

Notice of meeting and agenda



Planning Committee

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 19 June 2018

Time: 14:00

John Blair
Director, Resources

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minutes of Previous Meeting

- | | | |
|------------|---|---------------|
| 4.1 | Minutes of Meeting held on 15 May 2018 - For Approval | 5 - 10 |
|------------|---|---------------|

5 Public Reports

- | | | |
|------------|---|------------------|
| 5.1 | Supplementary Guidance: Green Networks – Report by Head of Communities and Economy. | 11 - 70 |
| 5.2 | Supplementary Guidance - Food and Drink and Other Non-Retail Uses in Town Centres – Report by Head of Communities and Economy. | 71 - 104 |
| 5.3 | Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage – Report by Head of Communities and Economy. | 105 - 110 |
| 5.4 | Appeals and Local Review Body Decisions - Report by Head of Communities and Economy. | 111 - 130 |
| | Applications for Planning Permission Considered for the First Time – Reports by Head of Communities and Economy. | |
| 5.5 | Application for Planning Permission in Principle for residential development (up to 400 units) and employment uses; formation of access roads and associated works at Land at Salters Park, Salters Road, Dalkeith (16/00893/PPP). | 131 - 150 |
| 5.6 | Section 42 Application to Remove Condition 8 (Zero and/or Low Carbon Equipment) of Planning Permission 07/00556/OUT for Class 4 and 5 Uses (Business and Industrial Uses) at Land South West of Newtonloan Toll, Gorebridge (17/00559/S42). | 151 - 166 |

No private reports to be discussed at this meeting.

Plans and papers relating to the applications on this agenda can also be viewed online at www.midlothian.gov.uk.

Minute of Meeting



Planning Committee

Date	Time	Venue
15 May 2018	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hardie
Councillor Lay-Douglas	Councillor McCall
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Russell
Councillor Smail	Councillor Wallace
Councillor Winchester	

1. Apologies

Apologies were received from Councillors Hackett and Johnstone.

2. Order of Business

The order of business was confirmed as outlined in the agenda.

3. Declarations of interest

Councillor Baird declared a non-pecuniary interest in agenda item 5.6 - Application for Planning Permission for the Erection of Petrol Filling Station and Shop; Restaurant with Drive Thru, Cafe with Drive Thru and Associated Works at Land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP) – on the grounds that his participation may lead to a future conflict of interest.

4. Minutes of Previous Meetings

The Minutes of Meeting of 3 April 2018 was submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Penicuik Heritage Regeneration Project	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 6.3 of the Minutes of the Cabinet of 30 August 2016, there was submitted report dated 8 May 2018 by the Head of Communities and Economy seeking the Committee's approval of a Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018).</p> <p>The report updated Members on current progress with the respective grant applications and explained that a requirement for securing grant funding from the Heritage Lottery Fund (HLF) was that the Council adopted a Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018); a copy of the proposed Management Plan was appended to the report.</p>		
Decision		
<p>The Committee, having heard from the Planning Manager, approved the Penicuik Conservation Area Management Plan incorporating the Management Plan for the Penicuik Townscape Heritage Project Area (2018).</p>		
Action		
<p>Head of Communities and Economy</p>		

Agenda No	Report Title	Presented by:
5.2	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

Outline of report and summary of discussion
<p>There was submitted a report dated 8 May 2018 by the Head of Communities and Economy updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in the Appendices to the report.</p>
Decision
<p>The Committee:-</p> <p>(a) Noted the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and</p> <p>(b) Noted the updates for each of the applications.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Appeals and Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 8 May 2018 by the Head of Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in February 2018 and two appeal decisions received from Scottish Ministers.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> Dated 29 March 2018, upholding an enforcement notice dated 29 November 2017 relating to an unauthorised building erected on land to the rear of 180 Main Street, Pathhead, Midlothian that required to be demolished or dismantled, including the foundations and various other items, within 3 months of the enforcement notice taking effect, but allow the appeal to the extent that the terms of section 5 of the notice were varied to provide clarity of what was required. Dated 29 March 2018, dismissing an appeal and upholding an enforcement notice dated 29 November 2017 relating to the cessation of the use of the land for storage purposes and the removal of the unauthorised vehicles, trailers, caravans and other ancillary items and parts thereof associated with the vehicles, building materials including stone, bricks and timber, building equipment including portable building, scaffold, ladders, tarpaulin, fencing and other ancillary building materials from the land. 		

Decision
<p>The Committee:</p> <p>(a) Noted the decisions made by the Local Review Body at its meeting on 10 April 2017; and</p> <p>(b) Noted the outcome of the Appeals determined by the Scottish Ministers.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Proposed Residential Development with Associated Access, Open Space and Associated Works at Land North-West of Moat View, Roslin. (18/00139/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 5.8 of the Minutes of 6 June 2017 there was submitted report dated 8 May 2018 by the Head of Communities and Economy advising that a pre-application consultation had been submitted regarding a proposed residential development with access roads, open space and associated works at land north-west of Moat View, Roslin</p> <p>The pre-application consultation had been reported to Committee to enable Members to express a provisional view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development.</p>		
Decision		
<p>Having heard from the Planning Manager, the Committee:-</p> <p>(a) Noted the provisional planning position set out in the report; and</p> <p>(b) Noted that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.5	Section 42 Applications to Remove Condition 5 of Planning Permissions 201/83 and 590/83 which Restricts the Occupancy of 19a Damhead, Lothianburn (18/00150/S42 and 18/00151/S42).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report dated 8 May 2018 by the Head of Communities and Economy concerning the above Section 42 Applications.		

Summary of Discussion
Having heard from the Planning Manager, the Committee discussed the continued need for a condition restricting occupancy of the property and also what the potential impact of removing it altogether might be. Whilst it was acknowledged that the lack of viability/profitability of the holding itself did not necessarily justify removal of the conditions, it was along with the clearer guidance now in place regarding occupancy restrictions, viewed as an important consideration.
Decision
After further discussion, the Committee agreed that planning permission be granted for the removal of Condition 5 of Planning Permissions 201/83 and 590/83 restricting occupancy of 19a Damhead, Lothianburn.
Action
Head of Communities and Economy

Sederunt
With reference to paragraph 3 above, Councillor Baird having declared an interest in the following item of business, left the meeting at 2.21 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of Petrol Filling Station and Shop; Restaurant with Drive Thru, Cafe with Drive Thru and Associated Works at Land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted report dated 8 May 2018 by the Head of Communities and Economy concerning the above application.		
Summary of Discussion		
Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed development was likely to have on the vitality and viability of both Dalkeith and Bonnyrigg town centres. Concerns were also expressed regarding the additional traffic movements likely to be generated by the proposed development and the potentially adverse impact that it may have on an already extremely busy road network in the area. Members also gave consideration to the Policy position; the site was allocated in the MLDP for Class 4 business uses, rather than the proposed mixed of Class 1 shop (retail) and Class 3 food and drink for consumption on the premises uses (cafe and restaurant) uses. Support was expressed by some Members for the petrol filling station element, which was felt to be badly needed, whilst other were supportive of the development as a result of the likely employment opportunities that it would bring.		

Thereafter Councillor Milligan, seconded by Councillor Russell moved that the planning application be refused for the reasons detailed in the report, which should be expanded to include a further reason regarding the impact on neighbouring town centres.

As an amendment Councillor Hardie, seconded by Councillor Winchester moved that planning permission be granted subject to appropriate conditions.

On a vote being taken, four Members voted for the amendment and 8 Members voted for the Motion which accordingly became the decision of the meeting.

Action

The Committee agreed that planning permission be refused for the following reasons:

1. The proposed land uses are not in accordance with the site's allocation for Class 4 business uses in the development plan and as such the development is contrary to policy 2 of the Strategic Development Plan for Edinburgh and the South-East Scotland (approved in 2013), policies STRAT1, ECON1 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
2. The proposed retail unit is of a significant size that it cannot be considered ancillary to the petrol filling station (they are composite uses) and as such when assessed against local and national planning policy with regard retail development it does not accord with the principle of 'town centres first' and is therefore contrary to policies TCR1, TCR2 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
3. The proposed cafe and restaurant uses are outwith any identified settlement boundary, on a site allocated for Class 4 uses and within the green belt without a justification and as such are contrary to policy ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
4. The proposed mixed use development by means of its composite of uses, in particular the shop and cafe/restaurants, is detrimental to the town centres of Midlothian, in particular Dalkeith, Bonnyrigg and the proposed town centre at Shawfair and as such when assessed against local and national planning policy with regard town centres it does not accord with the principle of 'town centres first' and is therefore contrary to policies TCR1, TCR2 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.

Decision

Head of Communities and Economy

The meeting terminated at 2.34 pm.



SUPPLEMENTARY GUIDANCE: GREEN NETWORK

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek agreement to the adoption of the Midlothian Green Network Supplementary Guidance.

2 BACKGROUND

- 2.1 At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP). The MLDP included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance is required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needs further detail is with regard Midlothian's Green Networks. Specific support for and protection of the green network is provided through MLDP policy ENV2: Midlothian Green Network. This policy is designed to work in conjunction with other policies in the MLDP relating to green and blue infrastructure assets and features of biodiversity value
- 2.2 At its meeting of 9 January 2018 the Committee approved the draft Green Network Supplementary Guidance for consultation and agreed to consider a further report on the Guidance following the proposed consultation.
- 2.3 The consultation period ran for six weeks from 9 February to 3 April 2018 with discussions with interested parties continuing after the specified period.
- 2.4 The draft Green Network Supplementary Guidance was published on the Council's website and available for inspection at Fairfield House and in all Midlothian Council libraries. All Midlothian Community Councils were consulted, as were a variety of other Midlothian community groups, those who had commented on the green network sections of the Proposed Midlothian Local Development Plan and other known parties considered to have an interest in the document. This included Midlothian residents, adjoining local authorities, Government agencies, third sector organisations, representatives of the

development industry and developers with a known interest in sites identified in the Local Development Plan with green network implications from the draft supplementary guidance and the adopted Midlothian Local Development (2017).

3 REPRESENTATIONS

- 3.1 As part of the consultation process responses from 33 parties were received, raising 142 separate points for consideration. Responses were received from a spread of consultees including, community councils, individual members of the public, community organisations, third sector groups, Government agencies, agents and developers.
- 3.2 A summary of the consultation responses received with the proposed officer response (Appendix A) and a track change copy of the draft Midlothian Green Network Supplementary Guidance document showing proposed deletions and additions to the document arising from the consultation is attached to this report. New text within the Guidance document is shown in red.
- 3.3 The nature of responses received included:
- Support for particular locations being included within the green network, including the Newbattle Strategic Greenspace Safeguard;
 - promotion of particular active travel routes (both short and long distance) and green network opportunities that respondents felt were missing from the draft document or should be enhanced;
 - having more signage of active travel routes;
 - having more support in the document for more native woodland planting;
 - support for approach to SUDS in the document;
 - seeking to promote site(s) as wildlife sites;
 - having route surfaces that are suitable for horses, also surfaces suitable for buggies and wheel chair users;
 - need for the document to differentiate between commuter routes and recreational active travel routes;
 - concern the document has been drafted without landowner engagement;
 - concern that the document is too rigid, not consistent with the Midlothian Local Development Plan and overly complex; and
 - concern that the document is not clear on who would fund the green network enhancements.

4 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 4.1 All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans,

programmes and strategies on the environment. This process is known as Strategic Environmental Assessment (SEA).

- 4.2 As required by the Environmental Assessment (Scotland) Act 2005, screening for likely significant environmental effects from the draft supplementary guidance has been undertaken with the Consultation Authorities - SEPA, Scottish Natural Heritage and Historic Environment Scotland. The Consultation Authorities agree with the Council's opinion that no such detrimental environmental effects are likely and thereby exempting the supplementary guidance from any requirement for a formal SEA. However, the supplementary guidance cannot be considered adopted until such a 'formal' determination has taken place. The determination requires to be advertised in a local paper within 14 days and copied to the consultation authorities.

5 GREEN NETWORKS SUPPLEMENTARY GUIDANCE

- 5.1 The Midlothian Local Development Plan (2017) has a commitment to prepare supplementary guidance on green networks. Not adopting the Midlothian Green Network Supplementary Guidance would weaken the Council's position in safeguarding and securing additions to green and blue infrastructure and active travel in Midlothian.
- 5.2 In Midlothian, the green network comprises connected areas of green and blue spaces within, around and between towns and villages that provide usable open space, active travel routes (routes for walking and cycling), habitats for wildlife and plants, and natural surface water and flood water management opportunities. Green networks include green features like parks, woodlands, trees, planted areas, hedges, verges, allotments, community growing spaces, outdoor play and sports areas and gardens. They also incorporate blue features such as rivers, lochs, wetlands, ponds, other watercourses, permeable paving and sustainable urban drainage systems (SUDS). When considered together as a network, these green and blue features provide important assets that contribute to place and environmental quality, opportunities for shelter, access and travel, sustainable urban drainage, pollution mitigation, wildlife habitats and to climate change mitigation and adaptation.
- 5.3 The supplementary guidance provides a framework supporting the delivery of the green network across the whole of Midlothian. Delivering improvement of the Midlothian Green Network is a collaborative task, whether it relates to additions to the network or the protection and enhancement of existing network components. Midlothian Council will therefore work with partners including landowners, communities, non-governmental bodies, charities and other third sector organisations, schools and colleges, businesses and developers to support the continuing improvement and use of the green network. The Council will also work with partners to enhance the green network by seeking to deliver additional green and blue components that are not specifically

anticipated in this document. Enhancements and additions to the Green Network that will be delivered as an integral part of new development are identified in the guidance. The specific requirements for allocated development sites are identified, as are the area wide network requirements that the Council will seek contributions to. Investing in a green network will help safeguard biodiversity in Midlothian and also provide easier opportunities for participating in healthier lifestyles and exercise, thereby helping to reduce the effects of physical and mental poor health.

- 5.3 Section 22 of the Planning etc. (Scotland) Act 2006 requires the Council to send Scottish Ministers a copy of the Midlothian Green Network Supplementary Guidance intended for adoption, together with a statement setting out the publicity measures undertaken for the consultation, the comments received and how comments submitted were taken into account. Unless Scottish Ministers have directed otherwise, after 28 days the Council may adopt the Supplementary Guidance.

6 RECOMMENDATION

- 6.1 The Committee is recommended to:
- a) adopt the Midlothian Green Network Supplementary Guidance (as amended following the consultation process);
 - b) agree that the Green Network Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
 - c) instruct the Head of Communities and Economy to undertake the required notification/advertisement advising that the Green Network Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
 - d) instruct the Head of Communities and Economy to notify the Scottish Ministers of the Council's intention to adopt the Midlothian Green Network Supplementary Guidance; and
 - e) require notification of the outcome of the notification of the Scottish Ministers procedure.

Ian Johnson
Head of Communities and Economy

Date: 12 June 2018
Contact Person: Grant Ballantine, Lead Officer Conservation and Environment grant.ballantine@midlothian.gov.uk
Tel No: 0131 271 3429
Background Papers: MLDP 2017 adopted 7 November 2017.

Respondent	Organisation	Q	Summary of Responses	Proposed Midlothian Council Response
Ian Baxter		1	Include attracting visitors to list of green network benefits	Accept. New bullet added.
		3	Include references to signage in path descriptions	Not a matter for the SG.
		4	Include/promote long distance paths through the area	Reference to long distance paths added in paragraph 2.5.1
		6	Create a tarmac path alongside the Borders Railway	This is not practical in the Midlothian section of the Borders Line. No change made
		10	Open old railway viaduct at Lasswade and the Half Mile tunnel	Viaduct route added as an aspirational multi user path.
Ross Laird		14	Active travel route along A701 should extend from Straiton to Penicuik. Create a link through Glencorse area to Pentlands, connected to Penicuik and The Bush	A701 active travel route extended on maps. Glencorse connections not added - connections to Pentlands will be considered further when A702 discussions with Transport Scotland are underway.
		13	A703 as a cyclist commuter route needs to be recognised Connections between The Bush and Penicuik need to be improved Creation of trails around Roslin to attract and retain visitors Need good connections between Roslin, Bilston and the Pentlands Need safe crossing points on A702	A703 cycle path identified on map. References made to crossing of A702 in Loanhead etc and Penicuik etc section. Connection between Penicuik and The Bush will be via A701. Comments about Roslin noted. No change made. Connections to the Pentlands will be considered further when A702 discussions with Transport Scotland are underway.
Christopher Wiseman		2	Introduction should refer to ecosystem services and be more specific about the economic benefits of green infrastructure	Ecosystems services not directly relevant to the text of this SG. No change made. Economic benefits already listed.
		4	Design principles should include Design for Quality, including an aspiration to achieve high quality through landscape-led design. Sort out inconsistencies in use of terms - green network/green infrastructure etc. 2.1.5 'mitigation measures will be required to replace and enhance the extent and quality of existing provision' needs to be stronger. It should be clear that mitigation measures will be required and such measures should demonstrably increase the net extent of green infrastructure assets and increase the quality and diversity of the network. 2.1.6 unintentionally infers that the most adaptable green network component is a patch of amenity grass. It should be clear that proposals should be high quality, biodiverse, well connected, accessible and demonstrably enhance the existing green network. If this approach is taken then whatever the future demography, all users will have access to a variety of high quality green spaces. Climate change should be considered as a long term cost. 2.3.2 should mention the contribution of SuDS/blue corridors to biodiversity. Should also refer to the principle of integrating green infrastructure into highways/built form to create a higher quality of design and better resilience.	Designing for quality is embedded in the three principles. Inconsistent use of terminology fixed. Have included suggested changes to 2.1.5 and 2.1.6 and 2.3.2
		14	There are missing connections between NCR196 and multi user cycle paths, and cycling connections between Penicuik and Edinburgh need to be strengthened. Suggests a multi user path adjacent to the B7026 through Auchendinny that could then be taken into the A701 or through Roslin on quieter routes. 20m landscape buffer at Auchendinny should be a minimum not an average. Should include east-west paths linking the North Esk Valley with the Pentlands, for example links from Penicuik to Rullion Green and House o'Muir	Not clear where missing connections are. A701 cycle path extended into Penicuik as an aspiration and A703 cycle path added. Multi user path through Auchendinny will be provided through the development site, and proposed link to Roslin via Oatslie. Text taken from LDP, no change possible. Aspirational multi user path added from Rullion Road to A702. Further connection to the Pentlands will be considered further when the A702 discussions with Transport Scotland are underway.
		3	Refer to the Lothians Landscape Character Assessment and refer to landscape character in the design guidelines.	Reference to landscape character added to paragraph 1.2.2. Reference to Landscape Character Assessment not necessary.
Stuart Jamieson		6	Widen the cycle lane on the A7 between Sheriffhall and Danderhall and sort out the junction with The Wisp. Need another crossing of the bypass in Shawfair area, potentially at Old Craighall.	A7 multi user path added as an aspirational route. Old Craighall crossing of bypass outwith Midlothian. Cow Tunnel not practical due to onward access challenges into Dalkeith Country Park.
		8	Kippielaw path needs to go all the way to Mayfield, including a path on the old colliery rail line that runs from Easthouses Industrial Estate to Newtongrange.	Kippielaw path will complete the connection from Dalkeith to Mayfield. Other paths are available so old colliery line isn't needed as a route.
		12	Improve links from Mayfield and Gorebridge to Vogrie. Make paths from Mayfield to Gorebridge more direct, linking Mayfield bus terminus to east of Gowkhill Farm.	Topography makes improving cycle access to Vogrie impractical. Gorebridge to Mayfield access will be improved through extended urban area.
		2	Develop more way marked walking/running routes	Way marking is not a matter for the SG.
		4	introduce more diverse play areas	Noted. No change made.
		8	Develop the old railway branch line that runs from near Fairfield House to Hardengreen Industrial Estate as a traffic free route from Dalkeith centre to Eskbank rail station	Route is in private ownership and experiences drainage challenges. No plans to pursue this currently. No change to the SG
Dave Bisset	Scottish Water	1	Supports approach to SuDS	Noted. No change made.
		3	Refer to Sewers for Scotland (ed.3)	Reference added to Sewers for Scotland in new paragraph 2.4.2
		5	Refer to risk of tree route incursion.	Reference to root incursion included in new paragraph 2.4.2

		9	Refer to Sewers for Scotland (ed.3)	Reference added to Sewers for Scotland in new paragraph 2.4.2
		11	Refer to risk of tree route incursion.	Reference to root incursion included in new paragraph 2.4.2
		15	Refer to Sewers for Scotland (ed.3)	Reference added to Sewers for Scotland in new paragraph 2.4.2
Lesley King		1	Change order of benefits list to environmental, then social, then economic. Plan should include biodiversity offsetting	No change to order of list of benefits made as it is not a hierarchy. Biodiversity offsetting is not a matter of this SG as there is no corresponding policy in the LDP.
		15	Need to differentiate between commuter routes and leisure routes. Refer to A703 as a commuter route	Reference to leisure routes, commuter routes and routes to schools added to paragraph 2.5.1 A703 aspirational multi user path added.
		3	Refer to reducing car use in the design principles Mention alternatives to tarmac for shared use paths, for example well drained cinder paths. Mention that not all spaces need to be managed - natural and semi natural spaces are sometimes more appropriate.	Car use reduction is an outcome not a design principle. No change to text made. Have inserted reference to surfaces being suitable for intended use, replacing previous reference to being suitable for shared use. Have also removed standard specification. Bullet added to list in 2.3.2 referring to maintenance regimes which encourage the establishment of natural and semi natural greenspaces.
Paul Lewis	SEPA	1.2.4	Replace 'minimise' with 'reduce'	Amendment made
		1.2.10	paragraph 1.2.10 could be open to misinterpretation.	Noted. No change made.
		2.1.6	supports reference to long term management and maintenance	Noted
		2.4.1	content with paragraph	Noted
Chris Matson		8	Proposes two new path connections - one at Ironmills Park and one at Eskbank	Ironmills Steps alternative being considered by the Council, however suggested route doesn't facilitate easy access to the park, which is the priority for the council. No change to the SG. Dismantled rail line route is in private ownership and experiences drainage challenges. No plans to pursue this currently. No change to the SG
Andrea Hardman		16	retain open space away from busy roads in site Hs16 and safeguarded site	Noted
			supports upgrade of Dryden Tower - Langhill Farm path. Need an off road cycleway along A703. Include an upgrade of the Boghall path between the A702 and A703	Multi user path along A703 now included. Boghall path upgrade doesn't have a clear user base at the moment however connections to the A702 will be considered further once discussions about the A702 path improvements are commenced with Transport Scotland. No change to the SG
			Include an off road path between the Bush Estate and B7003 into Roslin	Roadside paths are suitable for purpose. No change proposed.
Bob Smith			Concerned about the loss of green space for a school	Noted. Not a matter for the SG. No change.
Margaret Littlewood	Roslin & Bilston Community Council		Would like to see more woodland around Bilston and Roslin than in shown in the SG	Noted
			Need buffer zones between nature conservation sites/woodland and new development	Noted. Not a matter for the SG. No change.
			All paths should be multi users (including wheelchairs and buggies) and well drained. Dog bins are needed, which are regularly emptied. Road crossing points at ends of paths should be considered	Not all paths need to be multi user. Reference to need for drainage added in 2.5.3. Dog bins are not a matter for this SG. Road crossing points are referenced where specifically needed.
			All paths should be accessible to buggies and wheelchairs with level junctions. Main paths should also be suitable for cyclists. Tarmac not always most appropriate surface. Dog bins need to be emptied. Existing path from Seafield Road through Cameron Gardens, which was reinstated following development has now been blocked by residents.	Have removed standard path specification and added requirement that surface is suitable for purpose. Dog bins not a matter for this SG. Will pass Cameron Gardens comments to Land & Countryside.
			Paths should be signed, protected from use by off road bikes and paths used by horses should have a whin track alongside.	Signage is not a matter for the SG. Path design will take into account issues such as preventing access by motorised users. Surfacing requirements have been altered to require that they are suitable for intended use.
			A703 footway from Hillend to A702 junction	Has been added as an aspiration
			Support upgrade of link between Battle of Roslin monument and A701 at Bilston and provide some comments on current issues	Comments noted
Dougie West	Skeltiemuir Residents Association		Bonnyrigg path needing upgrade	Not a matter for the SG. Will raise with Land & Countryside.
Andrew Matheson			concerns about cyclist safety at Eskbank Toll and A7 roundabouts. Suggests toucan crossing on B6392 near Justin Lees.	Road safety issues not for this SG. No change made.
			Welcomes A7 urbanisation plans. Need toucan crossings of A7 to link B6392 and A772.	Road safety issues not for this SG. No change made.
Dr & Mrs K Purves			Identify Ancrum Road old rail line as a wildlife site.	No change proposed as site has been assessed as potential LBS previously and didn't pass the assessment.

David French	Spokes		SG should state that the Council will strive to provide routes across major barriers as roads, rail line and rivers. Paths should comply with Cycling by Design. Design guidelines should refer to the need for cyclepaths and footpaths connecting each new development with neighbouring streets, and new development must leave space between buildings so they can be connected to future development.	A statement along these lines would need significant caveats about cost and technical constraints so would not be meaningful. Will add references to availability of Cycling by Design and other design advice (eg British Horse Society) Reference to future proofing access to be added.
		6	Need a MUP along the A7 from Sheriffhall to Edinburgh. MUP along Millerhill Road should run the full length. There should be a MUP along Newton Church Road. Path from Connection Point 4 to Millerhill Road should be upgraded to a MUP. Need a crossing of the bypass between Millerhill and Sheriffhall	A7 multi user path added as an aspirational route. MUP extended full length of Millerhill Road Newton Church Road MUP will be added as an aspiration. CP4 to Millerhill Road is already multi user standard. Cow Tunnel not added due to access constraints into Dalkeith Country Park, but is a known option.
		8	Access to eastern end of proposed path through Sheriffhall South is important - possible toucan crossing required. Provision of a MUP on the A6106 through Dalkeith. Need to safer cycling option between Eskbank and Dalkeith. NCN196 through Eskbank should be more direct. Eskbank Toll needs improved cycle safety measures. Designate a quiet route through Woodburn to Edgehead Road. Create a new river crossing of the South Esk between Dalkeith and Woodburn. A7 roundabouts need improved for cyclists. Larkfield development needs to be permeable to surrounding development. Proposed green network links from h46 and Hs5 to h33 aren't shown on the map. Inconsistency between Dalkeith and Easthouses map for path upgrade along A6106. Facilitate cycle access through Eskbank Court and Avenue Road. Ramp built linking A68 and NCN1. Build MUP along A68. MUP along B6392 from Dobbies to Eskbank	Crossing of A6106 at Kings Gate/Melville Gate Road junction has been added as an aspiration linked to e32 path. No plans to add MUP through Dalkeith. Will pass Eskbank-Dalkeith concerns to roads colleagues, not for this SG to address. Quiet routes not a matter for this SG (will pass to Active Travel team) Additional river crossing not necessary. A7 urbanisation will address the roundabout challenges. Larkfield comments noted. Will correct map at h33. Will amend maps for A6016 path upgrade consistency. Widening of path between Avenue Road and Eskbank Court is not possible. Cycle access along A68 Dalkeith Bypass is not supported for safety reasons therefore ramp to NCN1 would not be suitable. Cycleway and footway already exists along B6392
		10	Consider reopening the Broomieknowe tunnel and Lasswade viaduct and upgrade the core path between the North Esk and Wadingburn Road to form a MUP from Bonnyrigg to Loanhead. Alternatively the route could go along Wadingburn Road. Welcome proposal to upgrade path between Lasswade and Edinburgh and filling the gaps between Connection Points 12, 16, 15 and 14. A connection between NCN196/Rosewell and Roslin Glen should be provided. Show Rosslynlee on maps. The path at the southeast corner of Hs10 should connect to Connection Point 12. At least one path between h70 and Rosewell should be upgraded.	Viaduct path added as an aspirational route. Not clear which core path is being referred to, but upgrade is included for Wadingburn to Loanhead. No viable route presented for the Rosewell/Roslin Glen connection. Rosslynlee will be added to maps. Direct connection from Hs10 to CP12 not possible due to topography and land ownership. Paths at h70 suitable for current level of use
		12	A recommended and signed quiet route between Newtongrange Station and the path between CP12 and CP20 would be beneficial. Welcome proposed upgrade of path between Bogwood Road and Suttieslea Road but could usefully continue along Suttieslea Road to CP20. Upgrading of the path through Bryanswood would be welcome. Path upgrade along A7 at Gorebridge should extend to meet proposed path through Redheugh, and potentially beyond to Newtongrange. Need a toucan crossing on the A7 to get to the Redheugh path. Could the path at Kippielaw go along the Easthouses Road instead.	Quiet routes not a matter for this SG. Comment passed to Active Travel team. Continuation of path not practical due to road geometry requirements but there is via Bryanswood and Mayfield Road. Path through Bryanswood is an existing cycleway, no further upgrade is planned. Proposed A7 path will be extended to meet proposed path through Redheugh, with reference added about need for safe crossing. Kippielaw path route feasibility is being assessed currently but considered better route at this time.
		14	Welcome proposals to improve access from Penicuik and Straiton to the Pentlands. CP24 requires footway upgrades along the A702. The proposed MUP along the A701 should extend further south into Penicuik. A connection between NCN196 and the proposed Roslin-Peebles path could be built, perhaps upgrading the existing path near AHS4	CP24 removed but specific aspiration to work with Transport Scotland about active travel access along the A702 has been added. Aspirational multi user path along A701 extended to Beeslack where it connects to proposed multi user paths to the town centre. Topography makes the proposed path upgrade to join NCN196 and the proposed Roslin-Peebles path impractical.

		16	Core path connection CP31 to the Roslin-Gilmerton path should be upgraded. Upgrade of path through Ec4 mentioned in text but not shown on map. Step free access from paths to Edgefield Road is required. A701 Relief Road should include a MUP linked to Ec3. Existing A701 should be closed to through traffic whilst maintaining local access from each end. There is a gap in the cycle path to the Dick Vet on Bush Farm Loan. h55 should include a path upgrade along Seafield Road to connect Bilston & CP30 with the existing path on Bush Farm Road. At least one MUP should connect Hs16/17 to the proposed A701 MUP. Provide connection to Shawfair-Roslin path from e33. A MUP along the B7003 at Roslin should be considered. Step free access to the path between CP27 & CP28 should be possible from Main Street. A MUP should be provided from Park Avenue to the north end of the Bilston Viaduct. A connection from Bilston Industrial Estate to the south side of the Bilston Viaduct should be added. The A703 footway should be upgraded, the speed limit should be reduced to 40mph.	Path along Edgefield Relief Road does not need upgraded, however a path will be needed at e33 to facilitate access to the Shawfair-Roslin path. Text will be amended to say retention of path rather than upgrade (to be consistent with LDP). A701 Relief Road will not include multi user path because provision for active travel will be provided down the existing A701. Closing existing A701 to through traffic is not practical due to existing businesses. Cycle path runs the full length of Bush Farm Loan. Aspirational link added between CP30 and Bush Farm Loan. Specific multi user path link from Hs16/17 to A701 not considered necessary at this time. Connection from Edgefield Relief Road to Shawfair-Roslin path through e33 has been added. Path widening along B7003 is not technically possible due to carriageway width. Reference to step free access from Main Street to Core Path by Hs19 added. Path connection between Park Avenue and the Shawfair-Roslin path is indicated for site Ahs2. Connection into the Bilston Industrial Estate from the south side is not feasible due to land ownership and topography. A multi user path along the A703 has been included.
Samantha Baker		5	Ensure Sheriffhall is safer for NMUs.	This is a matter for Transport Scotland but a reference to the importance of non-motorised user access across the junction will be added.
		8	Road surface between Eskbank Toll and Morrisons needs replacing. Path shown from under A7 coming out at Melville Road between Eskbank and Melville Castle doesn't appear to be accessible from the Melville Road side. Steps should be reopened.	Noted. However is a matter for Roads. Noted. No change to map proposed as using Core Paths Plan. Alternatives to Ironmills Steps are being explored by Land & Countryside.
		12	Newtongrange to Eskbank Road needs upgrading to provide a continuous pavement along one side	Noted. Not a matter for this SG. Comments passed to Roads.
		14	Welcome proposals	Noted
		16	Support proposals	Noted
Michael Spencer		1	Figure 1 needs a key. Figure 2 needs an OS background map. Figure 3 is unreadable. Figure 4 should be a whole page. 1.2.8 should highlight that the road network will never be able to cope with car volumes so viable alternative is essential.	Figure 1 - key will be added. Figure 2 - noted. No change planned but clarity will be improved. Figure 3 image clarity will be improved. Figure 4 is provided as a whole page in Appendix 1. Noted but no change to text proposed.
		2	section 1 should make it clear how the components of section 3 fit into the wider whole.	Consider this to be clear enough already
		3	1.2.4 mentions image that isn't there. 1.2.5 should say replace with same or better connectivity rather than unavoidable loss. 2.5.3 connect to the existing network or at least plan to	Text in 1.2.4 amended. 1.2.5 text amended. 2.5.3 text amended
		9	Strategic Connection 10 should be highlighted as critical. Need to consider how to connect this route to west of the North Esk - a long term goal should be a dedicated walking/cycling bridge over the North Esk. Reopening the viaduct at Lasswade Stables would help to connect Lasswade to Loanhead.	To highlight Strategic Connection 10 as critical would be inappropriate as there is no hierarchy of relative importance between the strategic connections. Reopening of the Lasswade viaduct is included as an aspiration. This provides an off road crossing of the North Esk. Wadingburn path upgrade provides connection to Loanhead.
		13	Need a segregated cycle/walking path along the length of the A702. Supports a segregated cycle path from CP26 to CP23 to connect to NCN196. CP24 doesn't have a purpose unless access along and across the A702 is sorted.	Aspiration to liaise with Transport Scotland about multi user path along A702 added. Noted. CP24 removed.
		15	3.6.1 should specify the amount of priority NMUs can expect. What are the plans for crossing of the bypass at Straiton and between Straiton and Hillend? How will be crossing be made at CP32? Access between the east of Loanhead and Mavisbank needs to be improved. Access to the Roslin-Shawfair path from Edgefield Road needs to be improved, and linked to Loanhead Primary School. Need a new walking/cycling bridge to connect Loanhead to Lasswade/Rosewell	It isn't possible to provide a single statement about amount of priority non motorised users can expected. No change proposed. Note added about importance of considering NMUs when changes to the Straiton junction are made. The crossing of bypass between Straiton and Hillend is just aspirational at this stage. Feasibility of underpass at Lothian Burn/Burdiehouse Burn being explored by City of Edinburgh Council. Form of crossing at CP32 will be decided if/when the route is designed. Access to Mavisbank is not a matter for this SG but is being explored by the Council in partnership with Historic Environment Scotland. A new access to the Shawfair-Roslin path from Edgefield Road through e33 has been added. A link closer to Loanhead Primary School isn't possible due to topography. Bridge of the scale proposed is not feasible due to landscape impact.

Laura Burnett		10	Supports Strategic Connection 10, which should be designed to allow access from existing paths such as the core path at Wadingburn. Map refers to MUP while text refers to cycleway, which aren't the same thing.	Text amended to include reference access from existing paths to Strategic Connection 10 and reference clarified as multi user path
		13	Glencorse spelling	Spelling corrected
		15	How much more priority will be given to NMUs along the A701 after the relief road is built? And how will the Straiton junction be improved?	Not known at this time. Reference added about consideration of NMUs when Straiton junction altered.
		16	Supports Straiton to Lothianburn link. Crossings over A701 and A702 should be elevated. Need to improve cycle access across the Gowkley Moss roundabout	Form of crossings not being considered at this stage. Further cycle access across Gowkley Moss forms part of aspiration for multi user path along A701 from Bilston to Penicuik
Rhona Matthews	British Horse Society Scotland	1	Equestrian community and associated benefits have been excluded.	Equestrian community is referred to in text (see 2.1.4)
		2	Section 1 should include horse riders	Noted. No alteration proposed. Equestrian use referred to in 2.1.4
		3	Bitumen is an inappropriate surface for paths. Should use ultra-trec where paths need to be paved.	Noted. Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		4	Remove bitumen as standard for multi user paths	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		5	Use ultra-trec rather than bitumen. Alternatively surface half the path with bitumen and the other half with ultra-trec with a small barrier between the two path surfaces to stop broken glass on the bitumen path getting kicked onto the ultra-trec path.	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		6	Remove bitumen as standard for multi user paths	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		7	Use ultra-trec rather than bitumen. Alternatively surface half the path with bitumen and the other half with ultra-trec with a small barrier between the two path surfaces to stop broken glass on the bitumen path getting kicked onto the ultra-trec path.	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		8	Remove bitumen as standard for multi user paths	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		9	Use ultra-trec rather than bitumen. Alternatively surface half the path with bitumen and the other half with ultra-trec with a small barrier between the two path surfaces to stop broken glass on the bitumen path getting kicked onto the ultra-trec path.	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		10	Remove bitumen as standard for multi user paths	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		11	Use ultra-trec rather than bitumen. Alternatively surface half the path with bitumen and the other half with ultra-trec with a small barrier between the two path surfaces to stop broken glass on the bitumen path getting kicked onto the ultra-trec path.	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		12	Remove bitumen as standard for multi user paths	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		13	Use ultra-trec rather than bitumen. Alternatively surface half the path with bitumen and the other half with ultra-trec with a small barrier between the two path surfaces to stop broken glass on the bitumen path getting kicked onto the ultra-trec path.	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		14	Remove bitumen as standard for multi user paths. Paths referred to as cycle paths are actually MUP e.g. Pomathorn Road to Kirkcaldy	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		15	Use ultra-trec rather than bitumen. Alternatively surface half the path with bitumen and the other half with ultra-trec with a small barrier between the two path surfaces to stop broken glass on the bitumen path getting kicked onto the ultra-trec path.	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
		16	Remove bitumen as standard for multi user paths. Paths referred to as cycle paths are actually MUP e.g. Pomathorn Road to Kirkcaldy	Reference to path surfaces altered to require surface suitable for intended use, and standard specification removed.
Ben Miller		8	Support A7 urbanisation, including improved pedestrian/cycle crossing over the Eskbank/Bonnyrigg Road roundabout. Path through Melville Estate is currently inaccessible. North Esk Way will require a path between Melville Castle entrance and Ironmills Park. Entrances to Lady Lothian path at both ends need enhancing. Route of NCN1 on map is incorrect.	Noted. Noted, not a matter for this SG but Land & Countryside have been informed. Options being considered with Land & Countryside. No alteration to SG needed at this stage. Noted but not a matter for this SG. NCN1 route will be corrected.
		10	MUP through land next to Hs10 not required - just connect railway path to A7 urbanisation. Entrance to path near Tesco needs upgrading.	Path through land adjacent to Hs10 removed. Noted.
Susan Manson		1	Refer to Designed Landscapes	Designed Landscapes included.
		2	Include roadside verge management as part of the green network in biodiversity terms	Reference to verges added to biodiversity section
		3	welcome reference to LBAP	Noted

Midlothian Council
Consultation on Draft Midlothian Green Network Supplementary Guidance

Graeme Patrick	Grange Estates (Newbattle) Ltd	4	Notes difference between standard specification and A7 urbanisation specification	Standard specification removed.
		9	SG drafted without landowner engagement	Consultation draft provided opportunity for engagement
		10	Hs10 - won't be including habitat enhancement as part of SuDS. Requirements have been added which aren't in the LDP or approved Masterplan - multi user path through the site to connect NCN196 with the upgraded path along the Bonnyrigg distributor road; path access from all parts of the site to the surrounding path network; and enhance the setting of NCN196 with 10-15m wide hedgerow planting along the site boundary	Path connection from Bonnyrigg distributor road to NCN196 shown in masterplan accompanying outline consent. Path access throughout the site also shown. Buffer along NCN196 also shown - reference to specific width removed from SG.
		12	Objects to all requirements for h38 and h49 because they are not consistent with the development plan or development brief.	Have reverted to text from the development brief
Colin Lavety	Barton Willmore (for Taylor Wimpey/ Hallam Land Management)	3.6.6	Hs16 - shouldn't show the greenspace/woodland on the safeguarded site as it is too restrictive. Remove indicated link along the western boundary as is outwith the developers control. Text refers to link through Hs16 to core path 41 but this isn't shown in the map.	Structure planting shown along boundary with A701 Relief Road but other areas of greenspace shown in safeguarded site removed from map. Link along western boundary removed. Multi user path added to map to be consistent with text.
Viv Gray	SNH	1	welcome reference to wider networks	Noted
		3	reference to multi-functionality should include natural beauty/aesthetics and shelter/tranquility. Bullet 4 in 2.5.3 should refer to managed green verges	Shelter added to list. Other points covered adequately by existing bullets. Text amended to refer to managed green verges
		4	2.3.3 refer to the relevant LDP policies add photos and diagrams to explain the design principles	2.3.3 text altered. Photos/diagrams being considered for final format
		5	long term connectivity could be improved	see comment below.
		6	the multi user path along Millerhill Road should be within a 5-10m wide multi purpose landscape corridor rather than just being a path. There should be a landscape strip between the edge of the A720 and the proposed orbital path. A minimum 20m width would allow structure planting, possible noise attenuation and space for the path. There will be significant landscape and visual changes from the Sheriffhall junction upgrade, so it is important to clearly express the quality of outcome needed in order for the multi user path to deliver functional grades and the crossing of the Borders Railway in this location. Support the crossing of the rail line in location shown as part of the city orbital route. The orbital route should be shown to connect to the A68 junction and then north east to Old Craighall and the East Lothian Segregated Active Travel Route & NCN1. Identify another path connection across the land between CP1 & CP2	Noted but no change to text proposed due to existing outline consent. Landscape strip added to map. 3.1.4 makes the point about Sheriffhall already. Orbital route cannot be shown linking to A68 because cycling is not encouraged on A68 for safety reasons. Reference already made to links to East Lothian Green Network.
		8	Should identify the cow tunnel and a new route to the country park as a new connection, or a new path westwards as an alternative route for orbital route	Discussed with Buccleuch Estates - waiting on response. Will leave as it is in text currently but will pursue this option as a priority.
		10	Plan doesn't show the paths around the Galadean plantation near Upper Dalhousie. Recent quarrying application shows a number of existing and proposed paths	All paths shown on map
		14	Identifies three missing links which would complete a circuit of paths around Penicuik - near Terregles, paths around the North Esk and at Glenkorse House.	Additional existing paths and proposed improvements around Penicuik added to SG
		16	active travel route along A701 should be grade separated and tree lined	Design of the active travel route is not a matter for this SG
Meabhann Crowe	Colliers (for Shawfair LLP)	1	Support principle fo green networks where viable. Unhappy at lack of engagement in SG prep.	Noted
		2	Unclear if 2.1.3 means more in-depth, wider ranging landscape plans are going to be required than is typically provided. And it does not differentiate between local and major applications. Developers should not be expected to contribute to or carry out improvements to the green network in timescales which don't align with wider site construction activities and phased development. 2.1.6 is unclear, and appears to suggest applicants should consider all eventualities when drafting a landscape scheme. The standard specification for multi user paths appears rigid, and should be more flexible.	No it doesn't mean this. DM officers will advise applicants on a case by case basis, as is currently done. SG does not suggest this will be the case. 2.1.6 has been clarified. Standard specification has been removed.
		4	Plans must be proportionate to the proposed development under consideration. Clarification of paragraph 2.1.3 and 2.1.6. Flexibility to be built in to the path specification on page 12.	Noted. 2.1.3 not altered. 2.1.6 amended. Standard path specification removed.
		5	Should reflect up to date position on education campus and displaced development. 3.1.2 should be amended to be broadened to make clear that changes to the maasterplan and design guide require to be addressed via planning applications not SG.	Consented masterplan is the official up to date position. No change to 3.1.2 proposed.

			<p>Network and proposed connection points are overly complex. Alignment of paths will need to take cognisance of various factors such as topography and actual block development, and this should be noted.</p> <p>The SG introduces new paths/connections which do not form part of the consented Shawfair masterplan, which can only be amended by application, so concerned about how SG can introduce new elements.</p> <p>New greenspace/woodland around h44 is not supported, so it should be reduced and moved north to link with the ridgeline.</p> <p>Do not support proposed crossing of the rail line as it is far more likely that users will prefer to route between CP7 and CP8 via the country park. Clarify where Shawfair Bing is.</p>	<p>Noted.</p> <p>Text amended to highlight this.</p> <p>Noted. Plan will be altered accordingly. Any inclusions not consistent with the consented masterplan will be shown as aspirational.</p> <p>This would be an alteration to the approved masterplan. Mapping will be clarified. Noted.</p> <p>Name corrected to Monktonhall Bing.</p>
			<p>Overlaying the block plan with the SG plan highlights a number of issues, mainly additional greenspace encroaching on development blocks.</p> <p>Greenspace in T2 is in the wrong location.</p> <p>Linear park width and depth needs to be clarified.</p> <p>Map doesn't show proposed rail crossing, and user would be more likely to travel north before seeking to cross rail line.</p> <p>h44 - add where feasible to bullet ii</p> <p>e26 - creation of wildlife habitat is not supported</p> <p>e26 and e27 - path network requirements need to be proportionate to the development</p>	<p>Map will be corrected to avoid encroachment.</p> <p>Greenspace is shown in location agreed in masterplan, but will be amended. Linear park</p> <p>boundaries will be corrected.</p> <p>Rail crossing will be added to map.</p> <p>h44 bullet not amended.</p> <p>Have clarified what is meant by wildlife habitat.</p> <p>Noted</p>
		6	see above	see above
Arina Nagy-Vizitiu	Woodland Trust Scotland	1	Welcome recognition of native trees and woodland, and need for woodland creation	Noted
		2	mention native woodland planting specifically in 1.2.4 and 1.2.7	Reference to native species added
		4	include design at a landscape scale in 2.1.2	No change proposed
		5	see below	See below
		6	refer to native trees/woodland specified for Hilltown community woodland and Ec1	Hilltown community woodland species already agreed. General statement about native species will apply to Ec1
		7	welcome retention of woodland at e32	Noted
		8	specify native trees e14 and Ec2	General statement about native species will apply
		9	see below	See below
		10	refer to native woodland for Hs10, Hs11 and safeguarded site, and to native hedgerow for AHs1	General statement about native species will apply
		11	see below	See below
		12	specify native trees at h38, h49, h34 and h35.	General statement about native species will apply
		13	some points need strengthening	noted
		14	due to presence of ancient woodland in area of Hs20, there should be a minimum distance/buffer area from the woodland. AHs3 & AHs5 - hedge planting and trees should be native species. AHs4 - there are trees on the south western boundary and the trees on the NW and SW boundary are ancient woodland.	General statement about native species will apply. References to ancient and semi-natural ancient woodland added to relevant sites
		15	see below	See below
		16	native woodland and hedgerows should be specified for Ec3, Ec4, Hs16, Hs17, Hs18, Hs19, e34, Ec5, MSZ and AHs2	General statement about native species will apply
Pat Frankland	Newbattle Community Woodland		welcome strategic greenspace safeguard	Noted
John Oldham	Esk Valley Trust	1	1.1.7 it should be a requirement that new development contributes to the green network rather than an expectation	Noted. No text change proposed.
		4	2.5.3 reads as if all new paths should be multi user, paved and lit, which would exclude the development of new field/rural paths. It would be better if options could be more flexible.	Wording about surface altered to refer to being suitable for intended use. Standard specification removed.
		Sec 3	should be "connection points will be established at the following places to provide links between major pathways" rather than "the creation of multi user path links between the following connection points"	Wording altered to provide clarity.
		7	support creation of path through Sheriffhall South, with link to the gateway entrance to Melville Castle. Include a path from Melville Castle Gate between the northern boundary of the B6392 and the southern edge of the bank data centre to Ironmills Park under the railway viaduct	Noted. Suggested path not included.
		14	The Penicuik-Auchendinny map doesn't show any paths for Strategic Connection 1 through Penicuik Estate	path to be shown as 'other path'
Duncan Campbell	Mavisbank Trust	1	<p>Sometimes road crossing will need to be via bridges to provide good access.</p> <p>Protection of prime soils for food production should be included in 1.2.4.</p> <p>The importance and value of ancient trees and woodland should be mentioned in 1.2.7.</p> <p>Should include designed landscapes in Figure 1</p>	<p>Noted.</p> <p>National policy exists on this matter. Repetition not required.</p> <p>Text amended in 1.2.8 to refer to value of ancient trees and woodland.</p> <p>Figure 1 amended.</p>

		3	2.2.1 - new development on greenfield sites should reflect their countryside heritage with retention/creation of larger open spaces and more trees/woodland. 2.2.5 - to retain a countryside ambience for paths, a whinstone or other natural stone surface should be more extensively used. Also bitumen surfaces can be top dressed with natural stone chips to provide a countryside ambience.	This will depend on site specific circumstances and isn't a matter for this SG. Standard specification removed and wording amended to require surfaces suitable for intended use.
		9	It is not clear who will provide the resources to carry out the green network proposals nor the priority allocated to the implementation of the various proposals.	Comment added about resources and partnership working
Malgorzata Kochman		16	There should be connections to the Gilmerton-Roslin path from Loanhead Primary School and the Ashgrove development (which should be step free). Also need step free access at the Gun Factory (where the Shawfair-Roslin path and Penicuik-Musselburgh paths meet). Connection points 9 & 13 are very poor and Eskbank Toll is excluded from the plan.	Direct access from primary school not possible due to topography but step free access path now identified as part of e33. Not clear where Gun Factory is. Comments about connection points 9 & 13 are noted. Eskbank Toll is a roads matter.
Nick Waugh	Buccleuch Property	1	Haven't been involved in the preparation of the SG	Noted
		2	SG doesn't reflect current position of many consented developments and lacks flexibility	Corrections will be made so it is consistent with existing consents.
		3	Is the SG looking for information over what is already provided in landscape plans. Developers should not be expected to contribute to or deliver green network improvements in a way which doesn't align with wider development timetable	No it doesn't mean this. DM officers will advise applicants on a case by case basis, as is currently done. SG does not suggest this will be the case.
		5	Education campus position and resultant changes need to be added to the SG for Shawfair area. Connection points are overly complex. Actual alignment of paths will need to take account of topography and block development etc. SG introduces path connections which aren't in the Shawfair masterplan. Greenspace around h44 is not supported. Nor is greenspace in corner of e27. Site e32 refers to maintenance of all woodland, which isn't possible due to quality. Route of proposed multi user path does not reflect a suitable development layout and text doesn't justify why it is needed. Application for e14/Ec2 hasn't been included. Paths through Hs5 don't connect to anything.	SG will show existing consents only (as per previous comment by same respondent). Noted. Comment added about topography etc. Map will be corrected. Any proposals additional to the masterplan will be marked as aspirational. Greenspace surrounding h44 will be corrected to match masterplan. Greenspace in corner of e27 is existing SuDS pond therefore is part of green network (as per definition). Noted. Includes plan allocations and consents, but not live applications. Path removed.
		6	Green network encroaches into development blocks. Path network is overly complex	Map will be corrected to avoid encroachment. Path network will be shown as agreed in masterplan
Mary Clapperton	Friends of Burghlee Park		Keep Burghlee Park as a park and part of the green network	Noted. As existing open space, this park is shown as part of the existing green network on the map.
		4	Need measures to prevent litter, dog excrement and fly tipping. Improved quality of core paths close to Burghless Park	Not a matter of this SG. Comments about paths noted. No change proposed.
		16	Existing nature trail in Burghlee park should be protected if site AHs2 is developed.	Noted. This would be specifically addressed if an application for the site is submitted.
Tim Crymble			Need to fill in missing links to provide cycle friendly paths connecting all Midlothian towns. Introduce a node system for path intersections to aid navigation.	Noted. SG identifies many of these missing links. Noted.
Henry Gibson	Tynewater Community Council		Protect the paths linking Cousland with Fordel Services and Whitehill.	Matter being addressed by Land & Countryside. Path is a believed right of way.

Midlothian Green Network Supplementary Guidance DRAFT FOR ADOPTION JUNE 2018



Contents

1. Overview	2
1.1 Introduction	2
1.2 Functions of the Green Network	5
1.3 Benefits of Green Networks	7
2. Design Guidelines	8
2.1 Design Principles for the Green Network	8
2.2 Open Space and Play Opportunities	10
2.3 Biodiversity	11
2.4 Sustainable Drainage	11
2.5 Paths	12
3. Network Development	14
3.1 Shawfair-Danderhall	14
3.2 Dalkeith-Eskbank-Newbattle	19
3.3 Bonnyrigg-Lasswade-Poltonhall-Rosewell	22
3.4 Easthouses-Mayfield-Newtongrange-Gorebridge	25
3.5 Penicuik-Auchendinny	30
3.6 Loanhead-Straiton-Bilston-Roslin-Midlothian Science Zone	33
Appendix 1 - Strategic Connections	38

1 Overview

1.1 Introduction

1.1.1 Midlothian Council's vision for the Green Network is that "*an improved network of woodland, wildlife habitats, greenspace and watercourses has increased the attractiveness of Midlothian as a place to live, work, invest and visit*".

1.1.2 In Midlothian, the green network is connected areas of green and blue spaces **features** within, around and between towns and villages that provide usable open space, **active travel routes** (routes for walking, and cycling and horse riding), habitats for wildlife and plants, and natural surface water and flood water management opportunities. Green networks include green features like parks, woodlands, trees, planted areas, hedges, verges, allotments, community growing spaces, outdoor play and sports areas and gardens. They also incorporate blue features such as rivers, lochs, wetlands, ponds, other watercourses, permeable paving and sustainable urban drainage systems (SuDS). When considered together as a network, these green and blue features (**referred to as components in this document**) provide important assets that contribute to place and environmental quality, opportunities for shelter, access and travel, sustainable urban drainage, pollution mitigation, wildlife habitats and to climate change mitigation and adaptation.

1.1.3 Whilst the wider Midlothian Green Network extends across the council area, and connects to the green networks in surrounding areas (Edinburgh, East Lothian and Scottish Borders), this Supplementary Guidance focuses on the more densely populated northern parts of Midlothian which will see the most change, particularly in terms of new development. This does not mean that the Council will not support and encourage enhancements to the Midlothian Green Network outwith these areas. The Network Development section of this document focuses on six areas:

- Shawfair - Danderhall
- Dalkeith - Eskbank - Newbattle
- Bonnyrigg - Lasswade - Poltonhall - Rosewell

- Easthouses - Mayfield - Newtongrange - Gorebridge
- Penicuik - Auchendinny
- Loanhead - Straiton - Bilston - Roslin - Midlothian Science Zone

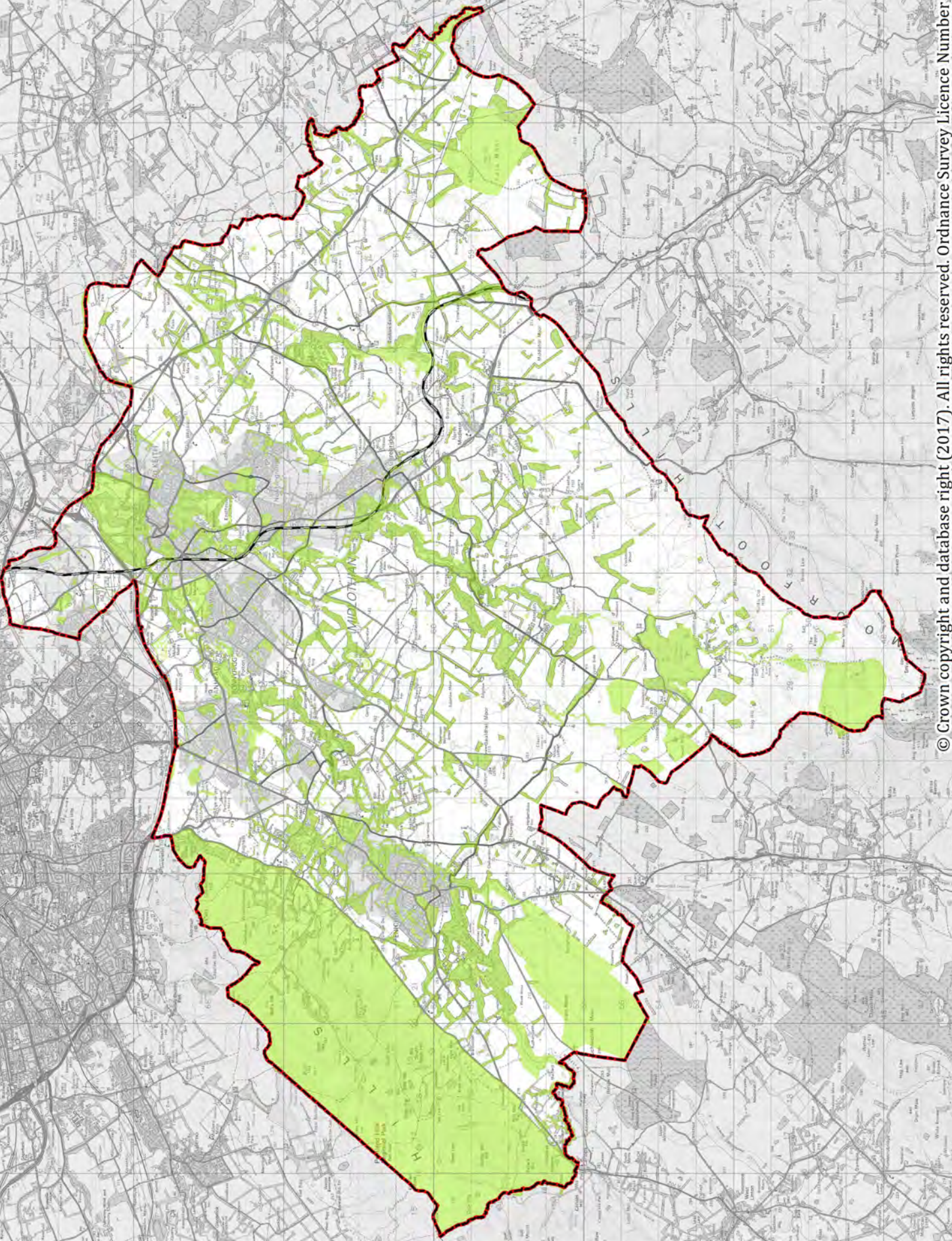
1.1.4 Specific support for and protection of the green network is provided through the Midlothian Local Development Plan (MLDP) Policy ENV 2 (see below). This policy is designed to work in conjunction with other policies in the Local Development Plan relating to **the different components of the green network including green and blue infrastructure assets and features** of biodiversity value (e.g. Policies ENV 3 - ENV 15).

Policy ENV 2 Midlothian Green Network

Development proposals brought forward in line with provisions of this Plan, and that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network, will be supported.

The Supplementary Guidance should be consulted in the formulation and assessment of such proposals to assess their role in contributing to components of the green network. Where green network opportunities are identified that are relevant to a proposed development (as determined by the Council), the development will be expected to contribute wholly, or in part, to their delivery.

For the allocated development sites (proposals STRAT 3 and STRAT 5) and additional housing development opportunities (policy STRAT 4), the Settlement Statements and Supplementary Guidance identify the relevant green network requirements.



Overview 1

1.1.5 Protection of existing green network components is a very important principle of the Midlothian Local Development Plan, and therefore underpins this Supplementary Guidance. The diagram above identifies the basis of the existing green network in Midlothian, including:

- Statutory nature conservation sites (SAC/SPA/Ramsar/SSSI/Local Nature Reserve)
- Local Biodiversity Sites & potential Local Biodiversity Sites
- Woodland (including Ancient and Semi-natural Ancient Woodland)
- Regional & Country Parks
- Open Spaces (as assessed in 2012 Open Space Audit)
- **Gardens and Designed Landscapes (designated under the Ancient Monuments and Archaeological Areas Act 1979)**
- **the River North Esk, River South Esk, Gore Water, Tyne Water and other watercourses.**

1.1.6 This Supplementary Guidance should be used in conjunction with the relevant elements of the Midlothian Local Development Plan, the Planning Obligations and Affordable Housing Supplementary Guidance (*currently being prepared*) and the Quality of Place Supplementary Guidance (*currently being prepared*). Where this Supplementary Guidance is being used in relation to a specific site, the essential sections to look at are:

1. The relevant site requirements (see **Network Development**);
2. The overall green network requirements for the relevant area (see **Network Development**); and
3. **Design Guidelines** (pages 10-15).

1.1.7 New development across the whole of Midlothian is expected to contribute to the enhancement of the green network. Positive approaches to water management, biodiversity and active travel should therefore be considered from the earliest stages of the design process. Midlothian Council will also support the enhancement of **the existing green network infrastructure** and the retrofitting of new green **network components infrastructure** into existing urban areas through other available mechanisms.

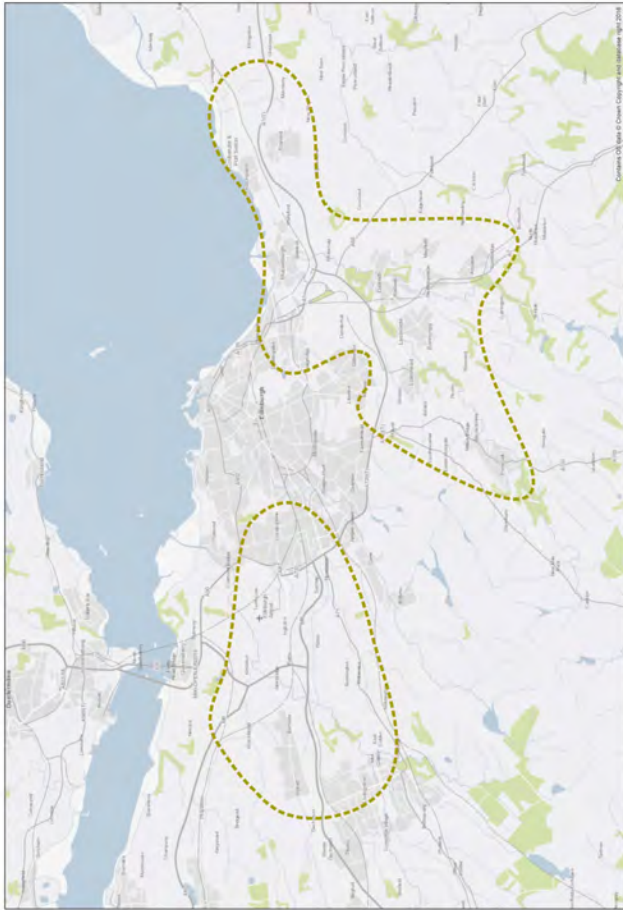
Strategic Context

1.1.8 The Midlothian Green Network forms part of the Central Scotland Green Network (CSGN), which is a long term project working across the central belt to restore and improve the rural and urban landscape. The extent of the CSGN is highlighted in the diagram below. Identified as a National Development in the National Planning Framework (NPF3, 2014), the vision of CSGN is that by 2050 Central Scotland will be “transformed into a place where environment adds value to the economy and where people’s lives are enriched by its quality”. The project involves public agencies, such as Midlothian Council, and stakeholders working together through their policies, programmes and actions to achieve this common aim.

1.1.9 The Midlothian Green Network is also a **component part** of the regional green network identified through the South East Scotland Strategic Development Plan 2013 (SDP1) and the proposed Strategic Development Plan 2016 (SDP2). Two cross-boundary green network priority areas are identified in the Proposed SDP2 to focus action on places where a coordinated, cross-boundary approach is needed to maximise the benefits of green infrastructure. These are Edinburgh & West and Edinburgh & East. The diagram below shows the cross boundary areas.

1 Overview

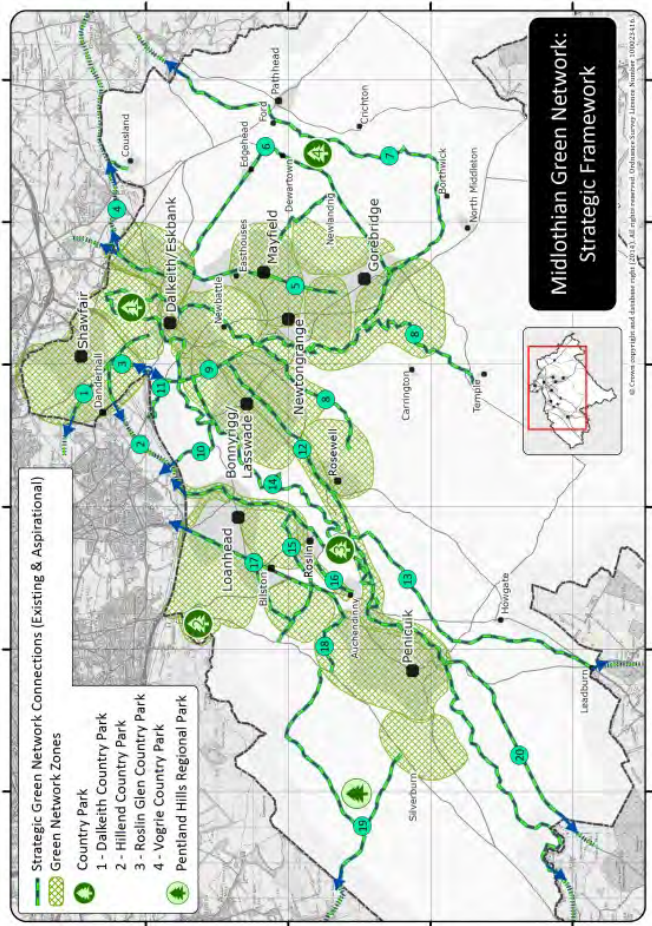
Figure 3: SESplan Proposed Strategic Development Plan (SDP2) Green Network Cross Boundary Areas



The Edinburgh & East priority area includes the Midlothian Green Network. SESplan (the Strategic Development Planning Authority for Edinburgh and South East Scotland) will be preparing Strategic Frameworks for the two identified cross-boundary green network priority areas. The strategic framework for Edinburgh & East will function in partnership with this supplementary guidance.

1.1.10 Figure 5.2 of the Midlothian Local Development Plan 2017 illustrates the existing strategic green network connections in Midlothian and ambitions for its development. These strategic connections are significant elements of the Midlothian Green Network, and underpin the network development set out in Section 3 of this Supplementary Guidance.

Figure 4: MLDP2017 Figure 5.2



1.1.11 By their very nature, green networks do not stop and start at administrative boundaries. The green networks in East Lothian, Edinburgh and Scottish Borders are therefore a continuation of the Midlothian Green Network. Cross boundary active travel routes and habitat connections in particular have been considered in the preparation of this Supplementary Guidance.

1.1.12 The Midlothian Active Travel Strategy, the Midlothian Open Space Strategy and the Midlothian Play Strategy are key corporate strategies which influence relevant aspects of the green network. The Active Travel Strategy will be published after this Supplementary Guidance, so will present a more up to date vision for the active travel network in Midlothian. The Active Travel Strategy should therefore be consulted alongside this document in relation to aspirations for new active travel routes.

Overview 1

Delivery

1.1.13 This Supplementary Guidance provides a framework supporting the delivery of the green network across the whole of Midlothian, **providing a vision for the long term expansion of the network which will largely be delivered by a variety of partners.** Delivering improvement of the green network is a collaborative task, whether it relates to additions to the network or the protection and enhancement of existing network components. Midlothian Council will therefore work with partners including landowners, communities, non-governmental bodies, charities and other third sector organisations, schools and colleges, businesses and developers to support the continuing improvement and use of the green network. The Council will also work with partners to enhance the green network by seeking to deliver additional green and blue components that are not specifically anticipated in this document where appropriate opportunities arise. **It is very unlikely, however, that the Council will be in a position to make financial contributions to network improvements.**

1.1.14 Enhancements and additions to the Green Network that will be delivered as an integral part of new development are identified in the **Network Development** section. The specific requirements for allocated development sites are identified, as are the area wide network requirements that the Council will seek contributions to.

1.2 Functions of the Green Network

1.2.1 Specific functions provided by the green network in Midlothian include:

- Improving the quality of place for residents and visitors;
- Contributing to climate change mitigation and adaptation;
- Providing habitats and connections between habitats, and supporting biodiversity protection and enhancement;
- Providing active travel routes and recreation opportunities; and
- Supporting sustainable water management.

Quality of Place

1.2.2 Easy access to green spaces, including spaces where people can enjoy nature, is an important aspect of high quality places to live and work. To help achieve the creation and maintenance of great places, development should be located within a network of green and blue infrastructure **features** that provides a pleasant outlook for the people living and working there. Midlothian Council requires new development to contribute to making Midlothian a great place to live, work and visit. **The Green Network is an integral part of the landscape character of Midlothian, therefore additions to the network should positively contribute to the established and distinctive landscape character of the area. Policy ENV 7 of the Midlothian Local Development Plan encourages sensitive landscape planning and management.**

Climate Change Mitigation & Adaptation

1.2.3 Green networks can play an important role in responding to climate change. Different components of green networks make different contributions, which can combine to have a significant local effect in terms of mitigation (reducing/preventing the emission of greenhouse gases and removing them from the atmosphere) and adaptation (making adjustments and responding to the positive and negative impacts of climate change).

1.2.4 The following functions and contributions of green networks to climate change mitigation and adaptation are of particular relevance in Midlothian:

- Ensuring habitat connectivity to allow species to adapt to climate change through movement;
- Encouraging retention and expansion of green-features **plants and trees** to provide opportunities for carbon trapping or sequestration;
- Providing sustainable drainage and water attenuation opportunities to **minimise/reduce** the impact of storm events; and
- Using vegetation to provide shelter from wind and opportunities for further habitat growth.

1 Overview

Habitat Connections

1.2.5 In most circumstances, habitat fragmentation and isolation is detrimental to biodiversity. Habitat connections are a key component of ecological networks, with value in their own right. They act as a means of enabling wildlife to move more easily through landscapes, support species survival, encourage genetic exchange and improve resilience to climate change.

1.2.6 Wildlife corridors within ecological networks do not always have to be continuous physical connections - it is the permeability of the landscape to species that matters. It is possible to strategically connect up habitats through other land uses (including urban areas) without compromising the purpose of those other land uses. Work is on-going through the revision of the Local Biodiversity Action Plan (LBAP) to identify critical habitat connections in Midlothian, but in the meantime the existing network of designated nature conservation sites, river valleys, woodland and grassland, supported by the existing and proposed Green Network, provide the base for habitat protection, enhancement and connection.

1.2.7 Woodland, including urban woodland, is an important component of green networks. Midlothian benefits from significant areas of woodland, including the riparian woodland in the Esk, Gore and Tyne river valleys. However, as set out in the *Edinburgh & Lothians Forestry & Woodland Strategy*, there is an overall aim of increasing woodland cover across the area, therefore the creation and management of woodland is supported as part of the green network. **In most circumstances the preference is for native species to be used when planting new trees and woodland unless site specific circumstances indicate that non-native species are more appropriate.**

1.2.8 Trees and woodland make a substantial contribution to urban and rural landscapes, providing a range of natural and semi-natural habitats. They also have an important role in contributing to sustainable water management, to the quality of rivers, soils and air, and to quality of life through opportunities for outdoor recreation, education and

employment. **All types of native woodland are recognised as priority habitats in terms of biodiversity at the national level. Ancient and semi natural ancient woodland are of particular importance for biodiversity. The Council gives strong protection to woodland, trees and hedgerow, and will only allow the removal of trees and/or hedgerows where this will achieve significant and clearly defined public benefits (MLDP Policy ENV 11).**

Active Travel & Recreation

1.2.9 Growing and enhancing Midlothian's active travel network is a priority and the Midlothian Green Network provides important opportunities to achieve this through the further development of the local and strategic path network. Enhancement of existing paths and creation of new paths are therefore an integral part of the green network requirements set out in the 'Network Requirements' section of this Supplementary Guidance. The Midlothian Active Travel Strategy (*currently being prepared*) has informed these requirements. **Provision of leisure routes, commuter routes and routes to school are all important functions of the path network.**

Sustainable Water Management

1.2.10 Flood alleviation and water management are important components of climate change resilience. For the Midlothian Green Network this means contributing towards alleviating drainage and flooding problems at a local level. Increasing and maintaining vegetation canopy cover, greenspace and soft surfaces reduces and controls water run-off, improves absorption rates and provides storage capacity. This can result in less dramatic flood events in urban areas and reduce costs to businesses and residents.

1.2.11 Sustainable urban drainage systems (SuDS) are a natural approach to managing drainage in and around buildings and other development. SuDS act to attenuate water run-off so that water flow rates are no higher when a site is developed. They also prevent sediment, oils and other pollutants entering the water environment.

Overview 1

The River Basin Management Plan (RBMP) for Scotland requires no deterioration in water quality and for all water bodies to achieve good status over time. In the context of the planned growth in Midlothian, the use of SuDS is necessary to meet these objectives. Midlothian Council does not favour the use of underground tanks as a SuDS measure, other than in exceptional circumstances, in order to realise amenity and biodiversity benefits.

1.3 Benefits of Green Networks

1.3.1 The Midlothian Green Network provides a range of benefits which will support the achievement of the Midlothian Community Planning Partnership's vision of "Midlothian - A Great Place to Grow". These benefits are outlined below.

1.3.2 Economic Benefits

- Green networks help provide an attractive setting for new development, and to encourage investment and retention of existing businesses.
- Businesses attract and retain more motivated staff in greener, more attractive settings.
- Green spaces near workplaces reduce sickness absence, increasing productivity.
- Green networks help to improve access to employment opportunities through active travel opportunities.
- Green networks provide opportunities for small scale food, fuel and timber production.
- **High quality green networks help to attract visitors to an area.**

1.3.3 Environmental Benefits

- Green corridors help wildlife to move around and flourish.
- Green networks help to maintain and enhance biodiversity.
- Using green infrastructure as part of the sustainable management of surface water helps to prevent flooding.

- Attractive and well connected green spaces become better utilised.
- Green networks help to reinforce character and improve the setting of places and local identity.
- Green networks improve physical connections between places by non-motorised travel.
- Vegetation provides opportunities for carbon storage and sequestration (carbon trapping).
- Green corridors enable species migration in response to climate change.
- Green networks help to improve air quality.

1.3.4 Social Benefits

- Green networks provide recreational opportunities and promote healthier lifestyles.
- Green networks create opportunities for participation, volunteering and training to improve the environment and develop ecological and environmental skills.
- Green networks provide environmental education opportunities.
- Green spaces improve community cohesion.
- Improvements to mental and physical wellbeing can be gained from better surroundings and easier opportunities for convenient walking and cycling.

2 Design Guidelines

2.1 Design Principles for the Green Network

2.1.1 This section explains the design requirements relating to the green network within new developments in Midlothian. The principles below will be used in the assessment of planning applications. This section should be read and applied in conjunction with the relevant policies of the Midlothian Local Development Plan (highlighted in the boxes below) and the Quality of Place Supplementary Guidance (*currently being prepared*).

- Open space for different age groups should be designed and sited to minimise disturbance and protect residential amenity.
- Where there is a recognised need for new open space in the area, this should complement and/or contribute to existing open space provision and the proposed green network.

Policy DEV 6 Layout and Design of New Development (Extract)

- The layout of development proposals should complement or enhance the character of any adjoining or nearby urban area; include attractive street frontages; provide outlook onto communal open space; and integrate the siting of buildings, landscaping, open space, boundary treatment and pedestrian/cycle/vehicular routes.
- Any locally prominent landscape feature or historic building should be reflected in the layout, and local landmarks and viewpoints should be incorporated into the streetscape, to provide a welcoming atmosphere and assist with navigation.
- Existing pedestrian routes, including desire lines, should be taken into account and the layout should be convenient for pedestrians and cyclists, with special attention to the provision of footpaths and cycleways which create links between key destinations.
- Pedestrian routes, open space, sustainable urban drainage features or roads should be overlooked by front or side windows of buildings, and doors should face onto streets or active frontages.

DEV 7 - Landscaping in New Development

The Council will require development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme should:

- Complement the existing landscape both within and in the vicinity of the site;
- Create landmarks in the development layout and use the landscape framework to emphasise these;
- Provide shaded areas and shelter from prevailing winds, where possible and appropriate, with regard to the overall design of the development.
- Make use of tree and shrub species that are of a good appearance, hardy and require low maintenance, with a preference for indigenous species;
- Where a site abuts the countryside, incorporate tree belts of at least 30 metres in width to define the urban edge, allow for future growth of the trees and promote pedestrian access to the countryside beyond and wider path networks provide effective screening. Where the development abuts the countryside an effective tree belt will be required to define

Design Guidelines 2

the urban edge, allow for future growth of trees and promote pedestrian access to the countryside beyond and wider path networks;

- F. Ensure that, where roads are to be lined with trees, these are given adequate room to grow and mature;
- G. Make use of trees to define the edge of development areas within sites;
- H. Promote local biodiversity and, where appropriate, community food growing; and
- I. Ensure that finishing materials, surface textures and street furniture, together with the design of walls and fencing, combine with the landscaping to create an attractive environment.

Landscaping schemes should be implemented at an early stage in the development to allow adequate time to become successfully established. Maintenance proposals must accompany schemes of landscaping.

In addition, MLDP Policy ENV 3 Newbattle Strategic Greenspace Safeguard, Policy ENV 10 Water Environment, Policy ENV 11 Woodland, Trees and Hedges, and Policy ENV 15 Species and Habitat Protection and Enhancement should be applied.

2.1.2 The design principles for the Green Network in Midlothian are:

- Design for multiple functions and uses
- Design for connectivity
- Design for the long term

2.1.3 Applicants are expected to provide an analysis of the relationship of the site with the wider green network, and demonstrate how the green network has been incorporated into the layout and design of the proposed development both in terms of the retention and enhancement of existing green network components and the creation of new components. Applicants are also expected to demonstrate how the green network within the site will be managed and maintained over the long term.

Design for Multiple Functions & Uses

2.1.4 Green network components should be designed so they deliver multiple functions such as play, habitat, active travel and water management. The image below illustrates ~~list below~~ **highlights** many of the functions and uses that can be integrated into the green network including:

- active travel
- play
- sport & recreation
- habitats
- landscape setting
- water management
- food production
- community activity
- air quality
- equestrian use
- **shelter**
- quiet contemplation
- education

Design for Connectivity

2.1.5 Green networks are formed by connecting green and blue components to create an integrated and multi-functional system that delivers wider benefits than just the combined benefits of the individual

2 Design Guidelines

components. Green networks should be designed around ease of movement for people and nature. They should also be designed to link with existing green network components. The loss or fragmentation of existing green network components should be avoided wherever possible. If it is demonstrated that loss is unavoidable, mitigation measures will be required to replace and enhance the extent and quality of existing provision. Mitigation measures will be required where any loss of any green network components are being proposed. Such measures should demonstrably increase the net extent of the Green Network and increase the diversity and quality of the network.

Design for the Long Term

2.1.6 The long term development, management and maintenance of green network components should be considered from the outset. The design should allow for adaptation over time to meet the long term needs of all users. Anticipating demographic changes within neighbourhoods and the wider population is one aspect of this. When making decisions about investment in green and blue infrastructure the green network, as with all infrastructure, long term costs should be taken into account as short term cost savings can be counter-productive if they lead to higher long term costs.

2.1.7 Climate change is one such potential cost in terms of the need to replace green network components that cannot adapt, and the cost of changing maintenance regimes. Any design proposals should be high quality, bio-diverse, well connected, accessible and demonstrably enhance the existing green network. This approach will ensure that, whatever the future demography of the area, all users will have access to a variety of high quality green spaces. Where appropriate, the layout of new development should allow for future permeability by pedestrians and cyclists should neighbouring areas be the subject of future allocations for development.

2.2 Open Space and Play Opportunities

2.2.1 As a key component of the Green Network, the aim in Midlothian is to create well connected, high quality, accessible and safe open spaces which are fit for purpose and support biodiversity. This applies to both existing and new open spaces. The criteria used to assess the quality of open space are listed in the 2012 Midlothian Open Space Audit (www.midlothian.gov.uk).

2.2.2 One objective of the Midlothian Green Network is to provide more natural and creative play settings which provide better opportunities for physical, social and cognitive development for children and young people. In addition to the provision of designated play spaces, all open spaces should include opportunities for play and interaction with the natural environment through their design. The following principles should be applied when open spaces and play opportunities are designed:

- Play spaces should be designed to fit with and enhance their settings, for example using the existing topography, retaining natural features and using local materials.
- Play spaces should incorporate features such as grassy mounds, ditches and channels, logs, boulders and suitable planting as much as possible (within the limits of safety guidelines).
- Play spaces should be designed for use in different ways by children and young people of different ages and interests. Play equipment should be non-prescriptive to encourage imagination and creativity.
- Long term maintenance and sustainability should be considered from the outset of the design process.
- Play spaces should be accessible to all, with high levels of natural surveillance and close to well-used public paths or other routes.

2.2.3 New development must comply with the Council's standards for the provision of open space, established through the Open Space Audit and Strategy, set out in Appendix 4 of the Midlothian Local Development Plan. These standards apply to public parks and gardens, amenity

Design Guidelines 2

greenspace, play space, outside sports facilities and natural and semi-natural greenspace. Midlothian Council's requirements relating to potential contributions for open space are set out in the Planning Obligations and Affordable Housing Supplementary Guidance (*currently being prepared*).

2.3 Biodiversity

2.3.1 Information on locally important habitats and species is provided in the 2006 Midlothian Local Biodiversity Action Plan (LBAP). A revised LBAP will be published in 2019. Information about where and how habitat connectivity can be improved across Midlothian will be developed further through the revised Local Biodiversity Action Plan.

2.3.2 Minimum expectations for the enhancement of biodiversity through new development in Midlothian are:

- Create a landscape framework for a development based around a network of green spaces connected by green corridors.
- Incorporate existing habitats into this landscape framework of a development, and ensure these are connected to appropriate habitats beyond the development site.
- Use hedges incorporating native/wildlife friendly planting rather than fences wherever possible.
- Use wildlife-friendly plants in landscaping schemes including appropriate climbing plants around buildings and along boundary fences/walls.
- Retain mature and veteran trees for their high biodiversity and landscape value, and where appropriate and safe to do so, leave some standing dead wood or lying dead wood.
- Incorporate appropriate nectar rich plants to encourage pollinators and native berry-bearing trees or fruit trees and shrubs for birds into planting schemes.
- Consider maintenance regimes which encourage the establishment of natural and semi-natural green spaces in appropriate locations.

- Biodiversity benefits can be delivered by even small, isolated SuDS components, but greater value is delivered where SuDS are planned as part of the wider green network, delivering wider wildlife connectivity.
- Road design and construction should incorporate green network components, including roadside verges which support biodiversity and trees wherever possible.

2.3.3 Applicants are expected to demonstrate that development proposals will safeguard sites designated for their biodiversity value (**MLDP 2017 Policies ENV 12 - ENV 15**), and that proposals identify appropriate measures to protect, enhance and promote existing habitats and/or the creation of new ones, and provide for the effective management of these habitats as part of the wider Green Network. More information on the integration and promotion of biodiversity in development is provided in the Quality of Place Supplementary Guidance (*currently being prepared*).

2.4 Sustainable Drainage

2.4.1 MLDP Policy ENV 10 Water Environment requires that all new development should pass surface water through a sustainable urban drainage system (SuDS) which ameliorates the water to an acceptable quality prior to release to the wider water environment. SuDS should be designed as an integral part of the green network, incorporating recreational access and biodiversity enhancement, both within the scheme and through wider connectivity. Midlothian Council expects the design of systems to meet best current practice and to maximise the potential of SuDS components as amenity and/or biodiversity features.

2.4.2 Scottish Water's publications 'Sewers for Scotland' (3rd Edition) provided guidance to developers for all standards and specifications required when designing new drainage infrastructure, and it (or any replacement guidance) should therefore be referred to. Caution needs to be exercised when planting trees, bushes or shrubs in the vicinity of SuDS and sewers due to the risk of root incursion.

2 Design Guidelines

2.4.3 In 2016 the Scottish Government published a guide to Greener Gardens for developers in partnership with the Central Scotland Green Network (www.centalscotlandgreennetwork.org). The guide highlights small scale green infrastructure that can be incorporated into individual building plots which contributes to water management and the green network. Midlothian Council encourages the use of these methods of small scale water management as part of the Green Network.

2.5 Paths

2.5.1 Paths are a fundamental component of the Green Network. ~~Paths take a variety of forms and functions, and this variety is an important aspect in the character of the Green Network. Provision of leisure routes, commuter routes and routes to school are all important functions of the path network.~~ The ultimate aim is to create a Midlothian-wide network of: ~~continuous, accessible paths for pedestrians, cyclists and other non-motorised users~~ paths for walking, which incorporates an accessible network suitable for wheelchair users, buggies and people with other mobility restrictions, and routes for cycling and other non-motorised users. Achieving this aim will involve the protection and enhancement of the existing path network, the creation of new routes through and within areas of new development and additions to the network outwith these areas. Long distance routes, such as the Tyne-Esk equestrian trails, the National Cycle Network and any other routes for walkers, cyclists and/or horse riders, also make an important contribution to the path network and therefore the Green Network.

2.5.2 The path network must connect residents and visitors with local services, employment opportunities, schools and colleges, public transport, open space and leisure opportunities (referred to collectively as key destinations). The Midlothian Path Network operates on two levels - strategic and local. Strategic paths provide connections between settlements and local paths provide connections within settlements. A path may simultaneously function as part of the local and strategic network. There are different types of path within the Midlothian Path Network including:

- Footways (commonly referred to as pavements)
- On and off-road cycleways
- Multi user paths (shared use)
- Other tracks and paths (some unsurfaced)

2.5.3 Midlothian Council expects additions to the path network to:

- ~~Be suitable for shared use (multi-user)~~ **Have a surface suitable for their intended use;**
- **Be adequately drained;**
- Be based on desire lines between key destinations;
- Be safe and overlooked (see Secured by Design);
- Have **managed** green verges wherever possible to enhance the scenic and biodiversity value of the path corridor; **and**
- Benefit from lighting wherever possible and appropriate; **and**
- **Connect to the existing network.**

Midlothian Council can provide advice on path design. Other sources of advice include Sustrans Scotland, Transport Scotland, Paths for All and the British Horse Society Scotland.

STANDARD SPECIFICATION REMOVED

2.5.4 The plans in this Supplementary Guidance identify the following categories of path:

- Core Paths (as identified in the 2009 Core Paths Plan) form part of the wider path network and can be anything from a tarmac path to a grassy field margin. Paths are identified as Core Paths because they provide key routes for communities and other users. Path surfaces are varied but designation as a Core Paths means they can be used by all non-motorised users. **(Note: the Midlothian Core Paths Plan is scheduled to be updated 2018/19. Once the revised plan is updated, the maps in this Supplementary Guidance will be updated accordingly)**

Design Guidelines 2

- Other Paths - existing paths which are part of the wider signed network. These paths have a variety of surfaces and are not always suitable for all users.
- National Cycle Routes - traffic free paths and quiet on-road cycling and walking routes that connect every major town and city in the UK. NCR1 and NCR196 run through Midlothian (www.sustrans.org.uk)
- Equestrian trails - the Tyne-Esk Trails are four identified routes in Midlothian that form part of the South of Scotland Countryside Trails, which is a network of waymarked off-road routes for horse riders.
- Proposed multi user path - additions to the strategic path network, proposed by Midlothian Council, which would contribute to improved connectivity between settlements.
- ~~Required multi-user path~~ **New multi user path (indicative route)** - additions to the strategic path network that are required by Midlothian Council as part of the development of an allocated site.
- ~~Suggested path~~ **Required** connections - additions to the local path network which must provide access to key destinations and be connected to the wider path network **as part of the development of an allocated site**.
- Path upgrade required - existing paths which require upgrading to multi user path standard.
- ~~Potential path upgrade~~ **existing paths that would benefit from upgrading to multi user standard (longer term aspiration)**.

3 Network Development

Introduction

3.0.1 This section sets out how the Green Network is intended to develop in the context of the currently planned growth of Midlothian settlements. The section focuses on the six areas listed below. A plan is provided for each area which identifies the existing green network components, allocated development sites and planned network additions, as well as proposed longer term network additions.

- Shawfair - Danderhall
- Dalkeith - Eskbank - Newbattle
- Bonnyrigg - Lasswade - Poltonhall - Rosewell
- Easthouses - Mayfield - Newtongrange - Gorebridge
- Loanhead - Straiton - Bilston - Roslin - Midlothian Science Zone
- Penicuik - Auchendinny

3.0.2 The Strategic Connections referred to in relation to each of the six areas listed above are identified in the Midlothian Local Development Plan (Figure 5.2). This figure and the accompanying table identifying each of the 20 Strategic Connections are replicated in Appendix 1 of this Supplementary Guidance. The Council will support the development of these strategic connections and will work with partners wherever possible to achieve this.

3.0.3 This section of the Supplementary Guidance also identifies a series of Connection Points across the six areas. The purpose of these Connection Points is to highlight key points in the Active Travel Network which will function as nodes as the network develops whilst allowing flexibility, particularly within allocated development sites, on how the points will be connected. Where path types are specified, reference should be made to paragraph 2.5.4 of this Supplementary Guidance. **The alignment of new paths shown on the map is indicative, the final alignment on the ground will reflect multiple factors including topography and development layout.**

3.1 Shawfair-Danderhall

Context

3.1.1 This area will experience significant change in the coming years through the expansion of Danderhall and the creation of a new settlement at Shawfair encompassing Newton and Millerhill. Land has been allocated for over 4,000 houses, 23 hectares of employment land, a town centre, schools and other community facilities **within an enhanced green network**. ~~Integrating green infrastructure into the development to create a high quality green network for the growing community will be essential.~~ The new green infrastructure **network components** will need to form an integral part of the Midlothian Green Network and provide connections to the existing and planned green networks in neighbouring Edinburgh and East Lothian.

3.1.2 A Masterplan and Design Guide have been approved for the area **through planning permission in principle**. These clearly identify the green **network components** ~~space provision that is planned to~~ **will** form the setting for the settlements, including a community woodland along the Hilltown ridge. A central green corridor between Shawfair and Danderhall will serve as a strategic greenspace providing separation between the settlements. It will also provide a key link between the Midlothian Green Network and the Edinburgh Green Network at Edmonstone. **The detailed implementation of the Masterplan and Design Guide will be determined through further planning consents as development progresses.**

Strategic Connections

3.1.3 Actions to enhance and develop the green network in the Shawfair-Danderhall area should contribute, where relevant, to the completion and enhancement of the relevant strategic connections. Three Strategic Green Network Connections identified in the MLDP are directly relevant to this area.

- **Strategic Connection 1: Dalkeith Park - Edmonstone**

Network Development 3

- **Strategic Connection 2:** Shawfair - Penicuik
- **Strategic Connection 3:** Sheriffhall Link

A plan showing these connections is provided in Appendix 1 of this Supplementary Guidance.

3.1.4 The planned grade separation of the A720 Sheriffhall junction, which is currently undergoing detailed design and assessment by Transport Scotland, is anticipated to include provision for non-motorised users including cyclists utilising the A6106 and A7. This provision, and the potential to provide linkages east and west as part of the proposed Edinburgh Orbital Active Travel Route (proposed through SESplan SDP2), is a key part of the Midlothian Green Network as identified in Strategic Connection 3. This connection will provide an essential link between Strategic Connections 1, 2, 9 and 10.

Connection Points

3.1.5 A priority action for this area is the creation of multi-user path links between the following Connection Points (CP) are key locations that need to be clearly linked by multi user paths:

- **CP1:** The Wisp at Edmonstone, connecting to the planned Edmonstone - Little France Active Travel Route
- **CP2:** The Wisp at Milligan Drive/Millerhill Road, to enable connections between Shawfair-Danderhall and the Edinburgh Active Travel Network via Hunter's Hall Park
- **CP3:** The A1 Underpass at Whitehill to connection to National Cycle Route 1, Queen Margaret University and Musselburgh.
- **CP4:** Shawfair Town Centre and Rail Station

- **CP5:** The current terminus of the Shawfair-Roslin Gilmerton-Shawfair-Multi User path (under-construction), which connects to the Gilmerton-Roslin multi-user path.
- **CP6:** East Lothian Active Travel Network at Craighall, to enable links to Musselburgh, National Cycle Routes 1 & 196 and east Dalkeith.
- **CP7:** The proposed Park & Ride at Newton Farm.
- **CP8:** Sheriffhall junction, to enable multiple connections to the existing and planned active travel network north and south of the City Bypass.

Area Wide Network Requirements

3.1.6 The bullets below summarise the overall green network requirements for the Shawfair-Danderhall area based on the Settlement Statement in the Midlothian Local Development Plan 2017 and extant planning consents (these are marked as 'Planned'). The list also includes a number of aspirational green network links that will be supported in principle and promoted by the Council (marked as 'Aspirational'). All green network development and improvements in the area should contribute to these requirements.

- Connect the Gilmerton to Shawfair - Roslin Shared Use Path (**Connection Point 5**) to Shawfair Town Centre (**Connection Point 4**) and National Cycle Route 1 (**Connection Point 3**) through the path network within Shawfair. (**Planned**)
- Connect the Gilmerton to Shawfair - Roslin Shared Use Path (**Connection Point 5**) to the proposed Newton Farm Park & Ride (**Connection Point 7**) and the East Lothian Active Travel Network at Craighall (**Connection Point 6**). (**Planned**)
- Create a multi-functional strategic greenspace between Danderhall and Shawfair to ensure settlement separation. The area should provide biodiversity enhancement, leisure and play facilities, as

3 Network Development

well as landscape setting and amenity space for the settlements. This should incorporate woodland management and enhancement of Woolmet Bing and a new multi user path running from the eastern boundary of Shawfair Park to The Wisp at Hunter's Yard (connecting to the Little France Active Travel Route). **(Planned)**

- Create links between the Midlothian Green Network and the Edinburgh Green Network at Niddrie Bing and The Wisp, including active travel links at Edmonstone and Milligan Drive/Millerhill Road **(Connection Point 1 & Connection Point 2). (Planned)**
- Create links to the East Lothian Green Network north east from Newton Farm **(Connection Point 6)** and east from Whitehill Road. **(Aspirational)**
- Create a new multi user path along the northern side of the A720 from the Newton Park & Ride **(Connection Point 7)** to the upgraded Sheriffhall junction **(Connection Point 8)** including a crossing over the Borders Rail Line, forming part of the proposed Edinburgh Orbital Active Travel Route. **This path should be set within a multi purpose landscaped corridor if possible. (Aspirational)**
- Ensure the pedestrian and cycle links through the upgraded Sheriffhall junction **(Connection Point 8)** are effectively connected to the active travel network north and south of the A720 City Bypass **(Strategic Connection 3)**.
- Create a Multi User Path along the A7 from the Sheriffhall Roundabout **(Connection Point 8)** to the junction with The Wisp and along The Wisp from the A7 junction to the A6106 junction **(Connection Point 2). (Aspirational)**
- Create a new path on the embankment east of Millerhill linking it to the proposed path west of the Millerhill Marshalling Yards (see below) to the local path network, across Old Craighall Road to the area west of the Millerhill Marshalling Yards and new Zero-Waste facility, to Newton Farm and to Sheriffhall Mains and to the path network within the Site Hs1 and adjacent safeguarded site **(Phase 2). (Aspirational)**
- Create a multi user path running west of the Millerhill Marshalling Yards from Old Craighall Road to Whitehill, connecting to National Cycle Route 1 **(Connection Point 3). (Aspirational)**

- Remove the tracks from the stretch of disused rail line between the old Millerhill Road and the Millerhill junction, and create a new path along the route. This should be connected to the local path network being created within the Millerhill area of the new Shawfair settlement. A direct link between this path and the Gilmerton to Shawfair Multi-User Path **(Connection Point 5)** via a crossing of the Borders Rail Line would also be desirable.
- Create a multi user path from the proposed Newton Farm Park & Ride **(Connection Point 7)** and the East Lothian Active Travel Network at Craighall **(Connection Point 6)** to The Wisp **(Connection Point 1)** to form Strategic Connection 1. This multi user path should run through the strategic greenspace between Danderhall and Shawfair. **(Planned)**
- Enhance and rehabilitate Shawfair Monktonhall Bing to provide improved and safe access, greenspace and wildlife habitat, with links to the surrounding path network, retaining the open views of the surrounding areas (including Edinburgh, Fife, Midlothian and East Lothian) from the bing plateau. **(Aspirational)**
- Create a community woodland and path network along the Hilltown ridge linking to the local path network and the wider green network. The design of the woodland and path network should create opportunities for views to the north (particularly Arthur's Seat) and the south. **(Planned)**
- Upgrade Core Path 4-3 (2009 Core Path Plan) to multi-user standard. **(Aspirational)**
- Create a multi user path along the A6106 from its junction with The Wisp to the Sheriffhall Roundabout (part Planned, part Aspirational)
- Provide a multi user path along Newton Church Road from the A6106 to join the paths west of Newton Church. **(Aspirational)**

Requirements for Allocated Development Sites

3.1.7 The following sections summarise the site specific green network requirements for sites in this area allocated in the MLDP. These requirements are in addition to the relevant overall green network

Network Development 3

requirements set out above. Developers are expected to incorporate these requirements, alongside the design principles set out in this Supplementary Guidance, when designing the development of their sites. Sites that have been built or are under construction or have detailed planning permission have not been included in this part of the Supplementary Guidance.

h43 Shawfair

- i. Create a linear park incorporating SUDS features and multi-user paths, connecting the Hilltown community woodland with the town centre and rail station.
- ii. Ensure appropriate connections are made from all parts of the settlement to the wider green network including the strategic greenspace between Danderhall and Shawfair.
- iii. ~~Improve the existing path between the Cockatoo Bar & Restaurant and Haretaw and create direct path access between the Cockatoo Bar and the bridge over the Borders Rail line south of Newton Village.~~

h44 North Danderhall

- i. Upgrade the existing path from the A6106 Millerhill Road to Edmonstone Road in Danderhall to multi user standard, and create a new multi user path through the site to the strategic greenspace to form part of **Strategic Connection 1**.
- ii. Provide path connections to the existing Danderhall local park from within new development areas.

Hs0 Cauldcoats & Safeguarded Site (Cauldcoats Phase 2)

- i. Create a landscape buffer of approx. 20m between the new development and the adjacent Edinburgh Fort Retail Park.

- ii. Establish connections from all parts of the site with the green network (including the local path network) in the surrounding area, including Shawfair/ Danderhall and the Edinburgh Green Network.
- iii. Integrate the rehabilitated parts of Niddrie Bing within the site into the wider green network.
- iv. Create a landscape edge, averaging 30m depth on the southern boundary to provide containment for the development, reduce its visual impact on the ridgeline and to contribute to the surrounding green network.
- v. Create multi user paths through the site connecting to public transport, the Retail Park, Shawfair/ Danderhall and the local path network outwith the site.

e26 Whitehill Mains

- i. Create wildlife habitat **(greenspace/planting which enhances biodiversity)** on the land unsuitable for built development, incorporating SuDS where appropriate.
- ii. Create a roadside multi user path through the site linking the north and south boundaries with Whitehill Road, ensuring it is connected into the wider green network within and beyond the site.

Hs1 Newton Farm & Safeguarded Site (Newton Farm Phase 2)

- i. Establish perimeter planting along the A720 boundary, the north eastern boundary, south western boundary and north western boundary, integrating into the wider green network.
- ii. Utilise the existing hedge-lined track crossing the site as part of the green network.

3 Network Development

- iii. Create links to the green network in surrounding areas, including Millerhill, Sheriffhall and neighbouring East Lothian at Craighall.
- iv. Provide space for allotments or community growing.
- v. Contribute to the development of a path along the recently formed embankment west of the site.
- vi. Create a multi user path close to the boundary with the A720, linking the propose Newton Farm Park & Ride site to the proposed path along the embankment at the south western corner of the safeguarded site. This will form part of the proposed Edinburgh Orbital Active Travel Route.

e27 (west) Shawfair Park

- i. Establish new multi user paths and other green network features **components** as plots are developed, linking with existing green network components, paths and SuDS features.
- ii. Create a multi user path connection between the existing core path and the path on the disused railway line running along the northern boundary of the site.
- iii. Contribute to the upgrading of the existing path on the disused railway line to the north of the site to multi user standard.
- iv. Create multi user path connections to the Gilmerton to Shawfair Multi User Path from within the development.

e27 (east) Shawfair Park Extension 1

- i. Upgrade the existing core path running between the east and west sections of the allocated site e27 to multi user path standard and create multi user path connections from within the site to the core path.
- ii. Provide path links to the existing core path and the proposed multi user path alongside the A6106.

Ec1 Shawfair Park Extension 2

- i. Establish woodland averaging 30m depth along the A7 and A6106 to contain the site.
- ii. Create multi user paths connecting to the planned multi user path alongside the A6106 and the upgraded Sheriffhall junction.

Shawfair-Danderhall

Existing Green Network Components

- Core Path (2009 Core Path Plan)
- Other Path
- National Cycle Route
- Greenspaces/Woodland
- Designated Nature Conservation Site
- Watercourse

Planned Green Network Components

- Path Consented or Under Construction
- New Multi User Path (Indicative Route)
- Required Connection
- New Greenspaces/Woodland
- Connection Point

Aspirational Green Network Components

- Path Upgrade Required
- Proposed Multi User Path

Allocated Site (MLDP)

Proposed Road

Cross Boundary Connection

Housing

- Hs0 Cauldcoats
- Hs1 Newton Farm
- h43 Shawfair
- h44 North Danderhall
- h45 South Danderhall

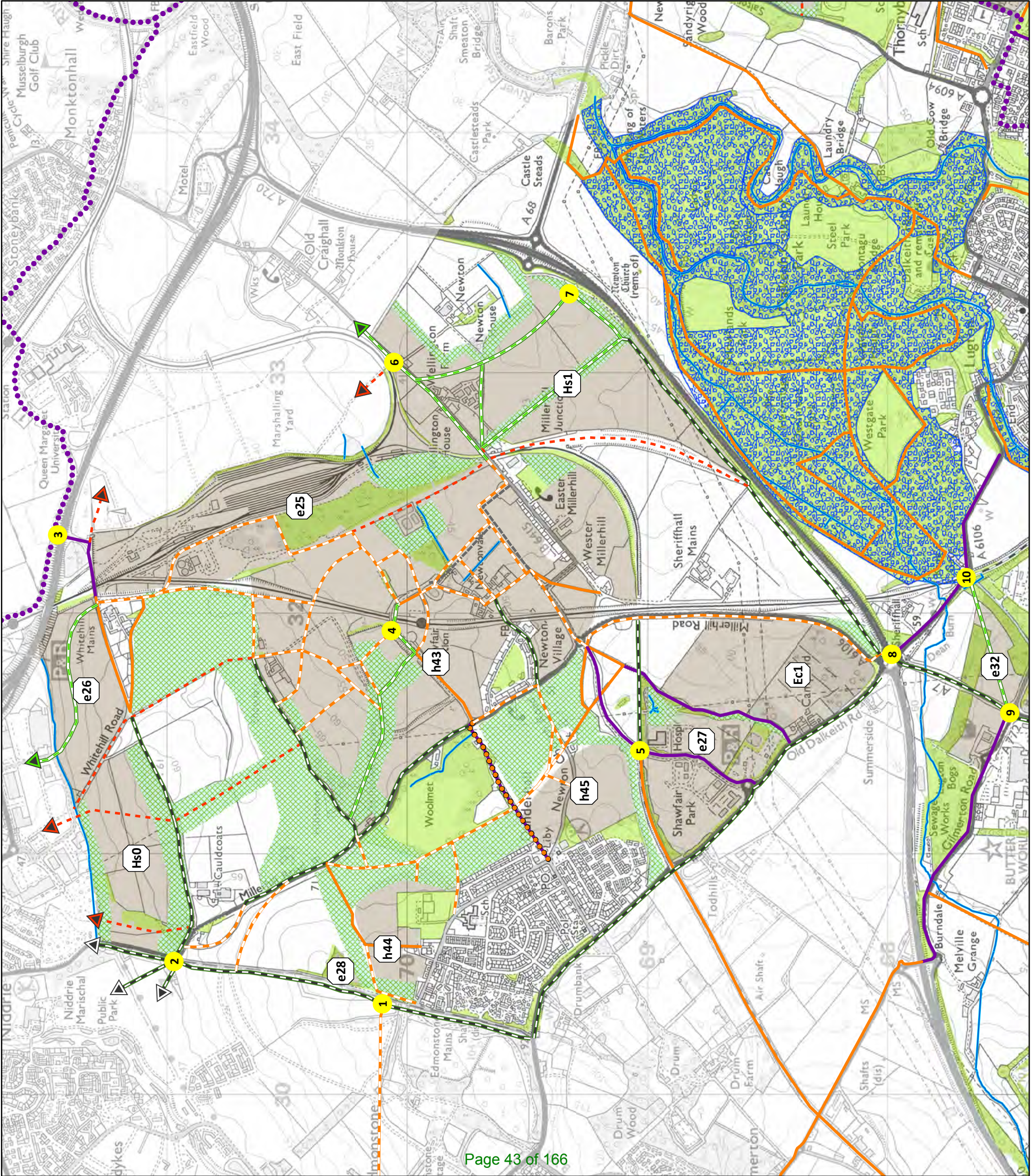
Employment

- Ec1 Shawfair Park Ext. 2
- e25 Millerhill
- Marshalling Yards
- e26 Whitehill Mains
- e27 Shawfair Park
- e28 Hunter's Yard
- e32 Sheriffhall South



© Crown copyright and database right (2018). All rights reserved.

Ordnance Survey Licence Number 100023416.



Network Development 3

3.2 Dalkeith-Eskbank-Newbattle

Context

3.2.1 The North Esk and South Esk river valleys, and the grounds of Dalkeith Estate and Newbattle Abbey, provide the core of the green network in this area. The Newbattle Strategic Greenspace (see Figure 6) is safeguarded through the Midlothian Local Development Plan, and is intended to prevent inappropriate development in an area that is essential for maintaining settlement separation between Dalkeith, Eskbank, Bonnyrigg, Easthouses and Newtongrange and for access to the countryside for residents in these communities.

Newbattle Strategic Greenspace Safeguard

3.2.2 The Newbattle Strategic Greenspace Safeguard is a vital 'green lung' between Dalkeith, Eskbank, Bonnyrigg, Easthouses and Newtongrange, and provides important landscape setting for these settlements. The safeguard has been put in place due to continued pressure for residential development on this strategically important greenspace. The Strategic Greenspace is currently characterised as a designed landscape incorporating estate woodland, open parkland and agricultural use, with some localised residential development.

3.2.3 Policy ENV 3 of the Local Development Plan sets out the overall policy protection for the Newbattle Strategic Greenspace Safeguard, and is linked to Policy RD 1 Development in the Countryside. Policies ENV 4 Prime Agricultural Land, ENV 8 Protection of River Valleys, ENV 19 Conservation Areas and ENV 20 Nationally Important Gardens and Designed Landscapes also apply to much of the Strategic Greenspace.

Policy ENV 3 Newbattle Strategic Greenspace Safeguard

Development will not be permitted within the safeguarded Newbattle Strategic Greenspace, as delineated on the Proposals Map, with the exception of ancillary development relevant to existing uses; and/or other development for the furtherance of agriculture (including farm related diversification), horticulture, forestry, countryside recreation or tourism. Any proposals should accord with policy RD1

Strategic Connections

3.2.4 Actions to enhance and develop the green network in the Dalkeith-Eskbank-Newbattle area should contribute, where relevant, to the completion and enhancement of the relevant strategic connections. Seven Strategic Green Network Connections identified in the MLDP are directly relevant to this area.

- **Strategic Connection 4:** Bellyford Burn (Smeaton - Pencaitland Link)
- **Strategic Connection 5:** Gorebridge-Musselburgh Link
- **Strategic Connection 6:** Dalkeith/Mayfield - Gorebridge/Vogrie Link
- **Strategic Connection 8:** South Esk Valley Route/ Dalhousie Burn
- **Strategic Connection 9:** A7 Urbanisation
- **Strategic Connection 12:** NCR196/ Penicuik-Musselburgh Walkway
- **Strategic Connection 14:** North Esk Valley Route

A plan showing these connections is provided in Appendix 1 of this Supplementary Guidance.

Figure 6: Newbattle Strategic Greenspace



3 Network Development

Connection Points

3.2.5 A further priority action for this area is the creation of multi user path links between The following Connection Points (CP) are key locations that need to be clearly linked by multi user paths:

- CP9: Gilmerton Road Roundabout (A7/A772/B6392 junction)
- CP10: National Cycle Route 1 at Satter's Park **A6106/Melville Gate Road/Kings Gate junction**
- CP11: A6106/Cowden Road junction near Kippielaw
- CP12: Hardengreen Roundabout (A7/A6392 junction)

Area Wide Green Network Requirements

3.2.6 The bullets below summarise the overall green network requirements for the area based on the Settlement Statement in the Midlothian Local Development Plan 2017 and extant planning consents (these are marked as 'Planned'). The list also includes a number of aspirational green network links that will be supported in principle and promoted by the Council (marked as 'Aspirational'). Where relevant, development and improvements in the area should contribute to these requirements:

- Maintain the integrity of the Newbattle Strategic Greenspace and deliver appropriate management and other enhancements to improve the green network in the area and create opportunities for appropriate forms of countryside recreation or tourism. **(Planned)**
- Protect and enhance the character and integrity of the North & South Esk river valleys to maintain and improve the quality and functionality of these strategic components of the green network **(Planned)**, and to support the development of the Esk Way **(Aspirational)**.
- Create a multi user path to connect east Dalkeith (via **Connection Point 10**) to Shawfair, potentially via Smeaton and Old Craighall in East Lothian. **(Aspirational)**

- Develop a new multi user path to connect Hardengreen Roundabout (**Connection Point 12**) to Sheriffhall Roundabout (**Connection Point 8**) as part of **Strategic Connection 9** (A7 Urbanisation). **(Planned)**
- Develop a multi user path at Kippielaw (via **Connection Point 11**) as part of a Dalkeith to Newtongrange multi user route through Mayfield. **(Aspirational)**
- Create a path connection between the existing path east of h46 Cowden Cleugh and Core Path 7-4 (2009 Core Paths Plan).
- Upgrade the roadside path between **Connection Point 11** and **Pathhead** via the A68/A6106/A6124 junction to form a multi user path, improving access to Cousland, **Strategic Connection 4** and NCR196. **(Aspirational)**
- Provide for safe pedestrian and cycle crossing of the **A6106** and **Melville Gate Road** in the vicinity of the junction by the **Kings Gate** entrance to Dalkeith Country Park. **(Aspirational)**
- Improve Core Path 7-4 and Other Path 7-4a (2009 Core Paths Plan) to maintain the off-road pedestrian connection between Cousland and Fordell Services. **(Aspirational)**

Requirements for Allocated Development Sites

3.2.7 The following sections summarise the site specific green network requirements for sites in this area allocated in the MLDP. These requirements are in addition to the relevant overall green network requirements set out above. Developers are expected to incorporate these requirements, alongside the design principles set out in this Supplementary Guidance, when designing the development of their sites. Sites that have been built or are under construction or have detailed planning permission have not been included in this part of the Supplementary Guidance.

h12 former Dalkeith High School

- i. Establish green network components within the site which enhance the existing character and biodiversity of the site and connect to

Network Development 3

- the surrounding green network, **including the existing riverside planting and habitat along the western bank of the South Esk.**
- ii. Retain the existing multi user path through the site connecting Newmills Road with Shade Park, and integrate it into the local path network within and outwith the site.
 - iii. Retain and enhance the existing riverside planting and habitat along the western bank of the South Esk, integrating this with the green network components within the site.

Hs5 Thornybank North

- i. Create a green network link, including a cycleway, through the sites to connect the B6414, neighbouring open space and the current housing developments at North Thornybank (h33) and Thornybank East (Hs4). **Existing vegetation should be retained and enhanced along the north-eastern and north-western boundaries. A hedge-lined avenue with trees along the south-western boundary and north-western boundary should be created.**

h46 Cowden Cleugh

- i. Create green network links from within the site to the neighbouring site (h33).
- ii. Establish a robust landscape edge along the south-western and south-eastern boundaries of the site to create a suitable transition between the urban edge and surrounding countryside, retaining and enhancing existing trees and hedgerows wherever possible.
- iii. Utilise the space beneath the overhead power cables crossing the site as part of the green network.
- iv. Create path connections from within the site to the existing paths close to the south-western and south-eastern boundaries and through the woodland to the north, and contribute to the upgrading of these paths to multi-user standard.

e32 Sheriffhall South

- i. Retain and enhance existing woodland on the site, integrating it into the wider green network.
- ii. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Melville Castle and Melville Castle Estate Local Biodiversity Site (LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife.
- iii. Create a multi user path from the eastern boundary of the site to the A7 Gilmerton Road Roundabout (**Connection Point 9**) to enable a connection between the A7 Urbanisation and Core Path 4-34 (2009 Core Path Plan) near the King's Gate entrance to Dalkeith Park (**Connection Point 10**).

e14 Salter's Park & Ec2 Salter's Park Extension

- i. Establish a 30m wide tree belt along the northern boundaries of both sites and the eastern boundary of Ec2 (Salter's Park extension).
- ii. Protect and enhance the existing vegetation along NCR1, which runs through the sites, **and existing hedgerows and trees within the sites wherever possible.**
- iii. Minimise interruptions to NCR1 from road crossings and ensure priority is given to users on NCR1 where crossings are necessary.
- iv. Ensure NCR1 is incorporated into the wider path network within the sites and provide a multi-user path connection from NCR1 to Salter's Road.
- v. Retain and enhance existing hedgerows and trees within the sites wherever possible.
- vi. Create a green corridor along the existing burn incorporating planting and a linear path connected to the wider path network within the development.
- vii. Design the path network within the site in a way which provides the opportunity to develop a new path running south from the site to connect to the Core Path 7-4 (2009 Core Path Plan) south of Easter Cowden.

Dalkeith-Eskbank
-Newbattle

Existing Green Network Components

- Core Path (2009 Core Path Plan)
- Other Path
- National Cycle Route
- Greenspaces/Woodland
- Designated Nature Conservation Site
- Newbattle Strategic Greenspace Safeguard
- Watercourse

Planned Green Network Components

- Path Consented or Under Construction
- New Multi User Path (Indicative Route)
- Required Connection
- New Greenspaces/Woodland
- Connection Point

Aspirational Green Network Components

- Path Upgrade Required
- Proposed Multi User Path
- Allocated Site (MLDP)
- Proposed Road

Housing

- h12 Former Dalkeith High School
- h43 Shawfair
- h45 South Danderhall
- h46 Cowden Cleugh
- Hs1 Newton Farm
- Hs5 Thornybark North
- Hs10 Dalhousie Mains

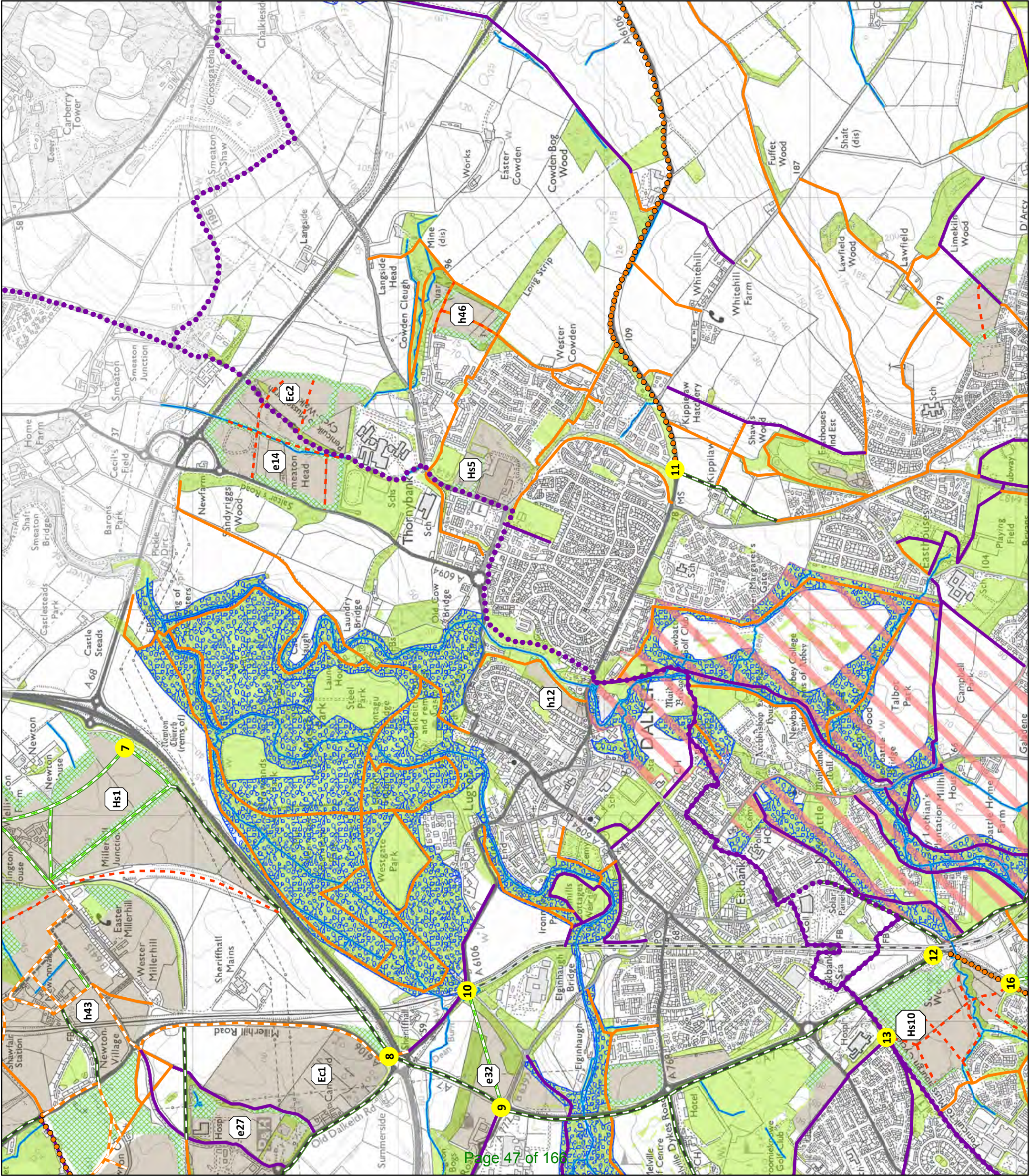
Employment

- e14 Salter's Park
- e27 Shawfair Park
- e32 Sheriffhall South
- Ec1 Shawfair Park Extension 2
- Ec2 Salter's Park Extension



© Crown copyright and database right (2018).
All rights reserved.

Ordnance Survey Licence Number 100023416.



3 Network Development

3.3 Bonnyrigg-Lasswade-Poltonhall-Rosewell

Context

3.3.1 The North and South Esk river valleys and Mavisbank Estate, which lies between Lasswade, Poltonhall and Loanhead, contribute significantly to the landscape setting in this area and are key components of the green network. Roslin Glen Country Park and Shiel Burn Woods are also important local green network components offering established path networks and good access to the wider countryside.

3.3.2 The land on either side of the A7 between Newtongrange and Sheriffhall forms the landscape setting for Bonnyrigg and Eskbank, and is important in retaining the sense of place and individual identities of these settlements. Green network enhancements in the area are needed, particularly to reinforce the green belt designation east of the Midlothian Community Hospital and between the A7 and site Hs10 (Dalhousie Mains). and to enhance connectivity to the Newbattle Strategic Greenspace.

Strategic Connections

3.3.3 Actions to enhance and develop the green network in the Bonnyrigg-Lasswade-Poltonhall-Rosewell area should contribute, where relevant, to the completion and enhancement of the relevant strategic connections. Five Strategic Green Network Connections identified in the MLDP are directly relevant to this area.

- **Strategic Connection 8:** South Esk Valley Route/ Dalhousie Burn
- **Strategic Connection 9:** A7 Urbanisation
- **Strategic Connection 10:** Melville Link
- **Strategic Connection 12:** NCR196/ Penicuik-Musselburgh Walkway
- **Strategic Connection 14:** North Esk Valley Route

A plan showing these connections is provided in Appendix 1 of this Supplementary Guidance.

Connections Points

3.3.4 A priority action for this area is the creation of multi-user path links between the following Connection Points (CP) **are key locations that need to be clearly linked by multi user paths:**

- **CP12:** Hardengreen Roundabout (A7/A6392 junction).
- **CP13:** NCR196 between Waverley Park and Midlothian Community Hospital.
- **CP14:** Junction of core path 6-35 (2009 Core Path Plan) with NCR196.
- **CP15:** Current western terminating point of multi user path on north-western side of B6392.
- **CP16:** B6392 in the vicinity of the junction with Baird's Way.
- **CP17:** Southern corner of site Hs11 Dalhousie South near Cockpen Church.
- **CP18:** B704 at junction with Poverty Road (track), as part of a new strategic cycle route between Gorebridge and Dalkeith/Edinburgh.

Area Wide Green Network Requirements

3.3.5 The bullets below summarise the overall green network requirements for the area **based on the Settlement Statement in the Midlothian Local Development Plan 2017 and extant planning consents (these are marked as 'Planned')**. The list also includes a number of **aspirational green network links that will be supported in principle and promoted by the Council (marked as 'Aspirational')**. **All green network development and improvements in the area should contribute to these requirements.**

- Improve active travel opportunities along and across the A7, and connections to these from within the existing settlements and allocated development sites. The A7 Urbanisation (**Strategic Connection 9**) is a core component of this. (**Planned**)
- Enhance the green network within the Green Belt between Bonnyrigg and Eskbank/Hardengreen, including creation of a

Network Development 3

community woodland at Dalhousie Mains between site Hs10 and the A7. **(Planned)**

- Upgrade the existing path along the B6392 from Hardengreen Roundabout (**Connection Point 12**) to the junction with the B704 to a 3m wide multi-user path. **(Aspirational)**
- Extend the existing multi user path running along the Hopefield section of the B6392 Bonnyrigg distributor road from **Connection Point 15** to connect to an upgraded Core Path 6-35 (2009 Core Path Plan). Together with the upgraded Core Path 6-35, this will create a connection from the A7 Hardengreen Roundabout to the A6094 Rosewell Road via **Connection Point 14**, with a potential further extension to Polton Road West by Midfield House. This further extension to the A6094 would require the existing path to be upgraded to multi user standard. **(Aspirational)**
- Create a strategic cycle route from Gorebridge to Dalkeith and Edinburgh, utilising the paths formed through the A7 Urbanisation (**Strategic Connection 9**), the upgraded multi user path along the B6392, a new multi user path across Hs11 Dalhousie South to **Connection Point 16**, an on-road cycle route from **Connection Point 17** to **Connection Point 18**, and a multi user path through the Redheugh new settlement. **(Aspirational)**
- Establish a multi user path from Melville Dykes Roundabout via Lasswade to the Lasswade Road/A720 junction and onwards to connect to the Edinburgh Active Travel Network (**Strategic Connection 10**). **(Aspirational)**
- Explore the potential for establishing a multi user path link from Kevock Road to Westmill Road via the old railway viaduct. **(Aspirational)**
- Upgrade Core Path 5 from Wadingburn Lane to Spittal Gardens to multi user standard. **(Aspirational)**

Requirements for Allocated Development Sites

3.3.6 The following sections summarise the site specific green network requirements for sites in this area allocated in the Local Development Plan. These requirements are in addition to the relevant overall green

network requirements set out above. Developers are expected to incorporate these requirements, alongside the design principles set out in this Supplementary Guidance, when designing the development of their sites.

Hs10 Dalhousie Mains

- Protect and enhance the existing planting along the south eastern boundary and Pittendreich Burn, creating a 5m buffer strip of planting along the burn corridor.
- Create a community woodland of at least 30m depth, incorporating a path network, along the north eastern perimeter of the site.
- Utilise the area under the pylons running through the eastern part of the site for SUDS and habitat enhancement as part of the green network.
- Create a multi user path through the site to connect the community hospital and NCR196 (**Connection Point 13**) with the multi user path along the B6392. ~~The connection to NCR196 should be located centrally along the site boundary with the path, and incorporate at least one new ramped entrance.~~
- Provide path access from all parts of the site to the multi user path (Requirement iv) and the path network in the adjacent housing to the north and west of the site.
- Enhance the setting of NCR196 with ~~40-15m wide hedgerow~~ **buffer** planting along the north western boundary of the site.

Hs11 Dalhousie South

- Establish woodland planting of approximately 30m depth along the south eastern and north eastern boundaries and a 10-15m wide landscape edge, including hedgerow planting, along the south western boundary.
- Protect and enhance existing vegetation along the B6392 (Bonnyrigg distributor road).
- Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Dalhousie

3 Network Development

- Burn Local Biodiversity Site (LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife.
- iv. Create a multi user path running north through the site from **Connection Point 17 to Connection Point 16**. This will form part of the strategic cycle route from Gorebridge to Dalkeith and Edinburgh.
 - v. Create path access from all parts of the site to the multi user path along the B6392 in the vicinity of the junction with the B704 to enable access to Bonnyrigg town centre and local schools, and with the new multi user path running through the site to enable access to Eskbank Station, the paths created through the A7 Urbanisation (**Strategic Connection 9**) and NCR 196.
 - vi. Create green network connections, including path links, to the Newbattle Strategic Greenspace and the South Esk Way (**Strategic Connection 8**).

Hs12 Hopefield Farm 2 & Safeguarded Site (Hopefield Farm 3)

- i. Create a 30m deep woodland area along the B6392 Bonnyrigg distributor road incorporating noise attenuating mounding
- ii. Establish 10-15m wide hedgerow planting along the A6094 and NCR196.
- iii. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Bonnyrigg to Rosewell Disused Railway Local Biodiversity Site (LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife
- iv. Protect and enhance the existing vegetation along the Pittendriech Burn including the Ancient Woodland.
- v. Incorporate the existing Core Path 6-35 (2009 Core Path Plan) into the path network within the sites, upgrading it to multi user standard and utilising it as part of the extension of the existing multi user path running along the B6392 from **Connection Point 15**, to connect the A7 to the A6094 via **Connection Point 14**.

- vi. Create green network connections (including paths) through the sites linking to the current Hopefield development and surrounding area, including Poltonhall.
- vii. Create space for community growing and incorporate it into the green network.

Hs14 Rosewell North

- i. Retain and enhance the existing vegetation along all boundaries. Noise attenuating mounding is likely to be required at the boundary closest to the kennels, and this should be incorporated into the green network.
- ii. Create path connections from all parts of the site to NCR196, incorporating these connections into the green network.
- iii. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Bonnyrigg to Rosewell Disused Railway Local Biodiversity Site (LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife.

Ahs1 Rosslynlee, by Rosewell

- i. Create green network links to the surrounding countryside and to Rosewell and Roslin Glen Country Park.
- ii. Retain and enhance the existing woodland belts along the north western, north eastern and south western boundaries, and along the north eastern and south eastern edges of the hospital grounds and integrate these into the green network.
- iii. Create a 10-15m wide hedgerow along the south eastern edge of the site and integrate it into the green network.
- iv. Provide path links across the site which connect to the existing local path network in the area.
- v. Provide a new multi user path access from the site to National Cycle Route 196.

Bonnyrigg-Lasswade
-Poltonhall-Rosewell

Existing Green Network Components

- Core Path (2009 Core Path Plan)
- Other Path
- National Cycle Route
- Equestrian Trail
- Greenspaces/Woodland
- Designated Nature Conservation Site
- Newbattle Strategic Greenspace Safeguard
- Watercourse

Planned Green Network Components

- Path Consented or Under Construction
- New Multi User Path (Indicative Route)
- Required Connection
- New Greenspaces/Woodland
- Connection Point

Aspirational Green Network Components

- Path Upgrade Required
- Proposed Multi User Path

Allocated Site (MLDP)

Proposed Road

Housing

- h50 Redheugh/Prestonholm
- h54 Ashgrove
- h70 Whitehill House
- Grounds
- Hs7 Redheugh West
- Hs9 Broomieknowe
- Hs10 Dalhousie Mains
- Hs11 Dalhousie South
- Hs12 Hopefield Farm 2
- Hs14 Rosewell North

Employment

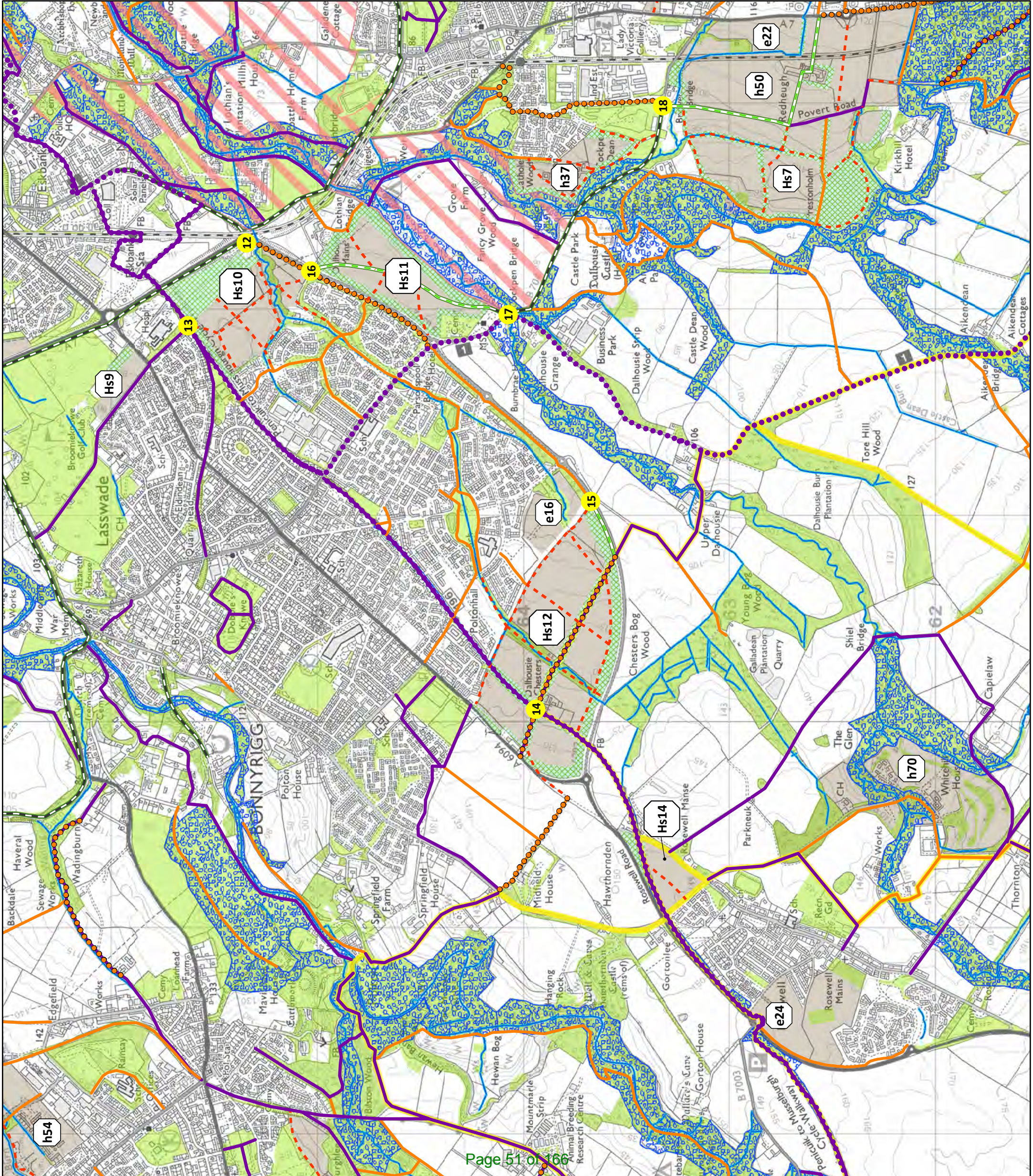
- e16 Hopefield
- e22 Redheugh
- e24 Gorton Road



1:17,500
Kilometres
0 0.275 0.55 1.1

© Crown copyright and database right (2018).
All rights reserved.

Ordnance Survey Licence Number 100023416.



Network Development 3

3.4 Easthouses-Mayfield-Newtongrange-Gorebridge

Context

3.4.1 The Newbattle Strategic Greenspace has an important role in separating these settlements from Dalkeith and Bonnyrigg, particularly Easthouses and Newtongrange. The River South Esk **and the Gore Water** ~~are~~**is an** important feature **in** the landscape to the west **and south** of Gorebridge/ Redheugh and **is**~~are~~ an asset to the development sites through incorporation into the green network for the wider area.

3.4.2 The sites allocated between Mayfield and Newtongrange provide opportunities for new green links to be created between the existing settlements. There is also a need for substantial structural planting, including woodland, to provide adequate screening and to create a context for these sloping and prominent sites. For Gorebridge, there will be significant green network opportunities associated with the developments at the north of the town, and the proposed development at Redheugh. The creation of a convenient, safe strategic cycle route north from Gorebridge and the new Redheugh community towards Bonnyrigg, Dalkeith and Edinburgh, which connects to other strategic active travel routes, is a priority for this area. The creation of an active travel route from Gorebridge to Mayfield, via Newtongrange and the sites allocated between Newtongrange and Mayfield, is also a priority.

3.4.3 Maximising the benefits of the Borders Railway is a further key priority for this area, particularly for Newtongrange and Gorebridge, but ensuring these benefits are accessible to the wider area is also essential. Therefore ensuring convenient access to both Gorebridge and Newtongrange rail stations is important. Integration of new development with the existing settlements is a core goal, and **the** green **network** infrastructure will make an important contribution to this.

Strategic Connections

3.4.4 Actions to enhance and develop the green network in the Easthouses-Mayfield-Newtongrange-Gorebridge area should contribute, where relevant, to the completion and enhancement of the relevant strategic connections. Four Strategic Green Network Connections identified in the MLDP are directly relevant to this area.

- **Strategic Connection 5:** Gorebridge - Musselburgh Link
- **Strategic Connection 6:** Dalkeith-Mayfield/Gorebridge-Vogrie Link
- **Strategic Connection 7:** Gore Water - Tyne Water Link
- **Strategic Connection 8:** South Esk Valley Route/ Dalhousie Burn

A plan showing these connections is provided in Appendix 1 of this Supplementary Guidance.

Connection Points

3.4.5 ~~A priority action for this area is the creation of multi-user path links between the following Connection Points (CP) are key locations that need to be clearly linked by multi user paths:~~

- **CP18:** B704 at junction with Povert Road (track)
- **CP19:** Lingerwood Road - Lothian Terrace junction, Newtongrange
- **CP20:** Junction of B6482 (Bryans Road/Suttieslea Road) with Morris Road, Newtongrange
- **CP21:** Core Path 5-30 (2009 Core Path Plan) between Stone Place and Bogwood Road.
- **CP22:** Gorebridge Station

3 Network Development

Area Wide Green Network Requirements

3.4.6 The bullets below summarise the overall green network requirements for the area based on the **Settlement Statement in the Midlothian Local Development Plan 2017** and extant planning consents (these are marked as 'Planned'). The list also includes a number of aspirational green network links that will be supported in principle and promoted by the Council (marked as 'Aspirational'). ~~All green network development and improvements in the area should contribute to these requirements:~~

- Promote the Newbattle Strategic Greenspace, maintain its long term integrity and provide opportunities for the enhancement of the green network within and connected to the Strategic Greenspace. **(Planned)**
- Maximise the potential of the Gore Water & South Esk river valleys as integral parts of the green network **(Planned)**, including the development of the Esk Way **(Aspirational)**.
- Create a strategic cycle route from Gorebridge Station (**Connection Point 22**) to Dalkeith and Edinburgh via Redheugh new settlement, **Connection Point 18**, Bonnyrigg (Dalhousie South) and the A7 (**Strategic Connection 9**). **(Aspirational)**
- Create multi user path connections to Newtongrange station and Gorebridge station (**Connection Point 22**) from the existing settlements and new developments, and upgrade the existing path from the B704 to Newtongrange station running through the Butlerfield Industrial Estate to multi user standard. **(Aspirational)**
- Create a cycleway from Blackcote Drive via **Connection Point 20** to **Connection Point 12** (Hardengreen Roundabout) and Edinburgh College in Eskbank. **(Aspirational)**

- Create a Gorebridge to Mayfield Active Travel Route (**Strategic Connection 5**) via new multi user paths between the B704 New Hunterfield, Stobhill Road, Lingerwood Road (**Connection Point 19**) and **Connection Point 21**. **(Aspirational)**
- Upgrade Core Path 8-23 (2009 Core Path Plan) from Hunterfield Road Gorebridge to the Gore Glen Woodland Park entrance on the Carrington to Gorebridge Road. **(Planned)**
- Upgrade the existing path alongside the A7 from Arniston to North Middleton to multi user path standard. **(Aspirational)**
- Enhance green network connections, including paths, east from Mayfield towards Edgehead, Vogrie Country Park and the wider countryside. **(Aspirational)**
- Establish community woodland, parks and other green network features **components** as an integral part of the development of Mayfield and Newtongrange (sites h38, h49, h34 & h35). **(Planned)**

Requirements for Allocated Development Sites

3.4.7 The following sections summarise the site specific green network requirements for sites in this area allocated in the MLDP. These requirements are in addition to the relevant overall green network requirements set out above. Developers are expected to incorporate these requirements, alongside the design principles set out in this Supplementary Guidance, when designing the development of their sites.

h41 North Mayfield

- Create substantial perimeter planting along the north-eastern and north-western boundaries of the site which is integrated into the wider green network and creates a new settlement edge.
- New green network components should be created throughout the site, and these components should connect to the green network

Network Development 3

and path network in the surrounding area, including the adjacent development site (h48 Bryans, Easthouses).

h48 Bryans, Easthouses

- i. Create a green network features crossing the site, incorporating open spaces, paths and SuDS. These components should connect to the green network and path network in the surrounding area, including the adjacent development site (h41 North Mayfield).

h38 South Mayfield & h49 Dykeneuk

- i. Establish structural landscaping throughout the site, including on the periphery to minimise the visual impact of the development of the prominent location, and on the boundary with Mayfield Industrial Estate.
- ii. Work with the underlying geology and ground conditions to create a parkland framework for development, integrating and enhancing the existing path network and features such as hedgerows wherever possible. Land unsuitable for built development should be utilised as open space, wildlife habitat or for SuDS and integrated into the green network for the area. The highest ground on the site in the westernmost part should be left undeveloped and incorporated into the green network.

- iii. Contribute to the upgrading of Core Path 5-30 (2009 Core Path Plan) to multi user standard.

- iv. Create a linear park incorporating SuDS features to link the existing open space south of Bogwood/Westhouses Road through to the natural vantage point on the southern boundary east of Smithy Cottages. This should incorporate a multi user path from Connection Point 21 on Core Path 5-30 (2009 Core Path Plan) to Connection Point 19 as part of the Gorebridge to Mayfield Active Travel Route (Strategic Connection 5).

- v. Provide multi user path connections across the sites to key destinations including Newtongrange stations as part of the green network. Retain existing features such as hedgerows, incorporating them into the green network.

- vi. Create a tree belt along the southern boundary of the site, creating a robust settlement boundary and transition to the surrounding countryside. The tree belt should be designed to maximise the potential for habitat connections with existing woodland nearby.

- vii. Establish a community woodland on the southern part of h49 Dykeneuk, incorporating paths linked to the local path network.

h34 East Newtongrange

- i. Retain and enhance established planting along the line of the former railway, and integrate it into the green network.
- ii. Establish substantial landscaping on the boundary with Mayfield Industrial Estate and landscaping of at least 10m depth around the farm buildings on Lingerwood Road.
- iii. Ensure integration with the existing green network in the area and with the green network created through the development of the neighbouring sites (h35 Lingerwood, h49 Dykeneuk & h38 South Mayfield).

- iv. Provide multi user path connections to key destinations, including Newtongrange Rail Station, as part of the green network.

h35 Lingerwood

- i. Retain and enhance the existing tree belt along the western boundary, and integrate it into the green network.

3 Network Development

- ii. Create wildlife habitat on the land unsuitable for built development, incorporating SuDS where appropriate.
 - iii. Ensure integration with the existing green network in the area, and with the green network created through the development of the neighbouring sites (h34 East Newtongrange, h49 Dykeneuk & h38 South Mayfield).
 - iv. Provide multi user path connections to key destinations, including Newtongrange Rail Station, as part of the green network.
 - v. Create a multi user path from Stobhill Road to **Connection Point 19** as part of the Gorebridge to Mayfield Active Travel Route (**Strategic Connection 5**).
- e21 Stobhill Road Newtongrange**
- i. Establish extensive boundary planting on the eastern edge to protect the amenity of the neighbouring residential area.
 - ii. Ensure integration with the existing green network in the area, and with the green network created through the development of the neighbouring site (h35 Lingerwood).
 - iii. Provide multi user path connections to key destinations, including Newtongrange Rail Station, and a multi user path through the site as part of the Gorebridge to Mayfield Active Travel Route (**Strategic Connection 5**).

Hs8 Stobhill Road Gorebridge

- i. Retain and enhance the existing vegetation along part of the northern, eastern and southern boundaries and integrate it into the green network. The northern boundary planting should be extended with 10m wide hedgerow planting.

- ii. Retain and enhance the existing paths along the northern, southern and eastern edges and connect them to the local path network.
- iii. Establish habitat connections to the woodland to the east of the site.

h51 Robertson's Bank

- i. Retain and enhance the existing woodland on the site and integrate it into the wider green network.
- ii. Establish significant structural landscaping on the south-eastern edge to define the long-term boundary of Gorebridge.
- iii. Create additional green network components across the site which connect to the surrounding green network.

h50 Redheugh/Prestonholm, e22 Redheugh, Hs7 Redheugh West & Safeguarded Site (Redheugh Phase 3)

- i. Retain existing tree belts and hedgerows and features such as drainage ditches, and incorporate them into the green network.
- ii. Create a multi user path utilising the route of the existing Core Path 8-16 (2009 Core Path Plan) from the A7, past Redheugh Farm to Povert Road, north to the junction of Povert Road and the B704 (**Connection Point 18**).
- iii. Create an integrated green network across the site which incorporates open spaces, SuDS, habitats and a multi user path network. The path network should ensure easy access around the site and provide connections to the existing core path network, the Gore Way and the Esk Valley Walk.

Network Development 3

iv. Establish a 30m wide landscape strip along the western and south-western edges of Redheugh Phase 3. The existing woodland edge around the paddock should be reinforced, **protecting the existing ancient and semi-natural ancient woodland in this area**, and a path link should be incorporated into the edge-planting to create a river path.

v. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Dalhousie Castle Estate Local Biodiversity Site (LBS), Aikendean LBS and Gore Glen LBS, and provides appropriate opportunities for habitat connectivity and movement of wildlife

vi. Provide space for allotments or community growing.

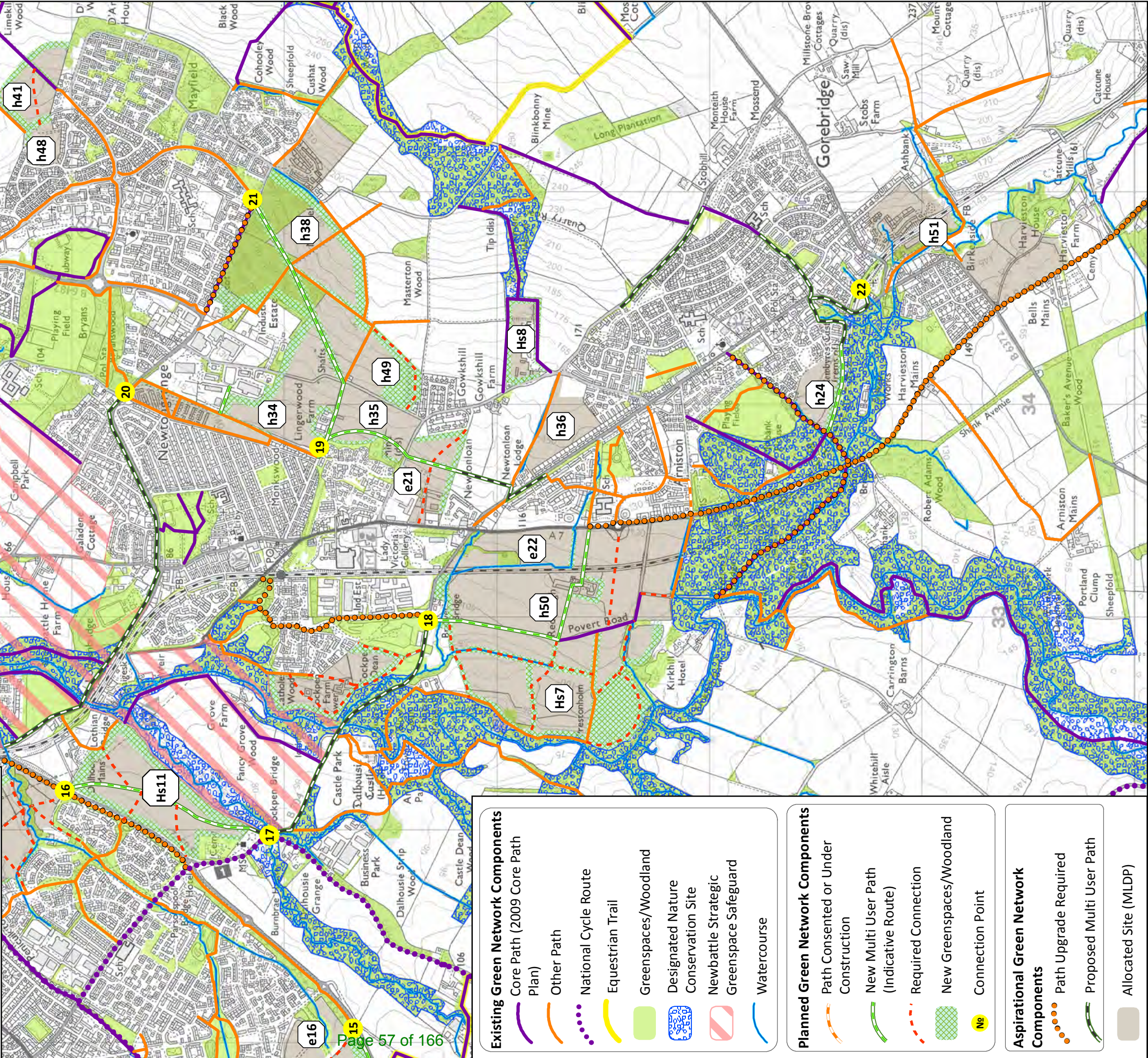
Easthouses-Mayfield- Newtongrange-Gorebridge

Housing	h51 Robertson's Bank
h24 Newbyres	Hs7 Redheugh West
h34 East Newtongrange	Hs8 Stobhill Road
h35 Lingerwood	Hs11 Dalhousie South
h36 North Gorebridge	
h38 South Mayfield	Employment
h41 North Mayfield	e16 Hopefield
h48 Bryans	e21 Stobhill Road
h49 Dykeneuk	e22 Redheugh
h50 Redheugh/Prestonholm	



© Crown copyright and database right (2018).
All rights reserved.

Ordnance Survey Licence Number 100023416.



Existing Green Network Components

- Core Path (2009 Core Path Plan)
- Other Path
- National Cycle Route
- Equestrian Trail
- Greenspaces/Woodland
- Designated Nature Conservation Site
- Newbattle Strategic Greenspace Safeguard
- Watercourse

Planned Green Network Components

- Path Consented or Under Construction
- New Multi User Path (Indicative Route)
- Required Connection
- New Greenspaces/Woodland
- Connection Point

Aspirational Green Network Components

- Path Upgrade Required
- Proposed Multi User Path
- Allocated Site (MLDP)

3 Network Development

3.5 Penicuik-Auchendinny

Context

3.5.1 The Pentland Hills provide much of the setting for this area and offer huge possibility for accessing the countryside. Improving access to the Regional Park is therefore a priority for this area. The North Esk Valley is an important component of the Green Network, as well as providing the landscape setting for the east side of Penicuik. National Cycle Route 196 runs to the east of the town, then south of Auchendinny at Dalmore Mill and onwards to Rosewell and Bonnyrigg. This route and the North Esk Valley are important green network connection opportunities for Penicuik and Auchendinny.

3.5.2 The 20th-century housing estates which were built in the north of Penicuik were largely designed with green spaces, pedestrian routes and schools at the heart of the development, with road access focused on the outer edge. These footpath and amenity open space links, particularly in the Cornbank and Deanburn areas, should be continued into the new development areas.

Strategic Connections

3.5.3 Actions to enhance and develop the green network in the Penicuik-Auchendinny area should contribute, where relevant, to the completion and enhancement of the relevant strategic connections. Eight Strategic Green Network Connections identified in the MLDP are directly relevant to this area.

- **Strategic Connection 2:** Shawfair - Penicuik Link
- **Strategic Connection 12:** NCR196/Penicuik-Musselburgh Walkway
- **Strategic Connection 13:** Roslin Glen - Leadburn Link
- **Strategic Connection 14:** North Esk Valley Route
- **Strategic Connection 16:** Roslin-Auchendinny Link
- **Strategic Connection 18:** Glencorse Link

- **Strategic Connection 19:** Pentlands Access (Flotterstone-Bavelaw)
- **Strategic Connection 20:** Penicuik - Auchencorth Link

A plan showing these connections is provided in Appendix 1 of this Supplementary Guidance.

Connection Points

3.5.4 A priority action for this area is the creation of key multi-user path links between the following Connection Points (CP) **are key locations that need to be clearly linked by multi user paths:**

- CP23: NCR196 at Dalmore Mill.
- ~~CP24: A702 at the Flotterstone Inn.~~
- CP**2425**: A701 by Glencorse Golf Club and Milton Bridge Nursery.
- CP**2526**: Auchendinny near the Glencorse Centre.

Area Wide Network Requirements

3.5.5 The bullets below summarise the overall green network requirements for the area **based on the Settlement Statement in the Midlothian Local Development Plan 2017 and extant planning consents.** **The list also include a number of aspirational green network links that will be supported in principle and promoted by the Council.** All green network development and improvements in the area should contribute to these requirements:

- Create path connections from Auchendinny north to Roslin (**Strategic Connection 16**), west to the Midlothian Science Zone (via **Connection Point 245**) and Pentland Hills Regional Park (**Strategic Connections 18 and 19**), and south to NCR196 (**Strategic Connection 12**). (**Planned**)
- Maximise the potential of the North Esk river valley as an integral part of the green network (**Planned**), including the development of the Esk Way (**Strategic Connection 14**) (**Aspirational**).
- Enhance green network connections, including paths, with the Penicuik Estate, Pentland Hills Regional Park and the **planned**

Network Development 3

- Peebles to Roslin cycle route path (Strategic Connection 13). (Aspirational)
- Create a multi user path between Roslin and Auchendinny (Strategic Connection 16), connected the Loanhead Shawfair - Roslin path to NCR196 at Connection Point 23, utilising the route of the former Roslin to Penicuik rail line wherever possible. (Aspirational)
- Create safe pedestrian, cycle and equestrian crossing points on the A702, particularly at Flotterstone (Connection Point 24) and Mauricewood Road to provide connections to the path network within the Pentland Hills Regional Park (Strategic Connection 19). (Aspirational)
- Liaise with Transport Scotland to identify possible options for providing a roadside multi user path along the A702 from Lothianburn to Carlops. (Aspirational)
- Establish a cycleway from Bilston to Penicuik along the A701. (Aspirational)
- Create multi user paths from the A701 south of Beeslack High School along the Loon Burn to Eastfield Drive; along the Cuiken Burn from Eastfield Grove to Loanburn; and from Eskhill to Imrie Place by the Penicuik Medical Centre. (Aspirational)

Requirements for Allocated Development Sites

3.5.6 The following sections summarise the site specific green network requirements for sites in this area allocated in the MLDP. These requirements are in addition to the relevant overall green network requirements set out above. Developers are expected to incorporate these requirements, alongside the design principles set out in this Supplementary Guidance, when designing the development of their sites.

Hs20 Auchendinny

- i. Provide multi user path connections across the site and to key destinations, including NCR196, as part of the green network.

- ii. Establish boundary planting, averaging 20m depth, to minimise the impact of the development on the North Esk Valley. Existing vegetation along the site boundaries should be retained, enhanced and integrated into the green network within the site, ensuring the existing ancient and semi natural ancient woodland is protected.
- iii. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Local Biodiversity Sites (LBS) (Auchendinny Ponds and Glencourse Burn Wood LBS, Auchendinny Wood LBS and Roslin Glen Country Park LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife.
- iv. Create a multi user path through the site from Connection Point 256 to Connection Point 23 to form part of an Active Travel Route from Penicuik to Shawfair (Strategic Connection 2).
- v. Create a path connecting the existing path between Firth Crescent and The Brae to the planned multi user path (requirement v).
- vi. Contribute to the creation of a multi user path from the north of the site to connect to the proposed cycleway along the A701.

AHs3 Belwood Crescent, Penicuik

- i. Retain and enhance the existing vegetation along the south eastern and north eastern boundaries of the site.
- ii. Establish a hedge with trees along the north western boundary and integrate this into the green network.
- iii. Create a path across the site linking Belwood Crescent to Glencorse Road.

AHs4 Pomathorn Mill, by Penicuik

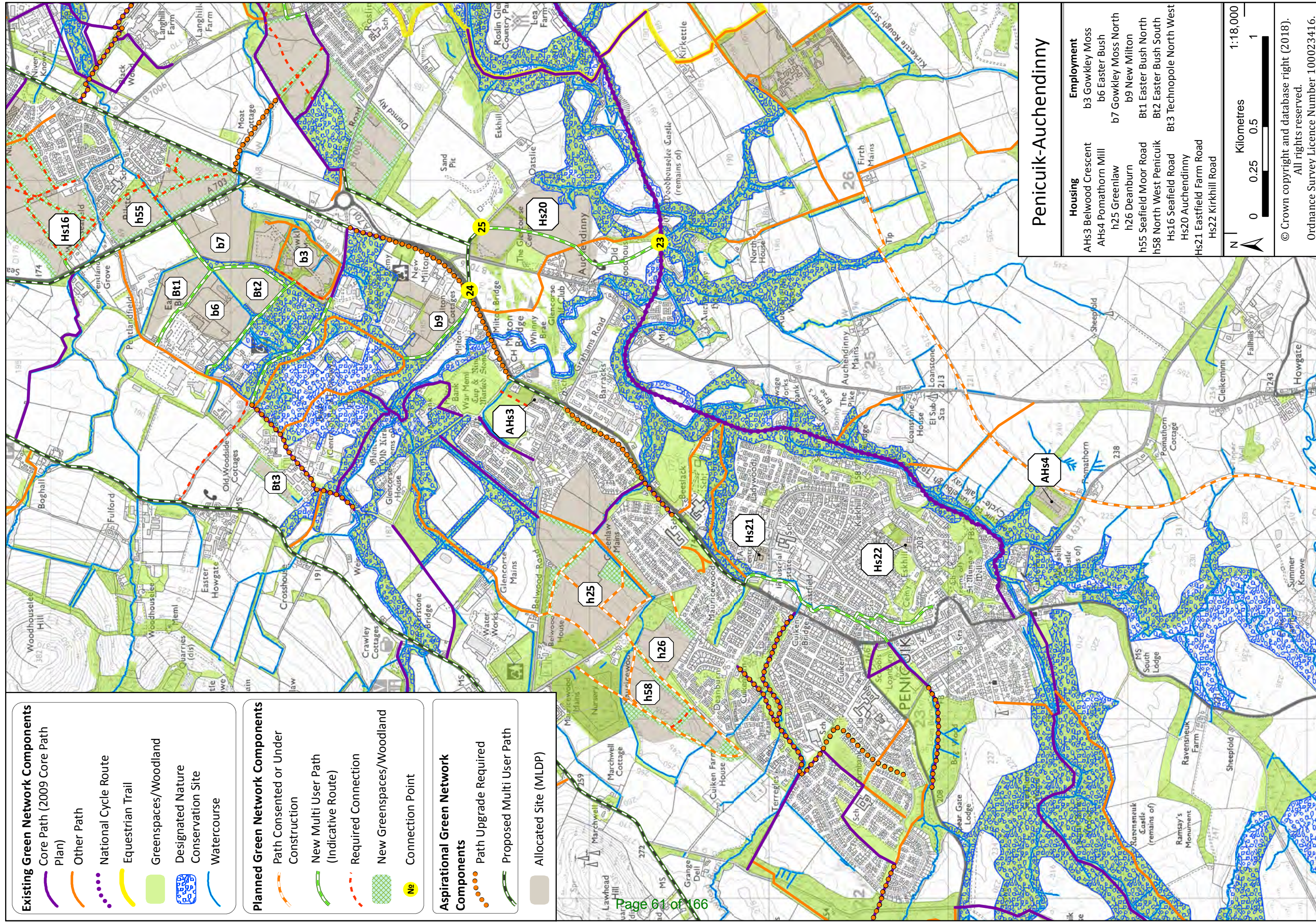
- i. Establish substantial planting along all boundaries to provide adequate screening for the development and integrate it into the green network.
- ii. Retain the trees along the north western boundary and incorporate SuDS and open space into the green network along this boundary.

3 Network Development

- iii. Create a 10-15m wide hedgerow with trees along the south eastern boundary, integrated into the wider green network.
- iv. Create a multi user path link across the site and onwards connecting to the nearby **planned** Roslin to Leadburn cycle-path (**Strategic Connection 13**).
- v. **Ensure the existing ancient and semi natural ancient woodland within and close to the site is protected.**

AHs5 Wellington School, by Howgate

- i. Retain and enhance existing vegetation along all boundaries and integrate it into the green network within and outwith the site.
- ii. Enhance existing roadside vegetation with inter-planting of hedgerow species including trees.



Network Development 3

3.6 Loanhead-Straiton-Bilston-Roslin-Midlothian Science Zone

Context

3.6.1 Progress with further development in the A701 corridor, including the proposed commercial development at West Straiton (Ec3) and housing in Bilston, Roslin and Penicuik will be significantly influenced by the development of the proposed A701 Relief Road between Straiton/A720 junction and the A703 (with a link road to the A702). The new road will relieve congestion on the current A701, enabling the existing road to give more priority to public transport, cycling and walking north of the junction with the A703.

3.6.2 The green network is well developed around Roslin, particularly in relation to Roslin Glen Country Park. Roslin is also connected to Edinburgh via the **Shawfair - Roslin multi user path** shared user path on the former Loanhead to Penicuik railway line. Safeguarding existing footpaths and recreational facilities and enhancing these to make connections with other parts of Midlothian including the Pentland Hills Regional Park is a key objective for the area.

Strategic Connections

3.6.3 Actions to enhance and develop the green network in the Loanhead-Straiton-Bilston-Roslin-Midlothian Science Zone area should contribute, where relevant, to the completion and enhancement of the relevant strategic connections. Eight Strategic Green Network Connections identified in the MLDP are directly relevant to this area.

- Strategic Connection 2: Shawfair - Penicuik Link
- Strategic Connection 12: NCR196/Penicuik-Musselburgh Walkway
- Strategic Connection 14: North Esk Valley Route
- Strategic Connection 15: North Roslin Link

- Strategic Connection 16: Roslin-Auchendinny Link
- Strategic Connection 17: A701 (Straiton - Gowkley Moss/The Bush)
- Strategic Connection 18: Glencorse Link
- Strategic Connection 19: Pentlands Access (Flotterstone-Bavelaw)

A plan showing these connections is provided in Appendix 1 of this Supplementary Guidance.

Connection Points

3.6.4 A priority action for this area is the creation of key multi-user path links between the following Connection Points (CP) **are key locations that need to be clearly linked by multi user paths:**

- CP256: Auchendinny, near Glencorse Centre
- CP267: B7006 at Roslin Medical Practice
- CP278: Current terminus of the Loanhead **Shawfair** - Roslin multi user path at Manse Road
- CP289: A701 - A703 junction at Bilston
- CP2930: Seafield Road Bilston, west of Woodfield Park
- CP304: Edgefield Relief Road - B702 junction
- CP312: Access road to Midlothian Snowsports Centre at junction with A702

3 Network Development

Area Wide Network Requirements

3.6.5 The bullets below summarise the overall green network requirements for the area based on the **Settlement Statement in the Midlothian Local Development Plan 2017** and extant planning consents. The list also includes a number of aspirational green network links that will be supported in principle and promoted by the Council (marked as Aspirational). All green network development and improvements in the area should contribute to these requirements.

- Create a multi user path between Auchendinny and Roslin (**Strategic Connections 15 & 16**) as part of the extension of the existing Shawfair-Roslin path. This should start at the current terminus of the Shawfair-Roslin path at Manse Road (**Connection Point 278**), and run through Hs18 Roslin Institute, Hs19 Roslin Expansion, Hs7 Penicuik Road (**Connection Point 267**) and Ec5 Oatslie Expansion, connecting to the path network in Hs20 Auchendinny near the Glencorse Centre (**Connection Point 256**). (**Aspirational**)
- Connect the existing path network in Roslin to the path network in Bilston via a crossing point at near the A701-A703 junction (**Connection Point 289**) and new multi user paths through h55 to **Connection Point 2930** and through Hs16 to connect to an upgraded Core Path 41 (2009 Core Path Plan). (**Aspirational**)
- Create a Loanhead to Lothianburn multi user path from the Edgefield Relief Road (**Connection Point 304**) to the Midlothian Snowsports Centre (**Connection Point 312**). This will require suitable crossing arrangements at the junction of the A701 and B702, and the A702 (and potentially of the planned A701-Relief Road). (**Aspirational**)
- Create an active travel route along the A701 from Bilston (A703 junction) to Straiton (A720 junction) (**Strategic Connection 17**) with onward connection to the Edinburgh Active Travel Network

including improved arrangements for pedestrians and cyclists along the A701 through its junction with the A720 and the proposed A701 Relief Road. (**Planned**)

- Upgrade the existing path between Dryden Farm/Battle of Roslin Monument and the A701 at Bilston Gardens (via crossing of Kill Burn and Langhill Farm/Dryden Tower) to multi user standard (Core Path 20 (2009 Core Path Plan) and Core Path 23, from its junction with Core Path 20 to its junction with Core Path 11). (**Aspirational**)
- Create an off road cycleway along the A703 and A702 from the A701-A703 junction to the A702-A720 junction. (**Aspirational**)
- Enhance habitat and path connections to the Pentland Hills Regional Park. (**Aspirational**)
- Liaise with Transport Scotland to identify possible options for providing a roadside multi user path along the A702 from Lothianburn to Carlops, including safe pedestrian, cycle and equestrian crossing points. (**Aspirational**)
- Create substantial structural landscaping along both sides of the proposed A701 relief road which is integrated into the wider green network.

Requirements for Allocated Development Sites

3.6.6 The following sections summarise the site specific green network requirements for sites in this area allocated in the MLDP. These requirements are in addition to the relevant overall green network requirements set out above. Developers are expected to incorporate these requirements, alongside the design principles set out in this Supplementary Guidance, when designing the development of their sites.

Ec3 West Straiton

Network Development 3

- i. Establish a landscape buffer at least 10m wide around the existing residential properties on Straiton Road, Tinkers Row and Burndene Drive/Lomond Walk (Straiton Park Homes site) and integrate this into the green network for the site.
- ii. Utilise the areas unsuitable for development due to ground conditions for open space and other components of the green network.
- iii. Create a 30m wide mounded woodland belt along the boundary of the site with the A701 Relief Road and integrate this into the wider green network.
- iv. Establish a 10m wide hedgerow with trees along the boundary with the current A701 and integrate this into the wider green network.
- v. Provide a network of green spaces throughout the site connected by a network of multi user paths, ensuring these paths connect to existing and planned paths beyond the site boundaries.
- vi. ~~Explore the potential for creating a multi-user path through the site which can form part of the Loanhead – Lothianburn link (Connection Point 31 to Connection Point 32):~~

Ec4 Ashgrove North

- i. Establish a 30m wide woodland belt along the A720 boundary and a 10-15m wide hedgerow with trees along all other boundaries.
- ii. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Straiton Pond Local Nature Reserve (LNR) and provides appropriate opportunities for habitat connectivity and movement of wildlife.
- iii. Retain and enhance existing vegetation within the site, including along Lang Loan and integrate this into the green network.

- iv. Retain the existing path across the site and upgrade it to multi user standard, ensuring it is incorporated into the green network within the site.
- v. Develop SuDS as part of the green network which directs surface water away from the neighbouring Straiton Pond Local Nature Reserve.

Hs16 Seafield Road & Safeguarded Site (Seafield Road Phase 2)

- i. Create a woodland framework for the site, retaining and enhancing the existing woodland within the site and establishing a 30m woodland belt along the boundary with the A703, the north western boundary and the north eastern boundary.
- ii. Establish a 10-15m hedgerow with trees along the western boundary, connecting with the wider green network.
- iii. Utilise the areas unsuitable for development due to ground conditions for open space and other components of the green network.
- iv. Create linked tree lined avenue and green spaces across the site in conjunction with SuDS, ensuring green spaces are connected with multi user paths.
- v. Provide multi user paths throughout the site, ensuring these paths connect to existing and planned paths beyond the site boundaries including within neighbouring sites (h56 Seafield Road East and Hs17 Pentland Plants and h55 Seafield Moor Road).
- vi. Create a multi user path connecting Core Path 41 (2009 Core Path Plan) with Seafield Road at **Connection Point 29~~30~~**.

Hs17 Pentland Plants

3 Network Development

- i. Enhance existing vegetation along the north western boundary to create a 10-15m wide planting strip, and integrate this into the green network.
- ii. Establish a hedge with trees along to south eastern boundary facing onto the existing open space.

Hs18 Roslin Institute

- i. Create a multi user path through the site, from the current terminus of the Loanhead-Roslin multi user path (**Connection Point 278**) to Main Street (B7003), enabling a connection to the recently upgraded multi user path running from Main Street to the Gowkley Moss Roundabout (A701) via the Roslin Moat and Curling Pond Local Biodiversity Site (**Strategic Connection 15**).
- ii. Protect and enhance the existing woodland areas within the site along the site boundaries, and individual trees within the site.
- iii. Establish a 10-15m wide hedgerow with trees along the south-eastern boundary of the site and integrate it into the green network.
- iv. Provide paths throughout the site, including the woodland areas, with connections to the existing local path network in and around Roslin.

- v. Create a network of linked open spaces throughout the site, integrated with the path network, to complement and integrate with the existing character of the site.

Hs19 Roslin Expansion

- i. Incorporate the existing multi user path along the former railway line into the path network within the site.

- ii. Create green network connections through the site, incorporating SuDS, open space and paths, ensuring connections to the surrounding green network.
- iii. Ensure the layout and design of development and the green network within the site protects and enhances the neighbouring Roslin Moat & Curling Pond Local Biodiversity Site (LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife.
- iv. Protect and enhance the existing landscaping along the south western boundary of the site adjacent to Roslin Moat & Curling Pond LBS.
- v. Create a multi user path through the site, potentially utilising the existing multi user path (**Strategic Connection 15**) where appropriate, to form part of the proposed Auchendinny - Roslin extension of the existing Loanhead-Roslin Multi User Path (**Strategic Connection 16**). The new multi user path should connect to the path network with the Penicuik Road development site (currently under construction) linking to **Connection Point 267**, and should provide for safe crossing of the B7006 and connection to the path network in Hs18 Roslin Institute linking to **Connection Point 278**.
- vi. Establish a 20-30m wide woodland belt along the northern edge of the site to help screen the development from the A701, including path connections to an upgraded Core Path 27 (2009 Core Path Plan).
- vii. Retain and enhance the existing hedgerows, incorporating appropriate hedgerow trees, along the boundary of the site with Main Street (B7006).

e34 Oatslie & Ec5 Oatslie Expansion

Network Development 3

- i. Establish a 15m wide hedgerow with trees along the south western, south eastern and north eastern boundaries to help contain the sites and to enhance the green corridor along the former railway line.
- ii. Create a multi user path along the south eastern boundary of the site from **Connection Point 267** to form part of the proposed Auchendinny-Roslin extension of the existing Loanhead-Roslin Multi User Path (**Strategic Connection 16**).
- iii. Create green network connections through the sites, incorporating SuDS, open space and paths, ensuring connections to the surrounding green network.

Midlothian Science Zone (b1-b9 & Bt1-Bt3)

- i. Retain and enhance the overall parkland setting of The Bush, including existing roundels, shelter belts, open spaces, specimen trees and woodland planting, and the setting of Bush House.
- ii. Ensure the layout and design of development and the green network within the site protects and enhances the Bush Estate & Glencorse Burn Local Biodiversity Site (LBS) and provides appropriate opportunities for habitat connectivity and movement of wildlife.
- iii. Provide new shelter belts along the western, eastern and northern boundaries of Bt3 (Technopole North West).
- iv. Create green network connections including multi user paths between Bush Loan and the A703, utilising the existing paths and shelter belt along the western boundaries of b3 (Gowkley Moss) and b7 (Gowkley Moss North), and the path connections being created within Bt2 (Easter Bush South).

- v. Create a multi user path from b2 (Edinburgh Technopole/Bush Estate) to the proposed Roslin-Penicuik multi user path at Auchendinny via a new connection within b9 (New Milton) and new crossings points for the A701 and B7026.
- vi. Complete the east-west cycle link from Gowkley Moss to Bush Farm Loan, and the north-south cycle link from Technopole to Bush Loan.
- vii. Retain and enhance the existing planting between b3 (Gowkley Moss) and Bt2 (Easter Bush South), and along the southern boundary of b6 (Easter Bush) and Bt2 (Easter Bush South).

AHs2 Burghlee, Loanhead

- i. Retain and enhance existing vegetation along the southern boundary of the site as part of the green space, incorporating SuDS.
- ii. Create a 10-15m hedgerow boundary along the eastern boundary of the site.
- iii. Establish a hedge with trees along the boundary with the existing open space.
- iv. Restore and enhance the existing watercourse running through the site, deculverting wherever possible and incorporating it into the green network.
- v. Create multi user paths across the site which connect to the local path network including the adjacent Loanhead - Roslin Multi User Path (**Strategic Connection 2**).

Loanhead-Straiton
-Bilston-Roslin-Midlothian
Science Zone

Existing Green Network Components

- Core Path (2009 Core Path Plan)
- Other Path
- National Cycle Route
- Equestrian Trail
- Greenspaces/Woodland
- Designated Nature Conservation Site
- Watercourse

Planned Green Network Components

- Path Consented or Under Construction
- New Multi User Path (Indicative Route)
- Required Connection
- New Greenspaces/Woodland
- Connection Point

Aspirational Green Network Components

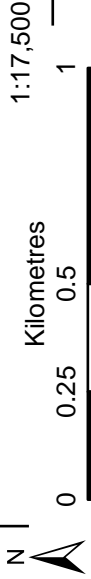
- Path Upgrade Required
- Proposed Multi User Path
- Allocated Site (MLDP)
- Proposed Road
- Cross Boundary Connection

Housing

- AHs2 Burghlee
- h52 Gorton Loan
- h55 Seafield Moor Rd
- Hs14 Rosewell North
- Hs16 Seafield Road
- Hs17 Pentland Plants
- Hs18 Roslin Institute
- Hs19 Roslin Expansion
- b3 Gowkley Moss
- b6 Easter Bush
- b7 Gowkley Moss North
- b9 New Milton
- Bt1 Easter Bush North
- Bt2 Easter Bush South
- Bt3 Technopole Northwest
- e24 Gorton Road
- e34 Oatslie
- Ec3 West Straiton
- Ec4 Ashgrove North
- Ec5 Oatslie Expansion

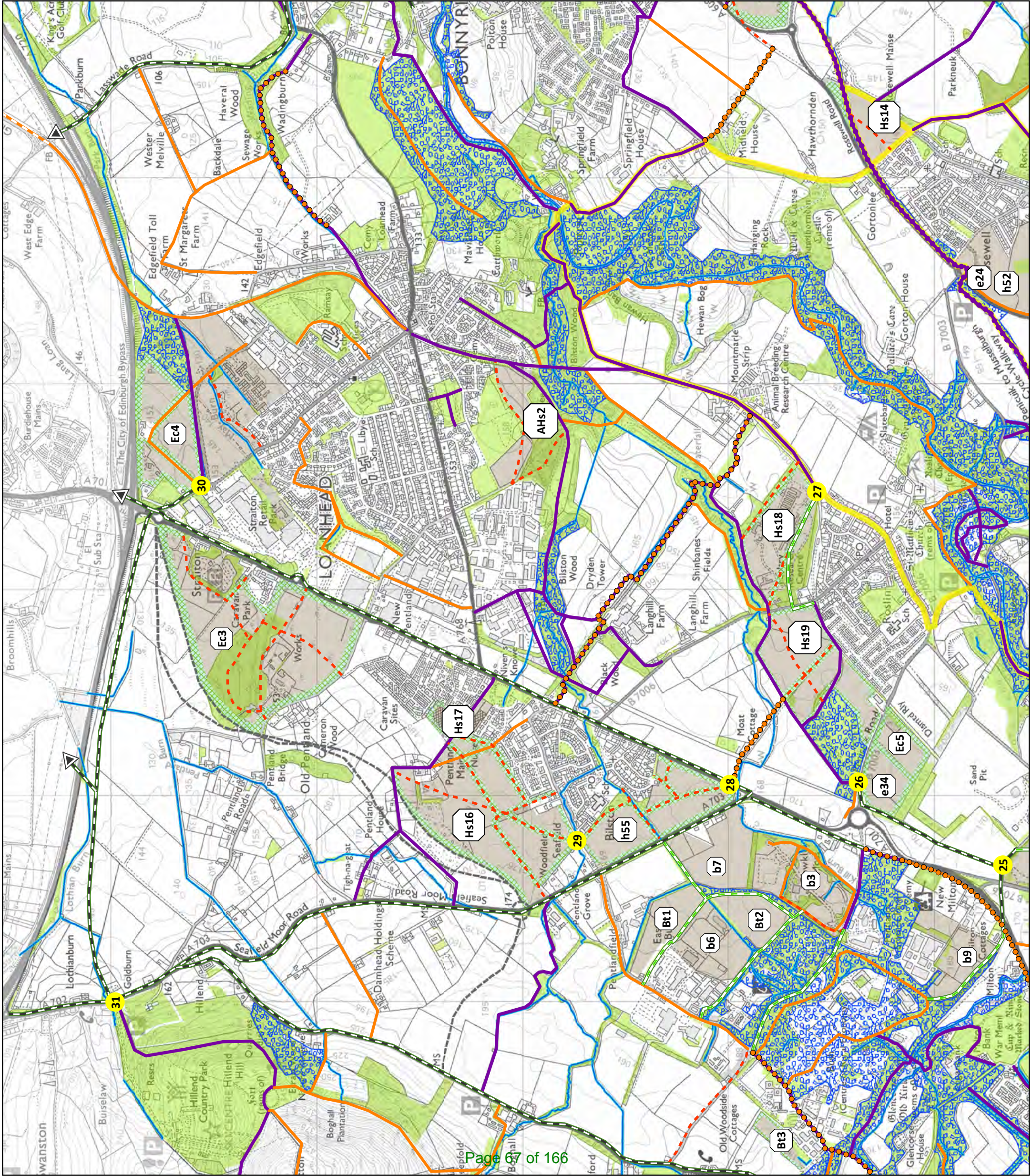
Employment

- b3 Gowkley Moss

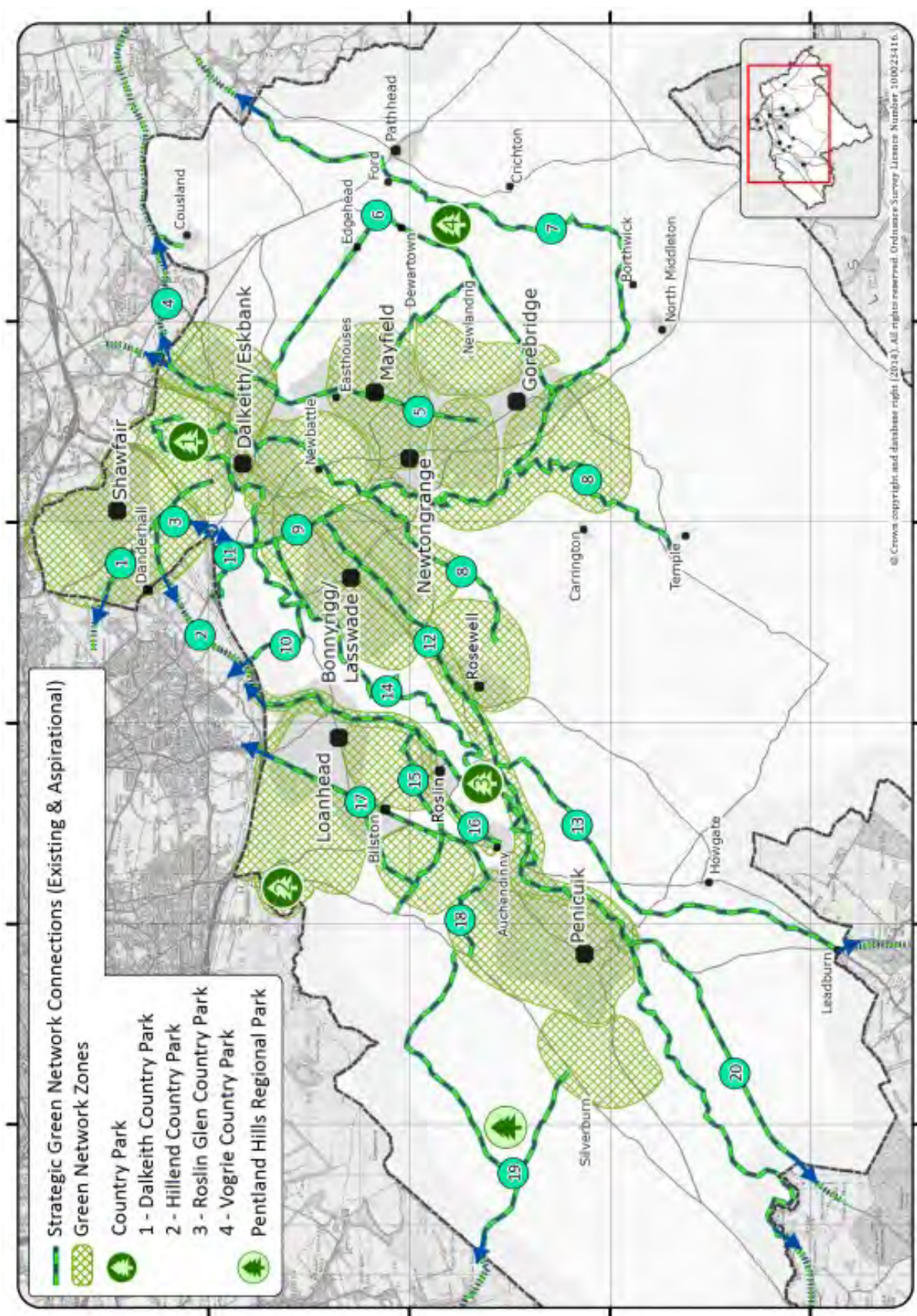


© Crown copyright and database right (2018).
All rights reserved.

Ordnance Survey Licence Number 100023416.



Appendix 1 - Strategic Connections



Appendix 1 - Strategic Connections

The diagram above (Figure 5.2 from the Midlothian Local Development Plan) shows the 20 strategic green network connections identified in the 2017 Midlothian Local Development Plan. The Strategic Connections are:

No.	Name	No.	Name
1	Dalkeith Park - Edmonstone Link	11	Gilmerton Road Link
2	Shawfair - Penicuik Link	12	NCR196/Penicuik-Musselburgh Walkway
3	Sheriffhall Link	13	Roslin Glen-Leadburn Link
4	Bellyford Burn (Smeaton-Pencaitland Link)	14	North Esk Valley Route
5	Gorebridge-Musselburgh Link	15	North Roslin Link
6	Dalkeith-Mayfield/ Gorebridge-Vogrie Link	16	Roslin-Auchendinny Link
7	Gore Water-Tyne Water Route	17	A701 (Straiton-Gowkley Moss/The Bush)
8	South Esk Valley Route/Dalhousie Burn	18	Glencourse Link
9	A7 Urbanisation	19	Pentlands Access (Flotterstone-Bavelaw)
10	Melville Link	20	Penicuik-Auchencorth Link

The identified connections are not necessarily existing connections and, although usually focused on routes for walkers and potentially other non-motorised users, not all connections will incorporate specific multi user paths. Routes which already exist include Strategic Connection 4, Strategic Connection 11, Strategic Connection 12 and Strategic Connection 19. Other connections include existing paths in parts, including Strategic Connection 2 (Roslin to Shawfair), Strategic Connection 7 (the Gore Way), Strategic Connection 8 (parts of the South Esk Valley Route) and Strategic Connection 14 (parts of the North Esk Valley Route).

COMMUNICATING CLEARLY

We are happy to translate on request and provide information and publications in other formats, including Braille, tape or large print.

如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasiecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੰਗ ਕਰਨ ਤੇ ਖੁਸ਼ੀ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪਾਂ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਬਰੇਲ, ਟੈਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸ਼ਾਮਲ ਹਨ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyarız.

اگر آپ چاہتے ہیں کہ خوشی سے آپ کو ترجمہ فراہم کر سکیں ہیں اور معلومات اور ساری بات سب شکلوں میں مثلاً ریل (نایمڈ انراؤنڈ) کے لیے ہجرے حروف کی لکھائی) میں، پیپ پر یا ہجرے حروف کی لکھائی میں فراہم کر سکتے ہیں۔



SUPPLEMENTARY GUIDANCE: FOOD AND DRINK AND OTHER NON-RETAIL USES IN TOWN CENTRES

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's agreement to undertake a formal consultation on its proposed 'Food and Drink and Other Non-retail Uses in Town Centres' supplementary guidance.

2 BACKGROUND

- 2.1 At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP). The MLDP included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance is required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needs further detail is with regard to food and drink uses and other non-retail uses in Midlothian's Town Centres.
- 2.2 Draft **Supplementary Guidance** has to be published to enable interested parties to make comment and for any representations received to be considered prior to finalisation of the guidance. Supplementary Guidance is subject to a Strategic Environmental Assessment (SEA). Furthermore, the planning authority must also notify Scottish Ministers of its intention to adopt Supplementary Guidance, who have the opportunity to intervene in its drafting and adoption. Once adopted Supplementary Guidance forms part of the development plan and is given statutory weight. Supplementary Guidance is expected on core topics which are integral to the Council's spatial strategy. Supplementary Guidance will be a significant policy consideration in the assessment of planning applications.
- 2.3 Non-statutory **Planning Guidance** does not require prior publication, consultation or notification to Scottish Ministers. Planning Guidance will be a material consideration in the assessment of planning applications but does not form part of the development plan.

3 FOOD AND DRINK AND OTHER NON-RETAIL USES IN TOWN CENTRES SUPPLEMENTARY GUIDANCE

- 3.1 Midlothian's defined town centres are Dalkeith, Mayfield, Newtongrange, Gorebridge, Bonnyrigg, Loanhead, Shawfair and Penicuik, with a number of smaller local centres serving neighbourhood areas.
- 3.2 Specific support for, and protection of, town centres is provided through policies TCR1: Town Centres and TCR2: Location of New Retail and Commercial Leisure Facilities of the adopted Midlothian Local Development Plan (MLDP). These policies are designed to work in conjunction with other policies in the MLDP relating to protecting the amenity of the built-up area, conservation areas and listed buildings.
- 3.3 This supplementary guidance provides a framework to protect and enhance these town centres and to ensure that the right development is directed into the right areas. Food and drink and other non-retail uses should not compromise the amenity, environment and functioning of town centres but should be part of a wider range of facilities supporting vibrant and diverse commercial areas. This supplementary guidance seeks to ensure that these areas are allowed to thrive and develop to meet the changing needs of local communities, with uses and facilities which attract high footfall and economic benefits.
- 3.4 Town centres are experiencing change from a predominantly retail base to more holistic hubs, providing a range of services in one area. This change has resulted from national economic factors and a change in shopping habits, including the increase in online retail. As there is a shift in how town centres are used by residents, it is imperative that the Council sets out clear guidelines detailing what is and is not considered acceptable development.
- 3.5 The Council recognises that town centres are important places for economic development, social interaction, acting as a historical context of our built up places, and a hub for convenient and accessible services. The planning system needs to be supportive and proactive in ensuring that they can fulfil those roles.
- 3.6 The Scottish Government and the Council consider that town centres are vital places which should receive the necessary support to ensure they thrive and provide a range of facilities for residents, businesses and tourists. It is important to encourage businesses to stay and develop within Midlothian's commercial centres by a range of positive and proactive measures, including discouraging development which would undermine town centres.
- 3.7 The draft guidance will be made publicly available on the Council's website for a period of no less than 28 days. The Community Councils and other interested parties will be notified of the draft guidance and invited to make comment.

4 RECOMMENDATION

4.1 The Committee is recommended to:

- a) approve the draft Food and Drink and Other Non-retail Uses in Town Centres Supplementary Guidance for consultation; and
- b) consider a further report on the Food and Drink and Other Non-retail Uses in Town Centres Supplementary Guidance following the proposed consultation.

Ian Johnson
Head of Communities and Economy

Date: 12 June 2017
Contact Person: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310

Background Papers: MLDP 2017 adopted 7 November 2017.

Food and drink and other non-retail uses in Town Centres Supplementary Guidance

Contents

1	Introduction	3
2	Importance of Town Centres	3
3	Protection of Town Centres	4
4	Identifying Town Centres	5
5	Principles	6
6	Town Centre Health Checks	6
7	Trends in retailing	6
8	Health	7
9	Delivery	7
10	Guidance on Topics	7
10.1	Food and Drinks in Town Centres	7
10.2	Other Non-Retail Uses in Town Centres	11
10.3	Changes of Use and Permitted Development Class 1 and 2	13
10.4	Prevention of Overprovision and Clustering of Particular Uses in Town Centres	13
10.5	Food and Drink Provision Outwith Town Centres	14
10.6	Drive-Through Restaurants	15
10.7	Petrol Filling Stations	16
10.8	Public Houses	16
10.9	Concession Shops and Units	17
10.10	Pod/Container Retail Units	17
10.11	Pop Up shops and other temporary commercial activities	18
10.12	Alfresco Eating	19
10.13	Farmers' Markets	19
10.14	Mobile hot food takeaways	19
10.15	Community Projects, Stalled Spaces and Vacant Land	19

Contents

10.16 Events and cultural activities	20
10.17 Urban Realm	20
Appendix 1 - MLDP Policies	22
Appendix 2 - Submission Requirements	25
Appendix 3 - Relevant Documents	26

Draft Food & Drink Supplementary Guidance

1 Introduction

1.1 This Supplementary Guidance (SG) relates principally to policies TCR1 (*Town Centres*) and TCR2 (*Location of New Retail and Commercial Leisure Facilities*) within section 4.6 of the Midlothian Local Development Plan 2017 (MLDP). This document seeks to provide detailed guidance and clarity in relation to developments within Midlothian's town centres and developments which may affect or undermine the performance of those town centres.

1.2 The abovementioned policies seek to protect and enhance Midlothian's town centres and the amenity and range of services provided to local communities. This document aims to provide a local context to national aspirations to support town centres whilst being realistic about the role town centres play in today's society, the facilities provided and how to respond to people's needs as town centres change as people's shopping habits evolve particularly in respect of the rise of online retail.

1.3 While the main focus of this document is clarifying the aims, objectives and criteria of policies TCR1 and TCR2, applicants should be aware that all policies in the Local Development plan can apply to any proposal. This Supplementary Guidance should be read in conjunction with the Midlothian Local Development Plan and with other MLDP policies, in particular DEV2 (*Protection Amenity within the Built-Up Area*) and ENV18 (*Noise*).

2 Importance of Town Centres

2.1 The National Planning Framework (NPF) and Scottish Planning Policy (SPP) emphasise that town centres are a key element of the economic and social fabric of the country. Town centres are at the heart of their communities and, if successful, can be hubs for a range of activities. At their best they are places which encourage economic development and social interaction. At their worst they stigmatise areas. It is important that town centres are supported and allowed to thrive in order to meet the needs of residents, businesses and visitors.

2.2 Whilst the nature of the use of these areas may have changed from being predominantly retail hubs to a more holistic range of facilities, town centres remain places people visit and utilise and, therefore, their vitality and viability must be protected. They must be attractive in terms of the range of services they provide but also aesthetically pleasing, safe and welcoming places.

2.3 Planning's role in town centres should be proactive and reasonably flexible, enabling a wide and diverse range of uses which bring people into these areas and by discouraging development which would harm them. Town centres, rather than being solely retail centres, should be hubs for social interaction, where there is a confluence of a range of sustainable activities. The planning system encourages a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. A healthy town centre

Draft Food & Drink Supplementary Guidance

will encompass a varied mix of activities, including retail, commercial, leisure and community facilities such as health centres, hospitals and schools, along with an emphasis on town centre living. The integration of residential and other uses is important as this encourages active town centres throughout the day and evening. This combination of uses encourages people into town centres, creating a high level of footfall and vibrancy.

3 Protection of Town Centres

3.1 The NPF and SPP adopt a town centres first approach which not only protects and enhances town centres but encourages local job creation. The town centres first principle applies to activities which attract significant numbers of people and footfall including shopping, commercial leisure uses, offices, community and cultural facilities, as well as the promotion of residential uses in these areas. The NPF, SPP and MLDP advocate sequential testing for developments of these uses, which ranks the preferred locations for these uses as follows:

- town centres (including local centres);
- edge of town centres;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

3.2 The town centre first principle promotes an approach to wider decision-making which puts the health and vibrancy of town centres at the forefront of decision making for retail, some commercial and leisure uses. As the role of town centres has changed, with less emphasis on retail and more focus on providing a range of services, including community assets, this approach works with highlighting town centres as locations for a range of uses appropriate to such areas.

3.3 The MLDP further clarifies the sequential approach by setting out a network of centres in Midlothian. The Council will apply the sequential approach with reference to the network of town centres, having regard to the expected catchment of the development. There are no regional or strategic town centres within Midlothian (as defined by the Strategic Development Plan for South East Scotland, [SESPlan]), therefore the Council's network of town centres is as follows:

Town Centre	Bonnyrigg, Dalkeith, Gorebridge, Loanehad, Mayfield, Newtongrange, Penicuik, Shawfair
Commercial centre	Straiton Commercial Centre
Potential out of centre location	Main corridor from Gorebridge/Redheugh to Newtongrange

Draft Food & Drink Supplementary Guidance

Local Centres	Danderhall, Bonnyrigg/Hopefield, Bonnyrigg/Poltonhall, Dalkeith/Thornycroft, Dalkeith/Wester Cowden, Dalkeith/Woodburn, Eskbank Toll, Gorebridge/Hunterfield Road, Bilston, Penicuik/Edinburgh, Roslin and Pathhead
---------------	---

3.4 The creation of retail and commercial development outwith town centres must comply with policy TCR2 of the MLDP. As a town centre first sequential test applies, applications for such development outwith town centres must demonstrate this will not undermine the vitality and viability of town centres within the expected catchment of the proposed development. Retail Impact Assessments will be required for all proposals of more than 2,500 square metres gross floor area, and also smaller proposals where the Council is of the view these may pose a threat to existing centres.

3.5 Where planning applications are approved and a potential adverse impact has been identified, this will have to be mitigated through an appropriate developer contribution or such other action (possibly under a Section 75 Agreement) in order to ensure that the adverse impact is off-set. Opportunities to improve town centres are set out in the settlement statements within the MLDP, however other measures may be brought forward during the lifetime of the plan and this Supplementary Guidance.

4 Identifying Town Centres

4.1 The physical extent of the town centres and the commercial centre at Straiton, set out in the network of centres, are identified on the maps attached to the MLDP, including within the settlement statements. Each town centre has its own distinct character and range of services.

4.2 The town centres serve needs arising in Midlothian, primarily. Dalkeith is Midlothian's administrative centre, and attracts shoppers from across the county. The other centres are more localised in scale.

4.3 The role of the commercial hub at Straiton is to accommodate development serving the regional catchment. It is envisaged that Straiton may acquire the characteristics of a traditional town centre through diversification of uses and local residential growth.

4.4 Local/neighbourhood shopping centres vary in size. Should clarity be required in connection with identifying the extent of neighbourhood, or local, centres this can be advised by the Planning Authority.

Draft Food & Drink Supplementary Guidance

5 Principles

5.1 The Scottish Government's *Town Centre Action Plan*, which was its response to the *National Review of Town Centres* carried out by an External Advisory Group in 2012, sets out six key themes to support town centres:

- Town Centre Living: To encourage more people to live in town centres;
- Vibrant Local Economies: To support sustainable economic growth and promote job creation;
- Enterprising Communities: Community led regeneration supported by local people;
- Accessible Public Services: Encouraging the location of public services in town centres;
- Digital Towns: Supporting the delivery of digital towns to enhance opportunities for town centres and businesses;
- Pro-active Planning: Undertake town centre health checks which assess the strengths, weaknesses and resilience of a town centre.

6 Town Centre Health Checks

6.1 Scottish Planning Policy highlights the importance of monitoring the vitality and viability of our town centres. Regular review of the network of centres, development activity and a town centre's performance are all parts of the monitoring process, which includes Town Centre Health Checks. The purpose of these health checks is to assess the strengths, vitality, viability, weaknesses and resilience of Midlothian's town centres. These are a means of assessing the state of these areas and can provide a sound information base to identify any future actions in forthcoming local development plans. The results of these checks can also inform other action plans.

6.2 The TCHC pulls together a range of information from a wide range of sources and presents this under a list of indicators for each town centre. These are carried out every two years involving planning, transportation and economic development officers.

6.3 There is potential for these TCHCs to inform future guidance to support improvements in hard to adapt areas of town centres. The undertaking of TCHCs can contribute to a clear agenda for poorly performing town centres.

7 Trends in retailing

7.1 Fluctuations in the performance of the national economy and the rise in online retailing are changing the way town centres function. The increase in internet shopping is likely to continue and impact on retailing within town centres. Therefore, the service offered by retailers in town centres will need to diversify. The Council will support diversification which enhances the vitality and viability of town centres. The Council will also encourage the utilisation of technological advances, such as town centre wifi, to support town centres.

Draft Food & Drink Supplementary Guidance

8 Health

8.1 The Council is concerned regarding the impact that unhealthy lifestyles are having on the health and wellbeing of local communities. While the Council is committed to addressing the matter of protecting open space and places for exercise, through separate Supplementary Guidance, it is also necessary for the Council to consider the impact of unhealthy eating and diets on its communities. Unhealthy eating, a poor diet and being overweight has a significant impact on health. People who are overweight have a higher risk of developing type 2 diabetes, heart disease and certain cancers. Being overweight can also affect self-esteem and mental health. The Council recognises that hot food takeaways and mobile takeaway vans are a contributing factor to unhealthy diets, particularly where they are located in close proximity to schools.

8.2 In 2014 the Scottish Government's publication *Beyond the School Gate* recognised that the food environment around schools has an important role in promoting a healthy diet and addressed the matter of the role of the planning system in restricting particular food outlets. Where the Council can make planning decisions which positively affect the health and wellbeing of its communities it should do so.

9 Delivery

9.1 This SG provides a detailed position statement to set out a framework for assessing applications for food and drink and other non-retail uses within and outwith town centres, neighbourhood centres and other related developments. The majority of the provisions of this SG will be delivered through the Planning Authority's assessment and determination of planning applications in compliance with the development plan.

9.2 However, that can only be a contributing factor in promoting and protecting town centres. The range and complexity of factors which influence the health of town centres also requires actions by many other public and private sector stakeholders through various economic and other levers.

10 Guidance on Topics

10.1 Food and Drinks in Town Centres

10.1.1 Food and drink uses, including hot food takeaways, and other class 3 uses generally positively contribute to the vitality and viability of town centres, adding to the vibrancy of these areas throughout the day and into the evening. Consequently there is a general presumption in favour of these operations being located within town centres. However, these types of uses can result in a number of undesirable impacts for neighbouring properties and

Draft Food & Drink Supplementary Guidance

the surrounding area in general. These problems can include increased noise levels, disturbance, smell, litter and traffic generation, particularly out with normal shopping hours. Specific requirements relating to food and drink operations are provided below:

Hot Food Takeaways

10.1.2 Hot food takeaways will not be permitted in premises where there are residential properties on the floor or floors above or immediately on either side, and on the floors above such adjacent properties, unless the affected properties are owned and occupied by the applicant or their immediate family, or by an employee working in the proposed hot food establishment. This is because there is potential for this use to have a significant detrimental impact on the amenity of neighbouring residents that would render the use unacceptable.

10.1.3 Consideration will be given to the cumulative effect of additional hot food takeaway establishments on the vitality and viability of the town centre. The dominance of any one use in town centres could have a detrimental impact on their health and character. Planning permission will not be granted if this is assessed to be seriously harmful to the surrounding town centre. Hot food takeaways in town centres will not be supported where 50% or greater of ground floor commercial units within 100 metres of the unit are in use as hot food takeaways. Applicants will be expected to provide details of the uses of all units within this catchment of the application site as a supporting statement submitted with their planning application.

10.1.4 Planning permission will also not be granted for hot food takeaways where these would cause significant harm to residential amenity or to the general environment of the area as a result of noise, disturbance, smell or litter. Although a number of these issues can be mitigated to an extent, careful consideration will be given to the location and the impact that the hot food takeaway use could have on the surroundings.

10.1.5 Planning permission will not be supported where it would present a threat to road safety, for example by encouraging illegal or inconsiderate parking or on-street parking at a dangerous location. These types of uses can generate considerable levels of traffic and so road safety is a significant issue. It is likely that in town centres there will be sufficient on and off-street car parking nearby, particularly since the busiest times for such uses tend to be in the evenings when other businesses may be closed.

10.1.6 Hot food takeaways are generally expected to open late into the evening and play a part in the mix of uses to support town centre vitality throughout the day and into the evening. In general terms, where hot food takeaways are considered acceptable they will be restricted to opening hours of no later than 10pm on Sundays and midnight on other days.

10.1.7 Any external alterations for hot food takeaway shops, including any external flues or other ventilation equipment, must not be detrimental to the character and appearance of the building and the surrounding area.

Draft Food & Drink Supplementary Guidance

Hot Food Takeaways in Proximity to School Premises

10.1.8 The Council is concerned that the proximity of hot food takeaways to secondary schools encourages school pupils to eat unhealthy food. It is recognised that the planning system is limited in restricting access to unhealthy foods, as it is not possible to restrict the sale, from shops, of unhealthy foods to school pupils. However, it is reasonable and appropriate for the Council to prevent provision of new premises (including temporary vehicles/structures) and the change of use of premises to hot food takeaways on account of the adverse impact that they have on the diets of young people and the health of communities. Hot food takeaways will not be permitted where they fall within 400 metres of the curtilage of a secondary school. For the avoidance of doubt, this specific provision applies across the whole of Midlothian including town centres. It may also be applied in relation to primary schools and other premises predominantly used by children.

Restaurants

10.1.9 Planning applications for restaurants solely for the consumption of food and drink on the premises will be considered on their individual merits, taking the following factors into account: the size of the proposed establishment; the relationship to adjoining uses particularly residential properties; its likely traffic generation and parking provision; and, its acceptability in terms of other relevant planning policies of the MLDP.

10.1.10 Where planning permission is granted for a restaurant solely for the consumption of food and drink on the premises, a condition will likely be imposed preventing its subsequent change of use to, or inclusion of, a hot food takeaway facility without the submission of a further planning application. This approach is a reasonable way for the Planning Authority to fully assess any potential impact on the surrounding area, in line with the above criteria on hot food takeaways and related MLDP policies. There may be some instances where the use of a site as a restaurant only is acceptable but that an associated takeaway element would not be appropriate.

Cafes, Tea Rooms, Coffee Shops

10.1.11 Applications for cafes, tea rooms and coffee shops will generally be supported subject to a number of criteria. Cooking facilities at these uses will be limited to a domestic scale, e.g. domestic cooker, microwave oven etc. where there may be an adverse impact on neighbouring properties as a result of noise and smell from more traditional commercial kitchen equipment. In order to encourage vibrant town centres and encourage use by the public throughout the daytime and evenings, the opening hours of these uses can match those recommended for hot food takeaways, unless there are particular amenity reasons to restrict the hours.

Draft Food & Drink Supplementary Guidance

10.1.12 Conditions will be imposed, as appropriate, restricting the hours of opening of the premises; requiring the provision of adequate ventilation equipment; or otherwise as necessary to ensure that the use does not have an adverse environmental impact on its neighbourhood.

10.1.13 Proposals within this category may include an element of takeaway trade provided that it remains clearly ancillary to the principal use of the premises for the consumption of food and drink on the premises unless they fall within the 400m no takeaway buffer around secondary schools.

Guidance for all Food and Drink Uses

Ventilation

10.1.14 An effective system for the extraction and disposal of cooking odours will be required for all such uses where the method of cooking is likely to cause smell or fumes. Details of the proposed system will be expected to be submitted with the planning application so that both its effectiveness and any external visual impact can be considered. Extract ventilation systems must:

- Be located in order to minimise the visual impact on the streetscene;
- Be of a colour, finish, design and material to be in keeping with the building it is attached to;
- Terminate at a level to permit the free disposal of exhaust fumes;
- Provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open; and
- Prevent the emission of cooking odours likely to cause nuisance to neighbouring properties.

10.1.15 Where ventilation systems are required, they will be implemented before the use commences on site. Particular consideration should be given to ventilation systems where the site is within a conservation area or a listed building (refer to MLDP policies ENV19 and ENV22).

Noise

10.1.16 Food and drink uses have the potential to create noise and disturbance in their immediate vicinity, either from equipment or hours of operation. Effective noise management must be undertaken to ensure these uses do not have a detrimental impact on the surrounding area (see MLDP policy ENV18), which will include the following:

Draft Food & Drink Supplementary Guidance

- No amplified music or sound reproduction equipment used will be audible either within or at the boundary of any nearby residential or noise-sensitive properties, depending on the site;
- The design and installation of any ventilation system, plant or equipment will be such that any associated noise complies with specified noise ratings as required for the individual site; and
- The design and installation of any ventilation system, plant or equipment will be such that there will be no structure borne vibration within any living apartment of adjoining property, depending on the site.

Litter/Refuse

10.1.17 Food provision uses, particularly hot food takeaways, can result in littering and issues over refuse storage. In order to ensure a satisfactory standard of amenity and to safeguard the appearance of the Town Centre, any such uses approved shall require a litter bin located at the front of any premises with a takeaway element.

10.1.18 Details of the location and type of refuse storage facilities are required to ensure there will not be a detrimental impact on the character or amenity of the area or neighbouring uses.

Parking

10.1.19 Food provision units must be provided with adequate parking provision as detailed in the Midlothian Council Parking Standards document dated 2014, or any subsequent standards amending or superseding this. Planning permission will not be allowed where this would present a threat to road safety.

10.1.20 Details of the submission requirements for Food and Drink Uses can be found in Appendix 2.

10.2 Other Non-Retail Uses in Town Centres

10.2.1 It is clear that retail uses play an integral part of successful town centres. However, as shopping habits evolve the role of the town centre has also changed, as have people's expectations of their town centres. Town centres must now focus on a variety of uses and services, attracting footfall, in order to remain relevant.

10.2.2 The town centre first principle encourages activities which attract significant numbers of people including shopping, commercial leisure uses, offices, community and cultural facilities. The promotion of residential properties in town centres can add to the variety which

Draft Food & Drink Supplementary Guidance

improves the vitality of the centres, including in the evenings. This combination of uses would attract and maintain visitors whilst complementing a constant retail element. Town centres should promote diversity through the range and quality of facilities provided, although a retail core should be retained.

10.2.3 The Council seeks to maintain a sustainable level of retail within town centres whilst also supporting other appropriate uses in order to enhance the vitality of these areas. The change of use of shops to non-retail uses in town centres will be supported provided the proposal:

- demonstrates to the satisfaction of the Council that there is no realistic prospect of a site continuing in retail use;
- protects or enhances the level of footfall through the submission of information detailing the likely number of customers per day;
- will lead to an improvement of the image and vitality of the town centre;
- will not result in 50% or more units within 100 metres of the site being in low footfall level use; and,
- retains an active street frontage.

10.2.4 The Council will generally expect a retail unit to have been vacant and marketed for no less than 12 months (or 18 months if the unit is a significant Class 1 unit, such as a large supermarket) before it can be demonstrated that there is no realistic prospect of it continuing in retail use and be considered for a low level footfall use. This level of information is not necessary where retail units are proposed to be changed to other high footfall uses.

10.2.5 Acceptable high footfall uses in town centres could include: class 2 including financial, professional or other services which are provided principally to visiting members of the public; food and drink provision uses; pubs; hot food takeaways; hotels; non-residential institutions; leisure; and community uses.

10.2.6 Residential accommodation within town centres is also encouraged as this will help the vitality and viability throughout the day and into the evening. The Council welcomes residential properties above commercial units and within town centres, but not at the expense of commercial uses. The conversion of ground level retail space to residential uses will not be supported as this would detract from the range of services offered within the town centre. Careful consideration must be given to the amenity of proposed occupants to ensure that this would not be detrimentally affected by neighbouring uses. Applicants must demonstrate that upper floors or basements are not required for storage or offices in terms of retaining viable commercial operations in town centres.

10.2.7 The impact that non-retail uses would have on the surrounding town centre must be assessed and considered to be acceptable otherwise such uses may not be supported. A number of specific uses are addressed elsewhere in this SG, however in general terms

Draft Food & Drink Supplementary Guidance

any proposed use will be required not to have a detrimental impact on the amenity or environment of surrounding properties and occupants in terms of noise, smell or disturbance. These uses must be provided with adequate parking provision as detailed in the Midlothian Council Parking Standards document 2014, or any subsequent standards amending or superseding this. Planning permission will not be permitted where there would be a threat to road safety.

10.3 Changes of Use and Permitted Development Class 1 and 2

10.3.1 The Town and Country Planning (Use Classes)(Scotland) Order 1997 allows for the change of specific uses to others without the requirement for planning consent. Class 2 uses (e.g. banks, estate agents and beauty salons) and class 3 uses (e.g. cafes) can generally change to class 1 uses (retail) as permitted development. However, all other changes of uses generally require planning permission. The Council, as Planning Authority, is restricted in the control it can exercise over some operations, e.g. there is little that can be done by the planning authority where there is a perceived oversupply of one particular type of shop (such as charity shops) as these fall within the same planning use class as other retail operations.

10.3.2 Over recent years, concerns have been expressed by the Scottish Government and the Council about the number of pay day lending and betting shops in town centres. The impact that these uses would have on the character and amenity of the town centres and the wellbeing of communities have been cited as the main reasons for concern.

10.3.3 The Scottish Government amended the abovementioned Use Classes Order to remove betting shops and pay day lenders from Class 2 and created a new Class (13A) for these. Planning permission is now required for such change of use which allows the Council the opportunity to assess the impact these would have on the vitality and viability of town centres, as well as preventing clustering which may affect the range of services in the town centre.

10.3.4 Any applications will be assessed in accordance with the criteria previously stated, including: if the proposed use would significantly reduce the range of services offered in the town centre; would lead to the concentration of a particular use to the detriment of the town centre's vitality and viability; assess the contribution the proposed use would make to the vibrancy of the town centre by increasing footfall; and if the unit affected by the proposal has been vacant and suitably marketed for retail or other appropriate use.

10.4 Prevention of Overprovision and Clustering of Particular Uses in Town Centres

10.4.1 Successful town centres are those which provide a variety of services and attract a high amount of footfall. A balance must be struck in order to ensure that a healthy mix of uses is provided rather than the over provision of particular services and the weakening of

Draft Food & Drink Supplementary Guidance

the town centre. It is important that the variety of uses provided within town centres does not detract from the primary retail function, the loss in shops to the detriment of local residents or the vitality or viability of town centres.

10.4.2 Applications for non-retail uses will be refused where they would result in a significant over-concentration which would have a detrimental impact on the vitality and viability of town centres. Such instances include where there would be a proliferation of hot food takeaways where these may only be open in evenings and not promote a vibrant town centre through the day.

10.4.3 As detailed in the previous section the Council, as Planning Authority, is restricted in the control it can exercise over some operations and the overprovision concerns these create. For example, there is little that can be done by the planning authority where there is a perceived oversupply of one particular type of shop as these fall within the same planning class as other retail operations and do not require planning permission to change occupants provided these remain retail units.

10.5 Food and Drink Provision Outwith Town Centres

10.5.1 Not all food and drink uses are provided within town centres. Some food and drink uses aim to serve more local communities. It is appropriate to locate some element of food and drink provision in neighbourhood centres in the interests of sustainability and convenience and to encourage small scale business. Neighbourhood centres form a legitimate part of the network of centres and, therefore, it is appropriate to site food and drink uses in these areas. However, food and drink uses will not be permitted outwith the areas identified in the network of centres unless it has been demonstrated that there will be no adverse impact on the viability of local town centres or where the development is required in order to support an existing business, e.g. a café supporting a farm shop or a tourist destination.

10.5.2 Despite there being general support for food and drink uses in neighbourhood centres the Council is concerned that the overprovision of some uses will adversely affect the range of services in these areas and, in turn, also impact on their vitality. Therefore, development proposals will not be permitted for food and drink uses (including hot food takeaways) in neighbourhood centres where they will result in 50% or more of the units in the neighbourhood centre being in a food or drink use (including hot food takeaway). These uses will be permitted in neighbourhood shopping areas where the applicant provides details to show the change of use will not result in 50% or more of ground floor commercial units within 100 metres of the site being in food and drink use, as well as compliance with the above criteria.

10.5.3 As with the section on hot food takeaways in town centres the Council is concerned that the proximity of hot food takeaways to secondary schools encourages pupils to eat unhealthy food. It is recognised that the planning system is limited in restricting access to unhealthy foods, as it is not possible to restrict the sale of unhealthy foods to school pupils

Draft Food & Drink Supplementary Guidance

from shops. However, it is reasonable for the Council to prevent the change of use of premises to hot food takeaways on account of the adverse impact that they have on the diets of young people and the health of communities. Hot food takeaways will not be permitted where they fall within 400metres of the curtilage of a secondary school.

10.5.4 Food provision units must be provided with adequate parking provision as detailed in the Midlothian Council Parking Standards document 2014, or any subsequent standards amending or superseding this. Planning permission will not be permitted where the development would present a threat to road safety.

10.5.5 The Council does not support major retail development (e.g. proposals of more than 2,500 square metres gross floor area) anywhere other than in town centres, the Straiton commercial centre or the potential out of centre location on the A7 between Gorebridge and Newtongrange.

10.5.6 Guidance for all food and drink uses can be found in sections 10.1.14 to 10.1.20 of this Supplementary Guidance.

10.6 Drive-Through Restaurants

10.6.1 By their nature drive-through restaurants are unlikely to be located within Midlothian's town centres, which are relatively small and intimate with little opportunity to accommodate the scale of these developments without significant land clearance and disruption. Town centre locations are unlikely to fit with the business models of drive-through restaurant operators, who seek to maximise on convenient accessibility for vehicles. Therefore, planning applications for drive-through restaurants are likely to fail to satisfy the town centre first approach. However, drive-through restaurants represent a valid and important part of the provision of food and drink facilities in the contemporary landscape of our towns and cities.

10.6.2 There is potential for drive-through restaurants to have an adverse impact on other restaurants within nearby town centres. Planning applications must be accompanied by information to demonstrate that proposed drive-through restaurants will not undermine the vitality and viability of nearby town centres.

10.6.3 Where drive-through restaurants have been demonstrated to not undermine the vitality and viability of nearby town centres there will be scope to support their development in the built-up area adjacent to the strategic road network. Drive-through restaurants will not be permitted on established or committed economic development land unless specifically supported by the policies of the MLDP.

10.6.4 Proposed drive-through restaurants must comply with the terms of policy ENV17 (Air Quality) of the MLDP, which states that further assessment to identify air quality impacts would be required where the Council's Environmental Health service and the Scottish

Draft Food & Drink Supplementary Guidance

Environment Protection Agency considers it requisite. The Council's statutory duties in relation to monitoring air quality are undertaken by the Council's Environmental Health service who would be consulted as part of any planning application for drive-through restaurants.

10.6.5 Planning applications for drive-through restaurants must demonstrate that the matter of littering has been fully considered by the applicant. Planning permissions for these uses are likely to include a planning condition which will require details of the extent of the area around the site where litter is to be picked.

10.6.6 Drive-through restaurants must be provided with adequate parking provision as detailed in the Midlothian Council Parking Standards document 2014, or any subsequent standards amending or superseding this. Planning permission will not be allowed where the development would present a threat to road safety.

10.7 Petrol Filling Stations

10.7.1 Petrol filling stations could be acceptable depending on their location. Ancillary retail units may also be acceptable, however this would depend on the scale of the retail unit proposed. If these retail operations are large and not ancillary to the petrol filling station they are likely to have an adverse impact on nearby town centres. Therefore any retail units associated with proposed petrol stations must not have a gross floor area larger than 100 square metres. The Planning Authority would have to assess any larger shops to assess the impact of these and if this is considered detrimental to nearby town centres they will not be permitted.

10.7.2 Petrol filling stations, with an acceptable ancillary retail element, must be provided with adequate parking provision as detailed in the Midlothian Council Parking Standards document 2014, or any subsequent standards amending or superseding this. Planning permission will not be permitted where the development would present a threat to road safety.

10.8 Public Houses

10.8.1 Public houses can have an important role to play in town centres and can positively contribute to the range of uses, including community space and generally contribute to a more vibrant evening economy.

10.8.2 Applications for new public houses will only be permitted where it is demonstrated that these would not have a detrimental impact on the character or amenity of the surrounding area and residents, as per policy DEV2 of the MLDP. Particular care must be taken where there are residential properties in the surrounding area.

Draft Food & Drink Supplementary Guidance

10.8.3 Planning applications which would lead to the loss of a public house from a town centre must demonstrate that the premises are no longer viable as a public house and that the replacement use will either protect or enhance the vitality and viability of the town centre by providing a facility with similar opportunities for social interaction.

10.8.4 Over recent years the Council has been asked to consider planning proposals which relate to the consumption of alcohol in industrial units, ancillary to established breweries. Whilst the breweries themselves are generally acceptable in industrial estates, the creation of public houses or events space in these areas raises a number of concerns, including the compatibility of an increased number of pedestrians and members of the public within active and successful industrial estates. In addition, the scale of some of these operations are such that they could undermine the viability of public houses within town centres and elsewhere. Development will not be permitted where it will have an adverse impact on town centres, or where there is a risk to pedestrian safety.

10.8.5 Public houses must be provided with adequate parking provision as detailed in the Midlothian Council Parking Standards document 2014, or any subsequent standards amending or superseding this. Planning permission will not be permitted where the development would present a threat to road safety.

10.9 Concession Shops and Units

10.9.1 The Council has previously supported concession stores selling non-garden related items within the grounds of garden centres. Future applications may be supported where evidence demonstrates they would not undermine the success and vitality of nearby town centres and the proposal is in compliance with policy TCR2 of MLDP. Planning applications should be accompanied by: information to demonstrate that the applicant has investigated sites within town centres and why these have been discounted; information to demonstrate that the proposed use would not undermine the vitality and viability of nearby town centres; and details of parking provision and likely traffic generation.

10.9.2 Concession units within large retail units, e.g. superstores, are becoming more common. These operations generally do not require planning permission, provided the units are ancillary to the store within which they are sited. The Council expects that these concessions will only be accessed from within the host store and will operate wholly within the larger store. Where planning permission is required, these should comply with policy TCR2 of MLDP.

10.10 Pod/Container Retail Units

10.10.1 There has been a proliferation of applications across the country for individual pod/container retail units within retail parks or adjacent to superstores. These units are generally for class 1 uses, such as barbers, key cutters and watch and shoe repairs, and are essentially temporary structures or containers with improved finishing materials.

Draft Food & Drink Supplementary Guidance

10.10.2 These proposals are generally of a size which would be expected and appropriate within town centres and are therefore contrary to the town centre first approach. These also could have an adverse impact on the related retail park/unit.

10.10.3 The Council considers concession stores units within larger retail units an appropriate alternative to the provision of standalone retail pods or containers. They would be within retail units which have been assessed in terms of related policy with the impact on town centres addressed.

10.10.4 Any applications for pod or container retail units should be accompanied by a sequential test and details to demonstrate that all options within nearby town centres are exhausted before proposing such uses at Straiton Commercial Hub or superstores. A report must be submitted with applications to demonstrate there are no vacant or available commercial units of a size, or indeed other sizes, appropriate for the proposed retailer within nearby town centres. Any other supporting information will be considered, including the applicant's business strategy or operations. The cumulative impact of such proposals on retail parks or superstores will be assessed to ensure that there is no detrimental impact on these areas which are designated and defined to contain larger retail units or town centres.

10.10.5 The Council also has concerns over the visual impact these units would have as they are generally structures which would not be acceptable on a long term basis. Where the principle of siting a pod/container is acceptable it is likely that the Council will restrict the approval of these pods/units for a period of three years in order to allow the applicant the opportunity to prepare a more suitable permanent solution which respects the amenity and character of the surrounding area.

10.11 Pop Up shops and other temporary commercial activities

10.11.1 Pop up shops can be an effective way of bringing vacant units within town centres into use for short term periods. Such uses are becoming more common in town centres and are examples of how the role and function of these have changed, encouraging more flexibility for these areas as well as support for smaller businesses.

10.11.2 Planning permission for these is not required where no change of use takes place. Where permission is required, these will generally be supported provided they are not to the detriment of other uses in town centres or are outwith town centres or undermine the town centre first approach. Although this will encourage flexibility of town centres, it should be ensured that these do not detrimentally affect the long term use of units which may improve the vitality and viability of the town centre.

Draft Food & Drink Supplementary Guidance

10.12 Alfresco Eating

10.12.1 Outdoor eating and drinking areas can create an active and lively atmosphere in town centres. Planning permission is not always required for such areas but there are occasions where developers will need to submit planning applications for change of use. The Council will support alfresco eating areas in the following circumstances:

- Where they are associated with, and immediately adjacent to, established food and drink premises;
- Where there will be no significant adverse impact on the amenity of neighbouring residents or businesses as a result of noise and disturbance; and
- The proposal does not impede disabled access or significantly reduce the capacity of pedestrian routes.

10.13 Farmers' Markets

10.13.1 Open air markets are a popular way of diversifying town centres and creating a vibrant shopping experience. Proposals for open air markets and farmers' markets will be permitted provided that:

- They are located within a town centre;
- They contribute to the viability and vitality of the town centre;
- The amenity of any property, especially dwellings, is not adversely affected to a significant degree; and
- The site can be easily accessed by both vehicles and pedestrians, and parking provision for traders and customers is adequate.

10.14 Mobile hot food takeaways

10.14.1 The casual or temporary parking of a mobile hot food takeaway vehicle is not likely to be development and, as such, will unlikely require planning permission. Where a mobile unit becomes 'static' planning permission may be required and in these cases they will be subject to the same restrictions as other hot food takeaway proposals.

10.15 Community Projects, Stalled Spaces and Vacant Land

10.15.1 The Council will encourage community projects in town centres. Town centres are generally easily accessible by different members of the community and are well placed to provide services and facilities to people in need.

Draft Food & Drink Supplementary Guidance

10.15.2 There are relatively few vacant spaces within Midlothian's town centres. However, the Council encourages the early development and use of these places in order that they contribute fully to the health and wellbeing of the towns.

10.16 Events and cultural activities

10.16.1 The Council will encourage flexible spaces within town centres. These spaces could be utilised for different cultural events and exhibitions, thereby enhancing the vitality of Midlothian's towns.

10.17 Urban Realm

10.17.1 While other Supplementary Guidance is focused on creating quality of place and good placemaking it is also relevant to provide some general guidance in this document regarding the Council's support for improvements of the urban realm of Midlothian's towns.

10.17.2 Where opportunities arise, pavement areas within town centres should be widened in order to create safe and pleasant pedestrian areas. This will also allow flexibility with regards to the use of areas for different purposes in the interests of encouraging a vibrant atmosphere.

10.17.3 Signage, barriers and other street furniture result in excessive clutter in town centres. They can impede pedestrian routes and restrict disabled access. The proliferation of street clutter does not contribute positively to the physical environment of town centres and the Council will support measures to reduce unnecessary street furniture.

10.17.4 While some street furniture negatively impacts on the character and appearance of an area other features can be positive and encourage people to come to town centres. Features such as benches, street trees and planting contribute positively to the town centre environment.

10.17.5 Scotland is expected to experience more extreme weather conditions as a result of global warming. It is important that town centres are welcoming places, serving the needs of their communities, whatever the weather conditions may be. There is scope for development proposals to incorporate features to accommodate different conditions, such as the installation of canopies, recessed doorways and surface water management.

10.17.6 Roller shutters can create an unattractive and intimidating atmosphere in some commercial areas. The Council will not support the installation of external box-housed roller shutters within town centres or neighbourhood centres. If it has been demonstrated that roller shutters are essential these must be internally installed in a stretcher bond design, to allow some visibility through the shutter to maintain an active street frontage.

Draft Food & Drink Supplementary Guidance

10.17.7 Where there are numerous empty units within a town centre these can have a significant adverse impact on the character and appearance of an area. A common solution to this issue is to install temporary shopfronts within the premises. These temporary shopfronts can act as an advertisement, showing what businesses could achieve by moving in to the unit.

10.17.8 In an effort to encourage people to come in to town centres and stay for a while, contributing the vibrancy of the area the Council will encourage the installation of town centre wifi.

Draft Food & Drink Supplementary Guidance

Appendix 1 - MLDP Policies**Policy TCR 1****Town Centres**

Proposals for retail, commercial leisure development or other uses which will attract significant numbers of people, will be supported in Midlothian's town centres, provided their scale and function is consistent with the town centre's role, as set out in the network of centres and subject to the amenity of neighbouring uses being preserved.

Change of use from retail will only be permitted if the subsequent use is one which contributes positively to footfall in, and the vitality of, the town centre* and subject to the Council being satisfied that the proposals are acceptable in terms of the amenity, environment, traffic and parking arrangements of the town centre, with reference to the relevant Supplementary Guidance (paragraph 4.6.4).

Conversion of ground level retail space to residential uses will not be permitted. The conversion of upper floors to housing and the formation of new residential space above ground-level structures in town centres is supported.

Proposals for open air markets will be supported in Midlothian's town centres provided the amenity of neighbouring uses and the functioning of the road network is not adversely affected.

* Acceptable uses in this regard would be: financial, professional or other services which are provided principally to visiting members of the public; premises where food and drink is consumed; pubs; hot food takeaways; hotels; non-residential institutions; premises for assembly and leisure; or other 'one of a kind' uses which contribute to the objective.

Draft Food & Drink Supplementary Guidance

Policy TCR 2**Location of New Retail and Commercial Leisure Facilities**

The Council will apply the sequential approach set out in this policy with reference to the network of centres, as described in Table 4.1, insofar as it relates to locations within Midlothian and having regard to the expected catchment of the development.

Development in town centres

Proposals must accord with policy TCR1 above.

Development at Straiton Commercial Hub

Within Straiton Commercial Hub, as identified on the Proposals Map (and including site Ec3, where proposals are in accordance with a site masterplan to be agreed with the Council), proposals for new retail and commercial leisure development, or extensions to existing facilities, will be supported in principle provided that:

- A. there are no alternative sites in or on the edge of Edinburgh City Centre (where the proposed development has an anticipated catchment from across the city region); OR there are no alternative sites in, or on the edge of, Dalkeith town centre (where the proposed development has an anticipated catchment wholly or predominantly within Midlothian);
- B. they address a quantitative or qualitative deficiency within the catchment;
- C. they do not, either individually or cumulatively with other developments, undermine the vitality and viability of regional, strategic or other town centres, within the expected catchment of the proposed development; and
- D. they are accompanied by measures to improve the environmental quality of the commercial hub and its accessibility by public transport, walking or cycling.

Out of centre location for retail development

The Council will support retail development at an out of centre location in the corridor from Gorebridge/ Redheugh to Newtongrange as indicated on the settlement statement maps. This should be of a primarily convenience nature, and may be in the form of a new town centre for Redheugh. It should be demonstrated that any specific proposals do not (either individually or cumulatively with other developments) undermine the vitality and viability of town centres within the expected catchment of the proposed development.

Draft Food & Drink Supplementary Guidance

The Council does not support major retail development at any other out of centre locations.

Local centres and neighbourhoods

Proposals to change the use or redevelop existing shopping facilities within local centres and neighbourhoods will only be supported where their loss can be justified. New shopping facilities (up to a scale of 1,000 square metres gross floor area) will be permitted within local centres, provided they do not undermine the vitality and viability of any of Midlothian's town centres. Elsewhere within the built-up area, such facilities will be supported where new housing developments are not adequately served by existing centres. Any such development should not have a negative effect on the amenity of the adjoining residential area, including traffic and parking considerations.

Policy DEV2

Protecting Amenity within the Built-Up Area

Development will be permitted within existing and future built-up areas, and in particular within residential areas, unless it is likely to detract materially from the existing character or amenity of the area.

Policy ENV18

Noise

The Council will seek to prevent noisy development from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or require to be modified so that no unacceptable impact at sensitive receptors is generated. Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately. 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.

Draft Food & Drink Supplementary Guidance

Appendix 2 - Submission Requirements

Applications for hot food takeaways should be accompanied by the following:

- Details of the proposed hours and days of operation;
- Details of the proposed ventilation system;
- Details of areas of refuse storage; and
- Details of a litter bin to be positioned at the front of the site.

Applications for restaurants should be accompanied by the following:

- Details of the proposed hours and days of operation;
- Details of any proposed ventilation system;
- If there is to be a takeaway element to the proposal;
- If so, details of the expected percentage of customers eating the unit and taking away food;
- Details of areas of refuse storage; and
- Details of a litter bin to be positioned at the front of the site.

Applications for cafes, tea rooms and coffee shops should be accompanied by the following:

- Details of the proposed hours and days of operation;
- Details of the types of foods to be sold from the unit;
- Details of the proposed cooking apparatus;
- Details of any proposed ventilation system;
- If there is to be a takeaway element to the proposal;
- If so, details of the expected percentage of customers eating the unit and taking away food;
- Details of areas of refuse storage; and
- Details of a litter bin to be positioned at the front of the site.

Applications for the change of use from retail to other uses should be accompanied by:

- Details of how long the unit has been vacant;
- Details of how this has been marketed, including signage, medium, frequency and if target marketing has taken place;
- Details if there have been interested parties and for what uses/purposes; and
- Details of the hours of operation for the proposed use.

Applications for drive-through restaurants should be accompanied by:

- Information to demonstrate that sites within town centres have been investigated for the use and reasoning why these have been discounted;

Draft Food & Drink Supplementary Guidance

- Information to demonstrate that the proposed use would not undermine the vitality and viability of nearby town centres;
- Details of parking provision and likely traffic generation, which may include a Transport Assessment; and
- Details of any proposed litter picking proposals.

Appendix 3 - Relevant Documents

National Planning Framework 2014

Scottish Planning Policy 2014

The Town and Country Planning (Use Classes)(Scotland) Order 1997

The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016

The Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (Amended 2014)

Midlothian Council Parking Standards 2014

COMMUNICATING CLEARLY

We are happy to translate on request and provide information and publications in other formats, including Braille, tape or large print.

如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੰਗ ਕਰਨ ਤੇ ਖੁਸ਼ੀ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪਾਂ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਬਰੇਲ, ਟੇਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸ਼ਾਮਲ ਹਨ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyuyoruz.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (تایپا افراد کے لیے) بھرے ہوئے حروف کی لکھائی میں، ٹیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔

MAJOR DEVELOPMENTS: APPLICATIONS CURRENTLY BEING ASSESSED AND OTHER DEVELOPMENTS AT PRE-APPLICATION CONSULTATION STAGE

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report updates the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.

2 BACKGROUND

- 2.1 A major application is defined by regulations and constitutes proposed developments over a specified size. For example; a development comprising 50 or more dwellings, a business/industry use with a gross floor space exceeding 10,000 square metres, a retail development with a gross floor space exceeding 5,000 square metres and sites exceeding 2 hectares. A major application (with the exception of a Section 42 application to amend a previous grant of planning permission) cannot be submitted to the planning authority for determination without undertaking a formal pre application consultation (PAC) with local communities.
- 2.2 At its meeting of 8 June 2010 the Planning Committee instructed that it be provided with updated information on the procedural progress of major applications on a regular basis.
- 2.3 The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants is outlined in Appendices A and B attached to this report.

3 DEVELOPMENT PLAN UPDATE

- 3.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SDP1) and the Midlothian Local Development Plan 2017 (MLDP). The MLDP was adopted by the Council at its meeting of 7 November 2017. The proposed Strategic Development Plan (SDP2) is currently subject to examination by Scottish Government Reporters. The Reporter's findings were originally scheduled to be published in April 2018,

however to date they have not been published and are now anticipated in June 2018.

4 RECOMMENDATION

- 4.1 The Committee is recommended to note the major planning application proposals which are likely to be considered by the Committee in 2018 and the updates for each of the applications.

Ian Johnson
Head of Communities and Economy

Date: 12 June 2018
Contact Person: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310

Background Papers: Planning Committee Report entitled 'Major Developments: Applications currently being assessed and other developments at Pre-Application Consultation stage' 8 June 2010.

APPENDIX A

MAJOR APPLICATIONS CURRENTLY BEING ASSESSED

Ref	Location	Proposal	Expected date of reporting to Committee	Comment
16/00893/PPP	Land at Salter's Park, Dalkeith	Application for Planning Permission in Principle for residential development, employment uses and associated works	June 2018	Pre-Application Consultation (14/00833/PAC) carried out by the applicants in November 2014 - January 2015. This application is reported to this meeting of the Committee.
17/00408/DPP	Land at Old Craighall Road, Millerhill	Erection of 125 residential units; formation of access roads, SUDs features and associated works	August 2018	Pre-Application Consultation (14/00415/PAC) carried out by the applicants in June - September 2014.
17/00409/DPP	Land at Wellington Farm, Old Craighall Road, Millerhill	Erection of 116 residential units; formation of access roads, SUDs features and associated works	August 2018	Pre-Application Consultation (14/00415/PAC) carried out by the applicants in June - September 2014.
17/00435/DPP	Land at Newbyres, River Gore Road, Gorebridge	Erection of 125 residential units; formation of access roads, SUDs features and associated works	Being held in abeyance	Pre-Application Consultation (13/00609/PAC) carried out by the applicants in August - November 2013. The applicant is currently reviewing their layout following advice from officers that the layout and form of the development is unacceptable and contrary to the development plan.
17/00980/PPP	Land adjacent former Rosslynlee Hospital, Roslin (Site AHs1)	Residential development and associated works and ancillary commercial use	August 2018	Pre-Application Consultation (16/00266/PAC) carried out by the applicants in April - June 2016 The site is identified as an additional housing opportunity in the adopted MLDP with an indicative 120 – 300 units.
17/01001/DPP	Land at the former Rosslynlee Hospital, Roslin (Site AHs1)	Alterations and conversion of former hospital and buildings to form 71 dwellings, erection of 30 dwellinghouses and associated works	August 2018	Pre-Application Consultation (16/00267/PAC) carried out by the applicants in April - June 2016 The site is identified as an additional housing opportunity in the adopted MLDP with an indicative 120 – 300 units.

18/00081/DPP	Land south west of Upper Dalhousie Sand Quarry, Rosewell	Extension to existing sand quarry	August 2018	Pre-Application Consultation (17/00565/PAC) carried out by the applicants in July - October 2017.
18/00086/S42	Millerhill, Marshalling Yard, Whitehill Road, Millerhill	Section 42 application to amend condition 2 (landscaping) of planning permission 15/00884/DPP	Being held in abeyance at the applicants request	<p>Section 42 applications do not require to go through the Pre-Application Consultation process.</p> <p>This application is seeking to change the landscaping requirements set out by planning condition associated with the application (15/00884/DPP) to form a train cleaning and stabling depot. The applicant is currently reviewing their landscaping proposals following advice from officers that the initial scheme submitted is unacceptable.</p>
18/00099/DPP	Land at Gore Avenue and Newbyres Crescent, Gorebridge	Erection of 46 flatted dwellings; 17 dwellinghouses and 12 extra care units; formation of access roads and car parking; SUDS features and associated works	August 2018	Pre-Application Consultation (17/00913/PAC) carried out by the applicants in November 2017 – February 2018.
18/00155/DPP	Shawfair Site F Monktonhall Colliery Road, Dalkeith	Use of land for the storage of soil (top soil and sub soil) for a temporary period of 5 years.	October 2018	Pre-Application Consultation (17/00859/PAC) carried out by the applicants in October 2017 – January 2018.
17/00559/S42 <i>New addition to the table</i>	Land south west of Newtonloan Toll, Gorebridge	Section 42 application to amend condition 8 (zero and/or low carbon equipment) of planning permission 07/00556/OUT	June 2018	<p>Section 42 applications do not require to go through the Pre-Application Consultation process.</p> <p>This application is seeking to change the zero carbon technology requirements set out by planning condition associated with the application (07/00556/OUT) for Class 4 and 5 (business and industry) development.</p> <p>This application is reported to this meeting of the Committee.</p>
18/00308/DPP <i>New addition to the table</i>	Land south west of Newbattle Community High School, Newtongrange	Erection of 79 residential units; formation of access roads, car parking and associated works	October 2018	Pre-Application Consultation (18/00102/PAC) carried out by the applicants in February 2018 – May 2018.

APPENDIX B

NOTICE OF PRE-APPLICATION CONSULTATIONS RECEIVED AND NO APPLICATION HAS BEEN SUBMITTED

Ref	Location	Proposal	Date of PAC submission	Earliest date for receipt of planning application and current position
15/00774/PAC	Site Hs14, Rosewell North, Rosewell	Residential development The site is identified for an indicative 60 residential units.	22 September 2015	15/12/15 - no application yet received. A pre-application report was reported to the November 2015 meeting of the Committee.
16/00830/PAC	Land east of junction with Greenhall Road Barleyknowe Road Gorebridge	Residential development This site is not allocated for housing	24 November 2016	10/02/17 - no application yet received. A pre-application report was reported to the January 2017 meeting of the Committee.
17/00296/PAC	Land to the east of Lawfield Road and to the north of Ash Grove, Mayfield	Residential development This site is not allocated for housing	19 April 2017	06/07/17 - no application yet received. A pre-application report was reported to the June 2017 meeting of the Committee.
17/00367/PAC	Site Hs12 Hopefield Farm 2 Bonnyrigg	Residential development The site is identified for an indicative 375 residential units.	9 May 2017	02/08/17 - no application yet received. A pre-application report was reported to the August 2017 meeting of the Committee.
17/00402/PAC	Site Hs11 Dalhousie South Bonnyrigg	Residential development The site is identified for an indicative 360 residential units.	19 May 2017	12/08/17 - no application yet received. A pre-application report was reported to the August 2017 meeting of the Committee.
17/00606/PAC	Land south east of Auchendinny, The Brae, Auchendinny (Site Hs20)	Residential development The site is identified for an indicative 350 residential units.	27 July 2017	20/10/17 - no application yet received. A pre-application report was reported to the November 2017 meeting of the Committee.
17/00663/PAC	Land bounded by A7, Stobhill Road and Pentland Avenue, Gorebridge	Mixed use development comprising residential and commercial land uses	16 August 2017	09/11/17 - no application yet received. A pre-application report was reported to the October 2017 meeting of the Committee.

17/00670/PAC	Land to the north of Hardengreen House, Dalkeith	Mixed use development including Class 1 (Shops); Class 2 (Financial, Professional and Other Services); Class 3 (Food and Drink); Class 4 (Business); Class 9 (Houses); and Class 10 (Non-Residential Institutions).	22 August 2017	15/11/17 - no application yet received. A pre-application report was reported to the October 2017 meeting of the Committee.
17/00693/PAC	Land 65M west of Rosslyn Bowling Club, Main Street, Roslin (Site Hs19)	Residential development The site forms part of (approximately 25%) a larger development site identified for an indicative 260 residential units.	30 August 2017	23/11/17 - no application yet received. A pre-application report was reported to the November 2017 meeting of the Committee.
17/00721/PAC	Land west of Burnbrae Terrace Bonnyrigg	Mixed use development including offices, stores, garage and workshops, enterprise business units, parking and ancillary facilities	12 September 2017	06/12/17 - no application yet received. A pre-application report was reported to the January 2018 meeting of the Committee.
18/00102/PAC	Land south west of Newbattle Community High School, Newtongrange	Residential development The applicant is considering an indicative 79 residential units.	9 February 2018	05/05/18 - A pre-application report was reported to the April 2018 meeting of the Committee.
18/00139/PAC	Land north west of Moat View, Roslin	Residential development	28 February 2018	24/05/2018 - A pre-application report was reported to the May 2018 meeting of the Committee.
18/00350/PAC <i>New addition to the table</i>	Land at Danderhall Primary School and Danderhall Recreation Ground Edmonstone Road. Danderhall	Erection of a community facility incorporating primary school; early years provision; library and leisure facilities.	18 May 2018	11/08/2018



APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report informs the Committee of notices of reviews determined by the Local Review Body (LRB) at its meeting in May 2018; and an appeal decision received from Scottish Ministers.

2 BACKGROUND

- 2.1 The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse the application or to impose conditions on a grant of planning permission.
- 2.2 The decision of the LRB on any review is final, and can only be challenged through the Courts on procedural grounds.
- 2.3 Decisions of the LRB are reported for information to this Committee.
- 2.4 In addition, this report includes a decision on appeal which has been considered by Scottish Ministers.

3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 22 May 2018 the LRB made the following decisions:

	Application Reference	Site Address	Proposed Development	LRB Decision
1	17/00905/S42	Former Loanhead Ex Servicemens Club, 10 Academy Lane, Loanhead	Application to remove a condition from a grant of planning permission to limit the number of children at a nursery for a temporary period of 12 months	Permission granted at LRB meeting of 22.05.2018
2	17/00920/DPP	Land to north west of 3 Eskview Villas, Dalkeith	Erection of dwellinghouse and two flatted dwellings; formation of access, car parking and	Permission refused at LRB meeting of 22.05.2018

			associated works	
	Application Reference	Site Address	Proposed Development	LRB Decision
3	17/00930/DPP	Land west of 14-18 The Loan, Loanhead	Erection of 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows	Permission granted at LRB meeting of 22.05.2018 subject to the conclusion of a Planning Obligation to secure developer contributions

4 APPEAL DECISIONS

- 4.1 An appeal against a refusal of planning permission for the erection of 11 flatted dwellings and five dwelling houses, formation of access and car parking and associated works at land at junction of Bryans Road and Morris Road, Newtongrange has been upheld subject to conditions. The Reporter appointed by the Scottish Ministers issued a decision advising the Council of the intention to grant planning permission subject to the conclusion of a legal agreement to secure developer contributions in January 2018. A copy of this decision was reported to the Committee at its meeting in February 2018. A decision has now been issued following the conclusion of the legal agreement securing developer contributions. The Reporter also dismissed a claim for costs made by the applicant. A copy of the appeal decision accompanies this report.

5 RECOMMENDATION

- 5.1 The Committee is recommended to note the decisions made by the Local Review Body at its meeting in May 2018 and the appeal decision by Scottish Ministers.

Ian Johnson
Head of Communities and Economy

Date: 12 June 2018
Contact Person: Peter Arnsdorf, Planning Manager
 peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310
Background Papers: LRB procedures agreed on the 13 June 2017.



Decision by Amanda Chisholm, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2041
- Site address: Land at junction of Bryans Road and Morris Road, Newtongrange, Dalkeith, EH22 4ST
- Appeal by T & V Builders against the decision by Midlothian Council
- Application for planning permission 16/00809/DPP dated 16 November 2016 refused by notice dated 20 June 2017
- The development proposed: Erection of eleven flatted dwellings and five dwelling houses; formation of car parking and access road; and associated works
- Application drawings listed in schedule
- Date of site visit by Reporter: 19 September 2017

Date of appeal decision: 1 June 2018

Decision

I allow the appeal and grant planning permission subject to the 11 conditions listed at the end of the decision notice. Attention is drawn to the three advisory notes at the end of the notice.

Note: A claim for an award of expenses to be made against the planning authority has also been submitted on behalf of the appellant. I deal with that matter in a separate decision notice.

Reasoning

1. On 22 January 2018, I issued a notice stating that I was minded to grant planning permission for this development, subject to the conditions listed at the end of the notice, and following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 ('the Act'), or some other suitable arrangement, covering contributions towards: affordable housing; education provision; Borders Rail Link; children's play provision; and community facilities. A copy of the notice which sets out the reasoning for my intention is enclosed with this decision.

2. An agreement under section 75 of the Act has now been received and acknowledged by the Registers of Scotland. This notice therefore grants planning permission for the development subject to the conditions listed below.



Amanda Chisholm

Reporter

Conditions

1. Development shall not begin until details of a scheme of hard and soft landscaping have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
- ii. existing trees, landscaping features and vegetation to be retained, removed, protected during development and, in the case of damage, restored;
- iii. proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv. location and design of any proposed walls, fences and gates, including those surrounding the bin storage area and that separating the pedestrian access to the flatted block from the vehicular access;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place outwith the bird breeding season (March-August);
- vii. drainage details and details of sustainable urban drainage systems to manage water runoff;
- viii. proposed car park configuration and surfacing;
- ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x. details of car park and footpath lighting.

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 (vi). 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 DEV2, DEV6 and DEV7 of the adopted Midlothian Local Development Plan and national planning guidance and advice.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. 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 DEV2 and DEV6 of the adopted Midlothian Local Development Plan and national planning guidance and advice.

3. The windows identified in yellow on approved drawing no. 14038/P25 shall be glazed with obscured glass. The obscured glass shall not be replaced with clear glass unless otherwise agreed in writing by the Planning Authority. The windows in the flatted block identified on approved drawing no. 14038/P25 shall be directed away from the neighbouring plot as shown on drawing nos. 14038/P22B and 14038/P23A.

Reason: In the interests of protecting the amenity of the neighbouring residential property.

4. Details of the appearance of the proposed cycle store shall be submitted to and approved in writing by the planning authority prior to the commencement of development on site. Details shall include the internal provision of Sheffield storage racks.

Reason: To ensure that adequate cycle parking facilities are provided on site in order to encourage sustainable forms of transport.

5. The buildings permitted shall not be occupied or brought into use until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

Reason: To ensure the future users of the buildings have safe and convenient access to and from the site.

6. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the planning authority.

Reason: To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the adopted Midlothian Local Development Plan.

7. No development shall take place on site until the applicants or their successors have submitted a detailed site investigation report, with regards coal mining legacy, following intrusive site investigation works, to the planning authority and that this report is agreed in writing by the planning authority. The site investigation report shall identify any need for remedial works to treat the areas of shallow mine workings and no development shall commence on site until the agreed mitigation measures have been carried out.

Reason: The submitted Coal Mining Risk Assessment (Mineral Stability Desktop Report) identifies that further investigation work is required to be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The above details are required in order to ensure that the site can safely be developed.

8. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

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

9. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwelling house. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan.

10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout 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 DEV5 of the adopted Midlothian Local Development Plan.

11. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have 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 adopted Midlothian Local Development Plan.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to

confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Schedule of application drawings

14038/P01	-	location plan
14038/P21C	-	site plan
14038/P22B	-	ground floor plan (flats)
14038/P23A	-	first and second floor plan (flats)
14038/P24A	-	terrace house plans
14038/P25	-	elevations (provided by Midlothian Council in response to the appeal)
14038/P26A	-	bicycle store and section through pend
14038/P27B	-	street elevations
14038/P28B	-	street elevations
14038/P29B	-	3D images



Notice of Intention by Amanda Chisholm, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2041
- Site address: Land at junction of Bryans Road and Morris Road, Newtongrange, Dalkeith, EH22 4ST
- Appeal by T&V Builders against the decision by Midlothian Council
- Application for planning permission 16/00809/DPP dated 16 November 2016 refused by notice dated 20 June 2017
- The development proposed: Erection of eleven flatted dwellings and five dwelling houses; formation of car parking and access road; and associated works.
- Application drawings listed in schedule
- Date of site visit by Reporter: 19 September 2017

Date of appeal decision: 22 January 2018

Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission subject to the 11 proposed conditions listed at the end of this notice, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the subject areas listed in paragraph 30 below.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.
2. The development plan comprises the Edinburgh and South East Scotland Strategic Development Plan, adopted in June 2013, and the Midlothian Local Development Plan (LDP), adopted in November 2017. The proposal at appeal does not raise any strategic issues and falls to be assessed against the relevant provisions of the Local Development Plan.
3. Having regard to the provisions of the development plan, the main issues in this appeal are the effect of the proposed development on (1) the character of the area and (2) residential and neighbouring amenity; (3) the adequacy of the proposed dwelling houses' garden grounds; and (4) the safety implications of vehicular access arrangements.

Background



4. The application at appeal follows refusal of an earlier application in June 2015 for thirteen flatted dwellings and five dwelling houses on the same site (15/00029/DPP) and dismissal of the subsequent appeal (PPA-290-2029) in November 2015. The application has revised this previous proposal to address the reasons for refusal.

5. Overall there have been five planning applications for this site, including this one, since 2007. Of these, an application for twelve dwelling houses (16/00207/DPP) was granted subject to conditions and a planning obligation. In response to the interest in the site the planning authority drew up an informal development brief, which was provided as pre-application advice in this case. As this document was intended to provide guidance to assist developers, and was not subject to statutory adoption procedures, it carries little weight as a material consideration.

6. While I am mindful of the previous application and the appeal decision, as well as the extant planning permission, I have considered this case on its own merits.

Character of the area

7. The LDP seeks to protect the existing character of built-up areas from inappropriate development. Policy STRAT2 (Windfall Housing Sites) supports housing development on windfall brownfield sites within built-up areas, provided that it has regard to the character of the area in terms of scale, form, design and materials. This is echoed by the requirements of Policy DEV2 (Protecting Amenity within the Built-Up Area) that development shall not detract materially from the existing character or amenity of built-up residential areas.

8. The appeal site is located within the built-up area of Newtongrange, and comprises brownfield land. The area, largely residential, is characterised by a variety of housing designs and types, including four-in-a-block flats and terraced, semi-detached, and detached dwelling houses, mainly sitting in their own garden grounds. The overall impression is one of spaciousness. Bryans Farmhouse, a traditional two-storey dwelling house, sits in its own garden grounds immediately adjacent to the western boundary of the appeal site. Other buildings in the area comprise a police station, a shop, a fast-food outlet and an industrial estate. Newbattle High School is situated approximately 500 metres to the north. The principle of residential development at this brownfield location, in a predominantly residential area, is not disputed.

9. In terms of mass and bulk, the proposed terraced housing would echo that existing in the area. The depth of the flatted building would accommodate one flat only, apart from the southernmost element, which echoes the depth of other buildings in the locale. In my view the flatted building would constitute a modern interpretation of flatted development, and its massing and bulk would not be out of step with some of the other modern housing in the area.

10. In terms of height, the proposed terraced houses would present as two storeys, with the second floor accommodated within the pitched roof. The proposed flatted building would be two storeys, apart from a three-storey element at its southeast corner. These heights would generally accord with the one- or two-storey heights of existing dwellings in the area. The exception would be at the southeast corner. Although this would introduce a

new height feature into the locale, its extent would be limited, and I agree that this three-storey element would provide an added design emphasis to the building, as set out in the non-statutory development brief.

11. In regard to roof design, LDP policy does not preclude flat roofs. I agree that most of the dwellings in the site's environs have pitched roofs of various styles. At the site inspection, however, I observed some relatively modern buildings with flat roofs in the vicinity of the appeal site: one group of dwellings on Morris Road and other non-residential buildings, i.e. the police station, the school and the buildings within the industrial estate. In this location a flat-roofed development would continue this modern theme and would therefore not be incongruous. I also consider that a pitched roof on the flatted building would increase its height and thus the potential for overshadowing of the neighbouring property.

12. Taking all these things together, although the proposed development would introduce some change into the surrounding area, I do not consider that it would conflict with LDP policies in terms of its effect on the character of the area.

Residential and neighbouring amenity

13. In terms of quality of place, the LDP seeks to ensure that new development meets basic functional requirements such as satisfying privacy, sunlight and daylight levels in order to preserve the quality of life of residents. While Policy DEV2 protects the amenity of built-up residential areas, Policy DEV6 (Layout and Design of New Development) requires good design and a high quality of architecture, in both the overall layout of development proposals and their constituent parts. This includes avoiding overshadowing of buildings; adequate spacing between housing to ensure privacy and amenity; and providing private open space on a scale appropriate to the relevant dwelling type. These policies are intended to be supported by supplementary guidance on quality of place; however, this document has yet to be finalised and, as such, some of the more prescriptive elements of the superseded Local Plan (Policy DP2) are not currently defined in the new policy regime.

14. In terms of separation distance, the southwestern corner of the flatted block would be close to the boundary with the outbuilding of Bryans Farmhouse; however, relying on the council's measurements, this two-storey element would be approximately 15 and 13 metres from the closest windows of Bryans Farmhouse and its conservatory respectively. The three-storey element would be approximately 21 and 19 metres from these facades. In terms of overlooking and privacy, on the site inspection I observed that the ground floor, rear garden and conservatory are mainly screened from views from the appeal site by a combination of walls, fences and outbuildings. The ground levels in the appeal site vary, with a slight uphill slope from west to east and from south to north. The two- and three-storey components of the flatted block would be 6.1 metres and 8.9 metres in height, including this slope, slightly lower and higher than Bryans Farmhouse respectively. Accordingly, these elevations of the flatted block would overlook the habitable rooms on the house's eastern façade. However, no windows are proposed for these elevations, apart from bathroom windows for which opaque glazing is proposed (Drawing 14038/P25); the adjacent bedroom windows would be angled to look away from the farmhouse (Drawing 14038/P23A). Taking these things together, I consider that overlooking of Bryans

Farmhouse would be effectively prevented. I also consider that the separation distances and relative heights would avoid any overbearing impact.

15. In terms of overshadowing, relying on the 'sun on ground indicators' used by the council, the height and separation distance of the southwestern corner of the flatted block would result in some overshadowing of the ground floor of Bryans Farmhouse, on the eastern and southern elevations. This would be limited to the early morning, until 9:30 a.m., after which the outbuilding would be overshadowed until early afternoon (1 p.m.) which would therefore affect the efficiency of the solar panels fixed to the roof. However, I do not consider this overshadowing to be significant enough to dismiss the appeal.

16. The terraced houses would be some 9.5 metres high, taking into account the higher ground level. They would therefore be higher than Bryans Farmhouse as well as being in relatively close proximity. However, as they would effectively be at right angles to the farmhouse, overlooking would be limited to the nearest bathroom windows on the front elevation, for which opaque glazing is proposed. No concerns were expressed in this regard and I consider that, given the proposed mitigation, overlooking would be avoided.

17. I note the concerns expressed regarding the potential effect on the child-minding business run by the owner of Bryans Farmhouse. My understanding is that this business is ancillary to the house. I do not consider that a child-minding business would require a greater level of privacy than the house and, given my conclusions above, do not find that the child-minding business would be significantly affected by overlooking or overshadowing.

Adequacy of garden grounds

18. Policy DEV6 (Layout and Design of New Development) requires that private open space should be provided on a scale appropriate to the relevant dwelling type.

19. The rear gardens for the proposed terraced houses would not be uniform in size, ranging from 60.42 to 69.4 square metres in area. While I acknowledge that larger garden sizes could be desirable, I agree that an increased length would likely result in long and narrow gardens that would be difficult to use and maintain. I therefore consider that the proposed rear gardens would be sufficient to meet the requirements of Policy DEV6.

20. The amenity space for the flatted building would comprise the green space shown on Drawing 14038/P21/C which, taken together, would total 630 square metres in extent, approximately 57 square metres per flat. While I acknowledge that some of this space would not be ideal for amenity use, such as sitting outdoors, overall this allocated space would contribute to the amenity of the residents. I therefore consider that sufficient amenity space would be allocated for the flatted block's residents.

Access arrangements

21. Vehicular access would be via a pend from Morris Road through the flatted block, leading to the car park and terraced houses. According to the written submissions, Morris Road is well used by vehicles and pedestrians, particularly students, and I observed this at the site inspection. I have considered the adequacy of vehicular access arrangements, and the potential risk of collisions between vehicles exiting the appeal site and pedestrians

and/or vehicles using Morris Road, in light of the concerns raised. At this location the building would be set back from the footway by at least two metres and therefore would not impede the visibility of drivers entering or exiting the car park. I also note, from Drawing 14038/P29B, that there would be a wall separating the pedestrian access to the building entrance from the vehicular access: where it would adjoin the footway it would appear to be half a metre in height, the same as the rest of the wall around the site's curtilage. At this height, I consider that visibility at this point would not be obstructed. However, were the wall to be higher than half a metre at this point, it might obstruct visibility of those exiting. I consider that the council is best placed to deal with this issue and secure a wall height appropriate to ensure driver visibility at this point, through a planning condition.

22. The exit would be on an upward slope and concerns have been expressed about drivers accelerating away. However, the local authority had requested a standard vehicle footway and dropped kerb access to the car park, which would give pedestrians priority and reduce vehicle speed, and this is shown on Drawing 14038/P21 C. In addition, the junction of Morris Road and Bryans Road/ Suttieslea Road is now controlled by traffic lights, which would reduce the speed of vehicles on this part of Morris Road. Taking all these together, I do not consider that there would be an increased risk of accident as vehicles enter and exit the appeal site.

23. The local authority has not raised concerns about the potential for the proposed building to encroach on the sightlines of vehicles using the junction of Bryans Road and Morris Road, but concerns have been expressed in the representations. The flatted building would be set back from Bryans Road by more than 13 metres at its closest point, slightly back from the frontage of Bryans Farmhouse. The intervening ground would comprise grassed amenity space, separated from the road by a footway and a brick wall (0.5 metre high) surmounted by railings. Given its setback from Bryans Road, and the open nature of the amenity space, I do not consider that the building would restrict motorists' visibility at this location.

24. Finally, I have considered the potential impact on access by the emergency services. While I understand the concerns raised in the representations, this is a matter for the local authority to consider when reviewing an application for a building warrant. I have therefore not considered it further here.

Other matters

25. The site is considered to contain archaeological remains and concerns have been expressed that appropriate archaeological investigation is required prior to development. In line with Policy ENV25, such investigation can be effected through condition and I have therefore not considered this matter further.

Conditions and Legal Agreement

26. The list of suggested conditions, for use were the appeal to be allowed, was provided by the council prior to the adoption of the Midlothian LDP but taking into account its proposed policies. These conditions reflect those recommended in the report to the planning committee; the appellant has signalled that it is content with them. Given the council's responsibility for the enforcement of these conditions, I have adopted the council's

wording where possible, taking into account the principles set out in Circular 4/1998: The Use of Conditions in Planning Permissions and making amendments to reflect the adoption of the LDP.

27. In particular, I have added wording to Condition 1(iv) to reflect my concerns about the height of the wall that would separate the pedestrian access to the building from the vehicular access at the proposed bend and secure an appropriate design that would ensure driver visibility at this location.

28. I have also added wording to Condition 3 to ensure that specified bedroom windows in the flatted block would be angled to look away from the farmhouse, as shown on Drawing 14038/P23A, to prevent overlooking.

29. The appellant and the council agree that the Heads of Terms for an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 should include provision of affordable housing and contributions towards education provision, Borders Rail Link, children's play provision and community facilities, in line with the requirements of Policies IMP1 and IMP2 of the LDP. I have reviewed the proposed planning obligation using the policy tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements, and consider that the obligation is necessary to make the proposed development acceptable in planning terms; serve a planning purpose; relate to the proposed development; are fair and reasonable in scale, kind and all other respects.

30. Before granting planning permission I therefore consider that a planning obligation covering the topics of affordable housing, education provision, Borders Rail Link, children's play provision and community facilities should be completed. Accordingly, I will defer determination of this appeal for a period of 12 weeks to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 12 week period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will review the situation.

31. The conditions and advisory notes which I am minded to attach to the planning permission, should it be granted, are shown below.

Overall Conclusion

32. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Amanda Chisholm

Reporter

Proposed Conditions

1. Development shall not begin until details of a scheme of hard and soft landscaping have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
- ii. existing trees, landscaping features and vegetation to be retained, removed, protected during development and, in the case of damage, restored;
- iii. proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv. location and design of any proposed walls, fences and gates, including those surrounding the bin storage area and that separating the pedestrian access to the flatted block from the vehicular access;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place outwith the bird breeding season (March-August);
- vii. drainage details and details of sustainable urban drainage systems to manage water runoff;
- viii. proposed car park configuration and surfacing;
- ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x. details of car park and footpath lighting.

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 (vi). 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 DEV2, DEV6 and DEV7 of the adopted Midlothian Local Development Plan and national planning guidance and advice.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. 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 DEV2 and DEV6 of the adopted Midlothian Local Development Plan and national planning guidance and advice.

3. The windows identified in yellow on approved drawing no. 14038/P25 shall be glazed with obscured glass. The obscured glass shall not be replaced with clear glass unless otherwise agreed in writing by the Planning Authority. The windows in the flatted block

identified on approved drawing no. 14038/P25 shall be directed away from the neighbouring plot as shown on drawing nos. 14038/P22B and 14038/P23A.

Reason: In the interests of protecting the amenity of the neighbouring residential property.

4. Details of the appearance of the proposed cycle store shall be submitted to and approved in writing by the planning authority prior to the commencement of development on site. Details shall include the internal provision of Sheffield storage racks.

Reason: To ensure that adequate cycle parking facilities are provided on site in order to encourage sustainable forms of transport.

5. The buildings permitted shall not be occupied or brought into use until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

Reason: To ensure the future users of the buildings have safe and convenient access to and from the site.

6. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the planning authority.

Reason: To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the adopted Midlothian Local Development Plan.

7. No development shall take place on site until the applicants or their successors have submitted a detailed site investigation report, with regards coal mining legacy, following intrusive site investigation works, to the planning authority and that this report is agreed in writing by the planning authority. The site investigation report shall identify any need for remedial works to treat the areas of shallow mine workings and no development shall commence on site until the agreed mitigation measures have been carried out.

Reason: The submitted Coal Mining Risk Assessment (Mineral Stability Desktop Report) identifies that further investigation work is required to be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The above details are required in order to ensure that the site can safely be developed.

8. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

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

9. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwelling house. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan.

10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout 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 DEV5 of the adopted Midlothian Local Development Plan.

11. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have 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 adopted Midlothian Local Development Plan.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Schedule of application drawings

14038/P01	-	location plan
14038/P21C	-	site plan
14038/P22B	-	ground floor plan (flats)
14038/P23A	-	first and second floor plan (flats)
14038/P24A	-	terrace house plans
14038/P25	-	elevations (provided by Midlothian Council in response to the appeal)
14038/P26A	-	bicycle store and section through pend
14038/P27B	-	street elevations
14038/P28B	-	street elevations
14038/P29B	-	3D images



Notice

T: 0300 244 6668
F: 0131 244 8988
E: dpea@gov.scot

Decision by Amanda Chisholm, a Reporter appointed by the Scottish Ministers

- Appeal reference: PPA-290-2041
- Site address: Land at junction of Bryans Road and Morris Road, Newtongrange, Dalkeith, EH22 4ST
- Claim for expenses by T&V Builders against Midlothian Council

Date of decision: 1 June 2018

Decision

I find that the planning authority has not acted in an unreasonable manner resulting in liability for expenses and, in exercise of the powers delegated to me, I decline to make any award.

Preliminary matter

My decision on the appeal which is the subject of this expenses claim has been issued in a separate decision notice.

Reasoning

1. Awards of expenses do not follow decisions on planning merits, and are made only where each of the following tests (as set out in Circular 6/1990) is met:
 - the claim is made at the appropriate stage in the proceedings;
 - the party against whom the claim is made has acted unreasonably; and, if so,
 - such unreasonable conduct has caused the party making the application unnecessary expense, either because it was unnecessary for the matter to come before the Scottish Ministers, or because of the way in which the party against whom the claim is made has conducted its side of the case.
2. The claim was made at the appropriate stage of the proceedings.
3. The appellant claims that the planning authority has acted unreasonably as the reasons for refusal were not sound or clear cut. It should not have been necessary for the case to come before the Scottish Ministers, for two reasons: (i) the appellant complied in full with the planning brief, further addressing concerns from consultants and objectors



throughout the application process; and (ii) the planning committee should have accepted the recommendation made in the planning officer's Report to Committee and should also have taken into account the contents of the decision notice for the previous appeal.

4. In response the planning authority states firstly, that complete, precise and relevant reasons for the refusal of the planning application were provided and, secondly, that there are no overriding reasons for a planning committee to concur with the recommendation of an officer's report.

5. In respect of the second test, I am of the view that the planning authority clearly set out the reasons for refusing planning permission, which related to the effect of the proposed development on the character of the area and on residential and neighbouring amenity; the adequacy of the proposed dwelling houses' garden grounds; and the safety implications of vehicular access arrangements. The reasoning referred to the relevant Local Development Plan policies, where appropriate. I consider that the planning authority's reasons express legitimate planning concerns, based on the provisions of the development plan and the concerns expressed in the representations. It was for the planning authority as decision maker to determine the weight to be attached to the relevant considerations. I therefore do not consider that the planning authority acted unreasonably in this regard.

6. In the decision notice I noted that, in light of the interest in the appeal site, the planning authority drew up an informal development brief, which was provided as pre-application advice in this case and was intended to provide guidance to assist developers. Although the appellant considers that the concerns of objectors were addressed throughout the application process, this did not prevent objections to the proposed development being lodged. While I understand the appellant's frustration in this regard, the development brief remained informal in nature and therefore carried little weight as a material consideration. I therefore do not consider that the planning authority acted unreasonably in this regard.

7. It is not incumbent on a planning committee to accept the recommendations of professional advisors but, in making a different judgement, I consider that it should have acted in a reasonable manner. In terms of the committee report, I note that it highlighted concerns about the provision of adequate private garden space but considered that, given the circumstances, the standards prevailing at the time of the report's preparation could be relaxed. No mention was made of the safety issues around vehicles entering or exiting the proposed development. Although the professional advisors were content that the site could accommodate the proposed development without adversely affecting residential amenity or the character of the surrounding area, issues in this regard were raised in representations; the report to the planning committee made it clear that these comprised material considerations. Although the planning officer considered that the relaxation of garden standards and concerns expressed in the representations were not such as to require refusal, in my view the committee was entitled to use its judgement in reaching a different view and also in raising its own concerns about the risk of accidents.

8. Finally, with regard to the previous appeal, this was in relation to a different development proposal which, although similar to that at appeal, differed in its design details. The reporter for the earlier appeal was satisfied with certain aspects of the proposal but concluded that, in regard to car parking provision and garden and open space, the scale of development proposed exceeded the capacity of the site. However, while the report to

committee noted the reporter's conclusions, in my view the committee was not bound by the findings of the appeal.

9. Taking all of the above together, I conclude that the planning authority did not behave in an unreasonable manner in its handling of this case. In the light of that conclusion, I do not need to consider the third test in Circular 6/1990.

Amanda Chisholm

Reporter



**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
16/00893/PPP FOR RESIDENTIAL DEVELOPMENT (UP TO 400 UNITS)
AND EMPLOYMENT USES; FORMATION OF ACCESS ROADS AND
ASSOCIATED WORKS, SALTERS PARK, SALTERS ROAD, DALKEITH
(THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL
STATEMENT SUBMITTED UNDER THE TERMS OF THE TOWN AND
COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT
(SCOTLAND) REGULATIONS 2011))**

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for planning permission in principle for a mixed use development incorporating residential (up to 400 units) and employment uses at land at Salters Park, Salters Road, Dalkeith. There have been three letters of representation and consultation responses from the Coal Authority, the Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Environment Scotland, Transport Scotland, the Council's Archaeological Advisor, the Council's Policy and Road Safety Manager, the Council's Education Manager, the Council's Land Resources Manager and the Council's Economic Development Service.**
- 1.2 The relevant development plan policies are policies 2 and 5 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT1, STRAT5, DEV2, DEV 5, DEV6, DEV 7, ECON 1, TRAN 1, TRAN 5, ENV 7, ENV 9, ENV 10, ENV 11, ENV 15, ENV17, ENV 18, ENV25, NRG 6, IMP 1, IMP 2 and IMP3 of the Midlothian Local Development Plan 2017.**
- 1.3 The recommendation is to refuse planning permission.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is approximately 30 hectares and located to the north of Dalkeith between Salters Road (A6094) and the A68. The site predominately comprises of undulating agricultural land with a core path running through the middle of the site in a south/north east direction. The site is bound to the north east by the A68, to the east/south east by agricultural land, to the south by the Dalkeith**

Schools Campus and adjoining running track and to the west by Salters Road with agricultural land beyond. In the western part of the site the site boundary wraps around Smeatonhead Farm Cottages.

- 2.2 The site is within the built-up area of Dalkeith and comprises the 'Salter's Park' economic development allocation. The western part of the site being site e14 (allocated in the 2003 Midlothian Local Plan) and the eastern part of the site being site Ec2 (allocated in the 2017 Midlothian Local Development Plan), an extension to the original allocation.

3 PROPOSAL

- 3.1 The proposal is for planning permission in principle for a mixed use development incorporating residential (up to 400 units) and employment uses at land at Salters Park, Dalkeith.
- 3.2 The applicant has submitted an indicative masterplan with the application which sets out approximately a third of the site for economic uses and two thirds for housing (up to 400 units). The economic component would also include a number of 'work from home units/workshop homes' (17 units) designed to meet the demand from small businesses waiting to operate from a residential property.
- 3.3 Since the initial submission the applicant has advised that they would consider adjusting the proportions between the economic and residential uses – a third being economic uses, a third being residential uses and a third being either economic or residential depending on market demand.
- 3.4 The site would have two vehicular access points, both onto Salters Road (A6094). The first access point would be towards the north west of the site and would predominantly service the economic land uses situated in the north of the site closest to the A68. The second access point would be to the south west and would service the residential areas of development. There would be a main through route connecting these two access points. A further potential connection is shown linking the south east of the site to the Dalkeith Campus access road, however this is, in part, dependent on land outwith the applicant's control. Structural landscaping will be provided on the boundaries of the site.
- 3.5 The application is also accompanied by:
- a planning statement;
 - an environmental statement;
 - a pre-application consultation (PAC) report;
 - a design and access statement (DAS);
 - a drainage strategy;
 - flood risk assessment;
 - a transport assessment;

- a sustainability assessment;
- a coal mining risk assessment;
- a habitat survey; and
- a noise report

4 BACKGROUND

- 4.1 Pre application Consultation 14/00833/PAC regarding a mixed use development incorporating residential and employment uses at land at Salter's Park, Dalkeith was reported to the Committee at its meeting in January 2018. Although elected members welcomed the prospect of development taking place on the site they expressed concerns regard the potential loss of employment land to residential development and were concerned about the potential incompatibility between residential and employment uses.
- 4.2 The western part of the site being site e14 (17.5 hectares) was allocated in the 2003 Midlothian Local Plan to compensate for the loss of economic land when the Dalkeith Campus and the Wester Cowden housing allocation was proposed on land previously allocated for economic land uses.

5 CONSULTATIONS

- 5.1 The **Coal Authority** initially objected to the development proposal as the application submission was not accompanied by a Coal Mining Risk Assessment (CMRA). The applicant submitted a CMRA on the 23 January 2018. In response the Coal Authority confirmed that the application site is located within a development high risk area and agrees with the recommendations set out in the report, that the coal mining legacy poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development commencing. The Coal Authority withdrew its objection to the development subject to 1) a scheme of intrusive site investigations for mine entries, works and shallow/opencast coal workings is undertaken in accordance with details to be agreed; 2) a programme of gas monitoring workings is undertaken in accordance with details to be agreed; 3) a scheme of treatment and remediation workings is agreed; and 4) agreement regarding 'no build zones'.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** initially objected to the development proposal due to the lack of information submitted in relation to flood risk. SEPA noted that a detailed Flood Risk Assessment (FRA) is required to identify the floodplain and that the indicative development layout is to be altered avoiding the functional floodplain. In response the applicant submitted a detailed flood risk assessment. In August 2017 SEPA provided a further consultation response which maintained their objection, on the grounds that the development proposal may place buildings and persons at flood risk contrary to Scottish Planning Policy. SEPA reaffirmed their

position that a revised indicative layout is required showing no development within the functional floodplain. The applicant submitted a revised drawings in October 2017 and SEPA removed their objection subject to the following conditions:

- a. Prior to the commencement of development a site specific Construction Environment Management Plan (CEMP) shall be submitted to and approved by the planning authority;
- b. Prior to the commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved by the planning authority;
- c. An Energy Statement informed by a Feasibility Study should be provided for assessment by the planning authority demonstrating how the proposal will meet the requirements for providing district heating onsite; and
- d. No development within the functional floodplain as shown on Figure 5-8 of the FRA by SWECO ref 118476/JK/170424 Rev 02.

5.3 **Scottish Natural Heritage (SNH)** support the conclusions noted within the applicants' Environmental Statement with respect to ecology and landscape and visual impact. SNH recommend that the mitigation measures noted within the Environmental Statement (Tables 12.1 and 12.2) are secured via condition. It is advised that badgers have been found to be using the application site. The submitted Environmental Statement and supporting appendices set out the circumstances where a protected species licence will be required to enable the development to proceed. SNH advised that the bat survey work has been carried out in line with best practice guidelines and support the conclusions noted within the bat survey report.

5.4 **Historic Environment Scotland (HES)** considered the development's potential impact upon heritage assets which include Dalkeith House (Palace) Garden and Designed Landscape, scheduled monuments and listed buildings located within the vicinity of the site. HES concluded that the proposal does not raise historic environment issues of a national significance and therefore they do not object to the application.

5.5 **Transport Scotland** does not objection to the planning application but requests that conditions be imposed; restricting the number of residential units and the ground floor area of the class 4 and class 5 uses; requiring details of street lighting to be submitted for approval; details of the landscaping and barriers along the trunk road boundary to be submitted for approval; restricting drainage connections to the trunk road drainage system; and restricting the occupancy of the employment units until a travel plan has been submitted for prior written approval. These conditions are required in terms of road safety and to be consistent with the requirements of Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 75 Planning for Transport.

- 5.6 The **Council's Archaeological Advisor** noted that the application site contains several known archaeological sites and that there is potential for previously unknown buried archaeological remains to be present. The application site has potential archaeological significance, therefore there is a requirement for a programme of archaeological (Trial Trench Evaluation) work to be undertaken, reported and submitted to the planning authority for prior written approval so as to record any historical remains and to determine whether the development will disturb any buried archaeological deposits.
- 5.7 The Council's **Policy and Road Safety Manager** does not object to the principle of the development proposal but raised concerns over aspects of the indicative layout in terms of road safety – these must be addressed at the detailed design stage if planning permission is granted. A condition requiring details of the proposed SUDS within the development area are to be submitted for written approval.
- 5.8 The Council's **Head of Education** estimates that 400 dwellings would give rise to 124 primary school pupils and 88 secondary school pupils which would need to be accommodated within the Dalkeith area. However, there is currently no primary school capacity or an agreed acceptable solution to accommodate the primary school pupils arising from the development and as such there is an education objection to the development. If the development is supported developer contributions would be required towards primary and secondary school provision.
- 5.9 The Council's **Land Resource Manager** noted that the development proposal includes enhanced access into the Dalkeith Country Park and good connections through-out the site. It was recommended that the paths listed as "rights of way and other interconnecting foot and cycle routes" should be multi-use within the built up areas of the development. In particular, the route running east/west past the existing housing at Smeatonhead as this is the main off-road spine that will connect the development with Dalkeith Country Park and National Cycle Route 1.
- 5.10 The Council's **Economic Development Service** recommended that the planning application should be refused because of the loss of part of the economic allocation to housing.

6 REPRESENTATIONS

- 6.1 There have been three objections received, which can be viewed in full on the online planning application case file. A summary of the points raised are as follows:
- The proposed development will have a detrimental impact upon road safety and congestion due to the significant increase in traffic on Salters Road and on the local road network;
 - Concerns relating to the availability of local school places;

- Concerns surrounding the old mine workings on the site and the gas pipeline that crosses the site;
- General concerns surrounding the lack of infrastructure improvements to support housing developments;
- The development proposal will have an impact upon the amenity of neighbouring properties in terms of the additional pressure on the capacity of local education and healthcare facilities;
- Midlothian Council should be negotiating substantial contributions from the developer for school infrastructure;
- Residents at Wester Cowden have to register at Pathhead Medical Practice due to the lack of availability at Dalkeith. Furthermore, there is no direct bus service between Wester Cowden or Salters Park and Pathhead Medical Practice;
- Improvements to the health care provision should be secured prior to any additional housing coming forward;
- Concerns relating to road and pedestrian safety in terms of the proximity to schools and community facilities;
- Part of the development proposal appears to be on the Dalkeith Schools Community Campus (DSCC) which is subject to a long term lease between Midlothian Council and Dalkeith SPV Limited;
- Any extension to the existing DSCC to accommodate the development would need to be facilitated under the terms of the existing arrangement between Midlothian Council and Dalkeith SPV Limited;
- Objection to any proposal to form a vehicular access to the campus;
- Concerns relating to increased traffic flow and the impact upon the wear and tear of the road of which Dalkeith SPV Limited are liable for maintenance;
- Concerns relating to the proposed locations for a new 'community hub'. One location will result in the boundary being altered, increasing the amount of unauthorised access, vandalism and littering which would result in the requirement for additional security measures. The second location appears to be located within the DSCC site boundary which would require SPV prior approval and would also be subject to operation restrictions; and
- It is noted that the existing pitches adjacent to the site have floodlighting which are in operation up until 10pm, this may result in an adverse impact upon proposed neighbouring dwellings.

7 PLANNING POLICY

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

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **The Spatial Strategy** identifies the A7/A68/Borders Rail Corridor in Midlothian as a Strategic Development Area in terms of growth and development. The emphasis is on additional employment opportunities to reduce the need to commute and on the implementation of transport infrastructure to accommodate planned growth. This approach is continued in the proposed replacement Strategic Development Plan for Edinburgh and South East Scotland which is subject to examination.
- 7.3 **Policy 2** (Supply and Location of Employment Land) states that the strategic development plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. Local development plans will support the delivery of the quantity of the established strategic employment land supply as identified. Local development plans should also ensure they provide a range and choice of marketable sites to meet anticipated requirements.
- 7.4 **Policy 5** (HOUSING LAND) requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.

Midlothian Local Development Plan 2017 (MLDP)

- 7.5 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.6 Policy **STRAT5: Strategic Employment Land Allocations** supports development for employment uses on sites identified as strategic employment land allocations.
- 7.7 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.8 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.9 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.10 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.11 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses.

- 7.12 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.13 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.
- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 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.
- 7.18 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.19 Policy **ENV 17 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.

- 7.20 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.
- 7.21 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.
- 7.22 Policy **NRG 6 Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.23 Policy **IMP1: New Development**. This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are, transport infrastructure; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; access for people with mobility issues; traffic and environmental management issues; the provision of affordable housing; education provision, protection/management/compensation for natural interests affected; archaeological provision and 'percent for art' provision.
- 7.24 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, including education provision, 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.
- 7.25 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.26 The **SPP (Scottish Planning Policy) 2014** sets out Government guidance in relation to creating a successful sustainable place, supporting economic growth, regeneration and the creating of well-designed places. SPP promotes town centres identifying the 'town centre first principle'. Development plans should adopt a sequential town centre first approach for uses such as retail with the order of preference being town centres, edge of town centres, other commercial centres identified in the development plan, and out of centre locations

that are or can be made easily accessible by a choice of transport modes.

- 7.27 In relation to supporting business and employment the planning system should:
- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
 - allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
 - give due weight to net economic benefit of proposed development.
- 7.28 Plans should align with relevant local economic strategies to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:
- energy;
 - life sciences, universities and the creative industries;
 - tourism and the food and drink sector; and
 - financial and business services.
- 7.29 SPP introduces a presumption in favour of development that contributes to sustainable development, but states:

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.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan, unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Principle of Development

- 8.2 The site is with the built-up area of Dalkeith and is allocated in the MLDP for economic development Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution) uses as defined by the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended). The proposed mixed use development comprises economic (Class 4, 5 and 6) and residential uses (housing). The proposed housing does not accord with the site's allocation and is therefore contrary to the MLDP. The economic uses accord with the development plan and are therefore acceptable in principle.

- 8.3 The proposed housing development, indicatively shown on two thirds of the site, is the prominent use on the site and is of a scale which cannot be considered to be ancillary to the economic uses and as such is a departure from the spatial strategy set out in the MLDP.
- 8.4 SESplan policy 2 supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. Local development plans are required to deliver the quantity of strategic employment land as identified. The proposed development undermines the strategic objective of delivering business and industry development and the loss of part of Salters Park to non-business uses (housing) could result in Midlothian not meeting its strategic land commitments.

The Need for Housing

- 8.5 Policy 5 of SESplan requires local development plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing required. Midlothian has an up to date adopted local plan which sets a development strategy which includes sufficient housing allocations (12,997 residential units) to meet its housing requirements (12,490 houses) for the period 2009–2024 and in doing so having an established housing land supply. The MLDP was adopted 7 November 2017 following a local plan examination where the Reporter concluded that there is a 5-year effective housing land supply in Midlothian. The housing allocation figure (12,997 units) does not include the ‘safeguarded sites’ or ‘additional housing opportunities’ identified in the MLDP or windfall developments which provide Midlothian with sufficient generosity to meet its housing targets if an allocated housing site does not come forward. Approximately 5,000 of the required units have been constructed.
- 8.6 The Council must maintain a five year effective supply of housing land at all times which means that the sites must have a reasonable prospect of being built within the five-year period. The Council’s 2017 Housing Audit, which was agreed with Homes for Scotland (HfS) – the umbrella group which represents the house building industry, identified that there is a realistic prospect of 5,583 homes being built in the next five years in Midlothian, exceeding the 4,336 units required. This position, in terms of meeting its housing requirements, is reflected in Midlothian’s draft 2018 Housing Audit (not yet agreed with HfS).
- 8.7 In meeting its housing requirements Midlothian can demonstrate that there is not a requirement for the proposed housing. Furthermore, the potential for housing on a site which is not allocated for housing can have a detrimental impact on services and facilities which are planned and managed based on existing and planned housing numbers. This is reflected in the objection from the Head of Education who advises that there is currently no primary school capacity or an agreed

acceptable solution to accommodate the primary school pupils arising from the proposed development.

Layout and Design

8.8 The application is for planning permission in principle. This means that the detailed layout, form and design of the development are not subject to detailed assessment at this stage of the planning process, but would be subject to further applications (matters specified in conditions) and assessment if the proposal is granted planning permission. Therefore if the Committee is minded to grant permission conditions should be imposed requiring the following details to be submitted by way of an application for the individual development phases:

- layout, form and design of any proposed buildings;
- the use of buildings within the economic development area;
- proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
- details of landscaping and boundary treatments;
- provision of open space and play areas/facilities;
- percent for art;
- sustainable urban drainage systems;
- details of road, access and transportation infrastructure;
- sustainability and biodiversity details;
- archaeology mitigation details; and
- the provision of broadband infrastructure.

Environmental Statement

8.9 The Environmental Statement submitted with the application sets out the findings of an Environmental Impact Assessment process carried out by the applicant under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The process identifies the “likely significant environmental effects” of the development and suggests ways in which any significant negative environmental effects can be mitigated.

8.10 The Environmental Statement identifies:

- The site is prime agricultural land;
- There are no statutory ecological designated sites within the site. There are two pockets of Semi-Natural Ancient Woodland and one pocket of Ancient Woodland within the site which run along the western site boundary with Salter’s Road and the eastern part of the site;
- There are a number of locally designated archaeological features within the site, including features at Smeaton Head and New Farm. Other features have been excavated as part of the gas main replacement in 1996 and during construction of the A68;

- The site lies within a Coal Authority Development High Risk Area;
- The site was previously a railway depot. The railway line has since become a Right of Way;
- A national gas pipeline runs through the site. Options to divert the pipeline are being explored;
- The Penicuik to Musselburgh cycle-walkway passes through the site;
- Features within 3km of the site boundary comprise Areas of Ancient Woodland, Areas of Semi-Natural Ancient Woodland, designated parks and gardens, Dalkeith Oakwood Site of Special Scientific Interest, core paths, listed buildings and scheduled monuments.

8.11 In relation to the environmental effects of the proposed development, the Environmental Statement sets out the applicant's response:

- A baseline ecological desk study and field surveys were undertaken. Following the application of proposed mitigation, the construction effects of wildlife are expected to be reduced to 'minor adverse' to 'negligible' in significance;
- There is a high potential for buried archaeological remains within the western part of the site. 'Moderate to Major' or 'Major' direct impacts are predicted. Proposed mitigation measures commence with a trial trench evaluation. Should remains be identified during the evaluation then preservation in situ would be considered in the first instance. If this should not prove possible then, depending on the significance of the remains, Midlothian Council could require their excavation and recording prior to construction. The proposed mitigation would also include post-excavation analysis, reporting and dissemination;
- The development would introduce a large residential and commercial development to largely agricultural surroundings, however, the area has undergone many changes recently, making it a constantly evolving landscape. Although the site itself is relatively flat, land to the east rises quite sharply and because of this the development would 'sit in' to the hillside, making it surprisingly well-contained. Even the elevated views available from a small number of properties to the east of the site would be restricted to rooflines and would not detract generally from expansive views to the Pentland Hills, Arthur's Seat and beyond;
- With regards to landscape character, there would be an obvious unavoidable change locally, but in the wider context the effects would be minor given the relative size of the development to the North and South Esk character areas it would sit within. Dalkeith Country Park has a high boundary wall and extensive planting which serves to contain views, meaning the development would have little effect on the park or its users;

- Following the introduction of the proposed mitigation measures, the environmental effects will be negligible in relation to transport;
- Air quality within the vicinity of the site is anticipated to be good, meeting relevant objectives set within the Air Quality Strategy (AQS). On this basis, the site is considered suitable for development and future residents are unlikely to be exposed to poor air quality. In relation to existing properties, any increases in pollutant concentrations due to traffic associated with the development once operational are unlikely to cause any breaches of the relevant AQS objectives and therefore the residual effects of the development on local air quality are judged not to be significant;
- Construction work may result in noise and other disturbances, to be controlled with measures set out in a management plan. Construction noise may at times be audible when works take place on parts of the site near to neighbouring premises, but will conform to statutory obligations, and will be planned and managed to minimise disruption. The construction phase is not anticipated to have significant long-term negative effects on the local community. Once occupied, there is expected to be some additional road traffic associated with the development, but this is not expected to cause additional noise disturbance. Potential noise from occupiers of the new employment land uses will be controlled by requirements to satisfy local authority noise standards;
- Construction will require up to 100 construction staff per annum, over a period of five years, creating jobs in the local area and local spend that will benefit the economy. Once occupied, local spend has the potential to be of major significance to the local economy;
- New residents and employees will place increased pressure on local services, with the potential to result in moderate to major negative impacts on capacity. The applicant is discussing options to increase capacities, which could alleviate the issues to the point of not having an impact.

8.12 The Environmental Statement formed part of the application and was subject to consultation. The majority of the environmental impacts having the potential of being mitigated.

The Economic Case

8.13 The main marketing initiatives for the site which have been in place since mid-2008 are:

- A brochure being circulated to commercial property agents throughout East Central Scotland on a quarterly basis. The brochure was also circulated to parties on their applicants' register seeking development land and/or building requirements in the vicinity. In the region of 1500 copies of the brochure were circulated in total, mostly via hard copy but also by email. Contact was also made with Midlothian, East Lothian and

Edinburgh Councils, Scottish Enterprise and Scottish Development International. Occupiers of nearby industrial and business parks were also issued with a brochure. Circulation of the brochure was repeated on a regular basis. *(The applicant has not clarified the period in which the brochure was circulated)*

- Two large marketing signs were erected in 2008 fronting the A68 and Salters Road. These boards are still in place.
- Current registration of Salters Park on the following websites: Ryden, Coates and Co, Movehut, Costar, EGi Property Link, Zoopla, Property Works and Novaloca. *(The applicant has not clarified the period in which the site was advertised online)*

8.14 The number of enquiries received in response to the marketing has been 'disappointing' but in summary they have been from parties seeking small sites of between half an acre and 3 acres, but the following issues have arisen:

- The site was considered as being remote for industrial and commercial development purposes;
- Enquiries have been received for leisure and equestrian related uses, however these uses do not generate the investment needed to open up the site;
- The cost of acquiring the land when considered alongside the high cost of providing new build accommodation, was often enough to deter interested parties in progressing their interest further. Considerably higher land values have been achieved in areas such as Bilston Glen in Loanhead, which is one of the few locations in Central Scotland where owner occupiers have undertaken new build projects on a significant scale. Salters Park was not a destination which proved too attractive to such occupiers;
- Developer demand for industrial/commercial land was very limited following the economic crash in 2008. For the previous 3-4 years such development, in established locations, could be justified when rental levels were high and investment yields low. Finance was also considerably easier to secure at that time; and
- Post 2008 the lack of demand, difficulty in obtaining finance and a depressed end value of commercial property put a stop to almost all new build projects. It also had the effect that the majority of demand was seen for existing accommodation in the prime locations such as West Edinburgh and Bilston Glen in Loanhead.

8.15 Only a few enquiries were received for any significant portion of the site. These enquiries were industrial orientated and once investigated were not willing or able to consider the location further. No enquiries were received for the whole site. Enquirers' details have not been provided to the planning authority.

8.16 A copy of the marketing brochure or the webpages referenced were not submitted with the application.

- 8.17 An Employment Land and Property Market Review report, dated August 2013, was submitted in support of the application and sets out to review the employment land and property markets in Midlothian in order to inform on the prospects for employment use on the Salters Road site. The report analyses and draws conclusions from statistical information obtained from a number of sources including SESPlan Employment Land Audit 2010, Costar/Scottish Property Network and Midlothian Local Development Plan Monitoring Statement. The following conclusions are made in the report: (i) There is very limited indigenous demand for medium to large buildings at a site on the scale of Salters Park; (ii) The site has been marketed for more than five years without attracting any investment. High costs of site servicing and resulting irregular development plots are also understood to be a barrier to promotion of employment use at the site. Realising development on this site will require a higher value use than currently allocated, given the scale of site servicing costs; (iii) The surrounding area of East Dalkeith has undergone significant change, moving away from employment uses towards community uses, such as the Dalkeith Community Campus, and residential development, at Wester Cowden and the former Ferranti/ Forest Furnishings site. This trend away from employment use in the surrounding area should be considered when re-examining the employment land allocation at Salters Park; (v) Many competing sites currently being marketed are located in established locations or strategic business clusters. The Salters Park site is not within these locations and stands alone as a 'secondary site'.
- 8.18 The planning authority and the Council's Economic Development Service do not agree with the Employment Land and Property Market Review report's conclusions. The site is critical to the economic land supply in Midlothian and it is considered that there are a number of reasons why the site should remain allocated for employment use and that planning permission should be refused including: (i) The land is zoned as employment land for business, general industrial uses and storage and distribution uses - Midlothian is short of industrial sites; (ii) The site is very good for industrial development, having good access to the A68 southwards and to the By-pass for east, north and central Scotland. Until the new Dalkeith By-pass was opened in 2008, the site was not easily accessible. The site went on the market around this time. The proposed future grade separation of Sheriffhall roundabout will further enhance this site as an industrial location; (iii) Inward investment to Midlothian is low due to a lack of suitable sites and premises of sufficient size; (iv) a number of significant enquiries from businesses looking for premises have been made to the Council and these have been referred to the applicant's agent. Feedback from some of them has been that the cost of development on this site being quoted by the agent is too expensive, above the market rate; (v) Bilston Glen was developed very successfully and is now almost full. Businesses located at Bilston Glen are now beginning to look for larger premises in order to grow their business capacity; (vi) The large industrial units that are available in Midlothian tend to have barriers and

constraints to efficient modern industrial practices, e.g. the buildings internal layout and the low height of the buildings. Some other units have been 'blighted' by the development of housing built in close proximity, rendering large units undesirable by large industrial users; (vii) Removal of this site will create a substantial gap in the economic land supply; (viii) The proposal for commercial development is on 4.5 hectares of the site only; and, (ix) the commercial development also includes workshop homes which will reduce the space for economic development uses further.

- 8.19 The applicant has presented an argument that the Salters Park economic site is not viable solely for economic land uses. If the planning authority were to agree with this position it does not automatically mean that housing on the site is acceptable as proposed in the current application. The Council can reassess the viability of the site as part of the local development plan process and de-allocate the site or re-allocate it for an alternative land use. Alternatively, the Council can choose to leave the site as an economic land allocation and see if the site becomes viable in the future.

9 RECOMMENDATION

- 9.1 That planning permission be refused for the following reasons:
1. The proposed residential use is not in accordance with the site's allocation for Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution) uses in the development plan and as such the development is contrary to policy 2 of the Strategic Development Plan for Edinburgh and the South-East Scotland (approved in 2013), policies STRAT1 and ECON1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.
 2. There is not an education solution to accommodate all of the school children that would arise from the proposed residential development of the site, in particular non-denominational primary school children and as such the proposed development does not accord with policies IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
 3. It has not been demonstrated that the proposed economic uses, working from home units/workshop homes and the residential development can coexist on the site without the economic uses having a detrimental impact on residential amenity or the housing resulting in a restrictive burden being placed businesses located on the site.

Ian Johnson
Head of Communities and Economy

Date: 12 June 2018

Application No: 16/00893/PPP (Available online)

Applicant: Salters Land LLP

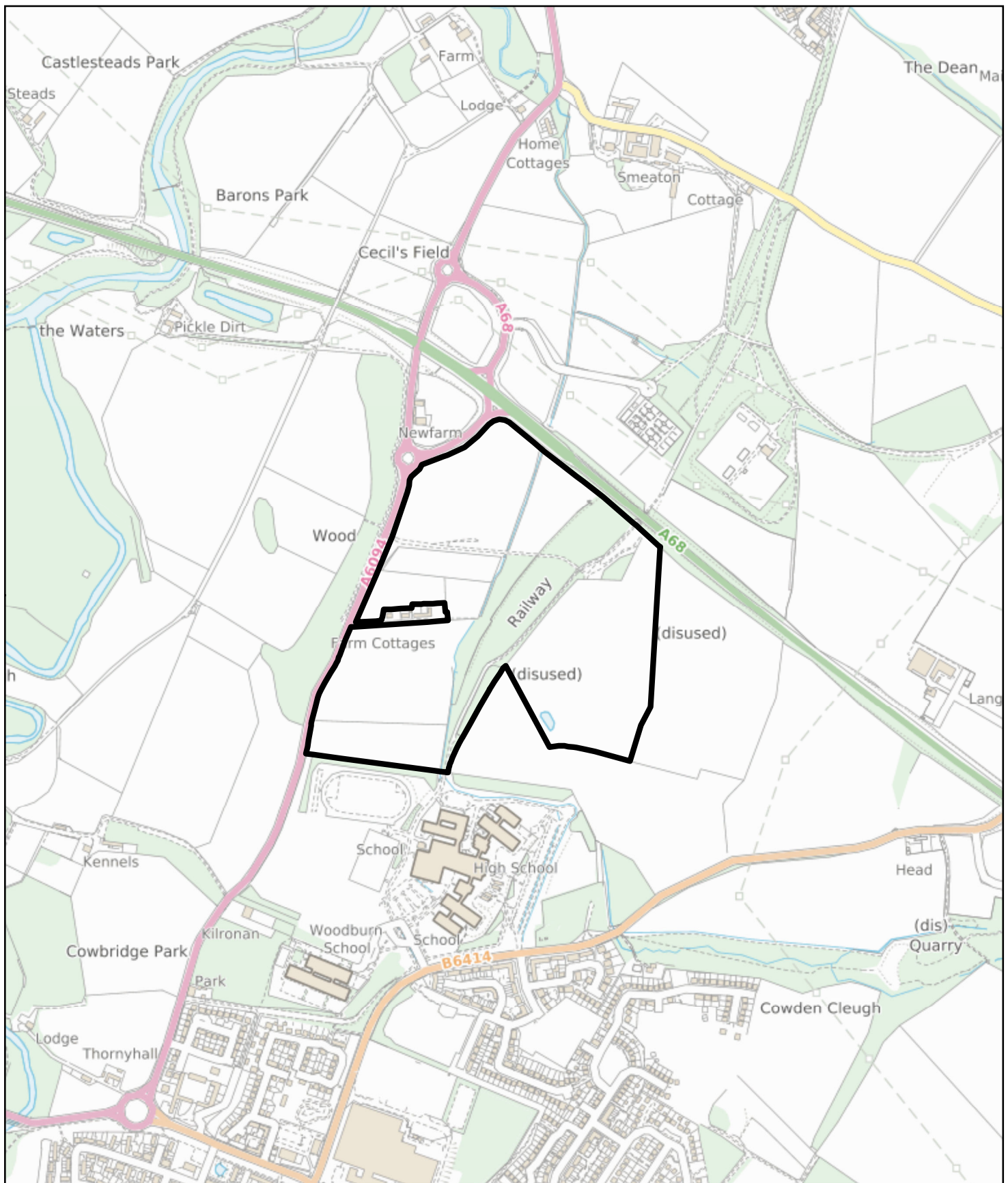
Agent: Montagu Evans LLP

Validation Date: 20 December 2016

Contact Person: Joyce Learmonth

Tel No: 0131 271 3311

Background Papers: 14/00833/PAC



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Application for planning permission in principle for residential development (up to 400 units) and employment uses; formation of access roads and associated works (this application is accompanied by an environmental statement submitted under the terms of the Town and Country Planning (Environmental Impact Assessment (Scotland Regulations 2011)) at Land at Salters Park, Dalkeith

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2018)

File No. 16/00893/PPP

Scale: 1:10,000
Page 149 of 166





SECTION 42 APPLICATION (17/00559/S42) TO REMOVE CONDITION 8 (ZERO AND/OR LOW CARBON EQUIPMENT) OF PLANNING PERMISSION 07/00556/OUT FOR CLASS 4 AND 5 USES (BUSINESS AND INDUSTRIAL USES) AT LAND SOUTH WEST OF NEWTONLOAN TOLL, GOREBRIDGE

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** In November 2012 planning permission in principle was granted for Class 4 (Business) and Class 5 (General Industrial) uses on land to the south-west of Newtonloan Toll, Gorebridge. This application is for a new planning permission in principle without compliance with condition 8 of the original grant of planning permission (07/00556/OUT) which required the incorporation of zero and/or low carbon technology into the development.
- 1.2** Consultation responses have been received from Network Rail, SEPA, the Coal Authority, the Council's Policy and Road Safety Manager and the Council's Head of Commercial Services. No representations have been received. The relevant development plan policies are policy 2 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT1, DEV2, DEV5, DEV6, DEV7, ECON1, TRAN1, TRAN5, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.
- 1.3** The recommendation is to grant 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 9.7 hectare site lies immediately to the south west of Newtonloan Toll. It is bounded to the north by the B704, Cockpen Road, to the east by the A7 with housing beyond, to the south by the access road from the A7 to Redheugh Farm with agricultural land beyond and to the west by the Borders Railway with agricultural land beyond. The surrounding agricultural land is the site for the new Redheugh/Prestonholm community (site h50 in the Midlothian Local Development Plan 2017)

for which planning permission in principle 15/00045/PPP was granted on 17 November 2017.

- 2.2 The application site itself is largely agricultural land, with some woodland in the north-west part of the site alongside the B704 and the railway.

3 PROPOSAL

- 3.1 The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (hereafter referred to as the Act), is to grant planning permission in principle for Class 4 (Business) and Class 5 (General Industrial) uses.
- 3.2 A Section 42 application, is in itself a planning application - a particular kind of planning application for development without complying with a condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission which will supersede the original permission if implemented. Therefore if planning permission is granted for this application it will supersede planning consent 07/00556/OUT if implemented. It will therefore be a planning permission in principle for Class 4 (Business) and Class 5 (General Industrial) uses.
- 3.3 Although a Section 42 application is a new planning application in law the Act states *“on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*. The principle, layout and form of development are not subject to assessment. However, as a new planning application it shall be subject to a new/amended legal agreement to secure developer contributions.
- 3.4 Condition 8 of outline planning permission 07/00556/OUT states:
- “The development hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the Planning Authority following submission of appropriate SAP/SBEM calculations and a written justification of any alternative approach taken. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government’s Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the host building being occupied.*

Reason: *To ensure this development complies with the on-site carbon emission reduction targets and BREEAM requirements of Policy NRG3 in the Adopted Midlothian Local Plan.*”

- 3.5 The application is not accompanied by an EIA Report in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The applicant has not sought the planning authority’s opinion by way of a screening request as to whether the development is, or is not, classed as an EIA development. Under the stated regulations the planning authority is required to consider if an EIA is required for defined developments – the scale of development means that the planning authority must consider if an EIA is required. However, it is determined that an EIA is not required.
- 3.6 Although the applicant is seeking to remove condition 8, it is within the planning authority’s scope to review/update the other planning conditions attached to planning permission 07/00556/OUT.

4 BACKGROUND

- 4.1 Planning permission in principle 07/00556/OUT for Class 4 (Business) and Class 5 (General Industrial) uses was granted permission in November 2012 subject to conditions and a planning obligation securing developer contributions towards the the Borders Railway.
- 4.2 Application 07/00556/OUT was accompanied by an indicative master plan for the site showing how the proposed development included 18 light industrial units varying from 465 to 2323 square metres and with a total floorspace of 19,741 square metres on the northern part of the site, and 15 office units varying from 929 to 2090 square metres and with a total floorspace of 34,373 square metres on the southern part of the site. It also shows an access from the A7 at a point approximately midway along the eastern boundary of the site, the retention of the existing woodland along the northern edge of the site and planting of a tree belt along the eastern and western boundaries of the site.

5 CONSULTATIONS

- 5.1 **Network Rail** considers that the proposal will have no impact on railway infrastructure and therefore has no objection.
- 5.2 **SEPA** considers that the application should be considered in terms of policy NRG 3 Energy Use and Low & Zero-Carbon Generating Technology in the Midlothian Local Development Plan 2017.
- 5.3 The **Coal Authority** has no comment.
- 5.4 The **Policy and Road Safety Manager** has no comment.

- 5.5 The **Head of Commercial Services** advises that the farm track on the southern boundary of the site is believed to be a Right of Way and that it is intended this will form part of an active travel route linking to Povert Road and on to Bonnyrigg.

6 REPRESENTATIONS

- 6.1 No representations have been received in relation to this application.

7 PLANNING POLICY

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

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **The Spatial Strategy** identifies the A7/A68/Borders Rail Corridor in Midlothian as a Strategic Development Area in terms of growth and development. The emphasis is on additional employment opportunities to reduce the need to commute and on the implementation of transport infrastructure to accommodate planned growth. This approach is continued in the proposed replacement Strategic Development Plan for Edinburgh and South East Scotland which is subject to examination.

- 7.3 **Policy 2** (Supply and Location of Employment Land) states that the strategic development plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. Local development plans will support the delivery of the quantity of the established strategic employment land supply as identified. Local development plans should also ensure they provide a range and choice of marketable sites to meet anticipated requirements.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.5 Policy **DEV 2: Development within the Built-up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.

- 7.6 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.7 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.8 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.9 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses.
- 7.10 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.11 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.
- 7.12 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.
- 7.13 Policies **NRG3 and NRG4: Energy Use and low and Zero-Carbon Generating Technology** seek to mitigate greenhouse gas emissions arising from the use of buildings by limiting energy use, improving the efficiency of supply and requiring the use of low and/or zero-carbon generating technology or active energy efficiency measures.
- 7.14 Policy **NRG6 Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.15 Policy **IMP1: New Development**. This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are, transport infrastructure; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural interests affected; archaeological provision and 'percent for art' provision.
- 7.16 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.

- 7.17 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.18 The **SPP (Scottish Planning Policy) 2014** sets out Government guidance in relation to creating a successful sustainable place, supporting economic growth, regeneration and the creating of well-designed places.
- 7.19 In relation to supporting business and employment the planning system should:
- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
 - allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
 - give due weight to net economic benefit of proposed development.
- 7.20 Plans should align with relevant local economic strategies to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:
- energy;
 - life sciences, universities and the creative industries;
 - tourism and the food and drink sector; and
 - financial and business services.
- 7.21 SPP introduces a presumption in favour of development that contributes to sustainable development, but states:

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.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan, unless material planning considerations indicate

otherwise. The consultation responses received are material considerations.

The Principle of Development

- 8.2 The site was allocated for Class 4 (Business) and Class 5 (General Industrial) uses in the Midlothian Local Plan 2008 as part of the Redheugh/Prestonholm new community. A subsequent grant of planning permission in principle (07/00556/OUT) for Class 4 (Business) and Class 5 (General Industrial) uses granted in November 2012 reaffirmed the principle of development across the application site. The MLDP continues the commitment to the economic uses.

Removal of Condition 8 - Zero and/or Low Carbon Equipment

- 8.3 Condition 8 of planning permission 07/00556/OUT required the proposed development to achieve a reduction of 15% carbon dioxide emission below the 2007 Building Regulations carbon dioxide emissions standard through the use of low and zero carbon equipment. This was based on the policy position set in the Midlothian Local Plan (MLP) 2008.
- 8.4 Since the issuing of the planning permission in November 2012 the Building Regulations have changed and the latest 2015 (as amended in 2017) regulations require a significant improvement in carbon dioxide emissions reductions compared to the 2007 regulations and the planning position as set out in the 2008 MLP and the 07/00556/OUT planning permission. As such condition 8 of the permission is no longer required to achieve the carbon emissions betterment for new buildings. Furthermore the standard set by the latest Building Regulations means that new non-domestic buildings shall comply with policy NRG3/4 of the MLDP.
- 8.5 However, based on the scale of the proposed development and its proximity to existing and planned housing (with the potential for excess energy being used to heat residential properties) it is appropriate to require the applicant to consider a community heating strategy in compliance with policy NRG6 of the MLDP.
- 8.6 Although the application is a Section 42 application it is in effect a planning application in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions) and assessment if the proposal is granted planning permission. In this case conditions would be imposed requiring the following details to be submitted by way of an application for the individual development phases:
- layout, form and design of any proposed buildings;
 - the use of buildings;

- proposed materials to be used in the construction of the buildings, ground surfaces and ancillary structures;
- details of landscaping and boundary treatments;
- sustainable urban drainage systems;
- details of road, access and transportation infrastructure;
- sustainability and biodiversity details; and
- the provision of broadband infrastructure.

Requirement for a new Planning Obligation

- 8.7 The 07/00556/OUT grant of planning permission was subject to a Section 75 legal agreement (S75) to; secure developer contributions towards the Borders Railway. It is proposed to require an amended legal agreement to ensure the agreed financial position is protected.
- 8.8 Although the application is a 'Section 42 application' it is a planning application which has to be assessed in accordance with Section 37(2) of the Town and Country Planning (Scotland) Act (1997), which states "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations".
- 8.9 The appropriate procedural requirements are set out in Circular 3/2013: Development Management Procedures which confirms that a Section 42 is a new permission and that if permission is granted it should be subject to the conclusion of any appropriate planning obligation to secure developer contributions.

Conditions

- 8.10 Since the grant of planning permission 07/00556/OUT in November 2012 the Council has adopted a new development plan and as such it is appropriate for the local planning authority to update the conditions associated with the proposed development.

9 RECOMMENDATION

- 9.1 That planning permission in principle be granted for the following reason:

The proposed development site is identified as being part of the Council's safeguarded/committed economic land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed development. This presumption in favour of development is not outweighed by any other material considerations.

Subject to:

- i) the prior signing of a legal agreement to secure contributions towards Borders Rail. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused; and
- ii) the following conditions:
 1. Details of the phasing of the development shall be submitted to the planning authority for approval, and no work shall commence on site until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

***Reason:** To ensure the development is phased to mitigate the impact of construction on future users of the buildings, existing local residents and those visiting the development site.*
 2. Development shall not begin on any individual phase of development (identified in compliance with condition 1) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works for the corresponding phase of development has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the buildings on adjoining plots being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii. drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii. proposed car park configuration and surfacing;
 - ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
 - x. proposed cycle parking facilities;

- xi. proposed woodland management plan for any existing, to be retained, and proposed woodland; and,
- xii. details of existing and proposed services, including water, gas, electric, telephone and community heating.

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 (part vi.). 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 DEV2, DEV5, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

- 4. Development shall not begin on an individual phase of development (identified in compliance with condition 1) until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures, including electricity substations, for the corresponding phase of development 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 in accordance with the approved details 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 DEV2, DEV5 and DEV6 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 1) until an application for approval of matters specified in conditions for site access, roads, footpaths, cycle ways and transportation movements for the corresponding phase of development has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii. proposed roads (including turning facilities), footpaths and cycle ways;
 - iii. proposed visibility splays, traffic calming measures, lighting and signage;

- iv. proposed construction traffic access and haulage routes;
- v. a green transport plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport;
- vi. proposed car parking and vehicle charging arrangements;
- vii. an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- viii. details of a 3 metre wide pedestrian/cycling link to be provided to the southern edge of the site to link to the bus based park and ride to be provided within the housing site at Redheugh; and,
- ix. a programme for completion for the construction of access, roads, footpaths and cycle paths.

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.*

- 6. Development shall not begin until an application for approval of matters specified in conditions for works to the A7 has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. details of the proposed vehicular and pedestrian access from the A7 (including a 2 metre wide footpath along the site frontage with the A7, proposed visibility splays, traffic calming measures, lighting and signage);
- ii. details of the provision of two new bus stops and shelters provided at suitable points on the site frontage with the A7;
- iii. details of the proposed signalised junction access layout (as shown on drawing 0429_SK-031 rev B) together with further details of the traffic control system onto the A7;
- iv. details of upgrading works to the existing traffic lights at Newtonloan Toll to provide a pedestrian crossing facility on all four arms; and,
- v. a programme for completion for the construction of access, roads, footpaths and cycle paths.

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.*

7. 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.

Before any part of the site is occupied, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *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.*

8. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each commercial building. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

9. Development shall not begin until an application for approval of matters specified in conditions for a scheme of sustainability/biodiversity for the site, including the provision of bricks and boxes for bats and swifts throughout 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 DEV5 of the Midlothian Local Development Plan 2017.*

10. Development shall not begin until an application for approval of matters specified in conditions for the provision and use of electric vehicle charging stations throughout 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.*

11. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved 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.
12. No commercial building on the site shall be occupied until a community heating scheme for the site and; if practicable, other neighbouring developments/sites, 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 for conditions 11 and 12: *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.*

13. The details of the development delineated on the indicative plan, dated May 2007, originally submitted with planning application 07/00556/OUT, are not approved.

Reason: *The planning permission is in principle only and the details shown on the layout plan are for illustrative purposes only and do not form part of the planning permission in principle.*

14. No overhead wires, cables or telecommunication masts shall be introduced onto the site without the prior written approval of the planning authority.

Reason: *To ensure that the appearance of the development is not spoiled by over-head power lines, wires and telecommunication masts.*

15. No construction, engineering or other works shall take place out with the hours of 8.00am to 7.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays unless otherwise agreed in writing by the planning authority.

Reason: *To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution.*

16. The use of the buildings erected on the site shall be for uses within Class 4 (Business) and Class 5 (General Industrial) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or equivalent in any subsequent amendment or replacement order, unless otherwise approved by the planning authority.

Reason: *To ensure that the uses of the buildings are for the purposes applied for in order to meet economic land requirements.*

17. There shall be no external storage of equipment, packaging, waste or other items on the site and no industrial process or work shall be undertaken out with the buildings unless approved by the planning authority.

Reason: *In the interest of visual amenity.*

18. Development shall not begin until an investigation on badger and bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified implemented in accordance with details to be submitted and approved in writing by the planning authority. The investigation shall be carried out within the six months prior to development commencing.

Reason: *In the interests of safeguarding badgers and bats and to ensure that an up to date understanding of these species on the site is available prior to development commencing.*

Ian Johnson
Head of Communities and Economy

Date: 12 June 2018

Application No: 17/00559/S42

Applicant: Omnivale Ltd.

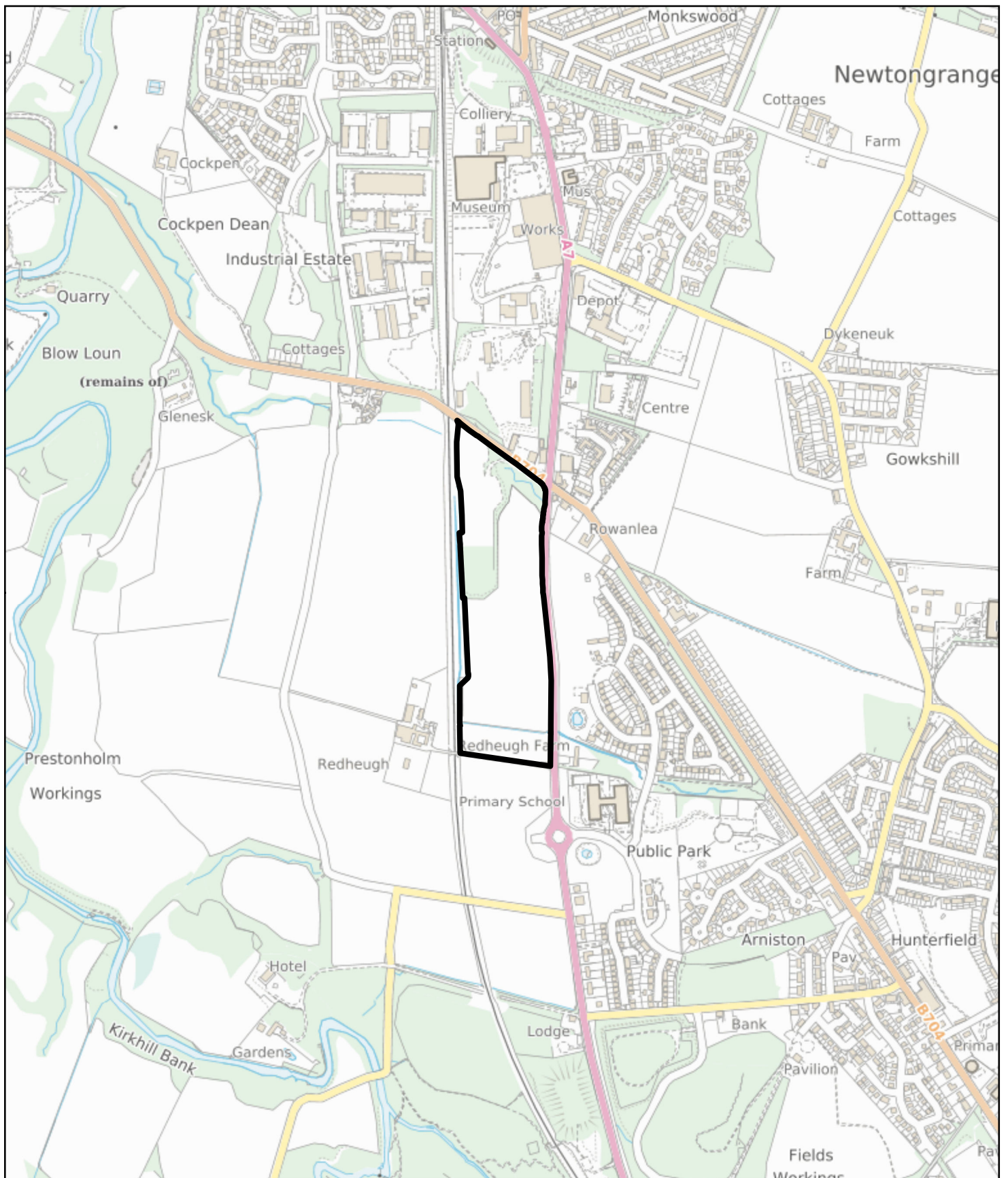
Agent: Andrew McCafferty Associates

Validation Date: 18 July 2017

Contact Person: Brian Forsyth

Tel No: 0131 271 3473

Background Papers: Planning application 07/00556/OUT



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Section 42 application for planning permission in principle for development the subject of planning permission 07/00556/OUT (Class 4 and 5 office and industrial use) without compliance with Condition 8 (zero and/or low carbon equipment) at Land South West of Newtonloan Toll, Gorebridge

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2018)

File No. 17/00559/S42

Scale: 1:10,000
Page 165 of 166



