



**APPLICATION FOR PLANNING PERMISSION 20/00268/DPP FOR
ERECTION OF UP TO 64 HOLIDAY LODGES AND ASSOCIATED
RECEPTION AND AMENITY BUILDING; FORMATION OF ACCESS
ROADS, FOOTPATHS, SUDS FEATURES AND ASSOCIATED WORKS AT
LAND AT DRUMMOND MOOR, ROSEWELL**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for detailed planning permission for up to 64 holiday lodges and associated reception and amenity building, formation of access roads, footpaths, sustainable urban drainage system (SUDS) and associated works at land at Drummond Moor Landfill, Rosewell. There have been no letters of representation and consultation responses from the Coal Authority, Scottish Water, Scottish Environment Protection Agency (SEPA), Historic Environment Scotland (HES), Nature Scotland, the Council's Flooding Officer, the Council's Policy and Road Safety Manager, the Council's Environmental Health Manager, the Council's Land Resources Manager, the Council's Economic Development Manager, the Howgate Community Council and the Rosewell & District Community Council.
- 1.2** The relevant development plan policies are DEV5, DEV6, DEV7, ECON4, TRAN1, TRAN2, TRAN5, IT1, VIS2, RD1, MIN1, MIN2, ENV2, ENV4, ENV7, ENV9, ENV10, ENV11, ENV14, ENV15, ENV16, ENV17, ENV18, ENV24, ENV25, NRG4, NRG5, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.3** The recommendation is to grant planning permission subject to conditions and the applicant entering into a planning obligation to secure contributions towards necessary infrastructure.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site is located approximately 2km north-east of Howgate within land at the Drummond Moor Landfill site.
- 2.2** Vehicular access to the site is provided via an existing access to the A6094 on the site's eastern boundary.

- 2.3 The site comprises an irregular shaped parcel of land measuring approximately 10 hectares within the southern part of the Drummond Moor Landfill site. There are substantial level changes within the site which reflect the nature of previous mineral extraction and existing landfill operations within the site. Specifically, the site is currently subject to ongoing filling with 'cleanfill' material. Consequently, ground levels are continually changing to facilitate the creation of a landform reflecting the approved landfill restoration masterplan.
- 2.4 Land to the north comprises previous putrescible landfill cells filled with municipal waste (now completed and within the 'restoration' stage). Land to the west includes the remainder of the putrescible landfilling cells and other areas being infilled with 'clean' material. Beyond this lies agricultural fields. Land to the south contains the Drummond Moor Wood.
- 2.5 There are partial views from the site to the north towards the Pentland Hills. No core paths bisect the site, however, multiple rights of way are located close to the site, along the site's north-eastern boundary and to the south.
- 2.6 The surrounding area is characterised by agricultural fields, individual farm holdings and single residential properties. A series of woodland copses are present within the wider area alongside other countryside/recreational uses. This includes a trout fishery located to the south-east of the site. Areas to the south of the A6094 also include other countryside uses and various land holdings subject to previous mining and quarrying activities.

3 PROPOSAL

- 3.1 Planning permission is sought for 62 holiday lodges with associated engineering works, open space and landscaping. This represents a reduction of two holiday lodges from the original submission for 64 lodges (to address SEPA requirements).
- 3.2 A site plan (Masterplan Proposed Layout Ref: WR7360/05/07 Rev 2) has been submitted showing following development components:
- 62 holiday lodges within a landscape and woodland setting including:
 - 14 x 1-bed lodges (68.6m²);
 - 16 x 2-bed lodges - Type A (98m²);
 - 10 x 2-bed lodges - Type B (83.73m²);
 - 22 x 3-bed lodges (92.3m²); and
 - Associated parking provision for each lodge.
 - A reception/amenities building with associated car parking area. This building includes a reception area, games room, small

‘workout’ area, treatment rooms and a resident’s bar/restaurant with raised patio area.

- Utilisation of the existing landfill vehicular access, including visibility splays to the A6094.
- Upgrading of the existing access road and provision of a new internal access road providing access to secondary ‘streets’ linking to groups of lodges.
- Provision of three SUDS ponds at various locations through the site (with associated surface water drainage management approaches) interconnecting with the proposed surface water management plan for the remainder of the site and for the approaches proposed within the amended surface water management plan for the existing landfill to the north of the site.
- Retention of existing woodland (including ‘Badger Wood’ within the centre of the site).
- Partial removal of existing woodland within the south-eastern corner of the site, replaced with compensatory planting within the site and the wider site controlled by the applicant.
- Provision of an additional landscape structure planting (approx. 15m) buffer along the full extent of the southern boundary to complement the existing landscape buffer within this location
- Provision of a series of interlinked footpaths connecting the lodges to the reception/amenities building and to other parts of the site. Also, the provision of new footpaths into/through the existing woodland and footpaths within the adjacent landfill site to allow for enhance recreational opportunities within the restored landfill site.

3.3 The application is accompanied by the following:

- Pre-Application Consultation Report (PAC);
- Design and Access Statement (DAS);
- Planning Statement;
- Transport Statement (TS);
- Ground Gas Risk Technical Note;
- Flood Risk Assessment;
- Landscape and Visual Appraisal (including addendum);
- Ecology Report (including addendum);
- Bat Survey Report; Breeding Bird Survey Report;
- Reptile Survey Report;
- Great Crested Newt Species Protection Plan;
- Badger Species Protection Plan; and
- Coal Mining Risk Assessment.

4 BACKGROUND

4.1 The following summarises relevant planning history for the site.

- 03/00802/FUL - Removal of Condition 6 of planning permission no 01/00172/FUL, dated 20 August 2001, to allow the continuation of landfill in the event of the waste management complex (at Millerhill) not being constructed. This application was granted in January 2004.
- 07/00895/FUL - Amendment of condition 1 of Planning Permission 03/00802/FUL, to allow continuation of landfill in the event of the waste management complex (at Millerhill) not being constructed. This application was granted in February 2008.
- 10/00474/DPP - Amendment to Condition 1 of Planning Permission 07/00895/FUL to allow continuation of landfill operations in the event of the waste management complex (at Millerhill) not being completed. This application was granted in June 2011.
- 13/00681/DPP - Removal of condition 1 of planning permission 99/00509/FUL (as amended by planning permissions 03/00802/FUL, 07/00895/FUL and 10/00474/DPP) to allow continuation of landfill operations without erection of waste management complex (at Millerhill). This application was granted in November 2013. A S42 application to amend this planning permission is included as an agenda item to be determined by the Planning Committee. This seeks approve of an updated landfill restoration masterplan scheme that reflects the proposed amendments to the landform/surface water management sought by this application for the 62 holiday lodge proposal (i.e. 20/00268/DPP).
- 16/00690/S42 - Section 42 Application to amend condition 6 of planning permission 13/00681/DPP. This application was granted in Feb 2017.
- 19/00437/SCR – Environmental Impact Assessment (EIA) screening opinion for amendment to the approved scheme of restoration of the landfill site. Confirmation that the proposed development was not considered to be EIA development and that any forthcoming planning application would not require to be accompanied by an EIA was confirmed in June 2019.
- 19/00438/SCR - Environmental Impact Assessment (EIA) screening opinion for proposed holiday resort. Confirmation that the proposed development was not considered to be EIA development and that any forthcoming planning application would not require to be accompanied by an EIA was confirmed in June 2019.

- 19/00626/PAC - Proposal of Application Notice (PAN) for proposed holiday resort development. This PAN was submitted in July 2019, outlining the proposed pre-application approach the applicant sought to undertake in association with the proposed development. This pre-application consultation took place in October 2019 and complied with the regulatory requirements within the Town and Country Planning (Development Management Procedures (Scotland) Regulations 2013.
- 20/00269/S42 - Section 42 application to amend conditions 2, 9 and 10 of planning permission 16/00690/S42 to allow for a revision to the approved restoration contours to create a development platform. This application was withdrawn - replaced with 21/00101/S42.
- 21/00101/S42 - Section 42 application to amend conditions 10 and 11 of planning permission 13/00681/DPP relating to the restoration masterplan. This application is being concurrently determined by the Committee to consider amendments to the restoration masterplan approved by 13/00681/DPP and to introduce more graded development platforms and amended surface water drainage proposals related to the works set out with the application for 62 holiday lodges (20/00268/DPP).

5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application as the proposed lodges, associated buildings and new infrastructure would be located entirely outside the Development High Risk area. It is noted that coal mining activity has taken place in this area and requests an informative on any grant of planning permission requiring that the Coal Authority be notified if a coal mining feature is encountered.
- 5.2 **Scottish Water** does not object to the application. However, it is advised that water nor waste water infrastructure is within the vicinity of the site and as such the applicant should explore private options for private water provision and waste water treatment. There are no records of drinking catchments nor water abstraction sources within the nearby area that could be affected by the proposed development.
- 5.3 **The Scottish Environment Protection Agency (SEPA)** does not object to the application subject to the inclusion of a condition on any grant of planning permission requiring details of foul drainage be approved, in consultation with SEPA. Surface water management approaches should be agreed with Midlothian Council, as the Flood Prevention Authority.
- 5.4 **Historic Environment Scotland** does not object to the application.

- 5.5 **Nature Scot** does not object to the application subject to the proposed mitigation set out in the ecology and species reports – the applicant will however require an ecological license from Nature Scot to undertake work impacting/mitigating protected species.
- 5.6 The **Council's Flooding Officer** does not object to the application.
- 5.7 The **Council's Policy & Road Safety Manager** does not object to the application subject to the following conditions:
1. The existing vehicle access should be updated to reflect its new use and new 'give way' road markings and sign(s) introduced where the private access joins the public road.
 2. In line with the Councils view of providing publicly available electric vehicle charging points within new developments at least two of the public parking spaces should be constructed as formal EV charging points.
- 5.8 The **Council's Environmental Health Manager** does not object to the application but identify a number of matters that would be required to be addressed. A gas venting trench or similar barrier is a mandatory requirement alongside other gas mitigation requirements. Also, they query the location of the previous landfill and require detailed, intrusive site investigations to confirm no lodges, or the amenities building would be located on previous landfill or that mitigation would be put in place accordingly. Accordingly, they recommend that the following conditions:
1. Details of the gas venting trench (or similar barrier) shall be submitted to and approved prior to the development of any building or lodge. On completion of the work to construct this venting trench, a report shall be submitted to and approved by the local planning authority demonstrating that the trench has been installed to the agreed specification.
 2. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and

iv the condition of the site on completion of the specified decontamination measures.

3. On completion of the decontamination/remediation works referred to in condition 2 above and prior to any of the lodges, reception or amenity buildings being occupied, a validation report or reports shall be submitted to the local planning authority confirming that the works have been carried out in accordance with the approved scheme. No lodge, reception or amenity building shall be occupied unless or until the local planning authority have approved the required validation for that unit.
 4. A suitably designed alarm system shall be installed at the site to protect the buildings and lodges from landfill gas should there be a failure in the gas venting trench. This system could either be perimeter monitoring or building specific. A maintenance programme to ensure regular servicing, testing and maintenance of the alarm system must be submitted to and approved by the local planning authority.
 5. It is noted that the lodge design has not been finalised but the units selected should either not include decorative kickboards or if these or similar are to be used, then sufficient air vents to allow the dispersion of any ground gases must be installed and maintained in an operational capacity. To that regard the Applicant shall submit the final design selected to, and have the design approved by the local planning authority to ensure that this issue is adequately addressed.
 6. Depending on the type of lodge unit selected the site may need to be licensed as a caravan site prior to occupation along with obtaining the necessary planning consent.
 7. The hours of construction operations (including deliveries) should being restricted to:
Monday to Friday - 8am – 7pm;
Saturday - 8am – 1pm;
Sunday - No working
- 5.9 The **Council's Land Resources Manager** does not object to the application subject to the pedestrian footpaths within land controlled by the applicant connecting to existing footpaths to the north of the site.
- 5.10 The **Council's Economic Development Manager** supports the application as an efficient re-use of the restored landfill site and would create a welcome tourist offering within Midlothian. The development would have wider economic benefits for the surrounding area, enabling enhanced trade with local supply chains to support the local economy. Also states that the proposed development would specifically address the issue of a lack or large scale self-serviced accommodation for

business and leisure tourism groups within the Midlothian's Tourism Action Plan 2016-2020.

5.11 Howgate Community Council (HCC) advise:

- In principle, HCC does not object to the proposed development, however, request that the planning authority consider the following matters in their assessment of the application and secure any relevant developer contributions;
- Consideration of increased traffic generation by this development, including during the construction phase;
- Cognisance of the existing road conditions, noting that this is a 'dangerous' part of the A6094 with lying water and existing tree line;
- Overcome existing water pressure and waste water problems within the local area; and
- Ensure the provision of secure and adequate fencing to avoid livestock accidentally roaming into the site.

5.12 Rosewell & District Community Council (HCC) advise:

- That suggesting a beneficial use is only brought by the proposal is misleading and that the previous grant of planning permission included conditions resulting in an alternative beneficial use that would create a positive ecological, landscape and woodland enhancements;
- Clarity is sought on whether the stated figures for economic benefits relate to spending in Midlothian alone or the wider Edinburgh area;
- Concerns that the proposed development will not be served by public transport and accessible safe routes for pedestrians and cyclists;
- Concerns that guests would be wholly car-dependent, resulting in increased air pollution and CO2 emissions;
- Concerns that employees would need to attend work by private car exacerbating the above issue;
- Requirement for electric vehicle charging points to be included within any approved development;
- Concerns that landfill gas could have detrimental impacts on human health alongside potential odour issues;
- The proposals should demonstrate that they can be served by a public sewerage and water supply (or acceptable private arrangements if public provision is not available); and
- Support is also provided by a number of residents within the Community Council encouraging employment opportunities and prosperity to the area.

6 REPRESENTATIONS

6.1 No representations have been received.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SESPlan 1) and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.3 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.4 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.5 **Policy ECON4: Economic Development Outwith Established Business and Industrial Sites** states that business and industrial proposals (class 4 and 5) within the defined urban area but outwith existing or allocated business and industrial sites will be supported if:
- a. it is demonstrated that there is no suitable alternative site available within established economic sites;
 - b. the site is not identified for alternative use;
 - c. the proposed development would be compatible with surrounding uses and there would be no adverse impact on local and, in particular, residential amenity as a result of development;
 - d. the layout and design of buildings would be appropriate to the character of the site and surrounding area; and
 - e. the transport impact of the proposal would be acceptable.

The Council will give support to proposals that reuse brownfield or vacant or derelict land as opposed to greenfield locations.

- 7.6 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.7 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area.

- 7.8 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.9 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.
- 7.10 Policy **VIS2: Tourist Accommodation** supports the development of hotels or self-catering tourist accommodation provided the proposal is:
- A. is in scale and in keeping with the character of the local area;
 - B. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable);
 - C. is well located in terms of the strategic road network and maximises public transport access; and
 - D. is in accordance with one of the sections below.

Hotels in built-up areas will be supported, provided residential amenity is protected.

Hotels in business areas and at key gateway locations with ease of access to the major junctions on the A720 City Bypass, may be supported where it can be demonstrated that:

there are no suitable alternative sites elsewhere in the urban envelope; and the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

Self-catering tourist accommodation including touring caravan/camping sites, will be permitted where:

- the proposal is not in the Green Belt unless linked to some related existing development;
- the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and
- the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

- 7.11 Policy **RD1: Development in the Countryside** states that development in the countryside will only be permitted if it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with policies RD2, MIN1, NRG1 or NRG2; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt.
- 7.12 Policy **MIN1: Areas of Search for Surface Extraction** identifies Upper Dalhousie as being an area for the extraction of sand and gravel where surface mineral extraction may be acceptable in principle. The policy states that the identification of an area of search does not indicate the

Council's acceptance of any particular proposal for the winning and working of a surface mineral resource within any or all of that area of search. Outwith the areas of search there is a presumption against surface mineral extraction. In addition the policy safeguards mineral resources from sterilisation, in specific circumstances.

- 7.13 Policy **MIN2: Surface Mineral Extraction** requires proposals for mineral extraction to meet the criteria set out in the Supplementary Guidance on Resource Extraction. They will not be permitted where they would have a significant adverse effect on communities, sensitive uses or the environment and will only be supported if the Council is satisfied that they are acceptable in relation to the following matters:
- effect on the health and amenity of settlements, communities and housing groups or other sensitive uses;
 - effect on the landscape, in particular that of the Green Belt, Pentland Hills Regional Park, and Special Landscape Areas;
 - effect on soils, in particular prime agricultural land, and peatland;
 - effect on the water environment;
 - effect on nature conservation and biodiversity, in particular sites of international, national or local nature conservation value;
 - effect on the historic environment, in particular: Conservation areas, scheduled monuments, listed buildings, historic gardens and designed landscapes, historic battlefields, significant archaeological sites (and, where relevant, the settings of the aforementioned designated areas or buildings)
 - effect on the road network, particularly local roads;
 - cumulative effects of the proposal when combined with other consented or operational mineral extraction or landfill activities;
 - effect on the local economy in terms of tourism, leisure or recreation; and,
 - robustness and suitability of proposals for restoration and aftercare.
- 7.14 In determining applications for surface coal extraction, the Council will also consider any beneficial impacts from extraction in terms of site remediation and stabilisation and/or other permanent physical benefits to the community.
- 7.15 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network.
- 7.16 Policy **ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so.
- 7.17 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should

respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.

- 7.18 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.19 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environmental.
- 7.20 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.21 Policy **ENV14: Regionally and Locally Important Nature Conservation Sites** states that development will not be permitted where it could adversely affect the nature conservation interest of such sites, unless it can be demonstrated that appropriate mitigation measures are in place.
- 7.22 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.23 Policy **ENV16: Vacant, Derelict and Contaminated Land** states that the Council requires to be satisfied that any proposed use of land is suitable in relation to any potential risks from prior contamination and land instability.
- 7.24 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.

- 7.25 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.26 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.27 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.28 Policy **NRG5: Heat Supply Sources and Development with High Heat Demand** encourages the co-location of developments with high heat demand next to sources of heat, in order to reduce the carbon footprint of building performance.
- 7.29 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.30 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.31 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.32 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.33 **SPP (Scottish Planning Policy)** sets out Government guidance for development proposals, including tourist-related development, where is outlined that should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality.
- 7.34 SPP also encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of SPP are developed within the local plan and local development plan policies. It also states that *“design is a material consideration in determining planning applications and that planning permission may be refused and the refusal defended at appeal or local review solely on design grounds”*.
- 7.35 A presumption in favour of development that contributes to sustainable development is introduced as a policy principle within SPP and Paragraph 29 outlines principles required to achieve sustainable development. SPP also states that: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*.
- 7.36 Paragraph 40 also outlines requires the consideration and *“re-use or re-development of brownfield land before new development takes place on greenfield sites”*
- 7.37 At paragraph 79, it outlines that Plans should *‘promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry..... while ensuring that the distinctive character of the area’*. Moreover, SPP Paragraph 93 also outlines that the Planning System should *‘give due weight to net economic benefit of proposed development’*.
- 7.38 With respect to tourism, SPP Paragraph 105 outlines that *‘Planning Authorities should consider the potential opportunities for tourism and recreation facilities in their development plans’*.
- 7.39 Paragraph 235 outlines *‘the planning system should not only safeguard workable (minerals) resources and ensure that an adequate and steady supply’* but also *‘minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after-use after working has ceased.’*

- 7.40 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.41 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.42 The Scottish Government policy statement **Designing Streets** emphasises that street design must consider place before movement, that street design guidance (as set out on the document) can be a material consideration in determining planning applications and that street design should be based on balanced decision-making.
- 7.43 The Scottish Government publishes various Planning Advice Notes to provide guidance and good practice on various planning matters. In this instance, **PAN 64** - Reclamation of surface mineral workings is relevant. It outlines that sufficient reclamation and restoration of previous workings is undertaken and that this process is integrated into the planning process.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The consultation responses received are material considerations.

The Principle of Development

- 8.2 The site is allocated as countryside within the MLDP. A linear, 10m wide section, containing an existing woodland strip around the site's south-eastern boundary is also allocated as prime agricultural land.
- 8.3 Policy RD1 - Development in the Countryside specifically supports the principle of tourist accommodation within the countywide. Other tests identified within this policy are not applicable as they relate to development proposal for low density housing, mineral extraction and/or windfarm or energy proposals. The adopted Housing Development in the Countryside and Green Belt Supplementary Guidance is also not material to the consideration of the proposed development as its purpose is to provide assistance in defining housing associated with the furtherance of a 'countryside activity'. It is therefore accepted that the proposed development fully accords with Policy RD1.
- 8.4 The proposed development would also result in the beneficial re-use of a previous mining/contaminated site for tourist related development.

This would result in the development of a previously developed land rather than putting pressure on other, potentially more sensitive, allocated countryside areas with more competing constraints. This approach aligns with not only the principles sought by Policy RD1 but also the sustainable development principles within SPP and the objectives advocating the reuse of brownfield land over greenfield sites.

- 8.5 Policy RD1 also outlines that other business proposals that will enhance rural economic development opportunities subject to meeting prescribed criteria will be supported. It reiterates the strategic intent to support activities that can generate economic activity. In this regard, the applicant has included economic analysis within the Planning Statement setting out that the proposed development could result in an annual tourism expenditure of approx. £4.1M to the local economy and up to 22 full-time equivalent employees. This tourist expenditure and economic development opportunities is welcomed, adding further weight in favour of supporting the principle of development.
- 8.6 With respect to prime agricultural land, this land is proposed to be retained and complemented by a 15m wide structure planting strip retaining its existing function as a woodland tree belt. As such, there would be no 'loss' of prime agricultural land and MLDP policy ENV4 would be met.
- 8.7 MLDP Policy VIS2: Tourist Accommodation supports the development of hotels or self-catering tourist accommodation provided the proposal accords with the four key policy test below. The proposed development complies with the respective policy tests as evidenced by the following:

(1) scale and in keeping with the character of the local area: The proposed development includes single storey holiday lodges set within a mature woodland and landscaped setting. It would not result in any significant adverse landscape and visual impacts (as outlined within the corresponding assessment below). It results in a built form that would be well contained from long-views and would complement the landscape character of the surrounding area. The landforms associated with the existing restored landfill, and the existing perimeter trees belts around the majority of the site, further prevent visual intrusion. Where the proposed development is visible, it is well screened and below the ridge of the landforms/woodland 'behind'. This is evidenced within the accompanying LVA.

(2) is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape: As outlined above, the LVA outlines that the form, scale and height of the proposed lodges would be modest, and significantly lower than the existing woodland and proposed tree line, where applicable. The extensive landscape and woodland planting associated with the proposed

landscaping scheme creates a strong landscape framework that enhances the surrounding rural character within the nearby area without overly impacting the established rural setting.

(3) is well located in terms of the strategic road network and maximises public transport access: The site is located to the north-east of Howgate, within a relatively rural setting. However, the site connects directly to the A6094 which provides a strategic east-west route running through this part of Midlothian. This strategic route links the site to other strategic road networks to the east, including the A7 at Gorebridge/Newtongrange/Bonnyrigg etc. It also provides connectivity to the A701 at Penicuik, allowing for connectivity to the north/south.

- 8.8 It is acknowledged that there is no public transport accessibility directly accessible from the site. As such, the applicant will be required to provide a shuttle service for visitors to enable connectivity to existing public transport hubs. Opportunities to extend this to staff will also be required. This is discussed in more detail within the transportation section below. Accordingly, subject to approval of the detailed measures required, and implementation of the approved shuttle service, it is considered that sufficient access could be provided to sustainable public transport connections. This would address the above policy objectives.

(4) is in accordance with one of the sections below including whereby self-catering tourist accommodation is permitted where it meets the following:

- *the proposal is not in the Green Belt unless linked to some related existing development;*
- *the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and*
- *the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.*

- 8.9 The proposed development is not located within the green belt, complying with this requirement. Additionally, as outlined above and within the landscape and visual assessment section of this report below, the proposed development would not result in significant adverse impacts to the existing rural setting within the nearby area. The proposed development platforms and holiday lodges would be suitably screened with existing/proposed landscaping and existing landforms or be of a scale proportionate to the existing landscape setting. The SUDS lagoons would have a natural appearance, avoiding significant gradients, and would be complemented by appropriate aquatic landscaping to soften their appearance. Cumulatively, this accords with the above requirement.

- 8.10 Finally, the applicant has provided sufficient evidence that the proposed development could demonstrate the future operation would

result in a viable long-term business. The applicant is one of the largest waste and resources recovery operators within the UK, with over 1,000 employees, managing over 100 contracts with over 1.8m tonnes of waste a year. They also outline that they form part of the FCC World Group with 55,000 employees and a revenue over £6.5 billion. Building on this, they outlined that they have diversified restoration approaches to incorporate complementary tourism and other development proposals with a dedicated Real Estate division, set up to delivery these development proposals. The applicant has outlines that they will retain control of the site, and undertake this approach for other similar sites, overseeing the restoration requirements for previous landfills whilst also managing the corresponding tourist operator. Moreover, based on FCC's development strategy, the provision of tourism on the site is proposed to create an additional revenue stream to facilitate additional capital re-investment from this former landfill. This is proposed to assist the delivery of both restoration requirements (which are already covered by a bond should they not be delivered) and potential profits. They have a track record progressing development proposals within similar landfill/quarry sites within their portfolio (in England), demonstrating sound strategic development and investment principles for the redevelopment of such sites. The applicant has also undertaken an indicative projected revenue calculation for the future development of the site for tourist accommodation and they are confident that the potential revenues, less respective costs, would allow for a sustainable long-term business operation. They assert that given the recent pandemic, and demand for Scottish/UK tourist's accommodation, occupation and potential revenue streams could potentially be higher than initially envisaged. This level of capital resources; the development/delivery strategy proposed; the retention of the site within the applicant's control; and the management of future leisure operators should ensure the sustainable use and long-term provision and maintenance of the proposed tourist accommodation within the site in accordance with MLDP policy VIS 2.

- 8.11 Finally, the proposed reception/amenities building is of a suitable scale. This includes a reception area with seating, games room, staff areas, a small single-room gym with approximately 10 multi-use gym machines, associated treatment rooms and toilets. An associated restaurant with terrace is also proposed. This amenities building is acceptable and includes an appropriate floorspace and types of uses typically associated with tourist accommodation of this nature and proportionate to the demand from the 62 holiday lodges proposed.
- 8.12 Cumulatively, this outcome accords with the policy requirements above and, on balance, the proposed development generally complies with MLDP Policy VIS 2 Tourist Accommodation.

Layout, Form and Density

- 8.13 The site layout includes a single vehicular access using the existing access to the A6094. A primary internal access road runs east-west connecting the site access to the reception/amenities building, before running south-west towards the holiday lodges. Secondary access links are provided perpendicular to the primary access road creating internal 'streets' or cul-de-sacs, generally in rows of 6-8 lodges. Selected holiday lodges are also positioned around the three SUDS lagoons creating a pleasant outlook for future visitors.
- 8.14 Lodges have been carefully sited and orientated carefully to ensure sufficient setbacks to prevent unreasonable overlooking between lodges. Of the four types of holiday lodges proposed, each would comprise a single storey built form with pitched roofs and a maximum ridge height of 4.88m. The four lodge-types provide a series of different floorspaces to suit a range of visitors, each with individual private decks. The lodges would be positioned on floating foundations, with finished floor levels raised to accommodate airflow below each lodge (see gas migration section below). The scale, massing and heights of the proposed holiday lodges is therefore acceptable. High quality external finishes are proposed including timber cladding. No specific materials have been provided and therefore material samples will be required for approval, via condition.
- 8.15 The layout includes sufficient opportunities for landscaping between holiday lodges and the internal access roads which complements the more substantial woodland areas within the site. Additionally, a 15m woodland structure planting strip in the site's south-eastern corner would be introduced to enable sufficient woodland cover along this boundary. Provision of an updated species mix for the proposed landscaping will be required and can be sought via a condition on a grant of planning permission.
- 8.16 The site layout carefully avoids development within the existing capped landfill cells. This is complemented by design principles that include the retention of the existing woodland copses to the north and west of the site to soften the holiday lodges from these directions. Partial removal of existing woodland within the eastern corner of the site complemented by retention of the adjacent woodland and the above structure planting strip – which combined, affording suitable screening opportunities along these boundaries.
- 8.17 The proposed level development platforms have been designed to avoid substantial increases in levels from the original restoration masterplan levels, where possible. Those parts of the development platform higher than the approved restoration levels are generally contained within more central parts of the site or within less visible areas - where vegetation/woodland or the restored landfill ridges minimise opportunities for direct views.

- 8.18 Cumulatively, the above approach takes cognisance of existing site constraints and opportunities and results in a well-coordinated, comprehensive design solution for the site's future development.

Access and Transportation Issues

- 8.19 The existing single vehicular access to the A6094 is proposed to be retained and used for vehicular access. This currently allows for two-way entry/egress of HGVs associated with the existing landfill operations. In terms of road safety, the accompanying Transport Statement analyses existing crash data for the nearby road network and outlines that there have been four personal injury collisions within the last five years (two of which were serious/fatal). However, it outlines that since the road speed was reduced to 50mph there have been no further collisions on this section of the A6094. Visibility splays of at least 2.4m x 160m in both direction are provided according with the Design Manual for Roads and Bridges – which ensures suitability visibility for existing vehicles based on the existing 50mph speed limit. This results in safe, efficient vehicular access to/from the site. The Council's Policy and Road Safety Manager raises no objection on road safety grounds nor the visibility splay. Accordingly, the proposed development is considered to be acceptable in road safety terms.
- 8.20 An internal access road is provided within the site from the A6094 to the reception/amenities building and connecting to the lodges via a series of secondary link-roads. Two parking spaces are also provided to each lodge and a large car park (with 54 parking spaces including eight accessible parking spaces) at the reception/amenities building. There is also scope for electric vehicle charging points, which the applicant has agreed to install and would be secured by a condition on a grant of planning permission. This would create legible, safe vehicular manoeuvrability within the site and suitable parking to accommodate demand. This arrangement has also been supported by the Council's Policy & Road Safety Manager.
- 8.21 Suitable control of construction traffic accessing the site can be secured via condition, restricting construction activities within the site to Midlothian Council's requirements, as required by the Council's Environmental Health Manager.
- 8.22 Given its location, the site is not within close proximity to a range of sustainable modes of transport. Despite the applicant outlining that they anticipate many visitors to arrive by private car, they would encourage travel to the site via public transport. Without appropriate bus connections to/from the site, developer contributions and a condition on a grant of planning permission will be required to enable the approval and subsequent implementation of a shuttle bus service to nearby public transport interchanges (including Penicuik town centre and the Borders Rail Line (i.e. Eskbank train station). This should ensure suitable connectivity to/from the site via sustainable transport

choices and facilitate sustainable day trips by visitors to nearby attractions within Midlothian and beyond. It should also provide an opportunity to encourage staff members to use this shuttle service to connect them to/from the site to public transport interchanges.

- 8.23 A series of footpath/links would be provided within the site, including through the woodland and within land controlled by the applicant to the north, allowing for enhanced recreational opportunities for future visitors. To address the Council's Land Resources Manager comments recommending that these footpaths connect to the existing footpath network - a new footpath connection to the existing footpath network will be required within land to the north of the site (under the applicant's control).

Landscape and Visual Impact

- 8.24 The potential landscape and visual impacts associated with the proposed development are assessed within the accompanying Landscape and Visual Appraisal (LVA). The assessment methodology for the LVA accords with the Guidelines for LVIA's, Third edition (Landscape Institute and IEMA 2013). The conclusions of the LVA outline that the proposed development could be successfully integrated into the surrounding landscape without any significant adverse impacts on the existing landscape character and visual amenity. It outlines that sensitive receptors within 500m of the site would not have visibility of the proposed development, given that they would generally be restricted by the elevated landfill and the mature perimeter woodland.
- 8.25 The primary changes to the potential visual appearance of the site is restricted to views from Viewpoint 3 (elevated road corridor) and Viewpoint 4 (public footpath to the north-west of the site). Despite this, due to the scale of the proposed development, the separation distance involved and the angle of view, the visual effects at each viewpoint is not found to be significant. As such, following the residential receptor and viewpoint assessment, the overall degree of potential landscape impact would be minor to moderate impact. Accordingly, there would be no significant impacts on landscape character nor visual amenity to the surrounding area. The proposed development would not introduce any significantly visible character elements within long views to/from the site, with any perceptibility limited to selected localised views (i.e. viewpoints 3 and 4).
- 8.26 In this regard, to ensure enhancement of the existing perimeter planting around the site's southern/south-eastern boundary, the aforementioned 15m wide structure planting buffer would be planted. This will ensure further screening and further containment of the site from this direction. This additional planting, combined within the existing landscape offer within/surrounding the site, would ensure that the proposed development is suitably integrated into the established landscape

character and would not result in any unacceptable landscape and visual impacts.

Contamination and Remediation

- 8.27 The application accompanied by a Coal Mining Risk Assessment outlining that coal mining legacy features do not pose a risk to the proposed development. The Coal Authority have reviewed this report and do object to the proposed development. They outline that whilst a small part of the site falls marginally within the Development High Risk Area (i.e. eastern extent of the existing site access) the proposed new buildings and new infrastructure would be located entirely outside the high risk area (and any former mining or municipal landfill areas). As such, there should be no unacceptable mining impacts.
- 8.28 The presence of the capped municipal landfill areas (now in restoration mode) to the north and west results in a requirement to consider potential risks associated with the potential landfill ground gas mitigation. Importantly, no lodges or new infrastructure works are proposed within any previously putrescible/municipal landfill cells. Moreover, the applicant currently undertakes ongoing gas monitoring as part of the approved restoration scheme for the former landfill. These consider levels of ground gas around the perimeter monitoring wells closest to the proposed development area and generally indicate that significant migration of hazardous gas from the landfill cells into the site is not occurring. Despite this, the majority of gas monitoring wells are located to the south of the proposed development and there is an absence of data along the boundary between the former landfilled cells and the proposed development area.
- 8.29 In this regard, the Council's Group Manager Environmental Health outlined initial concerns with potential risks associated with landfill gas migration within this location and another area to the south of the existing internal road. It was considered that this area could have been subject to previously filling with putrescible/municipal landfill waste. The applicant disagrees with this position, providing various information to support this assertion. Irrespective of this position, the applicant has committed to undertaking detailed intrusive investigations within these areas to an agreed scope. This would confirm any underlying materials within this part of the site and the types of mitigation required. On balance, the above approach is considered to be acceptable and would ensure that comprehensive ground investigations are undertaken to the satisfaction of the Environmental Health Manager's satisfaction. An indicative layout has been provided showing how the reception/amenities building could be removed from this area and replaced with a far smaller reception outwith any 'at risk' area should this be required. This would avoid any ground gas risk to proposed buildings whilst resulting in an acceptable built form. This requirement could be addressed via condition.

- 8.30 The applicant has also committed to the provision of a remediation strategy and validation report - to confirm how mitigation measures would be implemented to avoid future risks to human health. In addition, and most critically, the Council's Environmental Health Manager requires details of a gas venting trench (or similar barrier) between the landfill cells and the boundary of the proposed development to prevent risks from any potential escape of landfill ground gas. An alarm system on each lodge is also required as a back up to any potential gas venting trench failure. Additionally, the underbuild design of the proposed lodges will be required to be approved to allow for constant airflow beneath all lodges. These requirements are entirely appropriate and will be included as conditions on a grant of planning permission.
- 8.31 Overall, subject to receipt of the detailed intrusive ground investigations and implementation of the remediation mitigation measures outline above, the proposed development should not result in unacceptable risk to contamination from previous mining/contamination.

Landscape and Arboriculture

- 8.32 The site benefits from an extensive mature landscape setting which includes a series of existing plantation and coniferous perimeter woodland. Other coniferous woodland copses are also located within the site itself. The accompanying Arboricultural Implications Assessment outlines the proposed removal of a small part of the coniferous and plantation woodland (Woodland 1B) within the south-eastern corner of the site. The majority of this woodland has already been removed as part of existing, authorised, landfill operations or its removal has been approved via the approved landfill restoration masterplan for this part of the site. The remainder, and the majority of the existing plantation woodland within this location, to the eastern and south-eastern boundary of the site, would be retained. This woodland provides suitable screening around this part of the site. Additional compensatory planting is also proposed within the site on land controlled by the applicant to ensure that the approved landscaping framework for the landfill restoration masterplan is suitably compensated commensurate with the scale of the proposed development and anticipated removal.
- 8.33 The principle of the proposed landscaping approach is accepted, however, a series of amendments would be required relating to: increased trees planting along the primary access road and SUDS lagoons; amended woodland planting mixes; additional hedgerow planting along the proposed woodland buffer; and tree growing specifications/standards. Provision of updated tree protection measures and construction exclusion zones, particularly for the proposed 15m wide woodland planting strip, would be required alongside an Arboricultural Method Statement via a condition on a grant of planning permission. Subject to conditions addressing these

requirements, the proposed development is acceptable and arboricultural terms.

Ecological Matters

- 8.34 Various ecological reports accompany this application including an Ecological Appraisal and various protected species surveys and protection plans (for bats, great crested newts (GCNs), badgers and reptiles). The Ecological Appraisal confirms additional habitat creation (varying from the previously approved scheme) to allow for a higher proportion of native tree species (i.e. broadleaf) to increase opportunities for biodiversity enhancement. It notes that the loss of woodland does not contain ancient woodland indicator species and therefore loss of other trees (i.e. densely planted spruce) with limited botanical interest would not result in the loss of woodland with increased habitat value. As such, its loss is not considered to be significant in ecological terms. Moreover, over 2.4 hectares of new native woodland is proposed to be planted, providing significant biodiversity gain and almost one hectare additional new woodland than the previously consented landfill restoration planting scheme.
- 8.35 A Biodiversity Management Plan will be required to confirm habitat creation and biodiversity enhancement requirements and for the ongoing sustainable and proportionate management of ecological matters within the site. A lighting strategy will also be required to confirm the proposed approach minimises impacts on bat corridors but also to minimise light emissions to the nearby area. This will be required via a condition on a grant of planning permission.
- 8.36 GCN were found within the site during previous activity surveys. As such, a GCN Species Protection Plan accompanies the application outlining the various mitigation approach required to be implemented (and the timescales for their implementation) to avoid adverse harm to this species in line with the Conservation (Natural Habitats) Regulations 1994, as amended.
- 8.37 Bat activity surveys were undertaken to confirm the presence of bats within the site. Low levels of bat activity was found within the site (mainly using the site for foraging/commuting) with the majority of activity concentrating along the western and north-western boundary. The survey results have influenced the proposed layout and the majority of existing habitats for foraging/commuting have been retained. A Bat Report and Protection Plan accompanies the application and outlined various measures required to avoid any significant adverse impact on bats. This, alongside a requirement for the approval of a sensitive lighting strategy, should avoid any potential significant adverse impacts to bats. Irrespective of the above findings, separate licensing requirements from Nature Scot will be required, and protected species license applications submitted to ensure that any regulatory requirements are met. A confidential Species Protection

Plan for badgers also accompanies this application outlining mitigation to protect species within and/or surrounding the site. Whilst not afforded the same protection status as the protected species above, the applicant has also identified potential mitigation to avoid unnecessary harm to existing reptiles within the site. Moreover, Nature Scot have not objected to the proposed development and have outlined that ecological matters on the site can be addressed via separate species licensing permits.

- 8.38 Overall, suitable mitigation is proposed within the corresponding ecology reports/species protection plans to avoid harm to protected species. A condition will be required on a grant of planning permission requiring implementation of the mitigation measures proposed within these documents. Moreover, a condition will require provision of updated protected species surveys within one year of the proposed commencement of development to ensure an appropriate baseline for any approved mitigation.

Flood Risk and Surface Water Drainage

- 8.39 The accompanying Flood Risk Assessment (FRA) outlines that the site is not located within areas at high risk of coastal, fluvial, groundwater or overland flooding. Whilst holiday accommodation is defined as a 'most vulnerable' use in flood risk terms, the site's location within a 1 in 1,000 risk of flooding (i.e. low) and is acceptable. As such, the proposed development is not located within the 1 in 200 year functional floodplain and potential risk associated with future surface water management can be addressed via the accompanying Surface Water Management Scheme for the site. This Scheme includes the provision of various SUDS treatment levels (including swales and grit drains) to attenuate surface water discharge within the site and direct flows to three SUDs lagoons within the site. Staged discharge at pre-development run-off rates are also proposed to accommodate the 1:200 year floor event plus a 35% allowance for climate change impacts. This discharge is proposed to the north-western corner of the site, which will be subject to a separate Pollution Prevention Control Permit process with SEPA. The Council's Flooding Officer does not object to the proposed development on drainage nor flooding grounds and supports the proposed drainage arrangements. Following an initial SEPA objection on flood risk, 3 holiday lodges were removed from the southern part of the site, which resulted in SEPA removing their objection. Accordingly, the proposed development is not considered to be at high risk of flooding and the proposed surface water management scheme would result in the effective management of surface water within the site without detriment/risk to the nearby area.
- 8.40 With respect to the proposed development platforms, they would be approximately 10m higher than the height of the existing watercourse and the corresponding 1 in 200 year floor risk. As such, potential water

ingress to proposed holiday lodges would be avoided and no minimum finished floor levels have been set.

- 8.41 In terms of foul water connection, Scottish Water have outlined that there is no waste water infrastructure within the immediate area and suggest that private waste water arrangements are considered. In this regard, SEPA have requested further details on the proposed foul waste water arrangements – seeking to explore the feasibility of public sewer connectivity. If this cannot be achieved, private arrangements could then be agreed. This requirement can be secured via a condition on a grant of planning permission.

Feasibility of Communal Heating System

- 8.42 In order for the Government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should support the transitional change to a low carbon economy including deriving "11% of heat demand from renewable sources by 2020" and supporting "the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks".
- 8.43 MLDP policy NRG6 states that community heating within new developments should be supported where technically and financially feasible. It remains to be demonstrated by the applicant that the proposed development does not offer the potential for a new district heating network to be created within the site. Accordingly, a condition will be required on a grant of planning permission requiring that a feasibility study for the provision of a community heating system for any new development is undertaken by a suitably qualified engineer, commissioned by the applicant, and submitted for the approval of the planning authority. Should this study show a community heating system can be introduced, this should be undertaken within an agreed timescales. If it shows it is not feasible to install a community heating network, this requirement would not be relevant.

Developer Contributions

- 8.44 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a planning obligation in respect of the following matters:
- A contribution towards the Borders Rail.
- 8.45 This requirement stems from the site's proximity to the Borders Rail stations. Specifically, that the Council consider that it lies within the Borders Rail Corridor and corresponding Strategic Development Area. Given the scale and nature of the proposed development and the potential demand on existing services, appropriate infrastructure

provision is required to be provided to accommodate, and encourage, travel by means of other than the private car.

- 8.46 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15);
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
 - be reasonable in all other respects.
- 8.47 The requirements as set out above for any proposed planning obligation would meet the above tests.

Other Matters

- 8.48 Regarding matters raised by the community councils and consultees not already addressed in this report:
- Concerns about overcome existing water pressure and waste water problems within the local area will be addressed via separate Scottish Water technical approval process.
 - Addressing misleading comments that a beneficial use is only introduced by the proposed development and that alternative beneficial uses, such as positive ecological, landscape and woodland enhancements, as restored should be noted. The benefits of both potentially competing outcomes is acknowledged and balancing the weight attributed to each outcome has been undertaken by the planning authority in this regard (within the principle of development section of this report).
 - Clarity sought on whether the stated figures for economic benefits relate to spending in Midlothian alone or the wider Edinburgh area. The applicant confirmed that these figures related to both Midlothian and Edinburgh but it is envisaged that visitors are likely to undertake a 'day trip', at most, to Edinburgh with the rest of their time (and expenditure) spent within the local area. This would seem reasonable but irrespective of the specific quantum of economic expenditure it is agreed that there would be a net positive economic benefits within Midlothian from associated with increased visitor expenditure.

- Support is also provided by a number of residents within the Community Council encouraging employment opportunities and prosperity to the area. This point is noted.

8.49 Moreover, the following matters have been raised in representations which are not material considerations in the determination of the application:

- Protection of secure and adequately fencing to avoid livestock accidentally roaming into the site is not a matter specifically addressed via the planning process. Provision of fencing is a civil matter required to be agreed between corresponding landowners.

Direction

8.50 The applicant has also requested a 'direction' to amend the expiry timescales for any issued planning permission from 3 years to 5 years to reflect the complex programme of ground investigation and potential remediation for the proposed development. This timescale is considered to be acceptable, in this instance, given the complexities outlined above.

9 RECOMMENDATION

9.1 It is recommended that planning permission be granted for the following reason:

The proposed development accords with the Midlothian Local Development Plan (2017), in particular, policy VIS 2 which gives the policy framework to support the development of tourist accommodation in rural locations. The proposed development does not have significant adverse environmental impacts subject to detailed/technical matters being agreed via condition. This presumption in favour of development is not outweighed by any other material considerations.

And:

That a direction be applied to the planning permission to increase the expiry timescale from 3 years to 5 years.

Subject to:

- i) the prior signing of a legal agreement to secure developer contributions towards the Borders Rail Line and Sheriffhall Roundabout improvements. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.
- ii) the following conditions:
 1. The holiday lodge buildings within the site shall be used solely for the purposes of self-contained tourist accommodation and shall

not be occupied as single dwellinghouses being a tenant's primary residential address.

Reason: To prevent any potential unauthorised use for permanent residential use within the development.

2. Development shall not begin until scheme covering phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each tourist accommodation phase of the development, the provision of all buildings, access, open space, structural landscaping, SUDS/drainage, footpaths (including offsite), transportation infrastructure and contamination/ground gas remediation. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reasons: *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an updated scheme for vehicle access, roads, footpaths/cyclepaths and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. updated vehicular access including new 'give way' road markings and sign(s) where the private access joins the public road;
 - ii. pedestrian footpath connection(s) from the restored landfill site, within the applicant's control, to the existing public footpath to the north of the site.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an updated scheme for hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. additional individual tree planting (native medium growing species with increased canopy cover) along the main access roads using a heavy standard (12-14cm girth and 11.83m³ rooting volume);
- ii. additional tree planting around the SUDS lagoons and the area to the west of the main parking area, outwith any capped areas using extra heavy standard (14-16cm girth with 30m² rooting volume).
- iii. the pine wood mix within the proposed woodland buffer amended to include feathered tree stock at intervals;
- iv. the specification for the proposed mixed native hedgerow;
- v. recommendations from the Ecological Management Plan;
- vi. drainage details and sustainable urban drainage systems to manage water runoff;
- vii. existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
- viii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- ix. proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
- x. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- xi. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- xii. programme for completion and subsequent maintenance of all soft and hard landscaping;
- xiii. car park configuration and surfacing;
- xiv. proposed roads, footpaths and cycle paths and surfacing;
- xv. any proposed cycle parking facilities;
- xvi. A Woodland Management Plan outlining sustainable management, motoring, maintenance and replanting requirements for existing woodland; and
- xvii. An Arboricultural Method Statement outlining proposed planting works and corresponding tree protection measures and construction exclusion zones to protect trees/woodland to be retained.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance.

Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies

DEV5, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv the condition of the site on completion of the specified decontamination measures.
6. On completion of the decontamination/remediation works referred to in the condition above, and prior to any of the lodges, reception or amenity buildings being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No lodge, reception or amenity building shall be occupied unless or until the planning authority have approved the required validation for that unit.
7. Development shall not begin on the phase of development (identified in compliance with condition 2) related to the construction of the holiday lodges and reception/amenities building until a suitably designed ground mitigation measures, including maintenance programme and implementation timescale, is submitted to and approved by the planning authority. Thereafter, and prior to occupation of the holiday lodges and reception/amenities building, the approved alarm system shall be installed. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.
8. Development shall not begin on the phase of development (identified in compliance with condition 2) related to the construction of the holiday lodges and reception/amenities building until details of a gas venting trench, or suitable alternative, is submitted to and approved by the planning authority. Upon completion of the approved gas venting trench, or suitable alternative, a validation report shall be submitted to and approved by the planning authority demonstrating that the

trench has been installed to the agreed specification.
Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

9. Development shall not begin on the individual phase of development (identified in compliance with condition 2) related to the construction of the holiday lodge buildings, until the detailed design of the holiday lodges is submitted to and approved by the planning authority. This shall include:
 - i. air vents below each lodge enabling the dispersion of any potential ground gas.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority and maintained in operational capacity.

Reasons for Condition 5 to 9: To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

10. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until a scheme showing external materials and finishes for all buildings and any other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

11. Development shall not begin on the individual phase of development (identified in compliance with condition 2) related to the construction of the holiday lodge buildings until a scheme setting out details, of a public transport travel plan providing a comprehensive shuttle service to/from the site to agreed public transport interchanges. This shall include Penicuik Town Centre and Eskbank Railway Station (or suitable alternative stations on the Borders Rail line). This shall include a compressive timetable to accommodate visitor's initial arrival/departures and separate

on-demand services that include opportunities to accommodate staff travel. The approved shuttle bus service shall be implemented in full prior to occupation of any holiday lodge. Shuttle services shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority and maintained in operational capacity.

Reason: *To ensure suitable connectivity to sustainable public transport services for future visitors and staff.*

12. Development shall not begin until a scheme of biodiversity for the site including a programme of ecological surveys (repeat survey work no more than 12 months in advance of the commencement of development on the site) and an Ecological Management Plan has been submitted to and approved in writing by the planning authority. The scheme shall incorporate the species mitigation and enhancements recommended within the Bat Report, Great Crested Newt Species Protection Plan, Badger Protection Plan prepared by FPCR Environmental & Design. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

13. Development shall not begin on the individual phase of development (identified in compliance with condition 2) relating to the holiday lodges and reception/amenities building until a lighting strategy is submitted to and approved by the planning authority. The details shall include:
- i. low lux level lighting units;
 - ii. low level lighting units, directionally controlled to minimise glare and lightspill;
 - iii. lighting restricted for health and safety purposes;
 - iv. no lighting within woodland walkways;
 - v. ecological response lighting that includes mitigation within the Ecological Management Plan; and
 - vi. lighting and other utility service trench locations identified on detailed landscape plans, avoiding conflict with tree planting.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure that acceptable lighting proposals are provided that avoid unacceptable impacts to protected species and minimises landscape and visual impacts to the character of the surrounding area.*

14. Development shall not begin until a scheme dealing with the provision and use of electric vehicle charging stations within the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

15. Development shall not begin on the individual phase of development (identified in compliance with condition 2) related to the construction of the holiday lodge buildings until a scheme setting out the scope and feasibility of a community heating scheme for the development and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority to assess technical feasibility and financial viability of a community heating scheme within the development. Thereafter, only if it is found that a community heating scheme is technically and financially viable, no holiday lodge shall be occupied, until a community heating scheme for the site is approved in writing by the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason: *To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.*

16. Development shall not begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. Details of a construction access;
 - ii. signage for construction traffic, pedestrians and other users of the site;
 - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
 - iv. details of piling methods (if employed);
 - v. details of any earthworks;
 - vi. control of emissions strategy;
 - vii. a dust management plan strategy;
 - viii. waste management and disposal of material strategy;

- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering and any other operations (to take place between 0800 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

Informative

- a. *The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority*

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No: 20/00268/DPP

Applicant: FCC Environment

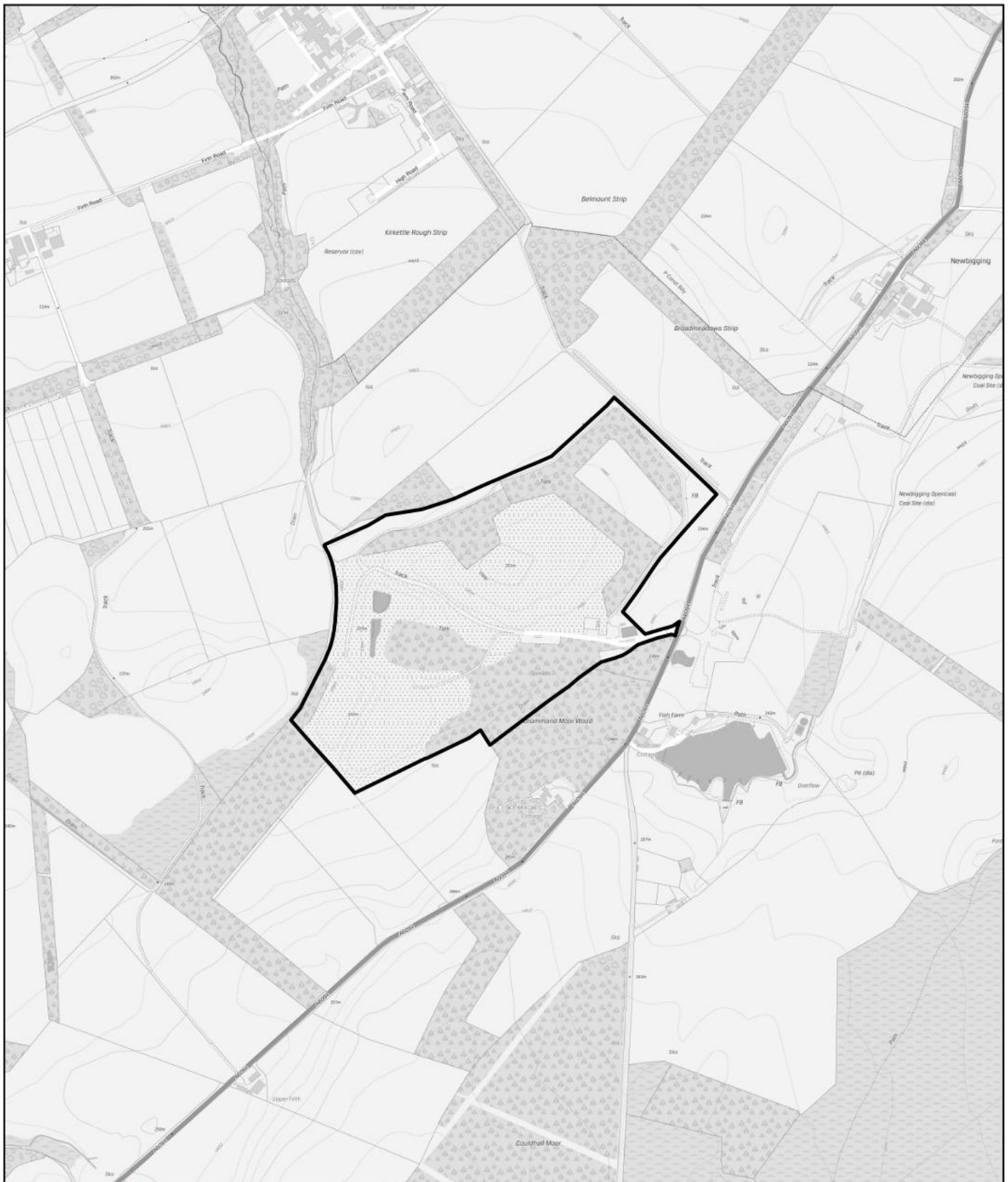
Agent: Stephenson Halliday

Validation Date: 22 April 2020

Contact Person: Steve Iannarelli

Email: Stephen.Iannarelli@midlothian.gov.uk

Background Papers: 13/00681/DPP, 19/00437/SCR, 19/00438/SCR, 19/00626/PAC, 21/00101/S42



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of up to 64 holiday lodges and associated reception and amenity building; formation of access roads, footpaths, SUDS features and associated works at Land at Drummond Moor, Rosewell

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File No: 20/00268/DPP

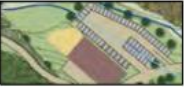
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NOTES



RECEPTION AND AMENITIES BUILDING



1 BED RETREAT LODGE



2 BED LODGES



3 BED LODGES



EXISTING WOODLAND



PROPOSED WOODLAND



PROPOSED SHRUB PLANTING



PROPOSED PONDS



PROPOSED PATHS



PROPOSED NATURAL PLAY ZONE

— LAND UNDER OWNERSHIP OF THE APPLICANT

— PLANNING APPLICATION BOUNDARY (94,830m²)

REV	DESCRIPTION	DATE	BY
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CLIENT



Russel House, Mill Road, Langley Moor, Durham. DH7 8HJ. 0191 378 9972

JOB TITLE
DRUMMOND MOOR HOLIDAY RESORT DEVELOPMENT

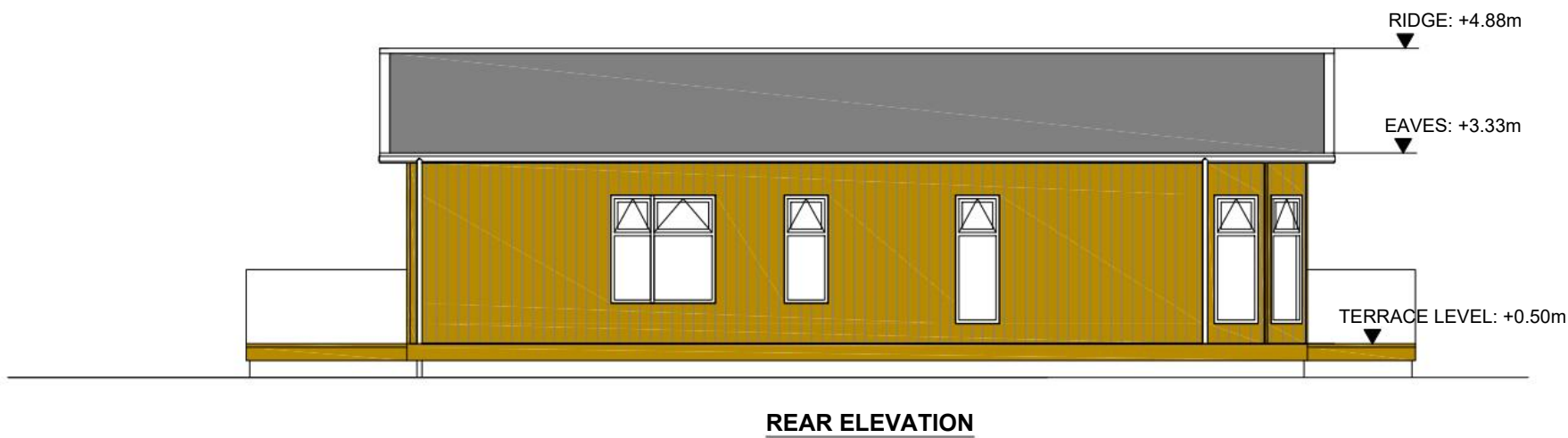
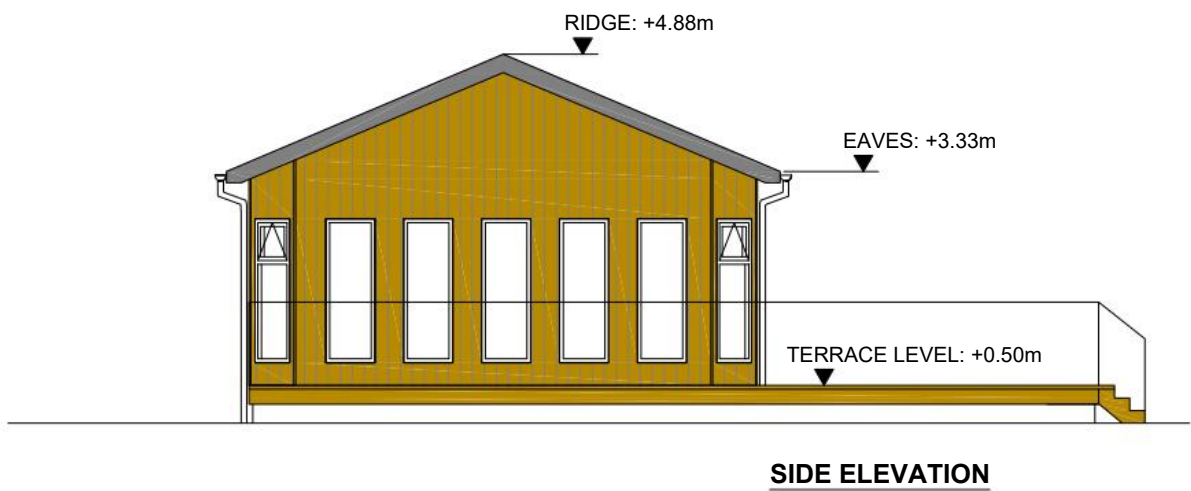
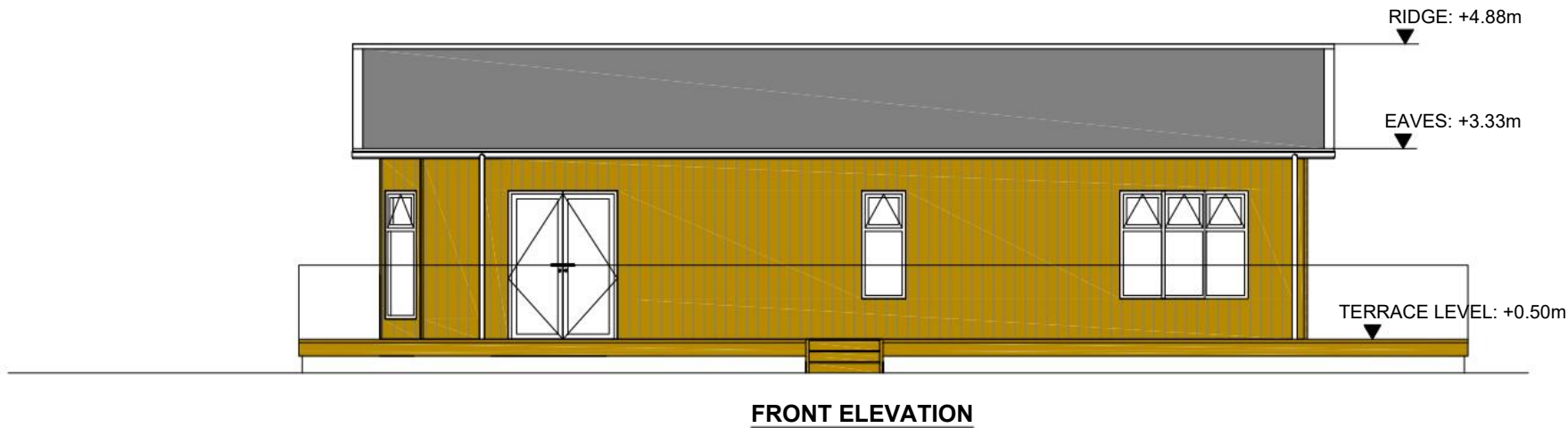
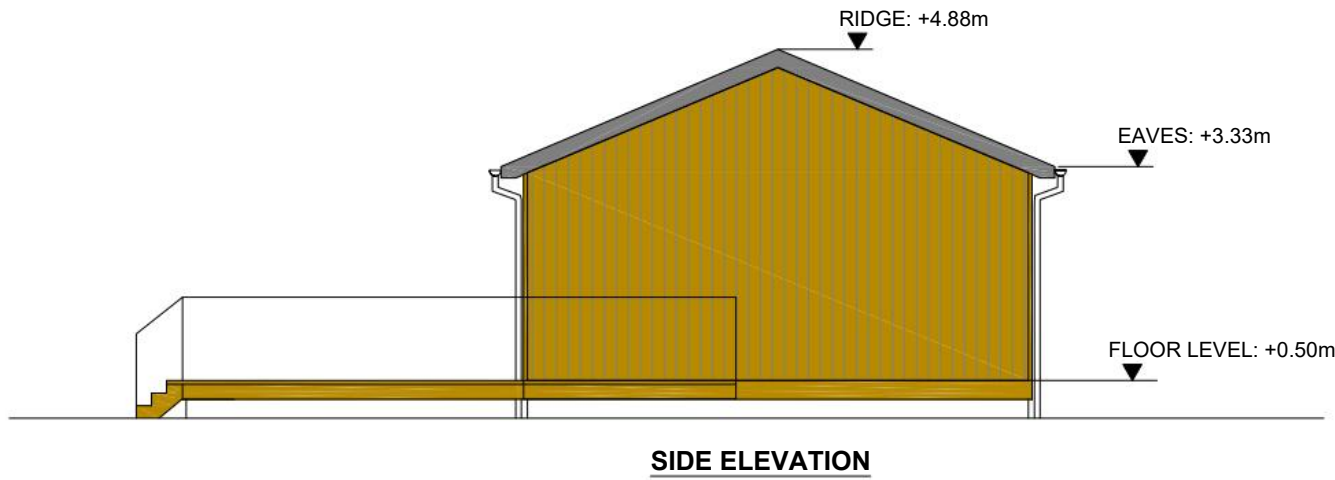
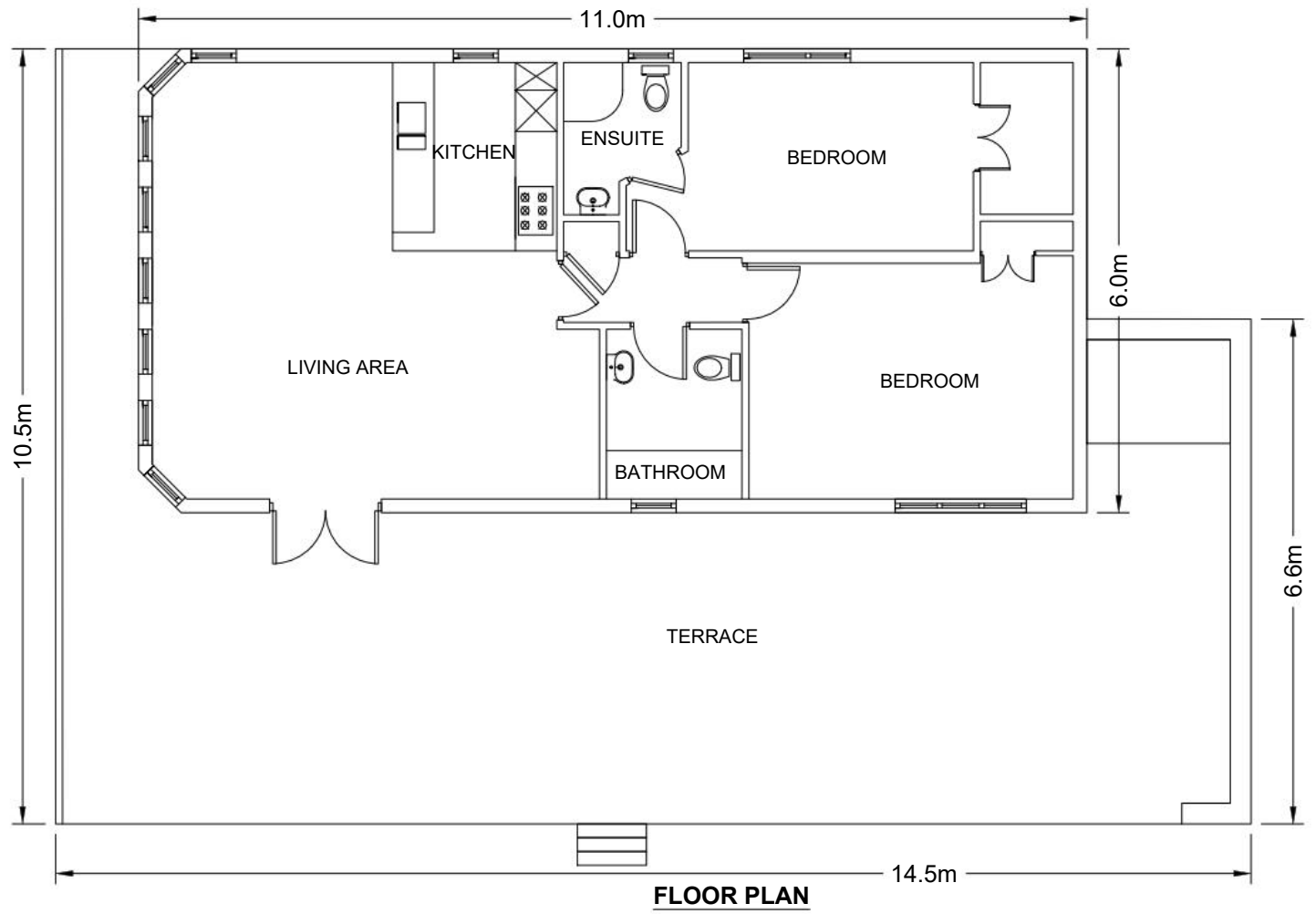
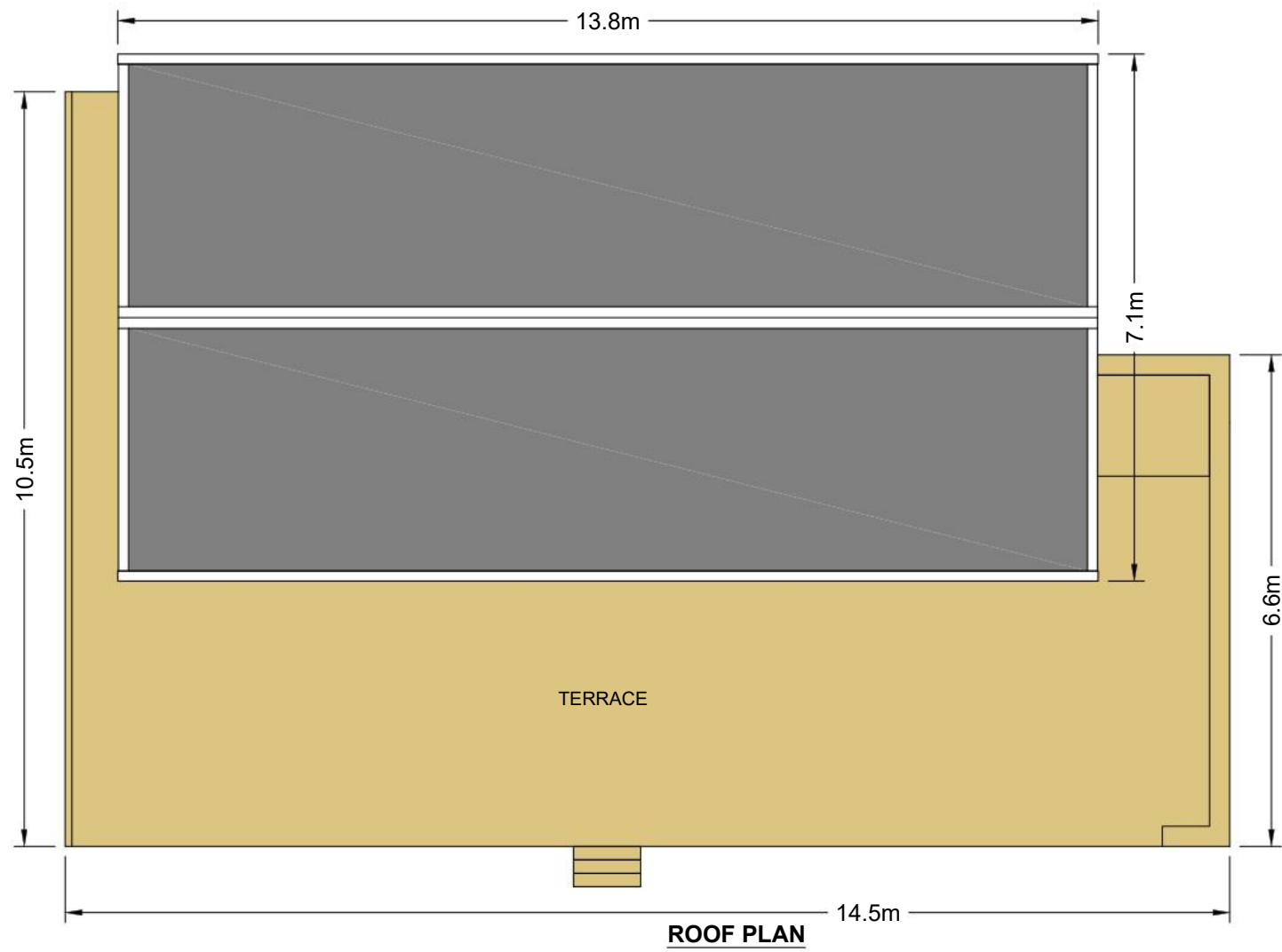
DRAWING TITLE
MASTERPLAN
PROPOSED LAYOUT

DRAWN	DATE	APPROVED	DATE
S.T	16/10/2020	J.C	16/10/2020

SCALE	SHEET	DRAWING NUMBER	REVISION
1:2500 @A2	ut1	WR7360/05/07	2

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NOTES



REV	DESCRIPTION	DATE	BY
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CLIENT



Russel House, Mill Road, Langley Moor, Durham, DH7 8HJ. 0191 378 9972



JOB TITLE
DRUMMOND MOOR HOLIDAY
RESORT DEVELOPMENT

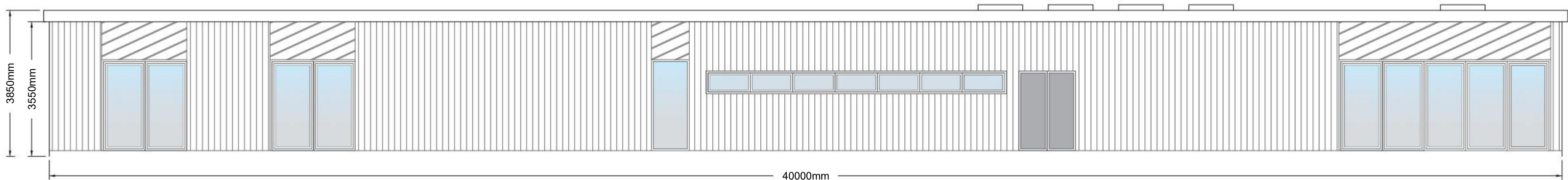
DRAWING TITLE
LODGE ELEVATIONS,
ROOF PLAN AND FLOOR PLAN
2 BEDROOM, OPTION B

DRAWN	DATE	APPROVED	DATE
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SCALE	SHEET	DRAWING NUMBER	REVISION
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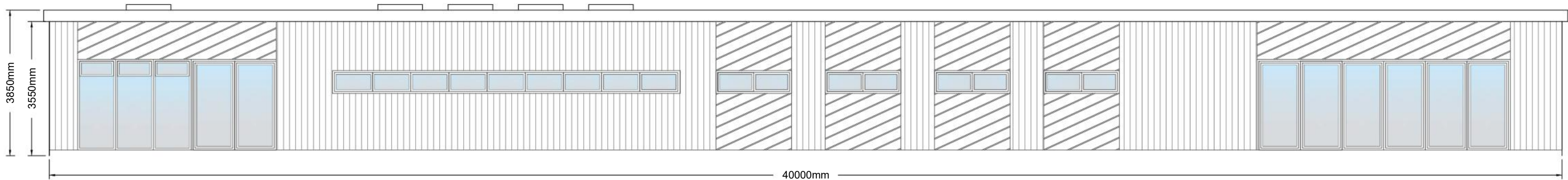
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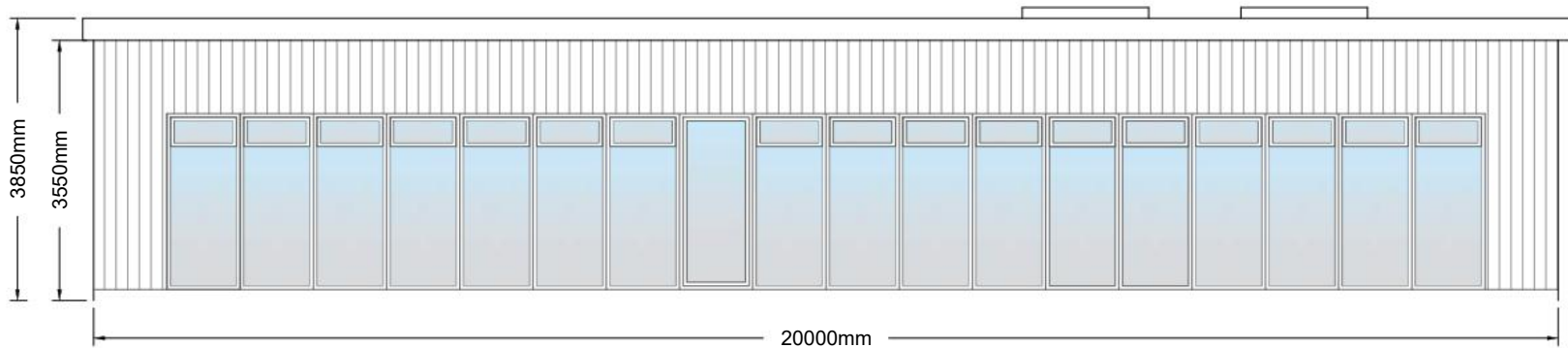
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- TIMBER CLADDING LAID AT 30° ANGLE



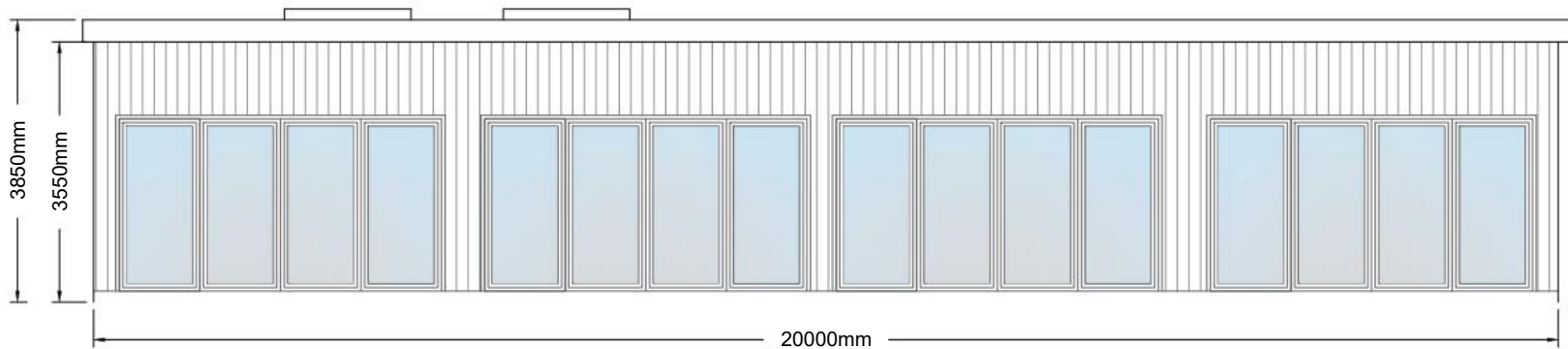
WESTERN ELEVATION



EASTERN ELEVATION



SOUTHERN ELEVATION



NORTHERN ELEVATION

1	WALL FINISHES ADDED	21/7/2020	S.T
REV	DESCRIPTION	DATE	BY

CLIENT



JOB TITLE
DRUMMOND MOOR HOLIDAY
RESORT DEVELOPMENT

DRAWING TITLE
AMENITY FACILITY ELEVATIONS

DRAWN	DATE	APPROVED	DATE
S.T	15/10/2020	J.C	15/10/2020
SCALE	SHEET	DRAWING NUMBER	REVISION
1:200	A2L	WR7360/05/09	1

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NOTES

1	CHANGING ROOM REMOVED TREATMENT ROOM AND SHOWERS ADDED	27/7/2020	S.T
REV	DESCRIPTION	DATE	BY

CLIENT



Russel House, Mill Road, Langley Moor, Durham, DH7 8HJ. 0191 378 9972

JOB TITLE

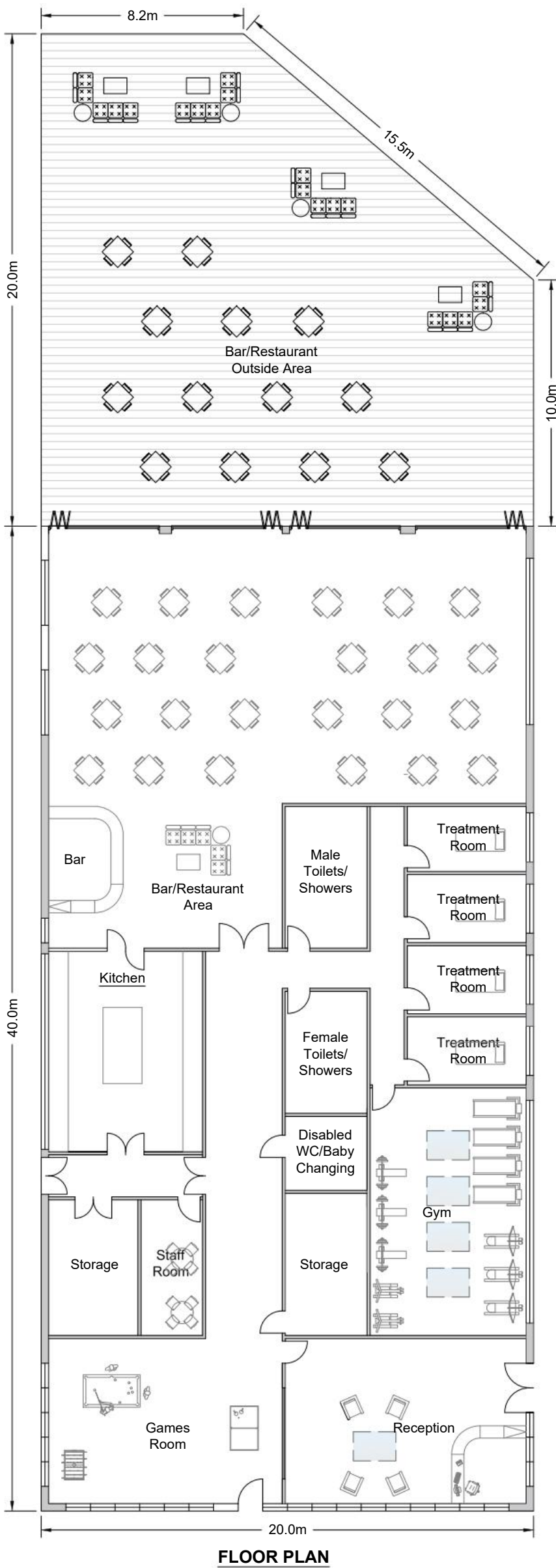
DRUMMOND MOOR HOLIDAY
RESORT DEVELOPMENT

DRAWING TITLE

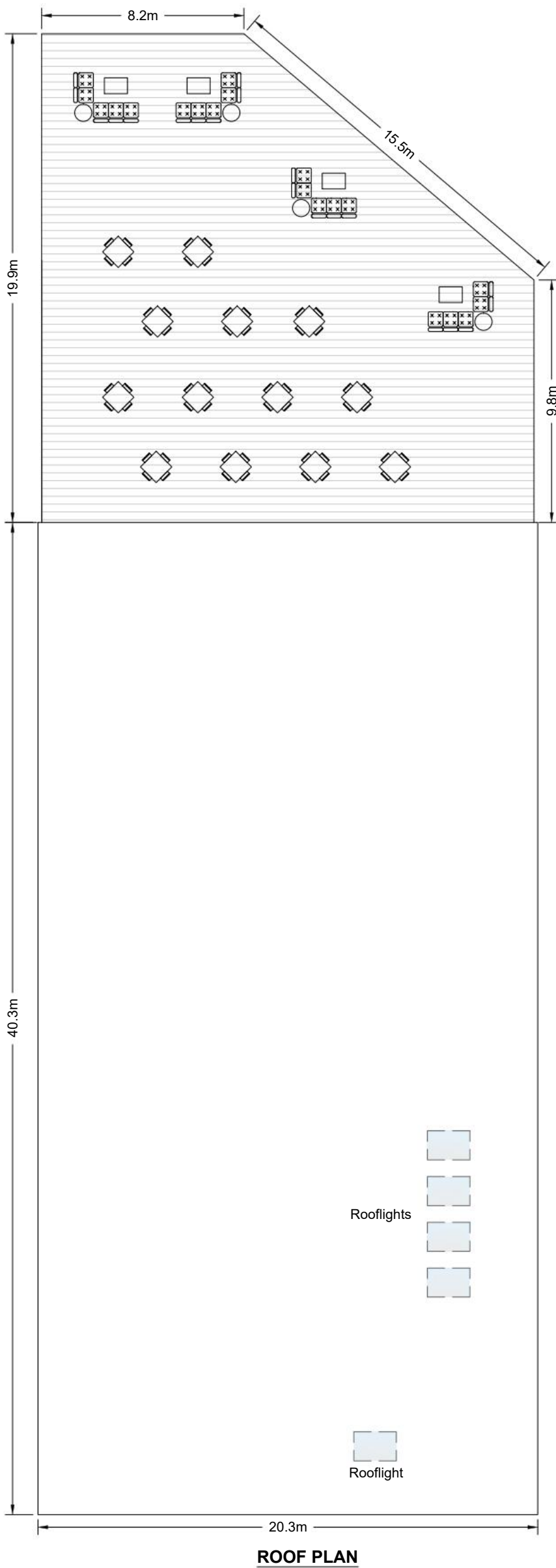
AMENITY FACILITY FLOOR AND
ROOF PLANS

DRAWN	DATE	APPROVED	DATE
S.T	15/10/2020	J.C	15/10/2020

SCALE	SHEET	DRAWING NUMBER	REVISION
1:200	A2L	WR7360/05/08	1



FLOOR PLAN



ROOF PLAN