links;
- (h) waste management and recycling facilities;
- (i) Site investigation/decontamination arrangements;
- (j) surface water and drainage arrangements;
- (k) existing and finished site and ground levels in relation to Ordnance Datum;
- (l) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building; and
- (m) full details of the landscape proposals include fully detailed plans of the design and configuration of all public open space all external materials and hard and soft landscaping details, sections and elevations and be substantially in accordance with the design proposed in the site wide landscape plan submitted under condition 13 below. This shall include:
 - (i) Walls, fences, gates and any other boundary treatments;
 - (ii) The location of new trees, shrubs and hedges including street trees.
 - (iii) A schedule of plants to comprise species, plant size and proposed number/density;
 - (iv) Programme of completion and subsequent maintenance and management;
 - (v) Existing and proposed services such as cables, pipelines, substations, and details of the acoustic barrier required under the Noise Impact Assessment; and
 - (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings, recreation and play equipment and allotments as required by the site-wide landscape masterplan;
 - (vii) Details of cooking ventilation systems for Class 3,8,10 and 11 units.

All to be in accordance with the Phasing Framework as detailed in condition 1 and in accordance with the landscape masterplan as detailed in condition 13.

3. The approved landscaping scheme(s) for each sub-site or significant open space required under condition 2 shall be fully implemented in accordance with the approved phasing plan required by condition 1. Thereafter it shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive for whatever reason, as often as may be required to ensure the establishment of the approved landscape scheme.
4. Prior to the submission of any applications for the approval of matters specified in condition 2, for the area referred to as the Newhailes Edge in Design Code 17 as set out in the page 82 of the Amended Strategic Masterplan Report Design Code, a detailed design plan at no less than 1:200 scale, should be provided including:
 - (a) urban block layout, design, and details of the siting, design and height of development, including the design of all external features and materials and appearance of all buildings;
 - (b) design and configuration of public realm and open spaces, all external materials and pedestrian and cycle links; and
 - (c) full details of the landscape proposals include fully detailed plans of the design and configuration of all public open space all external materials and hard and soft landscaping details, sections and elevations. This shall include:
 - (i) Walls, fences, gates and any other boundary treatments;
 - (ii) The location of new trees, shrubs and hedges including street trees.
 - (iii) A schedule of plants to comprise species, plant size and proposed number/density;
 - (iv) Programme of completion and subsequent maintenance and management;
 - (v) Existing and proposed services such as cables, pipelines, substations, and details of the acoustic barrier required under the Noise Impact Assessment; and
 - (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings, recreation and play equipment and allotments as required by the site-wide landscape masterplan;

This detailed design plan is to be submitted to and approved in writing by the planning authority and implemented in accordance with plan so approved and the phasing framework.

5. The development hereby permitted shall be carried out in substantial accordance with the principles and requirements of the mitigation measures set out in the Environmental Statement accompanying the planning application unless provided for in any other condition attached to the permission. If development is to be phased, then a revised schedule of mitigation must be submitted for approval prior to commencement of development of each phase after the first.

6. For each phase of development, no development shall take place on that phase until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
7. Prior to the commencement of development, of each phase, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*), and Giant Hogweed (*Heracleum mantegazzianum*) on site. The measures shall be carried out strictly in accordance with the approved scheme.
8. For each phase of development:
 - (1) Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 Head of Planning.
 - (2) 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 Head of Planning.
9. Prior to the submission of applications for the Approval of Matters Specified in conditions (detailed design) for each phase of the development:
 - The submission of a scheme of intrusive site investigations for the mine entries for approval;
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
 - The undertaking of both of those schemes of intrusive site investigations.

As part of applications for the Approval of Matters Specified in conditions (detailed design) for each phase of development:

- The submission of a report of findings arising from both of the intrusive site investigations, including the results of gas monitoring;
- The submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- The submission of a scheme of treatment for the mine entries on site for approval; and
- The submission of a scheme of remedial works for the shallow coal workings for approval.

Prior to the commencement of each phase of development, the implementation of the approved treatment and remedial works is required.

10. Fully detailed proposals for work to manage or remove trees, planting to mitigate losses and to protect remaining trees, including the following details, shall be submitted to and approved in writing by the planning authority prior to works commencing on site:
 1. Details showing trees to be removed;
 2. A Tree Protection Plan setting out measures to protect trees that are to remain during construction in accordance with BS 5837: 2012: 'Trees in relation to design, demolition and construction';
 3. Details of road and path construction, service runs and changes in level that may affect tree root systems in relation to proposed phasing of development; and
 4. Details of contractor's compounds, fences and storage, which may affect trees.

Tree protective measures BS 5837:2012 and in accordance with the approved Tree Protection Plan will be implemented in accordance with the approved phasing plan and shall be maintained to specification for the duration of the construction period. No materials, equipment or building shall be stored or located within the construction exclusion zone, nor shall any access or trenches be taken through it.

11. The applicant will need to submit details of the cooking ventilation systems when details of the Class 3, 8, 10 & 11 units are available.
12. The details of the reserved matters submitted pursuant to this permission shall be substantially in accordance with the Amended Strategic Masterplan, Strategic Landscape Framework, Strategic Movement Framework and Strategic Masterplan Report and Design Code (as revised) as submitted with and accompanying the application reference 16/04122/PPP, as approved by the planning authority and according with the design parameters and architectural approach identified in the Masterplan Design Code.
13. Prior to the commencement of works on site, a site-wide landscape masterplan shall be submitted to and approved in writing by the planning authority. This shall co-ordinate the layout, specification and materials palette and shall refer to the design and delivery of those landscape elements shown on the approved strategic landscape framework which are common to multiple sub-sites, with regard to the following:
 - i. Landscape edges to Brunstane Burn;
 - ii. Landscape edges to NCR 1/ Wanton Walls Steading;
 - iii. Amphitheatre park;
 - iv. Linear park;
 - v. Lauderdale view;
 - vi. Brunstane Walk;
 - vii. Hard landscape and planting details for SUDs basins, aquatic margins and swales;

- viii. Provision for forty three 10 m x 20 m allotments; and
- ix. Species of tree and woodland planting, size of stock and planting details for use in hard landscape and green spaces.

Once approved, this site wide landscape masterplan should be delivered and implemented through the phasing framework condition 1 and sub-site AMC applications required in condition 2.

14. Prior to the commencement of works on site within the phases that include Brunstane Green and/or Brunstane Park, details of the treatment of the Scheduled Monuments are required. This shall include detailed landscape plans at not less than 1:200 for Brunstane Green and Brunstane Park, and detailed designs of the archaeological and historic interpretation of these Scheduled Monuments, to be submitted to and approved in writing by the planning authority.

No development shall take place until the applicant has secured the implementation of the proposed landscaping plans and the implementation of a programme of archaeological and historic interpretation in accordance with detailed designs which have been submitted by the applicant and approved by the planning authority.

The implementation of Brunstane Green and Brunstane Park should be in accordance with phasing framework.

15. For any phases of development including the Schedule Monuments, no development shall take place on that phase until the applicant has secured the implementation of an Archaeological Conservation & Management Plan for both Brunstane, enclosure 250m E of (Ref 4112) and Brunstane, moated site 50m NNE of (Ref 10580) which has been submitted by the applicant and approved by the Planning Authority.

Reasons:-

1. To ensure that the site is designed, developed and delivered cohesively.
2. In order to enable the planning authority to consider these matters in detail.
3. To ensure that quality landscaping is provided as part of the development.
4. To allow the planning authority to consider these matters in detail, to ensure comprehensive and coordinated design of this landscape buffer and allow consultation with HES relating to the design and treatment of the boundary to Newhailes.
5. To ensure the management and implementation of environmental mitigation measures as set out in the Environmental Statement.
6. In order to protect the historic assets and allow the planning authority to consider these matters in detail.

7. In order to enable the appropriate environmental mitigation measures to be implemented.
8. In order to enable the planning authority to consider this/these matter/s in detail.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to protect trees during the construction of the development.
11. To ensure this information is provided when submitting applications including these Use Classes.
12. For avoidance of doubt regarding the approved documents.
13. To ensure coordination, quality and consistency in the landscaping details and delivery over different subplots.
14. To allow the planning authority to consider these matters in detail, and allow assessment of consultation with Historic Environment Scotland relating to the setting of historic assets.
15. In order to enable the planning authority to consider this/these matter/s in detail and allow further consultation with Historic Scotland on relating to these historic assets.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare, affordable housing, allotments and transport has been concluded and signed. The legal agreement shall include the following:
 1. Education - A financial contribution is required to Communities and Families to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and the associated Supplementary Guidance.
 2. Healthcare - A financial contribution is required to Edinburgh Health and Social Care Partnership with NHS Lothian to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and the associated Supplementary Guidance.
 3. Affordable Housing - 25% of the total number of residential units shall be developed for affordable housing provision.
 4. Allotments - ownership of the completed allotments shall be transferred to CEC.
 5. Transport - the following transport contributions are required:

- a. The upgrade, improvement or replacement, or the provision of a suitable alternative to, the existing bridge over the East Coast Main Line for cycle and pedestrian use, and including suitable links to and from that bridge, or to and from that suitable alternative, prior to the certificate of temporary occupation or the notice of acceptance of completion certificate (whichever is earlier) of any residential unit, to the east of the East Coast Main Line. The bridge will be required to accommodate motor vehicles, prior to the certificate of temporary occupation or the notice of acceptance of completion certificate (whichever is earlier) of 250th residential unit to the east of the East Coast Main Line;
- b. The provision of a suitable cycle and pedestrian bridge south of and in addition to the bridge referred to in 5a above, prior to construction of any residential unit in the part of the site identified in area marked dotted orange covering either side (east and west) of the East Coast Main Line, on page 91, Appendix G: pedestrian bridge of the New Brunstane Strategic Masterplan Report submitted in March 2017, or prior to the certificate of temporary occupation of the 665th residential unit, or notice of acceptance of completion certificate of the 665th residential unit on the whole site, whichever is the sooner;
- c. Mitigation as required, to the junction of Milton Road/Sir Harry Lauder Road/ Milton Link, to accommodate the proposed development in its entirety;
- d. £23,000 towards the upgrade of Old Craighall Junction prior to occupation of any residential unit;
- e. The upgrading of existing bus stops on Milton Road East prior to occupation of any residential unit being able to be served by the proposed new road access on Milton Road East;
- f. The upgrading of existing bus stops on Newcraighall Road prior to occupation of any residential unit being able to be served by road access to Newcraighall Road;
- g. Support commercial operation of bus services through the site on completion of the principal route through the site being usable by public transport buses;
- h. The sum of £2,000 to provide cycle parking at Brunstane Station and Newcraighall Station prior to occupation of any residential unit;
- i. The construction of a signalised junction, including cycle and pedestrian facilities, at the northern access on Milton Road East prior to occupation of any residential unit able to be served by the proposed new road access on Milton Road East;
- j. The construction of a signalised junction, including cycle and pedestrian facilities, at the south-eastern access on Newcraighall Road prior to occupation of the 200th residential unit; and

k. The contribution of a sum, prior to occupation of any residential unit, to progress suitable orders in relation to parking spaces for the Disabled, and to redetermine sections of footway and carriageway, introduce waiting and loading restrictions. Each order is anticipated to require a contribution of £2,000.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. It is directed that:
 - a) Application for the approval of matters specified in conditions must be made before the expiration of 7 years from the date of the grant of planning permission in principle, unless an earlier application for such an approval has been refused or an appeal against such a refusal has been dismissed, in which case application for approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
 - b) The approved development must be commenced not later than the expiration of 7 years from the date of the grant of planning permission in principle or from the date of expiry of the time period for final approval of matters specified in condition, whichever is later.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
6. The design and construction of the proposed road bridge over the railway will have to comply with current Railway Standards and Guidelines and will be subject to further discussions and agreement with Network Rail. The Local Authority will be required to enter into a bridge agreement and adopt the bridge including the obligation to repair, maintain and renew it.

7. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
8. The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.
9. In addition to those measures listed, Scottish Natural Heritage would add that for otters, pre-construction surveys should be carried out prior to construction works to check whether otters have moved into the area, to identify any holts that may be subject to construction disturbance, and therefore inform any licence requirements that may be required.
10. A detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the council as planning authority.

This will show:

- a) all existing paths, tracks and rights of way, and any areas currently outwith or excluded from statutory access rights*;
- b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) any diversions of paths - temporary or permanent - proposed for the purposes of the development.

* under Part One of the Land Reform (Scotland) Act 2003.

11. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
12. For the avoidance of doubt the surface water drainage scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles of Sustainable Urban Drainage Systems (SUDS) and CEC Flooding requirements.

The drainage details include:-

- (a) Cross sections of all SUDS ponds as shown on the Strategic Landscape Framework and their integration with adjacent paths and landforms;
 - (b) Gradients of aquatic margins - encompassing a maximum steepness of 1:8;
 - (c) The critical storm duration of the storage volumes;
 - (d) Inlet details;
 - (e) Outlet details; and
 - (f) The integration with paths and other landforms.
13. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent (RCC). The applicant should note:
- a. the extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed;
 - b. a network of high quality pedestrian and cycle routes through the site to link with and improve existing routes to Brunstane Station, Newcraighall Station, Brunstane Burn at the north-eastern edge of the site, proposed northern access at Milton Road East, and John Muir Way is required;
 - c. details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification to be provided;
 - d. particular attention must be paid to ensuring that 12m long refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details; and
 - e. The principles set out in the Design Code are considered acceptable but, for the avoidance of doubt, the road layout is not approved at this stage and will require separate application for RCC.
14. The principles set out in the Strategic Masterplan Report Design Code are considered acceptable but, for the avoidance of doubt, the road layout is not approved at this stage and will require separate application for RCC.
15. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of any Road Construction Consent.

16. Prior to the commencement of the first phase of development, a construction environmental management plan (CEMP) should be submitted to and approved in writing by the local planning authority. The CEMP should include mitigation as detailed in the Environmental Statement. Construction shall be carried out in accordance with the CEMP so approved. Prior to the construction of development, the mitigation measures scheduled in the Environmental Statement should be implemented. A revised CEMP must be submitted for approval prior to commencement of development of each phase after the first and implemented prior to the construction of that phase of development.

Financial impact

4.1 The financial impact has been assessed as follows:

The City of Edinburgh Council, through EDI Ltd, owns some of the site at Brunstane.

Milton Road East / Sir Harry Lauder Road / Milton Road junction

The requirement for improvements to the Milton Road East/Sir Harry Lauder Road/Milton Road junction will be added to the next iteration of the LDP Action Programme.

In respect of this junction, additional infrastructure has been identified as being required over above what is required to mitigate the impact of development on this junction. As set out in 3.3 (e), the applicant has agreed to contribute their share (one third) of the required infrastructure improvements.

The Council's appropriate share (two thirds) will be identified within the Action Programme. The financial impact and timescale for delivery will be reported through LDP Action Programme governance arrangements and will need to be considered as part of the on-going budget consultation process.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application was assessed in terms of equalities and human rights. The impacts are identified in the assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

The application meets the requirements of the Edinburgh Standards for Sustainable Buildings.

Consultation and engagement

8.1 Pre-Application Process

The application was subject to pre-application advice.

A Proposal of Application Notice was submitted and registered on 17 December 2015. Copies of the Notice were also issued to: Portobello Community Council; Craigmillar Community Council; Musselburgh and Inveresk Community Council; Local Ward Councillors; Portobello and Craigmillar Neighbourhood Partnership. Community consultation events were held on 8 March 2016 and 18 May 2016. Full details can be found in the Pre-application consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online services. A pre-application report on the proposals was presented to the Committee on 10 February 2016. The proposals were submitted to the Urban Design Panel on 30 March 2016. Full details of the response can be found in the Consultations section.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 2 September 2016 and 299 letters of representation were received: 267 objecting, 26 supporting and 6 making representations on the proposed development. These included comments from the Portobello Community Council, the Portobello Amenity Society, Councillors and MSPs.

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

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The proposed development was assessed against the Adopted Edinburgh Local Development Plan 2016, the LDP Action Programme and the LDP Development Contributions Supplementary Planning Guidance.

Date registered

25 August 2016

Drawing numbers/Scheme

Plan 1, 2A, 3A, 4A and Amended Strategic Masterplan Report,

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk Tel: 0131 529 6123

Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

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

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

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

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Supplementary Guidance: Developer Contributions and Infrastructure Delivery - Finalised and approved by Planning Committee on 30 March 2017.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

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

Local Transport Strategy - The Strategy lists a number of options for improving Edinburgh's transport service including: developing an integrated transport system for the city; lowering speed limits in certain areas to reduce road accidents and encourage cycling and walking; continuation of the School Streets pilot, which encourages young people to walk or cycle to school; continuing action to alleviate air quality problems and undertake further work on developing a Low Emission Zone; and, looking at the possibility of assigning a dedicated officer to work with major employers and other agencies on travel planning.

National Policy Designing Streets: This document sets out government aspirations for street design and the role of the planning system in delivering this as part of a wider agenda to improve urban design and placemaking generally.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Appendix 1

Application for Planning Permission in Principle 16/04122/PPP

**At Land 445 Metres North Of 103, Newcraighall Road,
Edinburgh**

**Proposed residential development (including class 8
residential institutions, class 9 houses and sui generis flats)
primary school (class 10 non-residential institutions) local
centre (including class 1 retail, class 2 financial services,
class 3 food and drink, class 10 non residential institutions
and class 11 assembly and leisure), green network, access
and transport links, infrastructure and associated ancillary
works (as amended.)**

Consultations

Edinburgh Health and Social Care Partnership - NHS Lothian - 28 March 2017

We are aware of the development and the considerable impact it will have on primary care services in the area, and will not be able to provide for it without additional resources. We are working closely with CEC planning to understand the impact of all the planned housing developments/Local Development Plan in the area and to plan how we address it. Discussions have taken place with the local practices who will be directly impacted by the planned growth; all will require to increase their workforce to accommodate the growth, and 2 of the practices will require increased physical capacity.

Scottish Natural Heritage 22 March 2017

Position

This site is strategically important in the expansion of the city eastwards towards the boundary with East Lothian. As an allocated site in Edinburgh's second Proposed Plan, it has been assessed through the plan-making process in terms of strategic green infrastructure (GI) and wider access links, as well as in matters relating to the change of function of the land from green belt. Within this context of proposed land use change, with its associated sensitivities, we consider the proposal, as submitted, has the potential to deliver positive green infrastructure and successful placemaking outcomes for a new community. We would advise that the delivery of successful planning outcomes for this site are dependent on ensuring the details in the Environmental Statement (ES) mitigation, design statement, masterplan and frameworks are taken forward into the detailed design and delivery of the proposal.

Appraisal

We consider the draft masterplan, frameworks and design statement contain a positive and diverse mix of open space types and green infrastructure, including matters relating to the incorporation of existing environmental assets such as the John Muir Way. The landscape analysis, the location and orientation of open spaces and the proposed retention of view corridors is another positive element of the scheme.

The ecological and species surveys are comprehensive and we are satisfied with the findings and recommendations for habitat creation and species mitigation given.

We note that mitigation pertaining to landscape, GI, as well as ecological/habitat measures, are all discussed and listed in mitigation sections within various chapters in the ES, and summarised in a Schedule of Mitigation in chapter 16. We support these recommendations and measures and advise that they are taken forward through to detailed design stages of the planning process.

As such, we advise that all mitigation proposed in the ES is brought together into a comprehensive mitigation implementation schedule which ties into or is incorporated into the Construction environmental management plan (CEMP). We also advise that implementation and adherence to the design codes within the design statement and the various masterplans and frameworks is also secured in order that important matters of placemaking and green infrastructure design, as set out in the outline application, are delivered in detailed proposals that may be forthcoming.

Additional recommendations to those contained in the application and ES are given in the Annex of this letter and we would welcome further consideration of these issues by the applicant and the planning authority.

We hope that these comments are helpful. Should you require any further information, then do not hesitate to contact us at the address below.

Scottish Natural Heritage Additional Response 22 March 2017

Thank you for your additional consultation on the bat survey addendum, which has only recently been completed.

The surveys reveal that most bat activity is located along the Brunstane Burn corridor and the old Brunstane-Newcraighall railway line, with some activity along the Newhailes boundary. The report also highlights the risks of light and noise from the development generally on these areas, as well as from fragmentation of the burn and railway corridors by the construction of new access routes.

This emphasises the importance of the habitat and species mitigation measures contained within the ES, in particular the landscape planting and sensitive lighting proposed along the boundaries of Brunstane Burn and Newhailes, which will protect and enhance these areas as good foraging routes, particularly if such measures aren't so practical for the proposals around the old railway line.

Our advice regarding potential roost sites remains as per our response to the ES.

Transport Planning 22 March 2017

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

1. Contributions or works will be required as follows:
 - a. £23,000 towards the upgrade of Old Craighall Junction prior to occupation of any residential unit;
 - b. To upgrade existing bus stops on Milton Road East prior to occupation of any residential unit being able to be served by the proposed new road access on Milton Road East;
 - c. To upgrade existing bus stops on Newcraighall Road prior to occupation of any residential unit being able to be served by road access to Newcraighall Road;
 - d. Support commercial operation of bus services through the site on completion of the principal route through the site being usable by public transport buses;
 - e. Contribute the sum of £2,000 to provide cycle parking at Brunstane Station and Newcraighall Station prior to occupation of any residential unit;
 - f. Introduce a signalised junction including cycle and pedestrian facilities, at the northern access on Milton Road East prior to occupation of any residential unit able to be served by the proposed new road access on Milton Road East;
 - g. Introduce a signalised junction including cycle and pedestrian facilities, at the south-eastern access on Newcraighall Road prior to occupation of the 200th residential unit;
 - h. Contribute a sum to progress suitable orders to redetermine sections of footway and carriageway, introduce waiting and loading restrictions, introduce a 20mph speed limit within the development as necessary and prior to occupation of any residential unit. Each order is anticipated to require a contribution of £2,000;
 - i. Upgrade, improve or replace, or provide a suitable alternative to, the existing bridge over the East Coast Main Line for cycle and pedestrian use, and including suitable links to and from that bridge, or to and from that suitable alternative, prior to occupation of any residential unit in the eastern part of the site. The bridge will be required to accommodate motor vehicles prior to occupation of the 250th residential unit in the eastern part of the site;
 - j. The applicant or their successors are to provide a suitable cycle and pedestrian bridge south of and in addition to the bridge referred to above, prior to construction of any residential unit in the part of the site identified in area marked dotted orange covering either side (east and west) of the East Coast Main Line, on page 91, Appendix G: pedestrian bridge of the New Brunstane Strategic Masterplan Report submitted in March 2017, or prior to the certificate of temporary occupation of the 665th residential unit, or notice of acceptance of completion certificate of the 665th residential unit on the whole site, whichever is the sooner.
 - k. Carry out improvements to the junction of Milton Road / Sir Harry Lauder Road / Milton Link as identified in paragraphs 7.16 to 7.26 of the Transport Assessment dated August 2016;
2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent (RCC). The applicant should note:
 - a. the extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed;

- b. a network of high quality pedestrian and cycle routes through the site to link with and improve existing routes to Brunstane Station, Newcraighall Station, Brunstane Burn at the north-eastern edge of the site, proposed northern access at Milton Road East, and John Muir Way is required;
 - c. details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification to be provided;
 - d. particular attention must be paid to ensuring that 12m long refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
 - e. The principles set out in the Design Code are considered acceptable but, for the avoidance of doubt, the road layout is not approved at this stage and will require separate application for RCC;
3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of any Road Construction Consent;
 4. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
 5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
 6. Any off-street parking space should comply with the Council's Guidance for Householders (see http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders);
 7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;
 8. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;
 9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Chief Planning Officer.

Note:

- a. The cycle and pedestrian bridge is required as identified under the Local Development Plan (LDP) site brief for Brunstane HSG 29 (page 74) and the LDP Action Programme (page 19). It also supports the Local Transport Strategy 2014-2019 Objectives, the 2030 Transport Vision and Active Travel;
- b. Parking provision to be a reserved matter;

- c. *In accordance with the Council's LTS Travplan3 policy, the applicant is expected to consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a car club vehicles;*
- d. *The provision of Toucan crossings on Newcraighall Road has been addressed by HSG 26 and HSG 27 and there is therefore no requirement in relation to this development, HSG 29.*

Communities and Families 22 March 2017

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated December 2016), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

The Council's assessment has indicated that additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' have been identified and are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.

Assessment and Contribution Requirements

Assessment based on:

228 Flats

912 Houses

This site falls within Sub-Area C-3 of the 'Castlebrae Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.

The Education Appraisal considered the impact of new housing sites allocated in the LDP, including the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rate for the appropriate part of the Zone.

The application is for planning permission in principle. The required contribution should be secured through a legal agreement based on the established 'per house' and 'per flat' contribution figures set out below.

Per unit infrastructure contribution requirement:

Per Flat - £4,207

Per House - £20,322

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 land contribution requirement:

Per Flat - £636

Per House - £2,724

Note - no indexation to be applied to land contribution.

The assessment has been based on the mid-point of the estimated total capacity set out in the Council's Local Development Plan (1140 units). However, the application is for planning permission in principle and the applicant has stated that around 1,330 units could be delivered. If a higher number of units were delivered, the new primary school may have to have a larger capacity. As the legal agreement should be based on a per unit rate, the total contribution required in order that the new school can be delivered would increase as the number of units increased.

Proposed New Primary School

The Council's Action Programme identifies a requirement for a new 11 class primary school and nursery on the site. The estimated delivery date for the new school is August 2022. The Action Programme will be annually reviewed and therefore actions, including the delivery of the proposed primary school, will be subject to review and change.

The masterplan identifies a 2 hectare site for the new primary school; this reflects the location of the new school site which has been safeguarded within the Council's Local Development Plan.

If the Council is 'minded to grant' the application, delivery mechanisms for the school and the transfer of the 2 hectare school site will need to be agreed with the developer through an appropriate planning agreement.

Strategic Masterplan

The strategic masterplan includes detail about how the proposed school building will link with the proposed local centre, including identifying primary frontages and accesses. However, at this stage this should only be regarded as indicative as the Council has not yet undertaken any design work for the new school. The design of the school will be determined through the submission of a detailed planning application.

The design code also indicates that part of the primary school site will be within a landscape corridor that will safeguard an important view. The design code indicates that the school playing pitches will be located here to safeguard this view corridor. Although a pitch could be provided at the northern part of the site, it should be noted that the school site must be secured (normally this is through a 2 metre high wire mesh fence) and there may be a requirement for ancillary items in the area which are associated with an all weather school pitch.

Safer Routes to School

The strategic masterplan indicates that properties to the north east of the site will be part of the first development phases. These properties will be within the catchment area of Newcraighall Primary School, prior to the proposed new school being open. A safe route to the school must be in place for pupils from these properties to Newcraighall Primary School when homes in phase 1 become occupied.

Scottish Rights of Way Society 22 March 2017

Thank you for your emailed letter of 26 September 2016 requesting observations on the above planning application.

The National Catalogue of Rights of Way (CROW) shows that asserted rights of way LC1 and LC2 are affected by the area outlined in red on the Site Location Plan. A map is enclosed showing rights of way LC1 and LC2 highlighted in orange. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.

The applicant should note that the Brunstane Burn Path, a route that is used both by walkers and cyclists, and which forms part of the long distance route the John Muir Way, follows part of LC2.

You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We are pleased to note that the applicant has consulted the Core Paths Plan, prepared by the Council's access team as part of their duties under this Act. It is our understanding that the core path, in part, follows the line of right of way LC2.

We note that the Strategic Masterplan details proposed footpaths across the application site and would recommend the applicant consults the access officer at City of Edinburgh Council regarding the defined line of any proposed new routes across the site.

It appears that the applicant has not considered either of the rights of way that affect the site. While the Planning Statement 4.51 details that there will be opportunity to enhance existing core and other paths along the boundaries of the site, and in particular the Brunstane Burn Core Path (John Muir Way) there is no specific mention of how this will affect the rights of way. The Strategic Masterplan notes the John Muir Way is realigned and integrated within the landscape edge but there is no detail regarding any realignment of the underlying right of way.

If the applicant is proposing to alter the line of right of way LC2, it may be useful to set out some of the criteria we consider when determining whether we find a proposed diversion to be acceptable. We would expect a diversion to be:

- of at least an equivalent standard,*
- not significantly longer,*
- no less convenient,*
- accessible to at least the same categories of access taker as use it at present,*
- available for use before the present route becomes unavailable.*

As the application makes no mention of the rights of way on the site and does not specifically address any diversion to right of way LC2 the Society must submit a holding objection. We would welcome more information from the applicant regarding any proposed diversion of LC2 and how this relates to the criteria noted above.

The Society requests that rights of way LC1 and LC2 remain open and free from obstruction during and after any proposed work.

We request that, if the application is approved, the Society is kept informed regarding any diversions and subsequent reinstatement of routes in order for us to update our records.

Neither the Society nor its individual officers carries professional indemnity insurance and in these circumstances any advice that we give, while given in good faith, is always given without recourse.

Police Scotland 22 March 17

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Flood Prevention 2 March 2017

The applicant has now satisfactorily addressed all of Flood Prevention's comments and we are happy to support to through PPP stage.

As the drainage design is at a preliminary stage then we request to see the subsequent applications that may come from any permission which Committee is minded to grant. Please include a condition that flood prevention require to be involved at a later date. The details of the drainage are still to be confirmed such as what the critical storm duration of the storage volumes is. However as this PPP is conceptual, Flood Prevention believe that an adequate allowance has been made for space in the proposed layout."

Flood Prevention 21 September 2016

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

- o Outline Drainage Strategy, 15105-REP-004, dated May 2016*
- o Flood Risk Assessment, v2.1, dated 26/05/16*

- 1. The applicant has not completed a self-certification checklist for the drainage strategy part of this application. This should be completed to provide a summary of the information submitted in support of the application. The applicant has also not provided an independent check of the drainage strategy or flood risk assessment parts of this application. This is required as the application is classified as a major development.*

2. Sensitivity analysis of blockage of the Brunstane Burn culvert was undertaken as noted in Section 6.1 of the Flood Risk Assessment. It notes that should the culvert which passes underneath the railway line become blocked, then there would be an overflow which may impact part of the development site. No buildings or roads should be constructed in the area which would overflow. This area is upstream of the railway line along the northern edge of the site below the level of 24mAOD. Finished floor levels of properties adjacent to this emergency overflow should also be set above 24mAOD. The Flood Risk Assessment notes that the current masterplan for the site has no buildings or roads in this area therefore no action is required.
3. When the new site access road is designed and constructed an updated Flood Risk Assessment should be undertaken to assess the revised flood risk the new crossing of the Brunstane Burn will create. The developer should consider constructing the crossing to span the entire flooded area during a 1:200+climate change event. This however may be unfeasible and a compromise may have to be reached through discussion with Flood Prevention.
4. Finished floor levels of all properties must be a minimum of 600mm above the 1:200+30% climate level in all SUDs detention basins/ponds. The same applies to any swales where there is a likelihood of standing water.
5. It is CEC Flood Prevention policy to daylight culverts where possible however in this instance we do not feel that the day-lighting of the Magdalene Burn culvert between Newcraighall Road and the railway line would be worthwhile. Irrespective of this CEC Flood Prevention would like to obtain a copy of the CCTV survey undertaken as part of this commission. Due to the depth of the culvert and potential access issues post-development further discussion with regard to future ownership and maintenance will be required before granting planning permission.
6. We would note that should a discharge to the Magdalene Burn be required downstream of the overhead power lines then this would fall into East Lothian Council's jurisdiction. It may be worthwhile engaging ELC at this stage.
7. The proposed discharge rates for each of the development areas shown in Table 3 of the Drainage Strategy are not in line with the permitted discharge rate of 4.5l/s/ha of impermeable area. For guidance a table is shown below which uses the impermeable areas from Table 2 and shows rates which may be acceptable to CEC Flood Prevention based upon the 4.5 l/s/ha of impermeable area.

Development Area	Impermeable Area (ref Table 2 Drainage Strategy) (Ha)	Max Discharge Rate 1:200+30%cc event (l/s)
A	6.23	28.0
B	2.40	10.8
C	7.07	31.8
D	4.81	21.6
E	1.79	8.1
F	6.62	29.8

Please revise the proposed discharge rates in Table 3 based upon the allowable flow rate. Please then also revise the storage estimates and prepare a plan which shows the revised areas to ensure that sufficient plan area has been set aside for their inclusion within the development. Note that the pond plan areas currently shown in Appendix B of the Drainage Strategy encroach upon the land set aside for housing/roads. Please correct this showing sufficient space.

Please note that CEC would be unlikely to adopt a SUDs basin which had grassed slopes at 1:4 as it would be too steep to maintain with standard grass cutting machinery.

8. No hydraulic modelling software calculation outputs have been provided to demonstrate how the storage estimates shown in Table 3 were arrived at. Please provide these using the revised rates noted in the point above.

Waste Management Service 14 February 2017

Waste and Cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland. Developers must make provision for the full range of bins: landfill waste, mixed recycling for paper and packaging, glass and food.

For low density properties, we would recommend individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food box and internal caddy. All of these must be presented on the day of collection before a specified time and removed thereafter. They must otherwise be stored off street at all times.

For high density properties, we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food.

Key points are:

- each bin store must accept the full range of materials in bins, segregated as outlined above. It is not acceptable to have some types of bin in one bin storage area, and others in a different collection point, as recycling is a fully integrated part of the service;*
- the maximum size of a food bin is 500 litres; and that of a glass bin is 660 litres, which are both smaller than other types of waste due to weight issues;*
- provision must be made for the storage and disposal of bulky wastes such as furniture produced by the residents, and indeed access to those by our collection teams.*

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost- this will probably be most convenient for them.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations.

The waste collection teams will require safe and efficient access to these from the earliest occupation. Developers need to ensure that services are accessible so that collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

In view of these factors the developer must contact me, Erica Manfroi on 0131 529 3210 or email Erica.Manfroi@edinburgh.gov.uk as soon as possible to ensure adequate provision of segregated household waste bins and provision of suitable access for the waste and recycling collectors.

CEC Access officer 29 January 2017

Rights of way need to be acknowledged. The crossing of the John Muir Way by the proposed access road from Milton Road East - at this location I see no problem with the path being re-located to allow an at grade crossing of the new access road, with appropriate crossing controls, to be constructed. The change is minimal at this point and I can see no real value in retaining the original route as long as the replacement is built to a similar or better standard than the original. The underlying Core Path and PROW would however have to be formally moved.

I've attached a map showing the PROW & Core Path locations on the site - these don't match with the descriptions of routes shown in the drawing of 08/06/16 "strategic movement framework". It labels the Core Path/PROW on the northern boundary of the site as "existing foot and cycle path"; this is also the case for the Core Path & NCR1 route on the southern boundary. The small section of PROW shown in the SW corner is mislabelled as "core path".

The legal status of both Core Paths and Public Rights of Way (PROW) means that they cannot be diverted or "stopped up" (closed) without following a legal process. A Core Path and PROW may be removed or diverted to allow development to be carried out using Section 208 of the Town and Country Planning (Scotland) Act 1997 (c.8) (T&CPA). It should be noted that planning consent does not guarantee that the stopping-up or diversion notice will not receive objections. If it does, and the objections cannot be resolved, a public inquiry might be required. With this in mind it is essential to reassure potential objectors that temporary and replacement paths will be at least as good as what are already present.

To avoid access issues during development it is key to ensure conditions are included within the approval notice that require the provision of a functional path network during construction and afterwards. Scottish Government guidance accompanying the Land Reform (Scotland) Act 2003 suggests the following model planning condition which would enable our LR(S)A S.13 duty to uphold access rights to be met both during and after construction: Prior to the commencement of works ...(if attached to a full planning permission)

or

As part of the detailed application... (if attached to an outline consent)

....a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the council as planning authority.

This will show:

a) all existing paths, tracks and rights of way, and any areas currently outwith or excluded from statutory access rights (under Part One of the Land Reform (Scotland) Act 2003;

b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;

c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.

d) any diversions of paths - temporary or permanent - proposed for the purposes of the development.

Historic Environment Scotland 23 January 2017

HES considered the application and its accompanying Environmental Statement (ES) for our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes (GDLs) and battlefields in their respective Inventories.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. We do not object to the proposal. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

We consider that residential development in this location is likely to give rise to a significant and detrimental impact on the setting of the following nationally important heritage assets:

o Brunstane House (Category A Listed Building, LB28034)

o Newhailes House with Gate piers (Category A Listed Building, LB10911)

o Newhailes (Inventory Designed Landscape, GDL00296)

In light of the recent Edinburgh City Council Local Development Plan examination decision (Report: 30 June 2016) to allocate this site for residential development, we consider that any development brought forward in this location should seek to mitigate against the impacts identified above as far as possible. We have identified measures which we consider would achieve this aim in the attached annex.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us. Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

Historic Environment Scotland 5 October 2016

As you are aware, our predecessor body, Historic Scotland, objected to the allocation of the proposed development site (HSG29) within the Edinburgh City Council Local Development Plan. This was on the grounds that development on this site would give rise to a significant impact on the setting of the Category A listed Brunstane House (LB28034). It was also highlighted that development of the site would have a significant impact on the setting of the Category A listed Newhailes House (LB19011) and its Inventory Designed Landscape (GDL00296).

Having visited the site on Wednesday 21st September 2016, Historic Environment Scotland share these concerns and remain of the view that the development as proposed will give rise to a particularly severe impact on the setting of Brunstane House. We also have concerns about the impact on the setting of Newhailes.

The setting of a historic asset is important in allowing us to understand, appreciate and experience it. As set out in our Managing Change guidance note, whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting. Brunstane House, in particular, has been understood in an open landscape setting for over four hundred years as it has functioned at the heart of a far-reaching estate. Our requests for mitigation against this impact therefore go far beyond the protection of views from a private house.

With this in mind, we consider that it is important to retain a sense of an open and extensive landscape in relation to Brunstane House. We note that the planning application submitted is for up to 1,330 residential units (the upper limit of the LDP allocation), and do not consider that the parameters of the strategic masterplan can be expected to constrain development to 1,100 units as suggested in the meeting. With this in mind, we consider that an overall reduction in residential units would allow for more scope to retain significant elements of the landscape setting in relation to Brunstane House in particular.

We can confirm that the view to Fife from the great chamber of Brunstane House remains an important historical aspect that should be retained as part of the masterplan proposals. The provision of the great chamber with its three windows 'looking upon the Sea and upon Fife' were specific instructions from Lauderdale to his architect Sir William Bruce. The grand stairs from this chamber to the garden are also a significant feature enforcing the importance of this view. We have provided a photograph of this view taken from this window at the top of the external steps. (We also have a copy in a higher resolution if required.) The desired approach would be similar to that undertaken from the Lauderdale view of the River Forth.

We also consider that there is scope for a more open landscape link from Brunstane Park to Brunstane Green - this could take the form of a linear park. This would help retain some landscape setting to the house and would link the house to the site of its former walled garden. We welcome the proposed introduction of water features and tree planting to echo the position of the walled garden and orchard. This could be expanded, with a replication, in some form, even in the street layout, of the bowed top and walls of the former walled garden - likely introduced by William Adam in his works to the house in the 1730s.

While there is also some scope to increase the parkland around Brunstane House, we agree that there are other opportunities to enhance the setting of the building. This includes the planting of perimeter tree belts and reducing the scale of development in the vicinity of the building. The contours of the ground may allow more dense development where the ground falls away.

Regarding Newhailes, our prime concern is the setting of the Inventory designed landscape and views from it into the new development. We believe that it is possible to mitigate the impact on the setting by providing a strong landscape boundary to the eastern edge of the development including trees that will provide high-level cover to the new development. We welcome the introduction of view corridors in the landscape masterplan to protect specific planned views towards Arthur's Seat from Newhailes House and the Shell Grotto. However, we continue to stress that the footprint of the new housing should be pulled back as far as possible from the western edge of the Newhailes designed landscape in order to protect the rural character of the views from the estate towards Arthurs Seat and the rural, landscape character of the wooded rococo pleasure grounds on the north western side of the designed landscape.

Should any further visualisations of the development proposals be provided, we would recommend including a computer model of the application proposals rather than illustrated views.

We hope that the above is helpful, and consider that this additional mitigation will help preserve some important elements of the setting to both Brunstane and Newhailes. We recognise that implementing the above revisions to the scheme may result in changes to the strategic masterplan and would be happy to work with all parties to ensure that the impacts identified above are mitigated as far as possible. In line with this, we'd be happy to meet and discuss this further before we issue formal comments on the proposals.

SEPA Response 6 March 2017

On the basis of additional information submitted (in response to the email of 21 December 2016 which was sent to the City of Edinburgh Council on 22 December 2016), we are able to remove our objection to planning application 16/04122/PPP on the basis of lack of output from the Simple Index Approach Tool to allow an assessment of the site's SUDS proposals. I can confirm that we are satisfied that the proposals for SUDs are appropriate.

SEPA 28 December 2016

SEPA objected to planning application 16/04122/PPP on 10 October 2016 (our reference PCS/148754) on the basis of lack of information on aspects of the proposed development which would need to be authorised by SEPA but on which there is currently insufficient information to allow us to advise you and the applicant that these authorisations would be possible.

The email below and the document attached to it address only one aspect of this lack of information: the output from the Simple Index Approach Tool to allow an assessment of the site's SUDS proposals.

The output which has been provided should include information for roofs and roads, in addition to the information for parking areas which has been provided.

We must maintain our objection on the basis of lack of information to planning application 16/04122/PPP.

Regulatory advice for the applicant

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA

SEPA 11 October 2016

Advice for the planning authority

We object to this planning application on the grounds of lack of information on aspects of the proposed development which would need to be authorised by SEPA but on which there is currently insufficient information to allow us to advise you and the applicant that these authorisations would be possible. We will review this objection if the issues detailed in Section 1.2 below are adequately addressed.

We also ask you, and the applicant, to note the advice in this letter.

1. Authorisations

Controlled Activities Regulations (CAR)

1.1 In general, we consider that the information supporting this application for Planning Permission in Principle is good from the perspective of identifying issues for CAR.

o The applicants have identified potential environmental impacts arising from enabling works, construction works and post-construction sources and have identified potential mitigation measures to address these, although it is recognised a more specific Construction and Environmental Management Plan (CEMP) will be developed in due course (Section 9.10 of the Environmental Statement Part 2).

o They have also referred to relevant guidance where appropriate (e.g.) PPGs, WAT-PS-06-02 in relation to the possible culvert crossing.

o They have identified that a buffer strip will be required between the edge of the development and nearby watercourses. In Section 6.10.1 of the Environmental Statement - Part 2 they have suggested that a 25m wide buffer strip will be left between the site and the Brunstane Burn; this exceeds SEPA's recommendations of between 6m and 12m depending on the width of the watercourse (<1m or 1-5m respectively). We assume that the Magdalene Burn is culverted along its length within the site boundary, but if not it would be useful if the applicants identified what size of buffer will be left around that. Indeed, there may even be an opportunity for the applicants to naturalise (i.e. - de-culvert) the Magdalene Burn through the development.

1.2 There are some aspects of the proposal, however, where further detail is necessary before the principles of this development can be established.

o In Section 6.10.1 of the Environmental Statement Part 2 it is suggested that a crossing structure will be required, but that it will meet CIRIA best practice culvert design. This is likely to require authorisation under CAR (as would the removal of any existing structure): however there must be particularly robust justification for the use of a culvert rather than a spanning structure. Section 9.7.3 also refers to "upgrading" of a structure. This may also require authorisation under CAR. Further detail and information is needed on these points.

o Different sections of the report refer to the old SUDS Manual and not CIRIA 753. The applicants should be aware that the requirements of the most current version of the SUDS manual must be met in any new drainage proposal. Furthermore the applicants should provide the output from the Simple Index Approach Tool (as set out in Chapter 26 of the SUDS Manual) to allow an assessment the acceptability of the site's SUDS proposals.

1.3 There are further points we would draw to the applicants' attention for consideration as this proposal is developed.

o The size of the development (950 - 1330 homes, school, retail centre) means that a CAR licence is likely to be required for the surface water discharge from the site. The charging scheme guidance is available on our website.

o In Sec 9.7.6 of the Environmental Statement Part 2 the applicants have identified a number of potential co-location issues (i.e. proximity to SEPA licensed or regulated sites), including two mobile agricultural abstractions on the Brunstane Burn (CAR/L/1010066 and CAR/S/1132647). Photographs provided as part of the submission seem to show agricultural land forming part of or close to the site. It may be that the development removes the requirement for these abstractions in the future, but if not, provision of access to the watercourse may need to be considered.

o Environmental Statement Part 3 Section 10 suggests that grouting of mine-workings may be required on site. Such undertakings need to comply with General Binding Rule 16 of CAR. (Please see section 3.)

Waste Management Licence (WML)

1.4 If waste soils are to be imported for construction purposes, this would require authorisation under WML, most likely a WML exemption. It should be noted that in terms of regulation 17(7) of the 2011 Regulations, an activity will only be exempt from licensing if the type and quantity of waste, and the method of disposal or recovery are consistent with ensuring the attainment of the objectives mentioned in paragraph 6(1)(a) of Part I of Schedule 4 (i.e. the 'relevant objectives'): in particular, ensuring that waste is managed without endangering human health and without using processes or methods which could harm the environment and in particular without:

- (i) risk to water, air, soil, plants or animals; or
- (ii) causing nuisance through noise or odours; or
- (iii) adversely affecting the countryside or places of special interest.

1.5 Land raising in areas of flood risk would not be considered as meeting the relevant objectives. Any WML exemption proposing such an activity would likely be refused by SEPA. (Please see Section 2.)

1.6 Waste material excavated/removed from old railway lines is generally classified as Special Waste due to contamination with metals, hydrocarbons, etc. associated with train engines. This waste must be kept separate from surrounding, non-hazardous excavated waste material, tested, classified correctly, and taken for disposal at a suitably licensed facility.

2. Flood Risk

2.1 We have no objection to the proposed development on the grounds of flood risk. We would welcome discussion with the applicants, however, before detailed designs are far advanced. Notwithstanding this, we expect the City of Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

2.2 Review of the SEPA flood hazard map shows that areas of the site are at risk of surface water flooding and lies adjacent to the 0.5% annual probability (AP) flood extent for the Brunstane Burn. Furthermore, the Magdalene Burn flows along the southern boundary of the site and is culverted for the vast majority of its course. As the catchment area is less than 3km² the associated risk of flooding has not been incorporated within the flood hazard maps.

2.3 To assess the risk of flooding from both watercourses, hydrological and hydraulic modelling has been undertaken. The catchment areas for both watercourses have been manually estimated primarily due to the alteration in the upstream catchment areas as part of the Niddrie Burn Restoration Scheme by City of Edinburgh Council. As a result the catchment area for the Magdalene Burn is 1.5km² and the Brunstane Burn 23.1km².

2.4 The predicted 0.5% AP flow within the Magdalene Burn has been estimated using the FEH rainfall runoff method and also IH124 method. The consultants have taken the precautionary approach and used the highest 0.5% AP flow estimate derived from IH124. As the Magdalene is culverted for the majority of its course adjacent to the site, a CCTV survey has been undertaken and a number of inflows are noted into Magdalene Burn as shown on figure 5. Full flow capacities with velocities of 2m³/s have been estimated for each of the culverts and added to the estimated 0.5% AP flow. We consider that this is a conservative approach and are in agreement with the flow estimates produced by Kaya Consulting. For the Brunstane Burn, the flow estimates by Jacobs estimated as part of the Niddrie Burn Restoration Scheme have been used and scaled up to reflect the catchment area at the development site.

2.5 A HEC-RAS model has been created to estimate flood levels for the culverted section of the Magdalene Burn. This shows that the culvert is able to convey the estimated 0.5% AP flow. A sensitivity analysis has been undertaken on various variables and shows that parts of the culvert would surcharge if subjected to 50% blockage. Although the likelihood of blockage is low, the consultants have recommended that a flow route is provided for any water which would surcharge the culvert and we are supportive of this recommendation. The consultants also state that no development occurs above the culvert and a buffer strip should be implemented. We would also stress that as part of any planning permission, issues regarding ownership and maintenance regime would have to be resolved to ensure that it is maintained and inspected in perpetuity. The culvert discharges into an open channel and no hydraulic modelling has been undertaken as the channel is set well below the development site as shown on figure 3 and, therefore, no assessment is required.

2.6 A HEC-RAS model has been created on the Brunstane Burn. Due to the large elevation differences between the development site and the burn, no channel cross sections have been obtained. As this is for planning permission in principle, this approach is acceptable (when considering flood risk but please see Section 1.2 above); however detailed survey will be required when designing the new access road across the Brunstane Burn as part of the detailed design stage. The downstream boundary has the predicted CFB 200 year still water level and three structures have been represented within the modelled reach. The A199 road bridge has an extensive wire screen on the downstream side of the opening and as this will trap debris in flood conditions, 50% blockage has been modelled on this structure. The results of the model show that the 0.5% AP flow is contained within the channel. As part of the sensitivity analysis, 100% blockage of the railway culvert was considered which results in flood water backing up to 23.9mAOD before overtopping the culvert. The consultants have recommended that no buildings or roads are located below 24mAOD at this location: we support this recommendation. A new road bridge will cross the Brunstane Burn and section 5.2.2 of the FRA provides some general guidance/suggestions. The new crossing should be designed to have a neutral impact on flood risk and be able to

convey the 0.5% AP flow (and we recommend an allowance for climate change is also included) with a degree of freeboard.

2.7 Surface water flood risk has been assessed from out with the site and generally there is a very small area draining into the site. It is imperative that this route is maintained to ensure that there is no increase in flood risk. This is particularly important if significant landraising is proposed within the development site. Areas are shown to be at risk of flooding on our surface water flood map and these flooded areas are due to rainfall falling within the development site (due to the small contributing surface water catchment area) and will be captured post development within the drainage system. Detailed design of the surface water drainage system and SUDS will be undertaken at the detailed design stage (but please see section 1 above). It is imperative that runoff rate are controlled to greenfield rates and agreed with the City of Edinburgh Council. Kaya Consulting do recommend surface water pathways are created through the site in the event that the drainage system fails or is exceed: we fully support this recommendation.

2.8 Two sewers are located within the development site and Kaya Consulting recommend that there are no buildings erected above the sewer and overland flow routes are created.

2.9 Ground water levels will be confirmed and assessed during future investigation works but is estimated to be 30mbgl. An area of wet ground is located within the middle of the site and it is unknown if this is a poorly drained area or perched water table. Kaya Consulting recommend mitigation measures are put in place once the site investigation works have been completed if there is a risk of groundwater flood risk.

Caveats & Additional Information for Applicant

2.10 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

2.11 We refer the applicant to the document "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction with Policy 41 (Part 2).

2.12 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx

2.13 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors

2.14 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.*

3. *Hydrogeology*

Past Mining

3.1 *In the eventuality that the applicants (or future developers of the site) decide to stabilise the mine workings for the development, please note that the pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment.*

3.2 *If stabilisation of the mine work is to be undertaken with a grout, such as pulverised fuel ash (PFA), an assessment should be undertaken to assess whether the grout will meet the requirements of GBR 16 and, if PFA grout, in line with the guidance document *Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509*. Key points to note in relation to the water environment when undertaking mine workings grouting include the following*

- o An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mines workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.*
- o It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.*
- o Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.*
- o It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.*
- o If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.*

Existing groundwater abstractions

3.3 *The source of all groundwater abstractions within 100m radius of all excavations less than 1m in depth and within 250m of all excavations deeper than 1m need to be identified in order to assess the potential impacts. The ES reports there are no private water supplies in the vicinity (Table 9.2, ref E). There is a groundwater abstraction reported (CAR/L/1055700); but SEPA records indicate this is over 1.5km south-west of the site boundary.*

Dewatering

3.4 *The ES indicates that the applicants will be investigating groundwater levels as part of future investigation, as there is wet ground in the middle of the site and it is not clear if it is due to poor surface water drainage or raised groundwater table (section 9.7.4). Any dewatering during excavations should be in compliance with GBR 2 and GBR 15. Abstraction of groundwater in quantities greater than 10m³/day will require a CAR permit depending on the scope and duration of the works. Details should be provided of how any dewatering will be managed, the amount of groundwater proposed to be abstracted and the anticipated timescales. Similarly, any discharges associated with dewatering activities to surface water or groundwater may also need a CAR authorisation. (The applicants should consult SEPA's local team in Edinburgh to discuss further.)*

4. Air Quality and Greenhouse Gas Emissions.

Air Quality

4.1 *A thorough air quality modelling assessment has been undertaken and it has shown that the: "proposed development would have an insignificant effect on air quality at all locations, with the exception of a small number of residential properties at Musselburgh High Street, where the impact would be moderate" and "The forecast moderate impact in Musselburgh High Street is due to the elevated baseline levels of PM10 levels at this location, with the proposed development resulting in a marginal increase of less than 1% which would not be measureable".*

Greenhouse gas emissions

Institute of Air Quality Management and Environmental Protection UK, 'Land-Use Planning & Development Control: Planning for Air Quality', May 2015

4.2 *This is a particularly large development and there is likely to be an increase in the number of journeys made by car. While this figure may appear to be insignificant, when considered alongside other developments across Scotland, the cumulative increase in the distance travelled by car, and subsequent emissions of carbon dioxide, could undermine the Scottish Government's commitment to reduce emissions of greenhouse gases.*

4.3 *Scottish Planning Policy sets out an approach to integrating transport and land use planning by supporting a pattern of development and redevelopment that "reduces the need to travel and as a consequence reduce emissions from transport sources". It also states that "Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements."*

4.4 *Greenhouse gas emissions from road traffic are expressed as grams of carbon dioxide emitted per kilometre travelled (g/km): every additional km travelled, therefore, will increase the emissions of greenhouse gases. Road transport emissions account for 72.4% of all transport emissions of greenhouse gases and cars account for over half road emissions. "The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation". Section 5 of the Scottish Government's Climate Delivery Plan describes the issue in detail.*

Cumulative effects of development

4.5 *When considered in isolation, a single development will appear to have a negligible impact on local air quality. However, when the same development is considered alongside other developments in the area, the cumulative impact could be more significant, particularly along main commuter routes. SEStran has warned "the allocation of extensive new land for development underlines the importance of integrating land-use and transport planning in the SEStran area, building these links into the forthcoming City Region plan and other development plans. Failure to do so will lead to further significant increases in car use", and "It has been demonstrated that the SEStran area faces particular challenges in catering for the travel volumes and patterns resulting from the anticipated growth in population and employment in the area. In addition to the forecast increase in the number of jobs, the trend of dispersal of jobs, services and homes will, if it continues, bring further pressure to bear on the transport network."*

5. Other Issues

5.1 *There is mention in the ES of the elaboration and approval of a management plan for Invasive Non Native Species and we consider this highly desirable.*

Regulatory advice for the applicant

6. Regulatory requirements

6.1 *Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at :*

The Coal Authority 20 September 2016

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

The Coal Authority Response: Material Consideration

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

The Coal Authority notes that Chapter 10 of the supporting Environmental Statement (ES) which has been prepared by prepared by IKM considers ground conditions, hydrogeology, geology and soils. This chapter of the ES also contains an assessment of coal mining legacy at the site.

The ES correctly identifies that the application site has been subject to past coal mining activity. Our records indicate that several thick coal seams outcrop at or close to the surface of the site. Records indicate that in addition to the mining of deep coal seams, coal mining has taken place at the site at shallow depth and further unrecorded shallow coal mining activity is likely to have taken place. There are 15 recorded mine entries (shafts) within and immediately adjacent to the application site. In addition, The Coal Authority has responded to three reported hazards within the application site under its emergency procedures.

The ES draws upon the content of an earlier Phase 1 Desk Study Report (also prepared by IKM) and has been informed by an appropriate range of sources of information including historical OS mapping, aerial photographs, geological maps, memoirs, mine abandonment plans and existing site investigation data for the site and the immediate surrounding area.

Based on a review of these sources of geological and mining information, the Report identifies that shallow mining activity beneath the site (recorded and potentially unrecorded) and the presence of mine entries potentially pose a significant risk of subsidence at the site. Ground gas generation from underlying mine workings and the potential for the migration of this gas to the surface and within buildings is also identified as a potential risk.

Accordingly, the ES identifies at Section 10.10.2 that intrusive site investigations will be required in to, amongst other things, confirm the presence or otherwise of shallow mine workings and mine entries and to characterise gas and groundwater conditions across the site. The findings of these investigations and further risk assessments will be used to establish the precise nature of remedial measures across the site to address mining legacy matters.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. The Coal Authority would take this opportunity to make the applicant aware of our adopted policy:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Whilst the plotted positions of the recorded mine entries are not shown on the Strategic Masterplan drawing, we are pleased to note that it would appear that the majority of the mine entries are located within proposed areas of open space. There are, however, instances where mine shafts appear to be located within blocks of built development which may well conflict with our adopted policy referred to above.

The Coal Authority considers that the results of the intrusive investigatory works should be used to inform proposed remedial treatment measures to address the risk of instability derived from the mine shafts, which is likely to entail the grouting and capping of the shafts. Within those phases of development where recorded mine entries are present, the aforementioned site investigations must be carried out prior to the formulation of detailed design proposals. This will enable the precise locations of the recorded mine entries and appropriate 'no-build' zones around the shafts to be incorporated into the final site layout.

We note that the ES indicates that coal could represent a mineral resource beneath the site but suggests that viability of extracting coal beneath those parts of the site where development will take place has not been assessed in any detail. The ES does however highlight the current low value of coal, the general decline in the surface coal industry and the reduction in power stations using coal, factors which The Coal Authority accepts will affect the viability of operations for the prior extraction of coal at the site. Nevertheless, The Coal Authority considers that an assessment for the potential for the prior extraction of coal at the application site should be considered in more detail once intrusive site investigations have been carried out.

The applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform the detailed remedial and mitigation measures, such as the treatment of mine entries, grouting stabilisation works, the prior extraction of coal, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Environmental Statement; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of each phase of development.

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

A condition should therefore require prior to the submission of applications for the Approval of Matters Specified in conditions (detailed design) for each phase of the development:

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

The condition should also require as part of applications for the Approval of Matters Specified in conditions (detailed design) for each phase of development:

- * The submission of a report of findings arising from both of the intrusive site investigations, including the results of gas monitoring;*
- * The submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;*
- * The submission of a scheme of treatment for the mine entries on site for approval; and*
- * The submission of a scheme of remedial works for the shallow coal workings for approval*

Finally, the condition should also require prior to the commencement of each phase of development:

- * The Implementation of the approved treatment and remedial works.*

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

The Coal Authority 5 October 2016

Thank you for your consultation notification of the 26 September 2016 seeking the views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area.

The Coal Authority does not wish to raise any specific observations at this stage. We would, however, reiterate our comments of 16 September 2016, in response to planning application reference 16/04122/PPP, which remain valid in respect of this application.

Portobello Community Council comments 1 November 2016

Following a period of consultation with residents, Portobello Community Council would like to register an objection to the application. A summary of the consultation and the responses received is set out below.

Portobello Community Council received notice of the planning application on August 30, 2016.

We published details of the application on our website and further notified the community by circulating information on our Facebook page, Twitter feed and email mailing list. Materials were also available in Portobello Library.

With funds provided by EDI under the terms of the Edinburgh Planning Concordat, we published and distributed a leaflet to 5,000 homes in the PCC area. The overarching concern of respondents was in relation to the impact of such a development on the immediate area. Chief among these was concerns around traffic impact - increased congestion on roads, how existing traffic flows could be adversely affected and how changes to the roads layout would affect existing residents. Parking, road safety and pollution were also mentioned as related areas of concern.

Loss of greenbelt land was also frequently mentioned as an area of concern, as was the loss of green space and the fear of coalescence with Musselburgh. Threats to wildlife and local biodiversity were also raised. A further area of impact mentioned by respondents was on local services like doctors' surgeries, dentists and the local high school, along with concern that existing public transport infrastructure would be put under further pressure."

Network Rail 17 October 2016

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

The design and construction of the proposed road bridge over the railway will have to comply with current Railway Standards and Guidelines and will be subject to further discussions and agreement with Network Rail. The Local Authority will be required to enter into a bridge agreement and adopt the bridge including the obligation to repair, maintain and renew it.

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

o All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

o If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

o Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Issues often arise where sensitive development types are sited in close proximity to the rail line.

o The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.

Where the applicant submits a transport assessment which indicates that the development may lead to increased patronage of local rail services, Network Rail will support the planning authority in securing obligations relative to the development to be channelled into infrastructure development and improvement. Network Rail should participate in discussions relating to this consideration to ensure obligations are appropriate and works are deliverable.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

o Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

*Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk*

Archaeology 14 November 2016

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats), primary school (class 10 non-residential institutions), local centre (including class 1 retail, class 2 financial and professional services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), green network, means and access and transport links, infrastructure and associated ancillary works.

The site is situated between two nationally designated Houses and Estates of Newhailes and Brunstane and in addition to the 2 Scheduled Ancient Monuments (Brunstane, enclosure 250m E of (4112) and Brunstane, moated site 50m NNE of (10580). In addition to the designated assets the site is known to contain a wide range of significant undesignated archaeological remains dating back to early prehistory. The range and cope of this material is outlined in both the accompanying Desk-based Assessment produced by CFA Archaeology (Environmental Statement Chapter 8) and resulting geophysical survey undertaken in May 2016 by Geoscan on behalf of CFA. Although the interpretation of the results of the geophysical survey in my opinion seems to be biased towards more recent post-medieval mining/designed landscape explanations, the survey nevertheless demonstrates the potential for the whole area for containing a raft of sites and remains probably dating back to early pre-history.

The site has been identified as being of archaeological significance, with the probability of containing nationally significant urban medieval remains. Accordingly, this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and also CEC's Edinburgh City Local Plan (2010) Policy ENV9 and Local Development Plan (as modified) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Brunstane House

The proposals will have significant impacts upon the setting of the adjacent A-listed Brunstane House which dates back to at least 1639. In my opinion the current indicative masterplan layout has in part successfully offset these impacts by the creation of the surrounding 'Brunstane Park'. The creation of Brunstane Green in order to preserve the underlying SAM which now thought to be an important landscape feature associated with the House's Adam landscape also adds to the preservation of the sites former historic landscape. The detailed design of adjacent phases of development must endeavour to enhance the local setting e.g. design, density, height of buildings, public realm and planting.

Newhailes House and Inventory Design Landscapes

The construction of c1300 new homes will have a significant adverse impact upon the local setting of the adjacent to Newhailes House and in particular it's encompassing nationally significant historic landscape. However the proposed masterplan has gone some way to offsetting this with the creation of open space adjacent to it. Further detailed design is essential to offset these impacts.

Scheduled Ancient Monuments

The application will impact upon two Scheduled Ancient Monuments Brunstane, enclosure 250m E of (4112) and Brunstane, moated site 50m NNE of (10580).

At this stage the landscape proposals for Brunstane Green & Brunstane Park are not significantly designed-out to fully gauge the impact upon these two nationally significant sites. That said it is welcomed that the proposals do indicate that these sites will remain undeveloped and be the focal point for public open-space/parkland. However given potential impacts which might occur as a result of construction and operation as open space/ parkland it is essential, in consultation with Historic Environment Scotland, that detailed management plan(s) are submitted for approval which will secure not only there protection during the phases of development but also their long-term management, protection and interpretation.

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

'No development shall take place on the site until the applicant has secured the implementation of an Archaeological Conservation & Management Plan for both Brunstane, enclosure 250m E of(Ref 4112) and Brunstane, moated site 50m NNE of (Ref 10580) which has been submitted by the applicant and approved by the Planning Authority.'

Undesignated Buried Archaeology

The proposals will require significant ground breaking works in regards to the construction of the various phases of development. Such works will have significant impacts upon surviving archaeological remains ranging from 19th/20th century mining activity and 17-19th century historic landscape features through to potential prehistoric sites.

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

Public Engagement

As stated, the site will not only contain important remains relating to the medieval and later development of the Brunstane Estate but is likely to contain a wealth of associated remains dating back to early prehistory. It is therefore considered essential therefore that a programme of public/community engagement is undertaken during all subsequent phases of development. The full the scope of which will be agreed with CECAS but will include: site open days, viewing points, temporary interpretation boards and exhibitions.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

Historic Interpretation

The site is known to contain important archaeological remains including two scheduled monuments, the sites of which will be preserved as public open space. Accordingly it is recommended that this rich heritage is interpreted within the final designs. This could include public art works, appropriate street naming as well as more tradition interpretive panels. It is recommended therefore that a condition be applied to any consent granted to secure this programme of archaeological work, based upon the following CEC condition;

'No development shall take place until the applicant has secured the implementation of a programme of archaeological and historic interpretation in accordance with detailed designs which have been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Edinburgh Urban Design Panel Report

Executive Summary

The proposal for review is the residential masterplanning of land to lying to the east of Brunstane, East Edinburgh. The site has been identified for consideration by the Panel as this represents one of the larger allocated greenfield housing sites in the Proposed Second Local Development Plan (LDP).

The Panel welcomed the opportunity to review the proposals at this early stage in the design process.

Main Report

1 Introduction

1.1 The proposal for consideration is masterplanning for a new residential quarter. A series of parks, squares, community gardens and avenues are proposed to frame a range of choreographed views, spaces and routes, these seeking to respond to the built heritage and landscape qualities of the local context.

1.2 The site covers 48 hectares and is located to the eastern edge of the city, to the east of Brunstane and north of Newcraighall.

1.3 The site is accessed to the north from Milton Road East and Newcraighall Road to the south. The John Muir Way and Brunstane Burn lie adjacent to the northern boundary of the site. The eastern boundary follows the boundary of the Newhailes estate and the City of Edinburgh Council boundary with the East Lothian Council area. The southern boundary flanks a disused railway line now used as part of the National Cycle Network and the Newcraighall North housing site (HSG 26) which is currently under development.

1.4 The site is predominantly open countryside comprising mainly arable farmland with mature trees to the site boundaries. These include the designed landscape around Newhailes House. The land levels fall gently in a north easterly direction towards Joppa and the Firth of Forth beyond. The East Coast main railway line bisects the site from north to south. There are also overhead power lines running north to south across the site.

1.5 Brunstane House, a category A listed building (Reference LB28034, 14 December 1970) lies adjacent to the western boundary on the site. Newhailes House, a category A listed building (Reference LB10916, 22 January 1971) and estate is situated to the east.

Newhailes is included as being on the Inventory of Gardens and Designed Landscapes. There are also two Scheduled Ancient Monuments present on the site - the Scheduled Ancient Monument of Brunstane and the Brunstane moated site.

1.6 The adopted Edinburgh City Local Plan 2010 designates the site as Green Belt. The Second Proposed Local Development Plan (LDP) 2014 identifies the site as housing proposal HSG29, this having potential for the development of 950-1330 housing units. The site is also covered by school proposal SCH9 and shopping proposal S5 which establish requirements for a new primary school and new local centre to be delivered in relation to the development of the site.

1.7 This is the first time that the proposals have been reviewed.

1.8 Declarations of interest were made by three panellists. Les Howson stated that he had previous client involvement with Brunstane House which is affected by the proposal. Charles Strang stated he had previous involvement with Newhailes House through his work with the National Trust for Scotland, this also being affected by the proposal. Steven Robb stated that Historic Scotland (now HES) had previously objected to the allocation of this site through the LDP process due to its proximity to Brunstane House and Newhailes House. The nature of each declaration was discussed by the Panel and it was agreed that none were considered to represent a conflict of interest which would prevent the relevant panellists participating in the review.

1.9 This report should be read in conjunction with the pre meeting papers which provide illustrative materials of the proposals and site analysis.

1.10 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

2 Principle of Development

2.1 The Panel noted the current allocation of the site for housing development in the Second Proposed Local Development Plan (LDP) 2014 and proposed release of this land from the Green Belt. If the site was developed, the Panel noted that the site is not readily visible from surrounding parts of the city. The masterplanning of this site needs to address these factors and consider how the proposed development could help open up the area and connect communities.

2.2 The Panel commented on the proximity of the site to the East Lothian Council area and how this might relate to future urban expansion around Musselburgh. They queried whether the nature of the proposal could risk joining up communities, an important tenet of planning being that settlements remain separate. The design team advised that dialogue had taken place with East Lothian Council and they were broadly supportive of the approach.

2.3 The Panel commented that Newhailes House is a Designed Landscape but this falls within the East Lothian area. This designation must be taken into consideration as part of the design development of the masterplan.

3 Contextual Analysis and Development Concept

3.1 The Panel recognised that masterplan is at an early stage and is still in the process of design development. However, the Panel welcomed the level and quality of analysis which had been undertaken to date particularly in relation to the constraints of the site and area, key views and landscape character.

3.2 The design team outlined that the site possesses a number of qualities, particularly the views from the site and the historic context. Views from the site include Arthurs Seat, North Berwick Law, towards the sea and over to the Firth of Forth to Fife. In response to these they were looking to safeguard key views across site through a key landscaped corridors identified as the Lauderdale View and the Firth View. The Lauderdale View would seek to maintain views to and from Brunstane House.

3.3 The Panel commented on the presence of the pylons running across the site. In response to this, the design team stated that these are to be decommissioned. This will present opportunities allowing the landscape and key view corridors to be enhanced. The Panel welcomed the proposed removal of the pylons, although added that the design team should seek confirmation for the programme for removal from the power distribution company. The Panel also commented that the proposed removal would also release dead land in the vicinity of the pylons, this presenting further opportunities.

3.4 The Panel enquired how the proposed masterplan approach would seek to respond to the various features in the designed landscapes. In response the design team outlined that they proposed the use of tree lined avenues and ha ha walling to provide division on the landscape and separate streetscape. The use of 30 metre street widths would enhance key view corridors to principal historic features. SUDS ponds would also form an integrated part of the landscape design approach.

3.5 The Panel enquired how the masterplan approach would seek to create an urban structure which addresses the disparate nature of surrounding areas. They also remarked that edge conditions around the site were ragged in nature, with the railway line also splitting the site in two parts. The design response to the various edge conditions and relationship of the development to the existing settlements is therefore critical, otherwise there was a risk that the development could be seen as floating.

3.6 The Panel wished to ensure that the area around the category A listed Brunstane House was kept open, particularly the regard to its setting. The design team stated they were seeking to retain a minimum landholding of 2ha open land around the house, with the proposed open space also seeking to provide a visual corridor from the Shell Grotto at Newhailes House.

3.7 The Panel stated they were concerned regarding the proximity of development to Newhailes House which could damage its rural setting and the depth of proposed planting to the eastern edge of the site. The eastern boundary to the site will also form the new edge to the city. Although the Newhailes estate is partially contained by stone walls these rise and fall to reveal open views. The Panel stated that any planted buffer should be of a sufficient depth, with development set back from the boundary wall and screened. The Panel also queried whether alternative landscape uses could be pursued, e.g. allotments. The Panel considered it important to avoid repeating poor examples of planted edges in the locality e.g. proximity of development to the north of the Brunstane Burn.

3.8 The Panel questioned the logic of the proposed Lauderdale view and how this would relate to the architecture of Brunstane House. However, it was confirmed through further discussion that the proposed alignment would relate to architectural composition of Brunstane House, and address views both from and to the building.

3.9 The Panel remarked on the coherence between the proposed blocks and open space, with the grid pattern of streets seeking to respond to the topography of the site. However, they also suggested a move away from a concept based around the use of rectilinear blocks with landscaped buffers to an urban structure based around larger, robust areas of open space.

3.10 The Panel queried the circular configuration for the proposed Brunstane Green and whether this represented the most appropriate response to the context. The design team responded that various shapes had been explored and this aspect of the proposals would still be subject to further design development.

3.11 The Panel stated that there were areas of the masterplan which could benefit from additional landscape, e.g. the landscape visual link between Brunstane House and the Scheduled Ancient Monument, the proposed visual link between Brunstane House and Brunstane Green which could be further enhanced as a landscape element to produce something more distinctive and special. The proposals could also include a restoration or acknowledgement of the walled garden designed by William Adam in the 1730's.

3.12 The Panel commented that the proposed urban design character should be more clearly defined, particularly the relationship between built form to space and the overall sense of scale of this particular site. The use of 3D modelling should be used in this regard. The design team responded that this is an area they would be willing to develop further but work presented to date is a particular point in time. They also felt that this site is less urban in character and landscape character has therefore been focussed upon at this stage. The Panel agreed that a design code could establish building scales, open space structure and typologies at application stage.

3.13 The Panel suggested that further sectional information would be beneficial to assess the relationship between the masterplan and the landscape, although noted the difficulties in presenting a long section as the scale of building is diminished.

3.14 The Panel acknowledged that the site is difficult to develop due to the numbers of constraints, particularly the response to the settings of Brunstane and Newhailes Houses. The Panel suggested that this site presented an opportunity to create something different with a special character more akin to a village rather than the urban feel which was presented to the Panel. However, the Panel felt that the emerging proposals were generally seeking to respond positively to these constraints, particularly the response towards the various heritage assets and desire to develop a green network through the site. If the approach is developed further these could provide an opportunity to deliver something special in terms of placemaking.

4 Proposed densities and heights

4.1 The Panel noted that the Local Development Plan envisages 950 -1330 housing units for the site but the masterplanning process to date has not sought to confirm unit numbers, particularly because of factors which remain unresolved such as the removal of the pylons. The LDP Examination Reporter could also take a different view towards proposed unit numbers for the site.

4.2 The Panel noted that a range of densities and building heights were proposed across the site. Building heights would range from 2 to 4 storeys with higher frontages defining the principal streets and spaces and framing key views. This approach would achieve a hierarchy of density across the site with lower densities to the edges and medium densities closer to the existing built areas.

4.3 The Panel commented that variations in density could enhance the setting of historic assets and expressed concern regarding the potential use of higher densities towards Brunstane House which has historically been set in open countryside. The design team responded that 2 storey would not define or achieve a sufficient level of enclosure to the proposed spaces. The Panel accepted this rationale, citing examples of development in Edinburgh, e.g. Interwar development at Stenhouse, where low rise development had failed to provide a strong design response to adjacent open space.

4.4 The Panel commented that normally higher densities would be encouraged particularly for major housing sites being released from the Green Belt. However, the Panel felt that densities should be lower and not pushed to the upper end in this instance in order to respond to the character of this particular site, which contrasts markedly with the more densely developed areas of the city.

5 Recommendations

a. In developing the design, the Panel supports the following aspects and therefore advocates that these should remain in the proposals:

- The masterplan concept based on strong analysis of site characteristics that could help open up the area and connect communities
- Promoting a layout that recognises the constraints of the site area, key views, landscape character and heritage assets
- The development of a coherent landscape structure and green network
- The removal of pylons running across the site and the release of dead land in the vicinity of the pylons this presenting further opportunities
- The design response to features within the designed landscapes including the Scheduled Ancient Monuments, Brunstane House and the Shell Grotto

b. In developing the proposals the Panel suggests the following matters should be addressed:

- Seek to maintain a lower range of densities across the site in order to respond to the particular characteristics of the site
- Seek to create an urban structure which responds to edge conditions and the character of adjacent areas. This structure should also be based around larger, robust areas of open space
- Consider the use of a Design Code to establish building scales, open space structure and typologies at application stage
- Further consider the landscape setting, the relationship with the Scheduled Ancient Monument and the density of development in the vicinity of Brunstane House
 - The design of the proposed visual link between Brunstane House and Brunstane Green and the proposed configuration of Brunstane Green
- The design relationship of proposed development with the setting of Newhailes House and the landscape treatment to the eastern site boundary
- Consider the use of 3D modelling in further design development, particularly to assess the overall scale of the site and relationships between built form and open space
- Consider the use of sectional information to assess the relationship between the masterplan and the landscape
- Seek confirmation from the power distribution company to the programme for the removal of the pylons to inform the phasing of development

Transport Scotland 13 December 2016

Director, Trunk Roads Network Management Advice

The Director does not propose to advise against the granting of permission

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

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 appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

East Lothian Council 14 December 2016

East Lothian Council has the following comments which should be taken into account in determining the above application.

Impact on Newhailes

The development of the site would have a significant impact on the setting of the Category A listed Newhailes House and Stables, B listed shell grotto, walled garden and buildings, Earl of Stair monument and C listed Gardeners Cottage and its Inventory Designed Landscape (GDL00296). In addition to its heritage value, Newhailes House is a significant tourism draw, a historic property in the ownership of the National Trust for Scotland and open to the public. It is important to the local economy. NTS has recently announced major new funding for Newhailes to further develop its tourism appeal and attract even more visitors. Many visitors use the grounds of the house for its extensive walks and recreational value.

The boundary between Newhailes and the application site is an old, undulating, stone wall which it is easy to see over from various parts of the grounds. As such there is a relationship between Newhailes and the application site. It is important that the ambience of Newhailes is not adversely affected by the presence of major new development in very close proximity. In particular there should be an avoidance of the visual presence in the form of new houses visible from Newhailes but also the less tangible presence of domestic noise. It is therefore important that there is a substantial landscaped area incorporating tree planting that effectively screens views of houses from Newhailes. This could incorporate green networks and some open space where views out are required to preserve historical long distance views. This tree belt should be of substantial width along the full Newhailes boundary with any houses set as far back into the application site as is necessary to avoid adverse impacts, as discussed above, on the Newhailes designed landscape. This may be able to be achieved by adjusting the density of development elsewhere within the development to allow for proper context setting for Newhailes and to respond to the sensitivities of the site.

The setting of the inventory designed landscape to the west has always been open across an agricultural field with an essentially rural character and with longer distance views of major landmarks such as Arthur's Seat. Where there are views over the site from Newhailes House itself and from the Shell Grotto in the grounds these should be allowed to remain uninterrupted by new development.

Impacts on Musselburgh

The development at Brunstane will further consolidate built development in this south east part of Edinburgh adjoining East Lothian, continuing a pattern of city expansion and expansion within Midlothian and East Lothian within the former green belt. The cumulative traffic impacts on the local road network, including on Musselburgh which is likely to prove attractive for convenience shopping should be considered and any mitigation measures assessed.

Scottish Water 22 December 2016

We request that the items detailed below are taken into consideration by the developer in progressing this application and undertaking the EIA.

Drinking Water Protected Areas

There are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed development.

Scottish Water Assets

A review of our records indicates that there is water and wastewater infrastructure within and around the site, including a 700mm Private Financial Initiative (PFI) combined sewer. Scottish Water's Asset Impact Team is currently advising the developer's engineering consultant (IKM Consulting) regarding the proposed access road and potential conflicts with the PFI sewer and it is anticipated that this dialogue will continue as the proposed development progresses.

All Scottish Water assets potentially affected by the development should be identified by the developer, with particular consideration being given to access roads and pipe crossings. If necessary, local Scottish Water personnel may be able to visit the site to offer advice. All of Scottish Water's processes, standards and policies in relation to dealing with asset conflicts must be complied with.

All detailed design proposals relating to the protection of Scottish Water's assets should be submitted to the AIT for review and written acceptance. Works should not take place on site without prior written acceptance by Scottish Water.

Annex 1 includes a list of precautions to be taken when working within the vicinity of Scottish Water assets. This list of precautions is not exhaustive but should be taken into account as the development progresses through the planning and development process.

Sustainable Drainage Systems

The Sewerage (Scotland) Act 1968 as amended requires Scottish Water to actively progress requests to vest Sustainable Drainage Systems (SUDS) where those assets meet our specification. All new development proposals intended for vesting need to comply with our statutory requirements and associated technical specifications, as set out in Sewers for Scotland 3rd Edition. Guidance on SUDS is available in the Water Assessment and Drainage Guide prepared by the Sustainable Urban Drainage Scottish Working Party (SUDSWP).

Connection to Scottish Water's Network

We welcome that the EIA Scoping Report commits to liaising with Scottish Water as the development progresses. It should be noted that a Water Impact Assessment (WIA) and Drainage Impact Assessment (DIA) may be required to understand the effect of the proposed development on the existing Scottish Network and what upgrades may be required to support it. It is therefore recommended that the developer contacts our Customer Connections Team on 0800 389 0379 or via email at customerconnections@scottishwater.co.uk to discuss the proposed development. It should be noted that granting of planning consent does not guarantee a connection to the Scottish Water network.

Once all water and wastewater requirements for the development are understood, the developer will be required to apply for connections for any commercial premises via an appointed Licence Provider.

Environmental Services 10 October 2016

This application is for Planning Permission in Principle (PPP) for a site that was allocated as a new housing proposal HSG 29 Brunstane in the Edinburgh Local Development Plan Second Proposed Plan (June 2014) and following an examination of unresolved objections to this plan, Reporters concluded that the site should remain designated in the plan for housing development of up to 1330 residential properties on the 48 hectare site.

The proposals also include provisions for a new local centre and primary school with a proposed transport routes which will prioritise pedestrians and cyclists. A range of green spaces, including public and private open space and allotments, are proposed. The applicant has produced a master-plan-led approach to the proposals. The applicant has submitted supporting noise, air quality and site investigation reports.

It is noted that although this is a PPP application there is a significant amount of detail and supporting information included. Environmental Protection will require further noise impact assessments to be submitted when detailed proposals for the Approval of Matters Specified in Condition are developed in more detail. The principal of development on the site with regards to noise and vibration is satisfactory however careful consideration must be given to the proposed non-housing aspects. There are potential uses within use class 10 that may not be appropriate to site in close proximity to residential properties. Use Class 11 must be located away from proposed and existing residential uses. The applicant advises that the overhead power lines will be

removed Environmental Protection recommend that this is conditioned to ensure no works start until the power lines are removed.

Air Quality

The trip generation and distribution data within the TA indicates that the proposed development will result in an increase in traffic predominantly on the surrounding roads to the south of the site at Newcraighall Road west of the site towards the A1. Based on the expected future traffic flows, the TA for the proposed development does not include trip distribution data for Musselburgh.

The model results indicate that annual mean Particulate Matter 10(PM10) concentrations in excess of the 18 µg.m-3 Scottish PM10 objective occurred at some locations on Musselburgh High Street in 2014.

The scheme has a number of mitigation measures relevant to the management of air quality impacts built in. These are largely related to the mitigation of traffic impacts, and include measures relating to public transport, provision of electric charging points, and car parking provision.

Environmental Protection has concerns regarding the potential impacts this development may have on local air quality. This is due to the increasing numbers of car and the possible introduction of large energy plants serving the non residential properties. Environmental Protection encouraged the applicant to keep parking numbers to a minimum and make provisions for electric vehicle (EV) charging throughout the development. Environmental Protection also advise the applicant that any Combine Heat and Power/boiler units must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.

Environmental protection support the master plans cycling/pedestrian lead proposal for transport as the site is very well served by Public Transport. Environmental Protection stresses that car parking numbers must be kept to a minimum. The density of the site must not exceed the limits stated in the Edinburgh Local Development Plan. As stated above this proposal will have an adverse impact on Local Air Quality in Musselburgh which is out with Edinburgh. This issue should be raised by that relevant local authority.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- o Dedicated parking spaces with charging facilities.*
- o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Assessment recommends that at least the following standard of chargers should be installed throughout the development site:

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Grants are currently available for the installation of EV charge points for workplaces, more information can be found at;

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

The applicant has committed to installing EV charging points Environmental Protection will need details of where they will be located when the details plans are available including plans and site drawings which highlight where the EV charging points will be located.

Construction Phase Dust

As this is a large development site Environmental Protection recommend a number of conditions are attached to ensure amenity is protected during the long period of construction.

Contaminated Land

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

Odours

The applicant will need to submit details of the cooking ventilation systems when details of the Class 3, 8, 10 & 11 units are available. Environmental Protection recommends a condition is attached to any consents to ensure that this is provided.

Floodlighting

Some of the proposed use classes may require floodlighting, Environmental Protection recommend a condition is attached to ensure if any floodlighting is proposed that it does not adversely affect the proposed residential amenity.

Therefore Environmental Protection offers no objection subject to the following conditions and recommended informative being attached to any consent. We would also highlight the potential adverse local air quality impacts this proposal may contribute towards in Musselburgh;

Conditions

Noise

1. *Overhead Pylons and cables located above the proposed site shall be removed before any part of the site is occupied.*
2. *Development within plots shall not commence until a scheme for protecting the occupiers of the residential units hereby consented from traffic and industrial noise/vibration have been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning, before any part of this phase of development is occupied.*
3. *Development of the class 8 residential institutions shall not commence until a scheme for protecting the occupiers of the residential units hereby consented from noise has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning, before any part of this phase of development is occupied.*
4. *Development of the primary school (class 10 non-residential institutions) shall not commence until a scheme for protecting the occupiers of the residential units hereby consented from noise has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning, before any part of this phase of development is occupied.*
5. *Development of local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), shall not commence until a scheme for protecting the occupiers of the residential units hereby consented from noise has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning, before any part of this phase of development is occupied.*

Local Air Quality

6. *Prior to the occupation of phase of the approved site, detailed site plans of where the electric vehicle charging outlets and ducting shall be submitted.*

Odours

7. *Prior to the use of the Use Classes, 3,8,10 & 11 being taken up, details must be provided showing the position of extract flue and ventilation system, capable of 30 air changes per hour.*

Floodlighting

8. A scheme for protecting the nearby residential accommodation from illumination and/or glare shall be submitted and approved in writing by the Council's Planning Authority. The scheme shall show that the design, installation and operation of the floodlighting system shall be such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible within any residential premises. All works which form part of the approved scheme shall be completed prior to the flood lighting system coming into use.

Contaminated Land

9. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 Head of Planning.

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 Head of Planning.

Construction Mitigation

10. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

11. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

12. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

13. Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being continuously in use.

14. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

15. *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*

16. *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

17. *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

18. *No bonfires shall be permitted.*

Informative

1. *The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

2. *When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993*

3. *It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.*

Enabling and Partnerships 20 September 2016

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Provision

This application is for a mixed use masterplan consisting of a mix of tenures and house types. There will be an AHP requirement for a minimum of 25% homes of approved affordable tenures for developments consisting of 12 units or more.

The applicant has stated that the affordable housing will account for at least 25% of the new homes across the site and will consist of a range of different house tenures including affordable rent and low cost home ownership which will offer an integrated mix of homes. This is welcomed by the department. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.

We request that the developer enters into an early dialogue with the Council to identify where the affordable homes are to be located and which Registered Social Landlord(s) (RSLs) are to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site. Unless otherwise agreed which plots of land will be used to deliver the affordable homes from the outset of this planning proposal, this department will expect 25% of the homes to consist of affordable tenures for each subsequent planning proposal across the masterplan area.

In regards to accessibility, the affordable homes should be situated within close proximity (400 metres) of regular public transport links in accordance of PAN 75 guidance and close to local amenities.

3. Summary

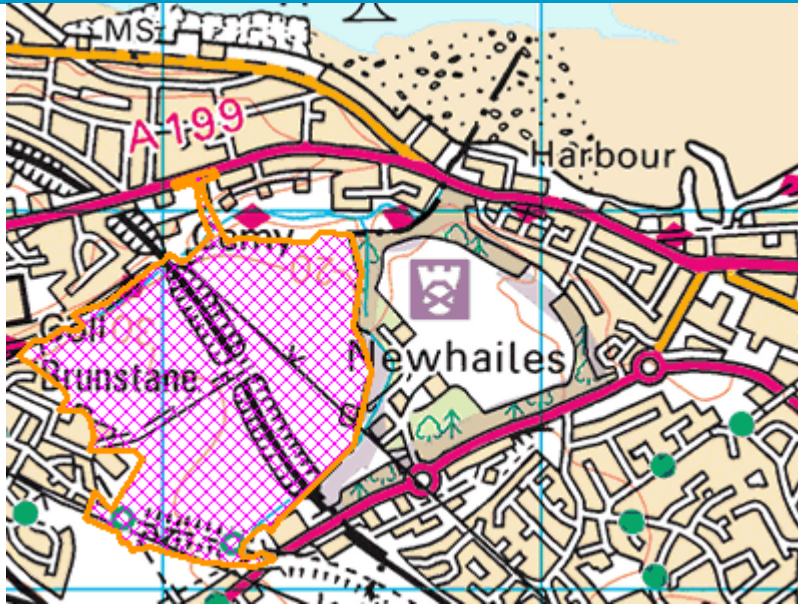
The applicant has made a commitment to provide at least 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

- o The applicant is requested to enter into an early dialogue the Council to identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing*
- o The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site*
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

Location Plan



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