



T: [REDACTED]

E: [REDACTED]

[REDACTED] Holder Planning
[REDACTED]

cc: [REDACTED] Murray Estates
[REDACTED]

Our ref: NOD-EDB-002

30 April 2020

Dear [REDACTED]

NOTICE OF INTENTION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED RESIDENTIAL
DEVELOPMENT, LOCAL CENTRE (INCLUDING CLASS 1, CLASS 2 & CLASS 3
USES) COMMUNITY FACILITIES (INCLUDING PRIMARY SCHOOL AND OPEN
SPACE) GREEN NETWORK, TRANSPORT LINKS, INFRASTRUCTURE,
ANCILLARY DEVELOPMENT AND DEMOLITION OF BUILDINGS AT LAND 1000
METRES NORTH-WEST, SOUTH-WEST & WEST OF HERMISTON JUNCTION, M8
GOGAR STATION ROAD, EDINBURGH, KNOWN AS “EDINBURGH GARDEN
DISTRICT”**

1. This letter contains Scottish Ministers' proposed decision on the above planning application lodged with the City of Edinburgh Council on behalf of Murray Estates Lothian Limited.
2. On 25 July 2016, Scottish Ministers issued a Direction, under section 46 of the Town and Country Planning (Scotland) Act 1997, requiring the application made by Murray Estates Lothian Limited dated 21 September 2015, to be referred to them for determination. This was “in view of the potential impact on statutory works undertaken at the adjacent Science and Advice for Scotland Agriculture establishment, prematurity in relation to Edinburgh’s Second proposed Local Development Plan, and potential impacts on infrastructure within the West Edinburgh Area.”
3. The application was considered by public examination and hearings with five site inspections plus further written submissions and was conducted by [REDACTED]

██████████ a Reporter appointed by Scottish Ministers for that purpose. Following submission of the Reporter's original report on 6 February 2019, it became apparent that more recent housing land audits had been produced but not submitted to the Reporter. On 21 October 2019 Planning and Architecture Division returned the case to DPEA for further consideration of this matter. An updated report was submitted to Scottish Ministers on 13 January 2020 and is available online.

Scottish Ministers' Decision

4. The Reporter has recommended that planning permission in principle should be granted, subject to conditions and to a planning obligation. Scottish Ministers have carefully considered all of the evidence presented and the Reporter's conclusions. For the reasons given below, Scottish Ministers are minded to grant planning permission in principle for the proposed development subject to the conditions set out in the annex to this notice and the completion and registration of a planning obligation.

The Reporter's Report

The Proposal and Site

5. The application is for a proposed residential development (approx. 1350 units), a local centre, community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings.

6. The application site extends to 53.99 hectares and is mainly in agricultural use. The site is located on the urban fringe to the west of the city of Edinburgh and to the west of the City Bypass at Edinburgh Park. The site is bounded to the north by the A8, the A720 Edinburgh City Bypass to the east and the Glasgow to Edinburgh railway line to the south. The Royal Bank of Scotland's global headquarters is located immediately to the north-west of the site.

Development Plan Context

7. Under the terms of section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises:

- The approved Strategic Development Plan (2013) (SESplan);
- The adopted City of Edinburgh Local Development Plan (2016);
- SESplan Housing Land Supplementary Guidance (2014)

The LDP identifies the application site to be within the greenbelt where restrictive policies apply in relation to new development.

SESplan (2013) and rejection of SESplan2

8. Scottish Ministers are mindful of the current development planning situation in West Edinburgh. Following the rejection of SESplan2 in May 2019, SESplan (2013)

remains the most recent Strategic Development Plan applicable to this site. SESplan was adopted in 2013, and as such is over 5 years old.

Main Issues

9. Having regard to the provisions in the development plan, in para 9.1 the Reporter identifies the main issues in this case as (i) housing land supply and effectiveness of the application site; (ii) settlement fit (including green belt issues) and landscape and visual effects; (iii) infrastructure impacts; (iv) impacts on the nearby SASA facility; and (v) whether any other relevant issues point towards approval or refusal of planning permission in principle.

Housing Land Supply and effectiveness of the application site

10. Ministers have taken into account the Reporter's consideration in chapter 3 and para 9.2 that he has been unable to conclude with certainty that there is currently an effective 5 year housing land supply. Based on the evidence before him the Reporter considers that there is serious difficulty in deciding what conclusions to draw from the output of the housing land audit, as the housing land supply target figures are taken from SESplan which is more than 5 years old. In para 3.44 the Reporter concludes that there would be too many uncertainties in order to somehow roll forward the housing supply target set out in SESplan and that such an approach would likely lead to widely varying demand-side calculations from case to case. The Reporter concludes that SPP paragraph 33 is engaged in this case, due to the age of the development plan and that this is the appropriate mechanism intended by SPP for situations such as this one, rather than an ad-hoc rolling forward of supply targets, any concept of which is absent from SPP. The Reporter concludes that the proposal is sustainable and has considered but identified no adverse impacts of the proposed development which significantly and demonstrably outweigh its benefits. Overall the Reporter states that this consideration points strongly towards granting planning permission in principle and Scottish Ministers accept this conclusion. Scottish Ministers also accept the Reporter's reasoning that for the time being it has not been possible to calculate whether or not there is a housing land supply shortfall for the SESplan area given that the housing land supply figures for SESplan are out of date.

Development Plan

11. Ministers do not agree with the Reporter that the development plan as a whole is out of date, but consider that that the relevant policies in SESplan and the associated SESplan Housing Land Supplementary Guidance (2014) relating to housing land requirements are out of date. Ministers agree with the Reporter that paragraph 33 of SPP is engaged because the relevant policies relating to housing in SESplan are considered out of date and not solely because SESplan is more than 5 years old. Ministers acknowledge that SESplan was due to be replaced with SESplan 2 which would have established up-to-date housing supply targets for Edinburgh and the other SESplan Council areas. The LDP identifies the application site as green belt where restrictive policies apply. The Reporter has considered the proposal against Policy 7 of SESplan and Policy Hou 1(2) of the local development plan as these policies remain part of the development plan, despite SESplan being more than 5 years old. In any event the Reporter considers that these policies reflect the relevant provisions of

paragraph 29 of SPP, where 13 principles of sustainable development are set out. In chapter 3 and para 9.15 the Reporter concludes that the proposed development accords overall with the relevant provisions of the development plan and that other material considerations, principally the provisions of SPP, indicate that planning permission should be granted.

12. Ministers do not agree with the Reporter's view that overall the proposal complies with the provisions of the development plan. The site is allocated as green belt within the LDP and in terms of policies Hou1 and Policy 7 of SESplan, related to development in the greenbelt, it does not meet the necessary criteria as the Reporter was unable to conclude that there is a 5-year effective housing land supply – or identify that there is a shortfall in the effective housing land supply as evidenced through the housing land audit. Scottish Ministers have taken into account that relevant policies relating to housing land requirement of SESplan are out of date and are of the view that paragraph 33 of SPP is engaged.

SPP

13. Ministers agree with the Reporter's conclusions in that, in terms of paragraph 33 of SPP, the 'presumption in favour of development that represents sustainable development' is a significant material consideration in the determination of this case, however for different reasons than those stated by the Reporter. Ministers do not agree that paragraph 33 applies solely because SESplan is more than 5 years old, considering instead that it applies because relevant housing policies are, in part, out of date.

14. In summary, while Ministers disagree with the Reporter that the proposal overall complies with the development plan, they do agree with the Reporter that material considerations, specifically the provisions of SPP, indicate that planning permission should be granted. It is considered that on balance the proposal represents a sustainable development and that the benefits of the proposal outweigh any potential negative consequences to the development plan specifically the loss of greenbelt and localised impacts.

Settlement fit and landscape and visual impacts

15. The Reporter has considered the issues of settlement fit, and of landscape and visual impacts arising from the development. The site is located within an area designated as greenbelt in the Local Development Plan. The Reporter concludes that the information set out in the environmental statement provides an accurate prediction of the likely landscape and visual effects of the proposed development. The site is well contained visually and due to the largely enclosed nature of the site and its relationship with adjacent development significant adverse effects on landscape character would not arise, other than the direct effect caused by development of the site itself. The same conclusion applies to the effect on the special landscape area.

16. In terms of settlement fit, the Reporter has found the site to be extremely well located. The site is located in the vicinity of the West Edinburgh Strategic Development Area, as defined in SESplan 1, a significant area of change. It is adjacent to significant employment and retail opportunities. It is also well-located to take advantage of public

transport infrastructure, including train and tram. Major road junctions would also be easily accessed and a bus route could be provided through the site. Cycling infrastructure and countryside access routes are also close to hand and the proposal would provide for links to those routes. Scottish Ministers agree with the Reporter's overall conclusions in chapter 4 that significant adverse effects on landscape character would not arise.

Infrastructure impacts

17. The Reporter has considered relevant infrastructure impacts including Flooding, Education, Transport and Access, and has concluded that the infrastructure impacts of the development can be addressed via planning conditions and planning obligation. Scottish Ministers agree with the Reporter's conclusions in para 5.80 there are no insurmountable infrastructure impediments to development of the application site, consistent with the relevant terms of SESplan and the LDP.

Impacts on Science and Advice for Scottish Agriculture (SASA)

18. The Reporter has considered *Impacts on Science and Advice for Scotland Agriculture establishment (SASA) Science*. SASA provides scientific services and advice in support of Scotland's agriculture and wider environment. The Reporter notes that the SASA objection has been withdrawn. Agreement has now been reached between the applicant and SASA in regard to mitigation of the impacts of the proposals on the SASA facility. The Reporter is satisfied that this mitigation would be appropriate and that it can be safeguarded by planning obligation. Further detail is set out in the proposed heads of terms in the Annex to the Reporter's Report. Ministers agree with the Reporter's overall conclusions in chapter 6 that the mitigation scheme now agreed between the applicant and SASA would reduce potential impacts to a manageable level, and that it would also be likely in some respects to enhance the operation of the facility.

Other relevant issues

Cultural Heritage

19. Ministers agree with the Reporter's conclusions at para 7.19 that there would be no direct impacts on archaeological features that are not capable of being mitigated by condition. Ministers also agree with the Reporter's conclusions that the setting of listed buildings would be preserved by a condition and that the character and appearance of the conservation area would be preserved.

Natural Heritage

20. Ministers agree with the Reporter's conclusions at para 7.19 that there would be no significant adverse effects on ecological receptors, subject to appropriate mitigation. Ministers agree that the re-routing and naturalisation of the Gogar Burn would contribute towards increased biodiversity within the application site.

Compatibility with neighbouring land uses

21. Ministers have taken into account in para 7.20 that the objections of RBS and SASA, two significant neighbouring uses, have now been conditionally withdrawn and that the initial concerns of Edinburgh Airport have been addressed by the applicant and that this matter is capable of being safeguarded by means of condition.

Design and residential environment/ noise/ air quality

22. Ministers agree with the Reporter's conclusion at para 7.21 that the site is capable of providing a good quality residential environment, provided that the necessary noise and air quality mitigation measures are satisfactorily undertaken.

Whether the proposal represents sustainable development

23. The Reporter has considered whether the proposal represents sustainable development and acknowledges that development of a mainly greenfield site in a green belt location inevitably weighs, to some degree, against finding the proposal to represent sustainable development. Ministers agree with the Reporter's conclusions in para 7.22 and para 9.77 that the proposal does represent sustainable development based on: the significant contribution to housing land supply which the site would make; the location of the site adjacent to public transport and active travel opportunities; the acceptable landscape and settlement fit of the proposal; and that there would be no other unacceptable impacts not capable of being mitigated by means of planning conditions or a planning obligation.

Tilted Balance

24. Ministers have taken into account the Reporter's consideration of the 'tilted balance' in para 9.13. The Reporter notes that the term 'tilted balance' is borrowed from case law in England or from a case interpreting policy documents applicable to England. The Reporter sets out that he is not convinced that this is correct or is the right interpretation of the Scottish cases when those cases use the term "tilted balance". The Reporter concludes that he prefers to interpret SPP paragraph 33 in its own terms. Ministers agree with the Reporter's conclusions in this regard.

Conclusion

25. In summary, while Scottish Ministers do not agree with the Reporter that the proposal complies with the development plan overall, Ministers do agree with the Reporter that there are significant material considerations that indicate that planning permission in principle should be granted, including: the presumption in favour of development that represents sustainable development being a significant material consideration; the site being effective or capable of becoming effective in the relevant timeframe; defensible greenbelt boundary; significant contribution to housing land supply which the site would make; the location of the site adjacent to public transport and active travel opportunities; and the acceptable landscape and settlement fit of the proposal. We agree with the Reporter that the proposal represents sustainable development in line with the 13 principles of SPP para 29.

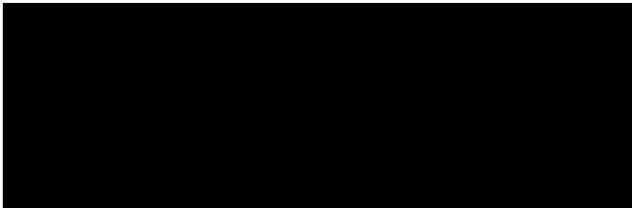
26. Scottish Ministers agree with the reporter that in this instance the benefits of the proposed scheme are sufficient to outweigh the loss of greenbelt at this location.

Accordingly, Scottish Ministers are minded to grant planning permission in principle for this development subject to conditions and a planning obligation. Ministers agree with the Reporter that a planning obligation should be completed to secure affordable housing, healthcare infrastructure, education, and transport infrastructure, along with SASA mitigation and related matters.

27. Scottish Ministers therefore propose to defer their formal decision on the planning application, in the first instance for a period of 4 months, to enable the relevant obligation to be completed to Ministers' satisfaction.

28. A copy of this letter and the Reporter's report has been sent to City Of Edinburgh Council and parties who participated at the hearing. Those parties who lodged representations will also be informed of the decision.

Yours sincerely

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Chief Planner

Annex 1: Schedule of proposed conditions

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

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

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

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

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

a) include all the road widening, signalisation, pedestrian/cycle crossing and road layout works shown on the SWECO Drawings ref SK047 SK048 and SK056;

b) including the re-engineering of the Royal Bank of Scotland service yard entrance together with the provision of the necessary 90 metre visibility splays to that junction as shown on SWECO Drawing ref SK056;

c) include a detailed scheme of replacement tree planting to be carried out along the new western boundary of the widened Gogar Station Road;

d) In the event that footway to the west side of Gogar Station Road is to be realigned as shown on SWECO Drawing SK047 then include proposals for closure of the extent of existing footway on the west side of Gogar Station Road which would no longer be required;

e) demonstrate that there is control over all land required for the works:

f) demonstrate that there is agreed scheme in place for the maintenance of all required traffic management signals which are not located on a public road which shall fund such maintenance in perpetuity or until they are adopted by the roads authority.

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

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

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

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

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

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

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

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

b) Thereafter the agreed flood prevention measures shall be implemented in full prior to the occupation of the first dwelling.

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

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

Reason: In the interests of human health and amenity.

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

Approval of matters

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

Landscaping

- Detailed soft and hard landscaping plan and levels;
- A schedule of all plants to comprise species, plant size and proposed number and density;

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

Reason: In order to secure a satisfactory design.

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

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

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

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

11. Prior to the commencement of construction works on each of the identified sub-sites:

(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Council as Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Council as Planning Authority.

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

Reason: In the interests of human health.

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

Reason: In the interests of human health and amenity.

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

Reason: In the interests of amenity.

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

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

15. No development shall take place on each of the identified sub-sites until the applicant has secured the implementation of a programme of archaeological work (excavation, field walking and metal detecting, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Council as Planning Authority. The work must be carried out by a professional archaeological organisation, either working to a brief prepared by the City of Edinburgh Council Archaeology Service (CECAS) or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Reason: In the interests of archaeological heritage.

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

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

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

defined by the Council. Thereafter the development of the site shall be carried out in full accord with the agreed recommendations and mitigation measures.

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

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

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

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

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

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

Reason: In the interests of aircraft safety.

20. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/ occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise

the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/ occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Reason: In the interests of aircraft safety.

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

Reason: In the interests of aircraft safety.

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

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

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

Reason: In the interests of aircraft safety.

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

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

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

Reason: In the interests of aircraft safety.

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

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

The approved Construction Environmental Management Plan shall be implemented accordingly.

Reason: to ensure that construction traffic is managed.

Advisory notes

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

Annex 2: Heads of terms of proposed planning obligation

Affordable Housing

On-site Affordable Housing

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

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

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

Healthcare Infrastructure Contributions

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

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

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

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

Education

Primary School Land

7 The terms of the transfer of ownership from the Applicant to the Council of land capable of accommodating a primary school and nursery (2 ha) within the Development are

to be agreed. The terms of the transfer of ownership will ensure that the primary school land is delivered to the Council at no cost along with all necessary access rights (including temporary access rights during the construction period), with the land being fully remediated and serviced. The primary school land is to be transferred by the Applicant to the Council prior to the completion of the 25th residential unit.

Primary and Secondary Education Contributions

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

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

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

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

Transport Infrastructure Contributions

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

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

The following contributions are also sought:

- Contributions of a scale representative of transport impact towards the installation of MOVA to the two identified junctions on the A720, the Calder and Hermiston Transport Contribution Zone in the supplementary guidance. This is a SESplan and

Transport Scotland action to address cross boundary traffic flows related to the cumulative impacts of developments in the SESplan area. The details of the action and costs are still to be established and these are anticipated next year.

Tram

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

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

SASA Mitigation and Related Matters

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

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

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

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

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

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

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

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

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

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

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

Per unit secondary school infrastructure contribution requirement:

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

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

Per unit secondary school land contribution requirement:

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

Note – no indexation to be applied to land contribution.