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**APPLICATION FOR PLANNING PERMISSION (12/00355/DPP) FOR THE ERECTION OF TIMBER PLATFORM, RECEPTION CABIN AND FENCING; FORMATION OF BUNDING AND ACCESS TRACK ASSOCIATED WITH PROPOSED ZORBING FACILITY ON LAND TO THE EAST OF MIDLOTHIAN SNOW SPORTS CENTRE, BIGGAR ROAD, HILLEND**

Report by Head of Planning and Development

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## **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 **The application is for the erection of timber platform, reception cabin and fencing; formation of bunding and access track associated with proposed zorbing facility on land to the east of Midlothian Snow Sports Centre, Hillend. No letters of representation were received. The relevant development plan policies are RP1, RP2, RP6, RP7, RP16, COMF7 and DP4 of the Midlothian Local Plan and Policy ENV1D of Edinburgh and The Lothians Structure Plan 2015. The recommendation is to grant planning permission subject to conditions.**

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1 The application site is a 0.59 hectare area of land to the east of the tubing runs of Midlothian Snow Sports Centre at Hillend, and is located on the northern slope of the Pentland Hills within the Hillend Country Park.

## **3 PROPOSAL**

- 3.1 The applicant seeks planning permission for works to facilitate the use of the land for a downhill zorbing facility. Zorbing, which is also known as globe-riding, sphering or orbing, is a leisure activity involving participants rolling downhill inside a large transparent ball known as a zorb ball, having been harnessed inside. Planning permission is sought for the following works on the site to facilitate the used of the land for the zorbing facility:
- (i) The formation of 1 metre high bunds either side of the zorbing run;
  - (ii) The erection of a timber launch platform;
  - (iii) The erection of a timber reception cabin;
  - (iv) The siting at the foot of the zorbing run of a catch zone comprising of a 4 metre high inflatable barrier to stop the zorbs at the foot of the run;

- (v) The erection of timber post and wire fences alongside the proposed bunds;
- (vi) The formation of a 2 metre wide tow path alongside the proposed zorbing run; and,
- (vii) The formation of an access track leading from the existing overspill car park of the Snow Sports Centre to the proposed reception cabin.

### 3.2 Zorbing Run

The proposed zorbing run measures approximately 150 metres in length and 8.5 metres wide. Its width includes a 5 metre wide grassed corridor for the zorb ball to run down which will be flanked on each side along its length by grassed earthen bunds between 1 metre and 1.5 metres in height. The earth bunds would be formed from soil excavated from the construction of the foundations of the tow path and any deficit will be made up with top soil sourced from the earth works required for the Snow Sports Centre expansion or from elsewhere in the local area. Existing turf will be taken up during construction and re-laid on the bunds. All grass seeds will be sourced from the surrounding area to ensure that the species will marry into the existing grassland. Immediately outside the bunds will be 1 metre high unpainted wooden post and rail fences. The existing hillside contours provide a drop of some 30 metres over the length of the zorbing run, which is suitable for zorbing without any alterations to the existing contours.

### 3.3 Reception cabin

The reception cabin is to be sited at the foot of the zorbing run. It will measure some 6 metres wide by 5 metres deep, 1.4 metres to eaves level and 2.8 metres to the ridge of its shallow pitched roof. It is to be constructed of horizontally clad timber, externally painted green.

### 3.4 Launch Platform

This comprises a launch platform in unfinished timber positioned at the top of the zorbing run. It will measure 5 metres wide by 6 metres deep. A timber balustrade and handrails will be erected around the perimeter of the deck. It is to be sited in a small hollow in the contours which allow access for the platform without substantial cutting or filling. It is proposed to carryout some planting around it to integrate it into the surrounding grassland.

### 3.5 The Catch Zone

Located at the base of the zorbing run, this is a semi-circular shaped area with a radius of some 9.5 metres. The outer edge of the semi-circle is defined by a 1.5 metre high unfinished timber post and rail fence. Inside the fence will be a 4 metre high khaki green coloured inflatable barrier which will stop the zorbs at the foot of the run. It will

be inflated at the beginning of the day and deflated at the end of the day and removed to storage off site.

### 3.6 Tow Path/Access Path

This will be sited along the length of the zorbing run and will link the launch platform to the reception cabin and the reception cabin to the existing overspill car park of the Midlothian Snow Sports Centre located nearby to the north of the site. It will be a 2 metre wide “grass road” paving system constructed of durable dark-coloured plastic with a hexagonal pattern to allow grass to grow through it. It would have foundations of some 20cm. The zorb balls will be transported along it to the launch zone on a trailer pulled by an all terrain vehicle (ATV) similar to a golf cart. At the top of the zorb run will be an area for the ATV and trailer to turn and where the zorbs will be transferred from the trailer to the launch platform.

- 3.7 The application is accompanied by a planning statement and a landscape and visual impact assessment.
- 3.8 It is intended to operate the zorbing facility throughout April to October, on a daily basis from 9.30am to 9pm. There is no requirement for floodlighting as zorbing is carried out within daylight hours.
- 3.9 The existing overflow car park of the Snow Sports Centre is to be made available for use by employees and customers of the facility and is accessed off the existing access road off the A702 Biggar Road.
- 3.10 No changing facilities are proposed on site. The applicant states that discussions are ongoing with the Snow Sports Centre to secure an agreement to permit the zorbing customers to make use of the changing room facilities and cafe within the main building at the Snow Sports Centre.

## **4 BACKGROUND**

- 4.1 The applicant states that they have worked in partnership with the Midlothian Snow Sports Centre to develop a mutually beneficial partnership to help the centre diversify.
- 4.2 The site is Council owned and the applicant intends to lease the site from the Council. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications that relate to land in the ownership of the planning authority to be considered by the Planning Committee.
- 4.3 In December 2011 planning permission was granted planning permission (11/00675/DPP) for the formation of new artificial ski slopes; extensions to existing areas of artificial ski slope; erection of

floodlighting columns; erection of viewing platform; formation of footpaths; and associated works at the Snow Sports Centre.

## **5 CONSULTATIONS**

- 5.1 **The Council's Policy and Roads Safety Manager** raises no objection to the application.
- 5.2 **Transport Scotland** does not raise any objection to the application.
- 5.3 The **Pentland Hills Regional Park Authority** does not raise any concerns with the proposed development stating that the Snow Sports Centre is an asset to recreational visitors to the Regional Park.
- 5.4 **Scottish Natural Heritage** (SNH) state that they consider that the proposed development could have significant impacts on the landscape character and visual amenity of the Pentland Hills. However, they state that their concerns could be addressed through the implementation of appropriate design and landscape mitigation measures. With regards to ecology they state that they are satisfied with the survey results and endorse the recommendations for further survey work within the Ecology Survey Report submitted by the applicants.
- 5.5 The **Friends of the Pentlands** society state that they encourage efforts to improve and expand the existing amenities at the Snow Sports Centre and thus raise no objection to the application.

## **6 REPRESENTATIONS**

- 6.1 No representations have been received in connection with this application.

## **7 PLANNING POLICY**

- 7.1 The development plan is comprised of the Edinburgh and Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

### Adopted Midlothian Local Plan 2008

- 7.2 Midlothian Local Plan Policy **RP1: Protection of the Countryside** permits development in the countryside if required for the furtherance of countryside recreation on the proviso that such development: (A) demonstrates a requirement for a countryside location; (B) is of a scale and character appropriate to the rural area; (C) is well integrated into the rural landscape; (D) avoids a significant permanent loss of prime quality agricultural land, and, (E) takes into account accessibility to public transport and services where appropriate.

- 7.3 Midlothian Local Plan Policy **RP2: Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that;
- A. are necessary to agriculture, horticulture or forestry; or
  - B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
  - C. are related to other uses appropriate to the rural character of the area; or
  - D. are in accord with policy RP3, ECON1, ECON7 or are permitted through policy DP1.
- Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt.
- 7.4 Midlothian Local Plan Policy **RP6: Areas of Great Landscape Value** which advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;
- 7.4 Midlothian Local Plan Policy **RP7: Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.
- 7.5 Midlothian Local Plan Policy **RP16: Regional and Country Parks** states that development will not be permitted where it would be contrary to the policy aims, the Integrated Management Strategy, future Management Plan/s and policy DP4 relating to the Pentland Hills Regional Park, or management strategies of the Country Parks.
- 7.6 Midlothian Local Plan Policy **COMF7: Midlothian Ski and Snowboard Centre** states that development proposals will be permitted for the upgrading and enhancement of the Centre and ancillary facilities in order to secure its future as a centre of excellence for artificial skiing and snowboarding.
- 7.7 Midlothian Local Plan Policy **DP4: Pentland Hills Regional Park** sets out the aims of the Pentland Hills Regional Park; which are: (i) To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside; (ii) Caring for the hills, so that the landscape and the habitat are protected and enhanced; (iii) Within this caring framework, to encourage responsible public enjoyment of the hills; and, (iv) Co-ordination of the aims so that they can co-exist with farming and other land uses within the Park. Policy DP4 also sets out a number of specific policies which relate only to proposals within the Regional Park boundary. Those material to this planning application are PHP1 and PHP2. Policy PHP1 states that the Area of Great Landscape Value designation for the Pentland Hills Regional will be an overriding factor when considering proposals which may be acceptable under other Local Plan policies. Policy PHP2 states that development

within the Regional Park will not be permitted unless essential for the purposes of; inter alia, outdoor recreation or other rural activities compatible with the aims of the Regional Park. Any such development proposal will be considered against the following criteria: (a) it should make a positive contribution to the amenity of the Park in terms of design and landscaping; (b) it should not be visually obtrusive or necessitate visually obtrusive constructions; (c) it should be compatible with existing adjoining and neighbouring developments and uses; (d) it should be capable of being served by an adequate and appropriate access; (e) it can be serviced at reasonable cost and there would be no unnecessary discharge to watercourses; and, (f) where conversion is proposed, this should be possible without substantial rebuilding and with the retention of original character and attractiveness.

### Edinburgh and the Lothians Structure Plan 2015

- 7.8 Edinburgh and the Lothians Structure Plan 2015 Policy **ENV1D: Regional and Local Natural and Built Environment Interests** permits development affecting the listed regional or local area of natural heritage and built environment interest, or their settings, where it can be demonstrated that (a) the objectives and overall integrity of the designated area will not be compromised; or (b) the social or economic benefits to be gained from the proposed development outweigh the conservation or other interest of the site.
- 7.9 Edinburgh and the Lothians Structure Plan 2015 Policy **ENV2: Development in the Green Belt** sets a presumption against development in the Green Belt unless necessary for the purposes of agriculture, horticulture, forestry, countryside recreation, other uses appropriate to the rural character of the area or other operations which are given overriding specific policy support.

## **8 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The consultation responses received are material considerations.
- 8.2 The Midlothian Snow Sports Centre is a long established leisure use within the green belt. The application is for new development on land immediately to the east of the Snow Sports Centre.
- 8.3 Both Structure Plan Policy ENV2 and Adopted Midlothian Local Plan Policy RP2 support the principle of development in the green belt which provide for opportunities for outdoor sport or outdoor recreation subject to restrictions. In the planning statement submitted with the application the applicant's agent states that the applicant has been working in partnership with the Snow Sports Centre to help it diversify. They contend that the proposed development will achieve the stated ambition of the Scottish Government and Midlothian Council to create a

national leisure destination and will also support the recent significant investment of public money in expanding the Snow Sports Centre. They claim that there will be a opportunities and advantages to the Snow Sports Centre including: (i) increased customer numbers and profile; (ii) increased advertising presence; (iii) joint marketing initiatives; (iv) the summer operations of the zorbing facility will dovetail with the predominately winter use of the ski slopes to achieve a year-round attraction at Hillend; and, (v) financial benefits will be gained by the Snow Sports Centre through joint promotion activities and the use of the Centre's facilities, including the cafe by customers of the proposed zorbing facility.

- 8.4 Midlothian Snow Sports Centre is in a period of transformation and is seeking to become Britain's most successful dry ski slope facility, recognised nationally as a centre of excellence.
- 8.5 Given the above it can be concluded that the proposed zorbing facility will complement and support the upgrading and enhancement of the Midlothian Snow Sports Centre, helping to secure its future as a centre of excellence for artificial skiing and snowboarding. Accordingly, the proposed development complies with Midlothian Local Plan Policy COMF7. The proposed zorbing facility is located in the part of the Regional Park that is most intensively used for recreation. Therefore, the proposed development is acceptable in principle in land use terms and thus complies with adopted Midlothian Local Plan Policies RP1 and RP2.
- 8.6 The site is not in agricultural use and thus the proposed development would not result in the loss of agricultural land.
- 8.7 As zorbing is a low season activity there is no significant issue in terms of car parking at the site. The proposed development raises no transportation concerns. The existing road network is of a standard to cope with the likely increase in traffic that the proposed development will generate.

### **Landscape and Visual Impacts**

- 8.8 The site is within a sensitive area within the countryside. Its sensitivity is reflected in its designations. It is within a designated Green Belt. It is within Hillend Country Park, the Pentland Hills Regional Park and it forms part of a larger area that is an Area of Great Landscape Value. The Local Plan requires that development proposals respect and take accord of the sensitivity of this location.
- 8.9 The site sits on the northern most slopes of the Pentland Hills. The proposed zorbing run slopes steeply from 275 metres to 241 metres over a distance of 150 metres at an average gradient of 1:4.5. Within this part of the Pentland Hills the principal land cover is mixed rough grassland with some areas of bracken, gorse and coniferous planting.

- 8.10 The elevated nature of the site makes the upper parts of the Snow Sports Centre and associated lighting widely visible from views in mainly from the north-east through to the north-west. The lower part of the ski slopes, the buildings, associated facilities and the car parking are all relatively well screened from views in and mainly visible from the residential areas of Fairmilehead and adjacent road network. The main visible part of the Snow Sports Centre in daylight is the ski matting (including the matting under the tow lift) and the lighting columns. The most visible part of the centre outwith daylight hours is the lighting and the associated light spill. Due to the landform at the northern end of the Pentland Hills the proposed zorbing facility would mainly be visible from the southern part of Edinburgh and from within Hillend Country Park and Caerketton Hill, the northernmost hill in the Pentland Hills. No illumination is proposed for the zorbing run as it is only to operate during daylight hours.
- 8.11 The main landscape consideration is the cumulative impact of the proposed works as, in conjunction with the extension of the snow sport facilities there is the potential for cluttering of the hillside and making the activities even more prominent.
- 8.12 The landscape and visual impact assessment (LVIA) submitted with the application addresses the likely impacts on the landscape and visual amenity of the proposed development. The assessment of landscape and visual effects is illustrated by the use of computer generated Zone of Theoretical Visibility (ZTV) maps and in viewpoint wireframes and photomontages. The LVIA categorises the significance of any identified landscape or visual effect as major, moderate, minor or negligible. These categories were determined by consideration of viewpoints or landscape sensitivity and predicted magnitude of change. For the representative viewpoints the LVIA identifies the effects as minor, moderate or negligible and thus the resultant residual significance as not significant or of no significance. It concludes that the magnitudes of change, landscape and visual, are low or less. This is primarily due to the nature of the proposed development, comprising predominantly of a grass run that would utilise existing grass species to blend with the surrounding grass land.
- 8.13 From the LVIA it can be concluded that the proposed development; including the proposed reception cabin, launch platform, tow path/access path and fencing would not have a significant impact on the landscape and visual amenity of the area and is thus acceptable in landscape and visual impact terms.
- 8.14 The existing vegetation including the woodland areas screen the existing activities well. A planting screen should be incorporated amongst or instead of the existing low vegetation at the bottom of the zorbing facility. This area is currently covered by gorse which could be inter-planted with individual trees such as Scots pine, birch, alder, rowan and whitebeam to help mitigate visually. In addition, to reduce the overall visibility of the development the colour of the proposed



structures (especially the starting platform) should be such that they blend more readily into the hillside and the roof of the reception cabin should be vegetated with locally sourced seeds. These controls should be secured by conditions on a grant of planning permission.

- 8.15 In the event that the zorbing facility ceased to operate and therefore become derelict/unsightly, it should be a condition of a grant of planning permission that the applicant provide the Council with satisfactory evidence and assurance that within a specified time period following the ceasing of the facility that the redundant structures and infrastructure are removed and the site restored to its condition prior to the erection/formation of them.

### **Footpaths**

- 8.16 The part of the Pentland Hills Regional Park where the site is located in well used by ramblers and dog walkers. Many people use the Snow Sports Centre overflow car park as a base to access the hill with many using the informal footpaths in the immediate area. Two informal paths are located adjacent to the run. The path which has the greatest footfall runs along the top of the wildflower meadow and area of gorse above the car park, and then towards the Snow Sports Centre. The route runs across the bottom of the proposed zorb run and in a space between the catching zone and the earthen bunds. Therefore, there will be no obstruction of this path other than users of it being asked to pause for a short time when the zorb ball is on the run. The zorb run intersects a second informal path approximately half way up. It is not well used by ramblers/dog walkers who can easily divert around the bottom of the run. Therefore, the proposed development would not adversely affect access to the countryside. No core path or known rights of way would be affected by the proposed development. The Pentland Hills Regional Park Authority does not raise any concern about the impact of the proposed development on the existing footpath network.

### **Ecology**

- 8.17 The ecology report submitted with the application addresses the likely impacts on protected species and notable habitats. The report concludes that the habitats within the study area are not particularly uncommon or protected and the proposed development would not raise any significant issues. However, it recommends special care of the surrounding habitats during construction including the trees at the base of the zorbing run, the hawthorn scattered on the hillside, the yellow rattle dominated area of grass and the burn located to the east of the top of the proposed zorbing run. Furthermore, it recommends that: (i) to protect birds any woody vegetation is only removed outwith the bird breeding season i.e. between September and March; and, (ii) if any mature trees at the base of the zorbing run are to be felled a bat survey be undertaken to ensure that there is no destruction of roosts. Recommendation (i) can be secured by a condition on a grant of

planning permission. The proposed development does not involve the felling of any trees next to the base of the zorbing run and therefore it would not be reasonable for the Planning Authority to require a bat survey.

- 8.18 Subject to recommended conditions the proposed works will not either individually or cumulatively with the existing ski slopes and other structures on that neighbouring site appear incongruous or intrusive within the landscape. As such, the proposed works will not harm the landscape character and amenity of Hillend Country Park or the Pentland Hills Regional Park, or the designated Area of Great Landscape Value (AGLV). Neither will the proposed development conflict with the aims and objectives of the Pentland Hills Regional Park. The proposed development does not conflict with Edinburgh and Lothians Structure Plan Policy ENV1D or with Midlothian Local Plan Policies RP6, RP7, RP16 and DP4.

## 9 RECOMMENDATION

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

*The proposed development will be complementary and ancillary to the Snow Sports Centre and will contribute to its continued operation. Subject to the recommended conditions the proposed development will not harm the landscape character and amenity of the area, including the Pentland Hills Regional Park and the Area of Great landscape Value in which the site is located. Therefore, the proposed development complies with the relevant provisions of the Structure Plan and with adopted Midlothian Local Plan Policies RP1, RP2, RP6, RP7, RP16, DP4, and COMF7.*

Subject to the following conditions:

1. The development hereby granted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

**Reason:** *To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc Act 2006).*

2. Permission is granted solely for the works proposed in this application to facilitate the use of the land as a zorbing facility and not for any other development on or use of the land.

**Reason:** *To restrict the land to the use applied for which it has been demonstrated will be complimentary and ancillary to the Snowsports*

*Centre and will contribute to its continued viable operations, in the interests of safeguarding the character and amenity of the area.*

3. Prior to the zorbing facility first coming into use and within one month of them being erected; whichever is the sooner, the reception cabin, launch platform and post and wire fences shall be painted a colour(s) or finished with a timber preservative to be approved in advance by the Planning Authority and the colour(s) of paint/timber preservative applied shall accord with the sample so approved.

***Reason:*** *To safeguard the landscape character and amenity of the area.*

4. No trees shall be felled unless with the prior written approval of the Planning Authority.

***Reason:*** *To safeguard the landscape character and amenity of the area.*

5. Any woody vegetation removed shall only be done so out with September to March.

***Reason:*** *In the interests of safeguarding birds.*

6. Within three months of the date when on site works commence the area of gorse immediately to the north of the zorbing facility shall be inter-planted with individual trees including Scots pine, birch, alder, rowan and whitebeam. If within 5 years of the planting of the trees any of them dies, becomes seriously diseased or damaged they shall be replaced in the following planting season by a tree of the same or of a similar species to those originally required, to the approval of the Planning Authority. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

***Reason:*** *To reduce the visibility of the development and to assist in integrating it into the landscape, in the interests of safeguarding the landscape character and amenity of the area.*

7. Prior to the reception cabin first coming into use its roof shall be finished as a `green roof` vegetated with locally sourced seeds to the approval of the Planning Authority. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

***Reason:*** *To reduce the visibility of the development and to assist in integrating it into the landscape, in the interests of safeguarding the landscape character and amenity of the area.*

8. A sample of/a manufacturers brochure of the "grass road" paving system to be used for the tow path shall be made available for the prior approval of the Planning Authority.

**Reason:** *In the interests of safeguarding the landscape character and amenity of the area.*

9. Prior to the commencement of development the applicant shall provide evidence and assurance, for the prior approval of the Planning Authority, that within a specified time period following the ceasing of the facility the redundant structures and infrastructure are removed and the site restored to its condition prior to the erection/formation of them.

**Reason:** *To ensure the site does not become derelict/unsightly to the detriment of the character of the area.*

**Ian Johnson**  
**Head of Planning and Development**

**Date:** 21 August 2012

**Application No:** 12/00355/DPP (Available online)  
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**Validation Date:** 12<sup>th</sup> June 2012

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**Background Papers:** None.