



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by David Buylla, a reporter appointed by the Scottish Ministers

- Case reference: PPA-290-2032
- Site Address: land to the north and south of Pentland / Damhead Road, Straiton, Midlothian
- Appeal by PSL Land Ltd against the failure of Midlothian Council to determine within the prescribed period, an application for planning permission in principle, ref. 15/00364/PPP dated 1 May 2015
- The development proposed: mixed use development comprising; film and television studio including backlot complex; mixed employment uses hotel; gas and heat power/energy centre; film school and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking; SUDS features and landscaping
- Dates of site visits: 12 February and 20 June 2016

Date of this report and recommendation: 22 December 2016



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Mixed use development comprising; film and television studio including backlot complex; mixed employment uses hotel; gas and heat power/energy centre; film school and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking; SUDS features and landscaping at land to the north and south of Pentland / Damhead Road, Straiton, Midlothian

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| • Case reference | PPA-290-2032 |
| • Case type | Recalled planning appeal |
| • Reporter | David Buylla |
| • Appellant | PSL Land Ltd |
| • Planning authority | Midlothian Council |
| • Other parties | Damhead and District Community Council |
| • Date of application | 1 May 2015 |
| • Date case received by DPEA | 3 December 2015 |
| • Methods of consideration and dates | Written submissions. Unaccompanied site inspections on 12 February and 20 June 2016 Further written submissions requested on 25 January 2016 and 5 April 2016 |
| • Date of report | 22 December 2016 |
| • Reporter's recommendation | Refuse planning permission in principle |

Ministers' reason for recall:

The case was recalled because Ministers recognise the potential economic and cultural benefits associated with the proposal to be an issue of national importance.

The site:

The site comprises of two parcels of land to the north and south of Pentland Road / Damhead Road, Old Pentland, Straiton. The total area of both sites is approximately 36 hectares. The land lies within the Midlothian Council area.

Description of the development

Planning permission in principle is sought for a mixed-use development comprising of a film and television studio with a range of associated uses.

On the southern side of the road, approximately 300 metres from its junction with the A701, it is proposed to construct a film and television studio including a studio tour site (total area 12.96 hectares), backlot areas (3.49 hectares), an hotel (1.42 hectares), an energy centre (1.06 hectares), a film school campus with student accommodation (2.65 hectares), a data centre (2.01 hectares) and an earth station site (0.05 hectares). This part of the site is in

active use as a farm. The appellant describes this as Site A and proposes to develop it as the first phases of the project.

On the northern side of the road, on a land parcel measuring approximately 13 hectares, the appellant proposes 4.83 hectares of employment land with the remainder of the site (8.15 hectares) developed as backlots for the proposed studio development. This part of the site has a history of mineral workings and land filling and is currently vacant. It lies adjacent to the junction of Pentland Road and the main A701 Straiton Road, which runs south from the Edinburgh City Bypass. This part of the site is described as Site B and would be developed after Site A had been completed.

The appeal is against the failure of the planning authority to determine the application for planning permission in principle within the prescribed period.

Consultations and representations

Damhead and District Community Council objects to the proposal, as it would be contrary to its community plan. VisitScotland is supportive of the proposal, due to its predicted socio-economic benefits for Scotland.

Other consultees include SEPA, Scottish Natural Heritage (SNH), The Coal Authority, Historic Environmental Scotland (HES), Transport Scotland, Edinburgh Airport and National Air Traffic Services en Route Limited (NERL). All have made comments on the proposal, but none has formally objected.

The proposal has attracted a significant level of public interest. At the planning application stage there were 49 letters of objection, 19 letters in support and one neutral response. In response to this appeal (including to the appellant's further environmental information) there have been letters of objection from 38 individuals and representations from 68 supporters. There have also been petitions both in support of, and in objection to, the proposal. A petition against the proposal has been signed by approximately 2700 individuals. One in support of the proposal has approximately 3000 signatures.

The appellants' case

The appellant acknowledges that the proposal is contrary to certain aspects of the development plan and accepts that the proposed land uses would not normally be considered appropriate in the green belt. However, it believes that the unique characteristics of the proposal and the significant socio-economic benefits it would secure, justify an exception to policy.

The appellant believes that it provided sufficient environmental information to support an application for planning permission in principle and that any further such information can be submitted as part of subsequent submissions for approval of matters specified in conditions.

The appellant does not believe that its proposal would be prejudicial to the emerging Midlothian Local Development Plan (the proposed LDP). The proposed LDP intends to route a relief road for the A701 through the site. The appellant has made a representation against that proposal, which will be considered as part of the on-going LDP examination. The appellant suggests that the road should be routed to the west of the appeal site. However, if the examination finds that the route should continue through the site, the

appellant has incorporated a reservation within the site that could accommodate the relief road.

The appellant does not consider that it would be possible or helpful to model the cumulative effects of its proposal along with the development the planning authority proposes to allocate in the A701 corridor through the proposed LDP.

The planning authority's case

This is an appeal against the failure of the authority to determine an application for planning permission within the prescribed period. However, the planning authority has set out the reasons it would have given for refusing to grant planning permission in principle, had it determined the application. These cover the matters listed below:

The proposal does not provide sufficient safeguarding for the proposed A701 Relief Road and would undermine programmed and planned growth at the Midlothian Campus of the Edinburgh Science Triangle at Bush Estate which has a significant national/international presence. The relocation and expansion of the University of Edinburgh Royal (Dick) School of Veterinary Studies, and the establishment of the Easter Bush Research Consortium, which provide the impetus for further growth in this Strategic Development Area. This detrimental economic impact outweighs any potential economic advantages identified as part of the planning application. In any event, the perceived economic benefits proposed by the applicants have not been substantiated and no commercial investors have been confirmed.

Consideration of this application in advance of the adoption of the MLDP would be so significant in relation to the Council's development strategy that it would undermine the plan making process.

The proposed development is within the Green Belt, in a countryside location, where there is a presumption against inappropriate development. As such, the proposal is contrary to many development plan policies and this is not outweighed by any material considerations presented as part of this application.

There remains insufficient environmental information on a number of matters.

Reporter's reasoning

There are factors that weigh in favour of and against granting planning permission in principle at this time. In order to make a recommendation as to whether planning permission in principle should be granted, these must be carefully weighed in the planning balance.

On the positive side, the proposal offers the opportunity for significant socio-economic benefits at a local and national level. As such, it can draw support from SPP and from SESplan, which identifies creative industries as one of the sectors that has strategic importance to the SESplan area. However, consideration must be given to the planning authority's fears that a decision to grant planning permission in principle at this time could threaten the delivery of other significant projects that would themselves offer significant socio-economic benefits and which are key elements of SESplan and of the proposed LDP.

Set against the proposal's potential socio-economic benefits, there would be a number of negative consequences from a decision to grant planning permission in principle. These include clear conflict with a number of provisions of the Midlothian Local Plan. However, the fact that, being more than five years old, the plan must be regarded as out of date must be borne in mind.

The proposal would cause significant adverse effects on the character of the local landscape and on the visual amenity of those who live, work and travel nearby. However, these would be confined to a small radius around the site and would not involve any landscape that is recognised as having particular value. Visual effects beyond the immediate environs of the site would be insignificant.

I am satisfied that noise issues, concerns over ground conditions within the site and effects on ecological interests could be adequately controlled by conditions.

The proposed LDP is at a very late stage in its production – the examination of the proposed plan having recently commenced. Key features of the proposed plan include the A701 relief road, which is proposed to be routed through the appeal site, and significant levels of housing and employment development that are likely to depend upon the relief road for their delivery.

I am concerned that the appellant has provided insufficient information about how its proposal could accommodate the relief road and about its potential cumulative effects with other development in the locality that may be allocated by the proposed LDP.

Taking all matters into account, I find that a decision to grant planning permission in principle would be prejudicial to the consideration of the proposed LDP. This is due to uncertainty over how the proposal would affect the proposed A701 relief road and the strategic-scale development allocations that the LDP proposes to make in this area.

I conclude that the prejudice to the proposed LDP in combination with the other negative effects of the proposal, outweighs its predicted socio-economic benefits.

Recommendation

That planning permission in principle be refused.

Scottish Government
Planning and Environmental Appeals Division
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Callendar Road
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FK1 1XR

DPEA case reference: PPA-290-2032

The Scottish Ministers
Edinburgh

Ministers

This appeal was received by the division on 3 December 2015. On 10 December 2015 the appeal was recalled for determination by Scottish Ministers. The reason for recall was because Ministers recognise the potential economic and cultural benefits associated with the proposal to be an issue of national importance.

In accordance with my minute of appointment dated 15 January 2016, I conducted unaccompanied inspections of the appeal site, its surroundings and other locations referred to in evidence on 12 February and 20 June 2016. I sought further information via two procedure notices issued on 25 January 2016. On 5 April 2016, I made a formal request for further environmental information under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The response to this request was subject to statutory publicity and consultation.

My report, which is arranged on a topic basis, takes account of the appellant's Environmental Statement, the further environmental information and the written representations made in connection with the proposal.

CHAPTER 1: BACKGROUND

Preliminary matters

- i. When the appeal was first submitted, I did not consider that there was sufficient information on certain aspects of the proposal. On 25 January 2016 I issued two procedure notices, seeking further written submissions on the retail element of the proposal¹, for which no retail impact assessment had been undertaken and on bats², as no bat survey had been carried out.
- ii. Following receipt of the written submissions and having allowed parties to respond, it remained my view that insufficient information had been provided about certain key aspects of the scheme including: effects on bats; the combined heat and power plant; the A701 relief road; noise and vibration effects from backlots; site selection; and cumulative effects. Therefore, on 5 April 2016, and in accordance with regulation 23 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (the EIA Regulations), I sought further environmental information³ in order that I could advise Ministers on the likely significant environmental effects of the proposed development.
- iii. Statutory publicity and consultation were carried out for the further environmental information. This report makes reference to the further environmental information and to any submissions that were made in response to it.
- iv. The proposed development includes an energy centre. It has been suggested by opponents to the scheme that the generating capacity of the energy centre is too large to be considered in an application for planning permission in principle and that it should have been submitted for consent under section 36 of the Electricity Act 1989. The basis for those claims is the reference in two documents that accompanied the application – a report by Vital Energi and another by Deloitte (which incorporates the information from the Vital Energi report and others) that refer to an aspiration for the output of the energy centre to exceed 50 megawatts (that being the point at which such proposals require Electricity Act consent). Concern has also been raised that those documents refer to the power source being a mix of gas and biofuel, while the transport assessment and Environmental Statement did not take account of the significant fuel delivery traffic that would be associated with the latter fuel source.
- v. I have considered, very carefully, the concerns that have been raised. I note that the environmental statement which accompanied the planning application specified a gas-fired energy centre and assessed the proposal on that basis. However, it did not specify its generating capacity and provided no details of the number and likely height of flues and other details. Although this is an application for planning permission in principle, I considered that some further detail of the proposal was required. As set out above, that was one of the matters for which I sought further environmental information, which was subsequently subject to statutory consultation and publicity.
- vi. The further environmental information confirmed that the proposed energy centre would be gas-fired and would have a power output well below the 50 megawatt threshold. For the avoidance of doubt, I then asked the appellant to confirm whether reference to an

¹ [Procedure notice 1](#)

² [Procedure notice 2](#)

³ [Request for further environmental information](#)

aspiration for a higher power output in the Vital Energi report could be regarded as superseded by the further environmental information. The appellant confirmed that it could.

vii. I am satisfied that the energy centre element of the proposal is, and always was, capable of being considered under an application for planning permission in principle. I am also satisfied that the proposal is, and always was, for a gas-fired energy centre. If the applicant wanted to increase the capacity of the energy centre above 50 megawatts, this would require a separate application for Electricity Act consent. And if it wanted to change the fuel source from that which has been environmentally assessed, a further application for planning permission would be required.

viii. Should Ministers resolve to approve the current application for planning permission in principle, it would be possible to restrict these details of the energy centre to those specified in the further environmental information. I deal with that matter in Chapter 10 of this report.

The appeal site and proposal

1.1 Planning permission in principle is sought for a redevelopment of two parcels of land to the north and south of Pentland Road / Damhead Road, Old Pentland, Straiton. The total area of both sites is approximately 36 hectares.

1.2 On the southern side of the road, approximately 300 metres from its junction with the A701, it is proposed to construct a film and television studio including a studio tour site (total area 12.96 hectares), backlot areas (3.49 hectares), an hotel (1.42 hectares), an energy centre (1.06 hectares), a film school campus with student accommodation (2.65 hectares), a data centre (2.01 hectares) and an earth station site (0.05 hectares). This part of the site is in active use as a farm. The appellant describes this as Site A and proposes to develop it as the first phases of the project.

1.3 On the northern side of the road, on a land parcel measuring approximately 13 hectares, the appellant proposes 4.83 hectares of employment land with the remainder of the site (8.15 hectares) developed as backlots for the proposed studio development. This part of the site has a history of mineral workings and is currently vacant. It lies adjacent to the junction of Pentland Road and the main A701 Straiton Road, which runs south from the Edinburgh City Bypass. This part of the site is described as Site B and would be developed after Site A had been completed.

1.4 The proposed employment land would occupy the corner of this site that is closest to the road junction. The backlot development would be behind it. Originally, the range of uses proposed within the employment land was to include retail and office uses. However, after I advised the appellant that, in accordance with the local plan and with Scottish Planning Policy (SPP), proposals for large-scale town centre uses would require to be justified by an impact assessment, the appellant decided to omit such uses from the proposal and to accept a planning condition to that effect, should planning permission in principle be granted.

1.5 The response to my request for further environmental information (FEI) was subject to statutory publicity and consultation⁴. This information included further details of the effect

⁴ [Letter to interested parties](#) and [press notice](#)

on bats⁵, the proposed combined heat and power plant⁶ or 'energy centre', the A701 relief road⁷, noise and vibration from the backlots^{8,9,10}, the site selection process¹¹ and cumulative effects¹².

1.6 I have included responses to the FEI, as well as to the original environmental information, within the summary of consultation responses and representations that is set out below.

1.7 In my consideration of this proposal I have had regard to all of the environmental information that has been submitted and to all of the comments that have been made in response to that information.

Consultation responses

1.8 **Damhead and District Community Council**¹³ objects to the proposal as it considers that it would be contrary to its Neighbourhood Action Plan. It contends that the proposed land uses are inappropriate to this rural area and that the siting, scale and design of the proposal are unacceptable. It finds the proposal to be in conflict with a significant number of development plan policies.

1.9 The community council believes that the development would harm the setting of Old Pentland graveyard, a listed building, and detract from the area's landscape value. Proposed access and parking could create health and safety problems and there could also be flooding problems for local residents. Subsidence and contamination issues are predicted to be problematic due to past land uses and the community council is concerned about the potential for light pollution.

1.10 It contends that there is a lack of clarity over the proposed employment opportunities and that, overall, the proposed development would be contrary to EU directives on biodiversity, soils and water. It believes there could be significant adverse effects on European protected species including bats and notes that the proposal would result in the loss of prime agricultural land and a long established family farm. It believes that there has been insufficient community engagement.

1.11 In response to the further environmental information, it states that there is no on-site gas supply to serve the proposed power plant and that the scale of the proposed power plant is excessive. It states that the proposal's reliance on the private car would be contrary to Government policy and the capacity of local infrastructure. It also claims that the appellant's site selection process was biased in favour of the appeal site and ignored other suitable candidates.

⁵ [Direct Ecology bat survey report, 20 July 2017](#)

⁶ [Energy Strategy Summary dated 20 May 2016](#)

⁷ [WSP report June 2016](#)

⁸ [Code of practice for filming in Edinburgh, March 2014](#)

⁹ [Hoare Lea letter 3 June 2016](#)

¹⁰ [Pinewood Studios procedure for night shoots and out of hours filming](#)

¹¹ [Agent's letter of 20 May 2016](#)

¹² [WSP report June 2016](#)

¹³ [Community council response to the application](#) , [the appeal](#) and [the further environmental information](#)

1.12 **Scottish Natural Heritage (SNH)**¹⁴ has not formally objected to the proposal. However, it has raised a number of concerns over landscape and visual effects and effects on local ecology. These are set out in full, in subsequent chapters of this report. It also expressed dissatisfaction that the ES did not take account of the scoping opinion SNH provided, which could mean that there is insufficient environmental information on which to make a decision.

1.13 SNH has commented that effects on access to the countryside in this area need to be carefully considered and that this development could provide an opportunity to enhance access from local settlements to the surrounding countryside.

1.14 SNH is also concerned that the need to re-route the proposed A701 relief road could have significant (and as yet unknown) impacts on natural heritage. These could include additional and cumulative landscape and visual effects, as well as effects on woodlands and other habitats. SNH notes that the proposal would require the removal of land from the green belt.

1.15 **The Scottish Environment Protection Agency (SEPA)**¹⁵ does not object to the proposals and is content that surface water drainage details can be dealt with via a planning condition.

1.16 SEPA has no objection on flood risk grounds. It is satisfied with the appellant's proposal to connect foul drainage to the public sewer. It points out that land contamination issues are matters for the local authority and that historic land-filling that has taken place on part of the site pre-dates SEPA's control and is also a matter for the authority.

1.17 In response to the further environmental information, SEPA has confirmed that, in accordance with the Scottish Government's Planning For Heat guidance, the appellant's Energy Strategy Summary is a matter for the planning authority. However, it has offered some comments on the environmental licensing obligations that the developer would be under, should the proposal receive planning permission. In that regard, SEPA confirms that the proposed plant would not require a permit under Part A of the Pollution Prevention and Control (Scotland) Regulations 2012. However, in the future, the proposed Medium Combustion Plant Directive, which is required to be transposed into UK law by December 2017, would impose emissions controls on a plant of this size. The new regulations, which would be administered by SEPA, would set emissions limit values for Sulphur Dioxide, oxides of Nitrogen and dust. The very limited and general information submitted by the appellant at this stage suggests that emissions of oxides of Nitrogen from the proposed plant would significantly exceed the proposed emissions limit values. However, that is a matter to be addressed as part of any subsequent permit application.

1.18 **Historic Environment Scotland (HES) (formerly Historic Scotland)**¹⁶ does not object to the proposal. Apart from some occasions where it referred to English terminology, HES is broadly content with the methodology and the criteria for magnitude of impact in the ES, and welcomes the fact that its setting guidance has been referred to. HES concludes

¹⁴ [SNH response to the application](#) and responses to the [procedure notice](#) and [further environmental information](#)

¹⁵ [SEPA response to the application](#), appeal and [further environmental information](#)

¹⁶ [Historic Scotland response to the application](#), [HES response to the appeal](#) and [response to the further environmental information](#)

that there are unlikely to be any significant impacts for its historic environment interests in this case.

1.19 **Transport Scotland**¹⁷ notes that no junction design details for the end connections of the relief road have been provided. It confirms that, until the A701 relief road locations and connections have been confirmed and assessed, Transport Scotland is not in a position to provide comment on the traffic impact on the trunk road network. However, it has no objections to the proposal, subject to conditions requiring developer-funded improvement of the A701/B702/A720 westbound off slip / A720 eastbound on slip junction, a travel plan, and full details of the proposed relief road being provided and approved prior to development commencing.

1.20 **The coal authority**¹⁸ notes that the site falls within a defined Development High Risk Area, which means that within the application site and surrounding area there are coal mining features and hazards which need to be considered. The authority is satisfied that the ES correctly identifies the risks to the development posed by unrecorded underground shallow coal mine workings. The authority welcomes both the site layout, which appears to have been informed by the presence of the mine entries and the commitment to locate, investigate and treat them. On the basis that site investigations are proposed to establish the exact situation with regard to possible shallow coal mine workings, The Coal Authority raises no objections to the proposal, subject to a suitable planning condition.

1.21 **Edinburgh Airport**¹⁹ has no objections to the proposal.

1.22 **NATS en route Ltd (NERL)**²⁰ has no safeguarding objection to the proposal.

1.23 **VisitScotland**²¹ is supportive of the proposal. It notes that 40% of visitors to the UK are inspired to visit a location after seeing it on television or in a film. It states that set-jetting, which sees people visit the site of their favourite film or television location, is an increasingly popular pastime. Glen Coe (Skyfall), the Wallace Monument (Braveheart), the Callanish Stones (Brave) and Midlothian's very own Rosslyn Chapel (The Da Vinci Code) are just some of the locations that saw a big and continued spike in numbers following their respective films release. In June 2015, Scotland was voted the Best Cinematic Destination in the World by online readers of USA Today.

1.24 VisitScotland works closely with many production firms and distributors to ensure that Scotland makes the most of these opportunities as considers this to be fantastic advertising that money can't buy. A recent example quoted is the TV series Outlander, which is filmed mostly in Scotland, where VisitScotland has worked with industry to ensure they are ready to use this opportunity. However, while the main production unit sits in Scotland, this was really a makeshift film studio, which had to be adapted from an old factory building.

1.25 The economic impact for Midlothian itself is predicted by VisitScotland to be huge - the requirement for well-skilled jobs will be considerable and could bring with it a whole new opportunity for forging new career paths. It predicts that the proposed studio tour is likely to

¹⁷ [Transport Scotland response to the application](#) , appeal and [further environmental information](#)

¹⁸ [Coal Authority response to the application](#)

¹⁹ [Edinburgh Airport's response to the application](#)

²⁰ [NERL's response to the application](#)

²¹ [VisitScotland's response to the appeal](#)

be very successful and points out that there is a need for additional hotel accommodation in the Lothians, with which the appeal proposal would assist.

1.26 **The council's archaeologist** has requested a programme of archaeological investigation as part of the construction process.

1.27 **The council's environmental health team initially** raised concerns over the potential for noise from the proposed backlot areas adversely to affect local residents. The appellant proposes the use of these areas of the site to be regulated using a licensing based system to control the activities of each individual production company for the duration of their use of the facility.

1.28 I requested further details of how such a scheme would operate. This matter is discussed in Chapter 6 of this report.

1.29 Clippens landfill and Loan Head Town Council tip were identified by environmental health as nearby landfill sites that could adversely affect the proposed development. It noted that the Clippens site is still generating gas. However, it is satisfied that any site contamination issues could be addressed by planning conditions.

1.30 **The council's land resources manager** notes that Right of Way 35 of the council's Believed Rights of Way Register runs across the northern part of the site in an east – west direction. This route should be protected and incorporated within the development. The proposal should also provide links to the wider path network and the Midlothian Green Network.

1.31 **The council's policy and road safety manager** expressed concern that the two indicative A701 relief road alignment plans submitted by the developer appear to show two possible road alignments on land within the developer's site boundary, but do not demonstrate that these two isolated sections of road alignments could form part of a suitable, continuous road alignment from the A703 to the A720 as required by the proposed LDP.

1.32 I requested further details of how the appellant's proposals for the relief road would work and I discuss these in Chapter 8, where I address the proposal's compatibility with the proposed LDP. The council responded to the appellant's further environmental information²², expressing concern with a number of issues. These too are discussed in Chapter 8 and also in Chapter 9.

1.33 **The council's landscape officer** raised a number of objections on landscape and visual grounds, which are covered in Chapter 3 of this report.

1.34 **The council's economic development manager** is supportive of the application for the film studio on the basis of the direct employment benefits, the indirect employment benefits and the further indirect benefits to tourism in the area and its impact on raising the profile of Midlothian as a tourist and business location, but only if it can be configured around the plans for the new relief road. If the road plans are jeopardised, it is argued that the economy would suffer with the potential that many businesses may withdraw from Easter Bush and may move out of Midlothian; the University of Edinburgh would be likely to

²² [Midlothian Council response to further environmental information](#)

withdraw its investment plans if access cannot be improved. It is concluded that the beneficial economic impact of the road massively outweighs the beneficial impact of the film studios and ancillary uses. The ideal solution would be to find a way to accommodate both the film studios and the relief road. However, if this cannot be done, then the relief road would take economic priority over the film studio.

Representations

1.35 At the planning application stage there were 49 letters of objection, 19 letters in support and one neutral response.

1.36 In response to this appeal (including to the appellant's further environmental information) there have been letters of objection from 38 individuals and representations from 68 supporters.

1.37 A petition against the proposal has been signed by approximately 2700 individuals. One in support of the proposal has approximately 3000 signatures.

1.38 **Matters raised in objection** to the proposal include:

- The site is in the green belt and this proposal is not appropriate. The proposed development is not necessary for agriculture, horticulture or forestry, nor will it provide opportunities for access to outdoor recreation.
- The development of the brownfield site, earmarked for 'employment land' is the final stage of development and will be the last to be developed. As there is a brownfield site that is both available and identified by the developer as viable for development, this site should be developed first and certainly before that of prime agricultural, green belt land.
- The proposal is contrary to numerous provisions of the development plan and national planning policy, in particular to the requirement to focus development on sustainable urban areas.
- In the interests of local democracy, the council should be entitled to progress its proposed LDP through examination without this proposal seeking to jump the gun. It makes no sense to grant planning permission for a scheme on land that the council might shortly be acquiring under compulsory purchase powers for its proposed relief road.
- Contrary to the European Convention on Human Rights, the proposed development would destroy the last working family farm in Damhead. The farmer has no desire to give up a long-established farming operation that is at the centre of the local community. This is a landholder's holding, regulated by the Crofters Holdings (Scotland) Act 1886 and the Small Landholders (Scotland) Act 1911, and not an agricultural holding, regulated by the Agricultural Holdings (Scotland) Act 1991.
- The proposal would have significantly harmful landscape and visual effects due to significant land re-profiling and the huge buildings that are proposed.

- The proposal would destroy prime agricultural land (grades 2 and 3.1). Only 8% of land in Scotland has such designation. Food security is an issue of national importance and will become more important in the future. We need to build resilient local food systems around our settlements. This site could contribute to the Edinburgh Food Belt.
- There are important walking routes through the site and the green space should be retained.
- Both sites were identified in the proposed LDP's main issues report as having potential importance for sand, limestone, shale oil and coal extraction. The proposed development would put this at risk.
- It would adversely affect property prices.
- The proposed hotel would take trade from existing businesses.
- One of the purposes of the green belt is to prevent coalescence but this proposal will cause coalescence between the communities of Damhead, Loanhead and Bilston.
- The proposal does not adhere to the Damhead Neighbourhood Action Plan 2015. This supports the work Government is doing on community empowerment, local regeneration, fairness, climate change, soil protection and place making. The film studio proposal has come out of nowhere, bears no link to sense of place, history, culture, people, or the potential of Damhead. It is a massive proposal in scale given the small mosaic and dispersed housing in our area. It has been designed by parties external to the area with no connection or respect to the locality, the people and local businesses.
- The developers' socio-economic benefit predictions are doubted. Construction jobs during the development of the site will be temporary and recruitment will be from outwith the local area. The nature of film making means that a number of the onsite jobs will be temporary and it is likely to be the case that many of those employed to work on the development of film will be based outwith Scotland or the UK.
- It is well known that the Scottish film and television industry is predominately based in the west of Scotland and so the critical mass of skilled employees required to staff this considerable development will either be required to commute or move to the local area, putting further pressure on what we are regularly told is a Midlothian housing shortage. The economy of the Edinburgh area is already over-heating.
- The area as a green gateway to Midlothian and the Pentland Hills.
- Emissions recordings from just under two miles away are already close to national limits.
- There is no consideration to local jobs lost, including in farming and thriving equine businesses.

- Light pollution is likely to be significant for a development of this scale. This will impact local residences that enjoy the relatively dark skies that come with living in a rural area.
- The height of the proposed buildings will create an unattractive, industrial-looking environment. The proposed buildings would dwarf the existing IKEA building. No visualisation has been provided of the eight proposed flues for the proposed combined heat and power station.
- The site will cause habitat fragmentation and habitat loss. Effects on bats were not properly investigated in the appellant's bat survey, as locations with bat roost potential were not surveyed and it did not take in the full breeding season or the full extent of the site and nearby Cameron Wood. Proposed mitigation (bat boxes in Cameron Wood) is insufficient and the effects of microwave radiation from the proposed earth station have not been investigated, despite this being a recognised issue for wildlife. The effects on bats of demolition were taken into account but not the effects on the day-to-day running of the proposed development.
- The residential amenity and privacy of neighbouring properties will be adversely affected.
- It will affect neighbouring areas through increased traffic, pollution, noise, urbanisation and contribution to greenhouse gas emissions.
- Hours of operation are given as between 0900 hours and 1700 hours but student accommodation and the gas-fired CHP power plant suggest activity on the site 24 hours a day and 7 days a week and the impact assessment does not reflect this.
- Operational noise in the backlot areas is likely to be high, but no mitigation is offered for this. Assessment of likely noise effects is based on general observations of similar operations and is not site-specific. No account has been taken of noise from aviation traffic and how this could change in future. Information that has been provided on noise from backlots was not available to the council when it received the planning application. Experience from the Warner Brothers studio at Leavesden is that public complaints about noise are commonplace
- There is seriously insufficient or omitted information in a number of the 'investigations' and 'assessments' that inform this proposal. Crucial parts of the habitats and ecology studies have not been carried out.
- Having such a car-dominated development so close to an existing 'park and ride' makes a mockery of Government policies aimed at securing more sustainable forms of travel.
- Consideration of cumulative effects from more than one impact have not appropriately been considered.
- Cameron Wood is not considered by the appellant to be a sensitive receptor, despite being on the boundary of the site, and the ES does not consider any impacts of this development on the wood.

- Old Pentland Road / Damhead Road is to have an increase of rush-hour traffic of approximately 40%. There are no footpaths and it is in a poor state of repair; the combination of these two factors could be lethal.
- The accuracy of the transport assessment is questioned and this alone, it is suggested, means that the application should be refused.
- The noise assessment does not take account all elements of the development and the proximity of the combined heat and power plant and the student accommodation. This should be accurately assessed and submitted.
- The appellant has ignored the reporter's request for more information on the environmental effects of the proposed combined heat and power plant. Its statement that flues would be six metres taller than any buildings within 40 metres is evasive and vague at best. No information has been provided on the effects on emissions including plume dispersal or effects of discharging heated water into the Pentland Burn. No decommissioning proposals have been provided. Predicted emissions of 250 mg/m³ are over 1000 times higher than is permitted by regulations.
- The conclusion of the developer that this site remains the most advantageous out of the 28 across Scotland is flawed and no evidence has been submitted to demonstrate that the development could not be located on more suitable alternative sites.
- This proposal will necessitate the destruction of two houses at Pentland Bridge, impact local businesses and render a number of homes unliveable.
- During the construction phase it is anticipated by the developers that there will be approximately 50 movements of HGVs per day (25 HGVs and commercial vehicles per day). This will generate noise, pollution, damage road verges and pose further risk to the pedestrians and cyclists that are already at risk on this dangerous road.
- The proposal significantly increases the risk of flooding at the site by replacing farmland with concrete. This area has seen increasing problems with flooding in recent years.
- Some of Site B is a disused landfill site and the land is unstable and liable to sudden subsidence. No information has been forthcoming about how it is intended to stabilise the land for use or the implications this may have on the local residents, businesses, wildlife, hydrology or the environment. As a redundant landfill there are significant risks associated with escaping gases and contaminants which could have a detrimental impact on the health, safety and wellbeing of local residents, contractors, environment and wildlife. Stabilising the land could require thousands of tonnes of concrete to be poured into the ground, which would upset hydrology. The costs of such work can be very significant and unpredictable – as found with the Borders Rail Link recently. There is no guarantee that the developer could fund any unforeseen problems.
- Horses in nearby equestrian businesses will not tolerate the sight of construction movements associated with high cranes and the assembly of over-sized warehouse

buildings. Nor will horses, livestock or pets tolerate the noise and visual effects from productions in the backlots, which would include gun shots, explosions etc.

- Although the appellant argues that the emerging LDP supports the proposed development in line with the SDP, east of the realigned A701, this planning application significantly exceeds this and proposes that Midlothian Council moves the A701 realignment further into the greenbelt, to the West of Cameron Wood. It would therefore result in the consumption of more countryside, prime agricultural land and green belt land than the emerging LDP proposes and would cause greater fragmentation of the local community.
- The application submission does not appear to consider the existing over-ground electricity lines travelling the length of the site and it is unclear whether the electricity board has been consulted.
- In terms of the 'unique' nature of the proposed film / television studio, this only represents a portion of the proposed development, and no evidence has been submitted to demonstrate that the development could not be located on more suitable alternative sites including satisfying a strategic test for retail / leisure uses.
- The viability of the film studio use has not been proven.
- Approval of the scheme would set a precedent for other developers and the area will be subsumed into the city and its surrounding areas. Past expansion of Straiton has already caused significant environmental and economic damage.
- In terms of accessibility the site does not link with walking, cycling and public transport provision.
- It would add pressure on the A720 City Bypass which is already over capacity.
- The proposal is prejudicial to the proper consideration of the proposed Local Development Plan, which has followed a democratic process of public engagement over many years. In accordance with paragraph 34 of SPP, the proposal should be rejected on grounds of prematurity to the proposed LDP.
- The appellant accepts that the proposal is unlikely to be viable if the proposed A701 relief road proceeds upon the line that the council has proposed in the emerging Local Development Plan. This is due to, amongst other things, noise issues affecting filming. It seems odd that, in response to a request for further information by the reporter, it later proposed details of its own alternative relief road route, which is also likely to have noise and other effects on the site.
- Alternative sites within Midlothian, such as at Shawfair, would be more suited to a film studio. That site has all the infrastructure links, location and surrounding amenities to accommodate a world-class film production studio. The local Shawfair School has been designated a centre of excellence for creative industries and Queen Margaret University is walking distance away. An alternative site at Gartcosh in North Lanarkshire, that the developer ruled out as unavailable is, in fact, available for development.

- There would be significant engineering challenges in developing the appellant's suggested route for the A701 relief road given the steep inclines/declines to the west of the graveyard and Cameron Wood and the need to provide a bridge or underpass to allow traffic to cross Old Pentland Road. The proposed route would harm the wood and the listed Old Pentland Cemetery. This would be clear if the appellant had incorporated into their plans, the correct 60 feet width required for a road of this type. Those were key factors that influenced the council's choice of the route for the relief road in the proposed LDP. It would also appear to prevent many of the proposed on-site facilities, including the earth station and data centre being built.
- The studio complex will stick out like a gigantic eyesore above the deciduous trees of Cameron Wood and be a beacon of poorly located development for all to see. The proposal will cover an area larger than the existing retail park at Straiton.
- The proposed fossil fuel powered power station would contribute to greenhouse gas emissions and would be especially inappropriate if exported power off the site. This development would not be 'low carbon' as the appellant claims and would be more sustainable if it simply took electricity from the grid. Any claimed benefits about reduced transmission losses from generating power on site are overstated, as such losses are of the order of 1% to 2%. It appears that the appellant's main focus is in developing a power station and not on developing a studio. Correspondence between the developer and the council from August 2015 confirms an intention to build a power plant on the site with a potential capacity of 100 megawatts.
- An extended film and television studio has been granted permission in Wardpark, Cumbernauld (expanding the floor space from 30,000 square feet to 78,000 square feet), nullifying any claim that the appeal proposal is in the national interest. There is also a proposed development at Heriot Watt University for six sound stages on a 24 acre site which has the support of Guardhouse Productions and Warner Brothers. This proposal should be considered within a significantly more competitive market than when it was first submitted.
- The appellant is mistaken in thinking that there is a high pressure gas main within the site that could serve the proposed power-station. In fact, the nearest high pressure gas line is nearly two miles away.
- Pinewood Studios withdrew from an option to build a studio at Pacific Quay in Glasgow for a number of reasons including the fact that the site was bisected by a road. That also applies to the appeal site, which would be bisected by the A701 relief road.
- In the consideration of alternative sites, the appellant stated that the appeal site was the only one that is available. However, that is not the case. It is not available, as the landholder of Site A is unwilling to surrender his landholding for development and the matter would need to be resolved in the Scottish Land Court. The site selection matrix appears to have been prepared after the appeal site had been selected, as it refers to a master plan for the site already being in place. There has therefore been no genuine consideration of alternatives.
- The appellant assumes that the proposal can be drained to a public sewer but no such infrastructure is available.

- No weight should be given to the support offered by Napier University as no contract has been signed.
- The proposal has been changed significantly since it was submitted to the council. Such changes should not have been made.
- Proposed changes to flight paths serving Edinburgh Airport could threaten the viability of this site for filming due to noise issues. It is also overflowed by low-flying military helicopters.
- It is concerning that the reporter's request for an assessment of cumulative effects with the development proposed for Strategic Development Area 10 was dismissed by the appellant on the basis that there were too many uncertainties to make a meaningful assessment.
- Members of the Scottish Government's Economy, Energy and Tourism Committee met with the appellant in a private meeting on Wednesday 2 March 2016 with this appeal being a live case. Objectors should have been afforded the same opportunity.
- It should be noted that the EKOS Report dated March 2014 highlights *'The evidence suggests that even with strong industry backing and involvement, studios remain a risky business, particularly in an increasingly competitive international market for mobile production.'* In my experience when working with flawed and invalidated data the only outcome is failure, success only comes from robust and factual information. None has been provided in this instance.
- Ministers should look at the Guardhouse proposal in association with Herriot Watt University at Ratho. This proposal has a focus on sustainability and green practice and building. It also has the benefit of NOT being on greenbelt land or having to evict anyone to build it. That proposal is being put forward by a film production company to be designed and used by themselves not a group of lawyers trying to make a profit through investment. The site at Ratho also has direct connections to film making companies and expertise. Inclusive of the build they are proposing the education of local construction in new environmentally-friendly techniques to expand local expertise.
- Ministers are not being asked to make a decision on whether Scotland needs another film studio. Ministers are being asked whether the proposed development that comprises a 'film studio' is acceptable in planning terms. There is not sufficient information for Ministers to conclude that the environmental effects of the proposed development would be acceptable.

1.39 **Representations in support** of the proposal cover the following matters:

- A film studio is long overdue. We have been trying to develop one for 80 years. The fact that this is 100% privately financed will ensure that it happens. The positive impact this proposal would have on the creative industries as a whole cannot be over-emphasised.

- the vocal minority protesting the development are not in any way reflective the surrounding community, who are overwhelmingly in favour of the studio and recognise the positive financial benefits it will deliver for the local area.
- This is an appropriate location for the film studio because of the International and Fringe Festival. Edinburgh is already an historic and cultural hub, in addition there is the beauty of the Pentlands and the proximity of the Highlands. Straiton is the most fitting location. Its situation is central, accessible to and from all areas in Scotland and the rest of the UK. Perhaps most importantly, Edinburgh is Scotland's busiest airport, immensely well connected to international routes. This easy access, by road and air, is paramount to the viability of this project.
- Edinburgh has a very sizeable film-making community with scant resources which this studio would remedy. It is essential to grow and support the Scottish film industry.
- The film and television industry has developed 'Greening the Scene' to improve the environmental sustainability of the industry. In the UK, this global initiative is supported by the British Academy of Film and Television Arts (BAFTA) and the British Film Institute (BFI). The additional evidence presented to the reporter demonstrates the developer's commitment to running what could potentially be the most environmentally-friendly studio complex in the UK.
- Film studios have the potential to be hugely successful, and very profitable. There could be tie-ins with local schools and colleges – from tours, workshops and training programmes to apprenticeships and jobs.
- The proposed site-wide low-carbon energy and heat network would benefit the development and the surrounding area.
- In Midlothian there are plenty of opportunities for location shooting as well - e.g. the Pentlands, the North Esk river valley, Dalkeith Country Park - which would spread profitable benefits wider. A great opportunity for our region.
- This would be a game changer for the life chances and aspirations of Midlothian's young people. The support of Napier University is evidence of this.
- With the success of international series such as Outlander, more and more film productions are looking to come to Scotland to shoot, but there are no permanent professional facilities to accommodate them. Current tax incentives are proving irresistible to American companies and the London studios are completely booked out. A purpose-built, professional and world class film studio is the one glaring omission in Scotland's offering. It would encourage new and returning clients, brands and projects to Scotland, to shoot studio-based scenes and entire projects that would otherwise require them to travel further afield or overseas. It would bring a prodigious level of investment to the industry here. By reason of this, it simply must be a world-class, custom-built facility; no adapted industrial space will ever be comparable to a tailor-made studio meeting specific requirements for dimensions, power, security, access and surrounding infrastructure.

- I currently work on the series Outlander which is based in Cumbernauld and can see with my own eyes the money it has brought to the local community, local suppliers, wood mills, builders merchants and local crafts people, not to mention the effect it has had on tourism, hotel accommodation and car hire companies to mention but a few.
- As one of many Lothian-based professional film crews we would love to have the opportunity to work in our own back yard. As it stands, to sustain a full-time professional career we have to relocate to London or Manchester.
- With excellent air, rail and road links, Edinburgh could become not just the new hub for A-list film production in the UK but also the world.
- Between December and April every year, very little is filmed in Scotland because of reduced daylight, winter weather and the lack of studio space. What is urgently needed is a facility that allows for year-round activity, which can be heated and cooled with maximum efficiency, and can house a number of productions simultaneously, both incoming and indigenous.
- The creative industries sector is one of seven sectors of the economy that the Scottish Government has identified as offering particular growth potential. It is one of the few industries which has seen continued growth over the last decade and one which, with the right kind of structural support, shall be a lasting legacy of the current stewardship.
- The team behind the project have a proven track record internationally and need no support other than the planning permission requested for what is a relatively small studio complex. To put it into perspective locally, 90 acres is less than a fifth the size of Holyrood Park.
- The research shows that this is clearly the best place to build a film studio. Hopefully other sites will follow as a result not just in film, but television also and rather than looking inward to local issues.
- This studio is an easy win for all involved at no cost to the taxpayer. The bigger picture and the benefit to the country as a whole needs to be considered. There are thousands of Scots working in this field who are desperate for this £140 million development to happen.
- It will bring enormous benefits to Midlothian and the local area, firstly in terms of employment, and subsequently by tourism. Many local jobs will be created, especially for carpenters, joiners, painters and electricians. I'm sure that they will look favourably upon local apprentices, especially if the council asks them to do so.
- Many complaints have been made about the loss of agricultural land. This is not prime agricultural land. It is unfortunate one farmer will have to relocate, but it should be remembered that it is not a viable unit as it is, and the land is far too uneven to cultivate properly.
- Concerns over loss of greenbelt need to be seen in the context of the massive IKEA store nearby.

- Twenty years ago there was a proposal for a film studio near Penicuik that would have been publicly funded, but it did not go ahead. The reasons for choosing that location apply just as strongly to the appeal site and the need for it is just as strong.
- One of the stumbling blocks of attracting high-end, big budget productions to Scotland was the lack of suitable production facilities: local productions have always had to make do with temporary industrial spaces that are never sound-proofed, never the right height, and are, in the main, unsuitable for achieving professional and world-class standards of film-making. This proposal would finally solve that issue.
- Developing this site would bring the two cultural centres of Edinburgh and Glasgow together and would improve the situation for artists based outside Glasgow.
- On average, the Edinburgh city region benefits from £5 million economic impact a year from film & TV productions paying for goods and services in the region, derived from 350 film & TV productions. Economic impact in 2015 has been higher than usual, coming in at £6.6 million, due to three high-impact productions not only filming but also setting up their production offices in the region. We managed to attract these productions to the region due to our locations and crew, and because they wanted to film almost entirely on location. However, the bulk of high-impact filming needs a film studio in which to work.
- High-impact productions currently make up only 4% of the total number of productions to film in the Edinburgh city region, but the economic impact of these dramas is 82% of the total. The lack of build space is regularly cited as the reason that high-impact productions choose not to film or base in the Edinburgh city region. In 2015, Edinburgh lost 17 high value productions due to lack of build space. If all of these had filmed for only one day each, the total economic impact would have been £344,000 / day. A film studio allows a production to base in the studio for months at a time. Figures quoted in the Scottish Studio Feasibility Report (EKOS 2014) show that 40 to 50% of total production budgets of studio productions are spent locally. Outlander spends approximately £10 million a year in Scotland from its bespoke studio in Cumbernauld.
- South-east Scotland is bursting with fantastic locations, with castles, mansions, cityscapes, industrial landscapes, coastline and countryside all on the doorstep. Local authorities are film-friendly and we have 25% of the crew base. These (in addition to finance) are the features film makers look for when considering where to film.
- The UK tax credit has helped attract £1.47 billion of high-impact film production to the UK. Scotland has missed out of most of this due to our lack of a film studio, with location filming in Scotland accounting for £40 million – only 3% of the total. In October 2015 Creative Scotland launched a fund of £1.75 million to attract inward investment from film productions which is leading to more interest from high-value productions, but without film studio availability it is nevertheless like trying to attract conferences without a conference centre.
- Film tourism creates jobs, from film tours to merchandise, to simply bringing new visitors to existing attractions. 40% of visitors to the UK want to visit locations they

have seen on the screen according to VisitBritain (2012). Recent research by Olsberg SPI confirms that film tourists spend more than non-film tourists on, for instance, merchandise, themed tours and events. Visitor numbers to attractions featured in the Outlander series have shot up, with Doune Castle footfall increasing 47% in the first 6 months of the year and 'Outlander inspired' merchandise flying off the shelves in the visitor centres. We can also look at the success of Paddington and James Bond on tourism in London, Game Of Thrones in Northern Ireland, and at Harry Potter World in London which is one of the best-rated visitor attractions in the UK on TripAdvisor.

- I have seen the benefit to the local economy of the Roath Lock Studios in Wales for the BBC. It's noteworthy that Pinewood Studios saw fit to expand their portfolio in Wales too. The same can be said for Belfast, where stage space and infrastructure are being expanded. Scotland has no facility to build upon, but once it does, there will be economic benefits from sandwich sellers to crane hire.
- The Scottish Parliament Economy Energy and Tourism Committee published a report on the creative industries in Scotland earlier this year. It concluded "*the evidence received by the committee suggests that the lack of a large scale studio space is detrimental to Scotland's ability to attract big budget productions, other than location shooting, and therefore the most pressing industry requirement is for a film and TV studio based in Scotland.*"
- Screen-based industry has a current annual spend of £460 billion and is projected to rise to £628 billion by next year. Strong performance of the film market is also highlighted by global box office receipts which now stand at £32.6 billion, 65% higher than ten years ago. Films produced in the UK made up 17% of these receipts. There is an opportunity here to reap some significant rewards in employment, finance, education and cultural activity for the Midlothian area should this development be approved.
- The Culture Minister proudly announced that last year the industry grew by £12 million to £46 million; this is welcome, but the industry UK-wide is worth £1.6 billion. So we only have less than 3% of the industry despite having a wealth of remarkable locations and freelance crew.

The planning authority's position

1.40 This appeal is against the failure of the planning authority to determine an application for planning permission. Consequently, there is no decision notice setting out the authority's objections to the proposal. However, the authority's officers did present a report to its Planning Committee on 1 March 2016²³ in order to determine the authority's formal response to the appeal. The authority resolved that it would have refused planning permission in principle for the following reasons:

1. The proposal does not provide sufficient safeguarding for the proposed A701 Relief Road and as such is contrary to the Edinburgh and South East Scotland Strategic Development Plan (SESplan) 2013 and proposed Midlothian Local Development Plan (MLDP). The A701 Relief Road is required to deliver the Spatial

²³ [Planning Committee report 1 March 2016](#)

Strategy identified in SESplan, namely the A701 Corridor Strategic Development Area, and the proposed MLDP.

2. The failure to deliver the A701 Relief Road will undermine programmed and planned growth at the Midlothian Campus of the Edinburgh Science Triangle at Bush Estate which has a significant national/international presence. The relocation and expansion of the University of Edinburgh Royal (Dick) School of Veterinary Studies, and the establishment of the Easter Bush Research Consortium, which provide the impetus for further growth in this Strategic Development Area, will be jeopardised if the proposed transportation connections are not improved as proposed in the proposed MLDP. This detrimental economic impact outweighs any potential economic advantages identified as part of the planning application.

3. The perceived economic benefits proposed by the applicants have not been substantiated and no commercial investors have been confirmed.

4. The proposed development is considered to be premature in relation to the proposed A701 Relief Road identified in the MLDP which supports the A701 Strategic Development Area identified in SESplan. The proposed development does not identify sufficient or appropriate land to satisfy the Council that the route can be constructed through the application site. Consideration of this application in advance of the adoption of the MLDP would be so significant in relation to the Council's development strategy that it would undermine the plan making process.

5. The proposed development is within the Green Belt, in a countryside location, where there is a presumption against inappropriate development. The proposed development is contrary to the following Midlothian Local Plan (2008) policies; RP1 Protection of the Countryside, RP2 Protection of the Green Belt, RP4 Prime Agricultural Land, RP5 Woodland, Trees and Hedges, RP6 Areas of Great Landscape Value (in relation to the Pentland Hills), RP7 Landscape Character, RP13 Species Protection, RP14 Habitat Protection outwith formally Designated Areas, RP16 Regional and Country Parks, RP21 Community Identity and Coalescence, RP24 Listed Buildings, ECON5 Industries with Potentially Damaging Impacts, ECON 6 Offices, ECON 7 Tourist Accommodation, SHOP4 Straiton Retail Park, DERL1 Treatment of Vacant or Derelict Land, DP1 Development in the Countryside and DP4 Pentland Hills Regional Park. This policy position is not outweighed by any material considerations presented as part of this application.

6. A number of unresolved issues remain and as such the proposed development has a potential detrimental impact on nearby residential properties and other land users and on the local landscape and environment. The outstanding issues are in relation to:

- a) Noise, in particular from the backlot areas;
- b) External lighting and the additional impact this would have on the very large buildings and backlot areas on the site's landscape setting;
- c) Insufficient survey work had been carried out in relation to protected species at the site;
- d) The submission of detailed plans showing the road layout on the site would have had some further impact on Cameron Wood and on Old Pentland Cemetery which is a listed building.

Further investigation would have been undertaken on these matters had the appeal not been lodged.

1.41 The planning authority also submitted comments in response to the further environmental information²⁴. These are summarised below:

- The likely location of bat boxes in Cameron Wood as part of the mitigation measures proposed requires to be carefully considered given the potential impact of the A701 Relief Road on the trees in Cameron Wood. It is the Council's opinion that proper assessment of the likely impact on the trees in Cameron Wood has not been provided by the appellant despite the Reporter's requirement for additional submissions.
- With regard to the energy centre, The appellant has not provided the hours of operation requested by the Reporter, only a total number of hours that the CHP is anticipated to operate throughout the year. Pollutant emissions are set at a limit, the appellant states, of 250 mg/m³ of NOx for the engines. However the WSP report states that '*there is no designed operational capacity for the plant or determined demand profile for heat and electricity, therefore there are no emissions levels that can be assessed*'. No mention is made of water pollution nor visible plumes. The number of flues is unclear however if a unit is a combustion unit then there are 8 flues. The maximum flue height is anticipated to be 6 metres above the height of the roof of the energy centre and/or any building within 40 metres of the flue. It is of concern that if there is a building taller than the energy centre and within 40 metres of it, the flues could be substantially higher than 6 metres above the energy centre. The appellant has not submitted the required information related to the potential for any indirect or cumulative effects nor have they submitted details of any mitigation, enhancement or monitoring measures, leading to an assessment of the significance of all residual effects on the environment.
- Whilst this is a matter for the Reporter, the Council wish to draw attention to PAN 1/2013 and to the core propositions of the 'Rochdale Envelope' approach. PAN 1/2013 notes that where an application for planning permission in principle is used to establish the acceptability of a proposal without having first developed detailed proposals, the requirements of the EIA regulations must still be met in full. In such cases, the level of detail of the proposals must be sufficient to enable a proper assessment of the likely environmental effects, and any resultant mitigation measures – if necessary considering a range of possibilities. Assumptions should also be clearly stated.
- The Council has considered the appellant's submission (WSP Report) in relation to the proposed alternative route for the A701 Relief Road. The consultants have produced an initial design for a relatively short section of the route crossing the proposed development site. The Council has a number of issues with the approach taken and do not consider that the submission addresses the concerns raised in earlier comments in relation to the A701 Relief Road, nor indeed the requirement for further details to be submitted identified by the Reporter.

²⁴ [Authority's response to the further environmental information](#)

- The evidence submitted about the appellant’s consideration of alternative sites does not amount to an extensive site investigation process as the appellant claims. The 27 sites that were looked at are claimed to represent a pre-qualified list of potential alternatives and yet seven of these were discounted for being too small. How can these have been in a ‘pre-qualified’ list if they were always unsuitable? The council is also critical that there is no information on the weight that was given to the various considerations that were used in the assessment of each site. References to the appeal site are inconsistent with its status in the proposed LDP – there being no proposal in that plan to support the conclusion that there would be an “early release of proposed Green Belt” and no mention of the relief road that is proposed to run through the appeal site in the proposed LDP. This submission does not overcome the council’s belief that there must be a more suitable site within the Central Belt.

CHAPTER 2: POLICY CONTEXT

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the decision in this appeal is made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The development plan comprises the South East Scotland Strategic Development Plan (SESPlan)²⁵, which was approved by Scottish Ministers on 27 June 2013 and the Midlothian Local Plan (the local plan)²⁶, which was adopted in 2008.

2.3 A replacement for SESPlan is currently out for public consultation. A replacement for the local plan is also proposed. The proposed Midlothian Local Development Plan (the proposed LDP) has completed its consultation stage and is currently before DPEA for examination. No party has referred me to the emerging replacement for SESPlan. However, reference has been made to the proposed LDP. The provisions of this proposed plan may be material to the determination of this appeal. The weight that should be given to any individual policy or proposal within the proposed plan will depend on the stage the proposed plan has reached and the level of opposition to that policy or proposal. I address that issue at various points in this report and particularly in Chapter 8.

Submissions by the planning authority

2.4 The authority points out that the local plan identifies the site as being within the green belt and countryside where restrictive policies apply in relation to new development. That part which lies to the south of Pentland / Damhead Road is also identified as prime agricultural land which is a further restrictive policy in relation to development.

2.5 Local plan Policies RP1 and RP2 permit development in the countryside and green belt respectively only where it complies with specific criteria. None of these criteria applies to this development, which means the proposal is contrary to these development plan policies. Hotel accommodation is potentially acceptable in such locations as an exception to this restrictive policy approach. However, the hotel element of the appeal proposal would not comply with the relevant policy (ECON7), as it is intended to serve the studio development rather than address a wider business need and it is not well located in relation to major road junctions.

2.6 Policy RP4 permits the loss of prime agricultural land, only in very limited circumstances. The authority argues that the appellant has not demonstrated a locational justification for the proposed development that would outweigh the normal presumption in favour of keeping such land in agricultural use.

2.7 The authority accepts that Policy TRAN4 is no longer relevant to this proposal. That policy sought to safeguard the line of an earlier road improvement scheme (the A701 Straiton to Milton Bridge Improvement), which the council, in November 2015, formally resolved to abandon, in favour of the A701 relief road proposal, as promoted in the proposed LDP.

2.8 The authority is not convinced that a better site for the proposed development could not be found elsewhere in the central belt. As such, it does not accept that the proposal

²⁵ [SESPlan June 2013](#)

²⁶ [Midlothian Local Plan 2008](#)

satisfies the requirements of Policy ECON5. This relates to industries with potentially damaging environmental effects. The policy only supports proposals for development that may give rise to environmental problems where it has been demonstrated that the site is either uniquely suitable for technical reasons or has been selected with a view to minimising environmental impacts.

2.9 Policy DERL1 seeks to encourage the treatment of vacant and derelict sites. The authority notes that Site B, to the north of Pentland / Damhead Road is derelict and but is not proposed to be developed until a late stage in the project and then only as a secondary element of the proposal. The authority contends that priority should be given to developing Site B over Site A in accordance with the expectations of this policy.

2.10 The council argues that the proposal would result in the coalescence of Bilston and Loanhead, contrary to Policy RP21. It originally argued that the proposed office and retail elements of the proposal would conflict with Policies ECON6 and SHOP4 respectively, as the site is not identified for such uses. However, those elements of the proposal were removed by the appellant after I indicated that they would require to be supported by a retail impact assessment.

2.11 The authority accepts that its local plan (which was adopted in 2008) is, in terms of SPP, out of date, being more than five years old.

2.12 The authority argues that, in accordance with paragraph 34 of SPP, it is necessary to consider whether the appeal proposal would prejudice the emerging LDP. It stresses the importance of the A701 corridor to the future of Midlothian. It explains that a key aspiration of the proposed LDP's sustainable settlement strategy is to promote more local employment opportunities and so overcome the dependence on out-commuting, especially to Edinburgh. The Midlothian campus of the Edinburgh Science Triangle at the Bush Biocentre Cluster is argued to have the potential to provide a significant increase in research and knowledge-based jobs. Building on the success of the Straiton commercial centre is also a key aspiration.

2.13 The authority contends that the significant development aspirations that it has for the A701 corridor, as set out in the proposed LDP, will only be achieved if the proposed A701 relief road is delivered. The authority fears that approval of the development proposal would prejudice the delivery of the proposed relief road and therefore compromise the significant level of development that the council is planning to allocate in the proposed LDP.

2.14 The authority's fears over the proposal's implications for the A701 relief road relate to the lack of information within the development proposals as to how the alternative route that the appellant has proposed for the section of the relief road that would cross its site, would join into and work with the remainder of that proposed route. These issues are discussed later in this report.

2.15 The authority argues that this issue with the A701 relief road means the proposal is contrary to the SESPlan spatial strategy, which identifies the A701 corridor as a focus for approximately 1600 houses and around 15 hectares of employment land.

2.16 As part of the Midlothian Gateway development along the A701 corridor, the proposed LDP would remove Site B from the green belt and permit its redevelopment for

appropriate uses. The reasoning behind that proposed allocation is that it would address that site's need for restoration and avoid the need to develop more valuable green belt land, such as the applicant's Site A. Therefore, the authority accepts that the development of Site B is potentially compatible with the proposed LDP.

Submissions by the appellant

2.17 The appellant accepts that the site's green belt designation means the proposal must be regarded as significantly contrary to the development plan. However, it is argued that the economic, educational and wider-community benefits associated with the proposal, are of sufficient weight to justify a departure from the development plan

2.18 The appellant argues that this type of development represents a 'one off' development opportunity that requires to be considered as an exception to normal planning principles.

2.19 It notes that, in the proposed LDP, it is proposed to remove the entire site from the green belt, allocating Site B for development and designating Site A as 'countryside' - a less restrictive designation than green belt. (In fact, the proposals map for the proposed LDP shows the westernmost edge of Site A – beyond the proposed A701 relief road – being retained within the green belt.)

2.20 The appellant acknowledges that its proposals would not be compatible with the two alternative route alignments for the A701 relief road that are shown in the proposed LDP. However, it has proposed an alternative route for the relief road that would run to the west of Cameron Wood, which it argues would provide the benefits that the authority is seeking to secure. As an alternative, it has shown two routes within the appeal site through a proposed corridor of fallow land that could be reserved for that purpose. It also argues that the council's proposed routes are not identified in SESPlan and that there have been objections to them in response to the proposed LDP that will require to be examined. Even if one or both of the proposed alternative routes is incorporated into the LDP following adoption, it will still require to be designed, funded, environmentally assessed and to obtain planning permission. All of these factors are argued to reduce the weight that should be given to the routes for the relief road that are shown in the proposed LDP.

Reporter's conclusions on policy matters

2.21 In Chapter 10 of this report, I identify relevant policies and assess the proposal's performance against each. I describe the weight that should be given to the various policy provisions and, recommend whether planning permission in principle should be granted.

2.22 Prior to that, I consider in detail, the issues that I consider to be the most relevant to an assessment of whether planning permission in principle should be granted.

CHAPTER 3: LANDSCAPE AND VISUAL EFFECTS

3.1 The proposal's landscape and visual effects, including cumulative effects with other development that have been approved or are in the planning system, were analysed in a landscape and visual impact assessment (LVIA) within Chapter 5 of the Environmental Statement (ES)²⁷. The methodology followed that suggested by the third edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3). An addendum²⁸ to the LVIA was submitted to the planning authority on 6 November 2015. This provided visualisations for three additional viewpoints that had been requested by the planning authority.

3.2 A three kilometre study area was selected for the analysis of landscape and visual effects. Within this area, the landscape character of rural areas is described in the Lothian Landscape Character Assessment (1998) and the Edinburgh Green Belt Landscape Character Assessment (2008). The character of urban land within the Edinburgh conurbation to the north is not included within those studies, but has been taken into account in the appellant's studies.

Submissions by the planning authority

3.3 The planning authority notes that some of the proposed buildings on the site would be 28 metres high. It notes that they would be close to residential properties, both at the residential caravan site and neighbouring houses. In terms of their landscape setting the buildings are described as imposing.

3.4 The authority regards the location of the site as highly sensitive, being located at the northern end of the North Esk Lowland River Valley Landscape Character Area (LCA) as identified in The Lothians Landscape Character Assessment (1998). It contributes to the setting of Edinburgh as well as forming an important setting for the Pentland Hills Regional Park. The LCA description defines amongst the positive attributes of this area that it has 'good integration of settlement and industry within woodland and topography' whereas the negative attributes list 'urban expansion from Edinburgh core', 'new industrial expansion' and 'cumulative impact of urban fringe development on northern margin area'.

3.5 The landscape within the south-western part of the site (which is to accommodate the Film Studio) is described as intrinsically undulated and the authority contends it would need extensive ground engineering to make it suitable for the proposed large-scale buildings.

3.6 The authority strongly disputes the claim in Section 5.7 of the ES, which states that *'the proposed scheme comprises new large scale buildings, not dissimilar to the existing retail park development, the nearby science parks and the industrial estates at Bilston and Loanhead'*. It points out that the nearest retail store (ASDA) is only 9 metres high by comparison. Added to this it notes that the landform of the application site is higher than the nearby industrial and retail land and that the nearby Bush and Gowkley Moss developments are enclosed by substantial woodland.

3.7 It contends that the backlot areas should also be factored into the assessment. Backlot development associated with film studios are normally used for film sets and in

²⁷ [ES Chapter 5 \(from page 39\)](#)

²⁸ [LVIA addendum](#)

connection with long running dramas and would be a near permanent fixture in terms of the built form. Taking into consideration that the areas allocated for the backlot development are located on elevated ground would add to the visible impact of the proposals.

3.8 An additional concern raised by the authority is over the visual prominence of the lighting and other services required in connection with the proposed development. It notes that no night-time visualisations have been submitted but it would be expected that the lighting and associated light spill would further erode the countryside and impact negatively on the setting of the Pentland Hills Regional Park.

3.9 In conclusion, the authority states that the proposed scale of development cannot be achieved on this site without significant landscape visual impact especially considering the visually prominent location of the application site in the open, rolling landscape providing the setting for the Pentland Hills and green belt land. The proposed buildings are described as approximately three times as high as the nearby ASDA store and with only limited scope for any worthwhile mitigation. The authority contends that the submitted plans clearly demonstrate the negative visual impact of the proposals and also how they are of a scale which does not sit well in the landscape or relate to the surrounding developments. A large scale development such as this is argued to impact in a highly negative manner on the integrity of the Regional Park as well as the entrance to and setting of both Midlothian and Edinburgh.

Submissions by Scottish Natural Heritage (SNH)

3.10 SNH raised a number of concerns over landscape and visual amenity effects, but did not formally object to the proposal. Its submissions may be summarised as follows:

- The proposed site does not have the landscape capacity to accommodate the scale and nature of the current proposal. The rolling topography of the basin of the existing fields on the south side of the old Pentland Road will be substantially changed by the earthworks arising from the formation of building platforms and this will produce a series of highly engineered landforms with very steep slopes on the western side of the development. At present it is unclear how such slopes will be vegetated or managed in the long term.
- Other key aspects of the landscape character, such as the existing buildings on site, the hedgerows and stone walls will either be removed or substantially altered. The local landscape fabric and rural character of the site will be substantially altered despite the retention of the existing Cameron Wood which contains the site on the western side, and proposed further woodland and avenue planting.
- Experienced from immediately outwith the site, particularly from the east, the visual prominence, large scale and industrial or business park nature of the proposed studio buildings will be a key feature, potentially dominating the landscape character as experienced locally, due to the scale and density of built form.
- The visual intrusion and scale dominance of the buildings when seen within the context of local views, particularly those towards the distinctive peaks of the Pentland Hills Regional Park. SNH highlights the varied and often attractive views towards the Pentland Hills that are afforded from several areas to the east and in proximity (for example up to 1 kilometre) to the development. While the foreground of such views

of the hills is often complicated or sometimes obscured by urban development the hills provide a distinctive and natural backdrop to the urban area. This everyday experience of the hills provides a strong sense of place for the locality, including for areas of Niven's Knowe Caravan park, the New Pentland business area, Peel Pentland Centre, the A701 and some areas of the Loanhead settlement.

- SNH acknowledges that some of the area of the current proposal is allocated for mixed use development (of unspecified form or scale) and therefore the foreground of such views is likely to change over time. However SNH highlights the likely adverse nature of the landscape and visual impacts arising from this proposal on such views towards the Pentland Hills. These impacts are notably due to the vertical scale, bulk and prominence of some of the proposed buildings (particularly the stage buildings) which will sit very prominently above the treeline in the foreground with the Pentland Hills. The "visual competition" of the buildings in such views will likely diminish to some extent the important role that the Pentland Hills play as the primary and natural feature of the local area. Significant and adverse landscape and visual impacts are demonstrated by Viewpoint 1, at the junction of the A701 and at the junction of Damhead and the Old Pentland Road.
- The nature of the adverse landscape and visual effects arising from the proposed buildings as would be experienced in the context of wider views, including from locations on the edge of Edinburgh and from the A702 where the large-scale buildings would be seen prominently within their landscape context and on important local skylines. Looking out over open countryside, designated as green belt, Viewpoint 7 from Frogston Road highlights the relatively elevated position of the application site, the vertical scale of the buildings and the lengthy overall extent of built form, as viewed from this edge of city location.
- In closer proximity, Viewpoint 9 from A720 city bypass, shows similar effects with the proposal reading very strongly on the skyline and in contrast to the agricultural fields and woodlands of its foreground. While infrastructure of the cement works is already apparent in such views, the scale and extent of the proposal would change the experience of the landscape / green belt as appreciated from such areas. The large and 'boxy' profiles of the buildings would sit much more prominently and in starker contrast to the natural landforms and woodland context than other developments, which are often accommodated or partly mitigated by such features. SNH notes the widespread theoretical visibility of the proposals from areas along the edge of Edinburgh and consider the effects, when they will be experienced, are likely to be adverse in landscape and visual impact terms, with the development contrasting in an obvious manner with the generally open and partly or predominantly rural context.
- From various areas along the A702, and as highlighted by Viewpoint 2, the proposal would also read very strongly in its landscape context, competing in form with the more agricultural and domestic landscape patterns of the land around Damhead which lie in the foreground. While other large forms of commercial buildings are apparent in such views, and there is some degree of landscape accommodation apparent due to woodland in such views, the greater height of the proposal and its less contained boundary on its southern side, will no doubt serve to draw attention towards the development.

- The potential cumulative impact of the proposal with sites set out in the proposed LDP, with the loss or severe degradation of landscape open space between the settlements of Bilston and Loanhead / Straiton. SNH highlights that the proposal, combined with future growth of Bilston and Loanhead / Straiton as currently set out in the proposed LDP, would lead to the further loss of open agricultural ground. However if retained this agricultural ground will continue to provide an important wider landscape setting and undeveloped space between the settlements. SNH advises that the issues of coalescence of these communities, and the loss of their distinctive landscape periphery, should be carefully considered.
- If further coalescence of these existing settlements is to be supported, SNH advises that the decision maker gives strategic consideration to the role that well designed green networks could play in mitigating adverse landscape and visual effects. In this regard, SNH suggests that the green network across the wider area surrounding Bilston / Loanhead / Straiton and including the proposed A701, should be further defined in order to ensure appropriate co-ordination of paths and the delivery of multiple environmental and social benefits. This is in line with the policy principles set out in paragraph 221 of Scottish Planning Policy 2014. In this instance SNH advises that a strategic design framework, that delineates and enhances green network connectivity in the wider area, should be produced to inform this and other sites or proposals in the vicinity.
- Should planning permission in principle be approved to the proposal in its current form, SNH advises that further detailed information should be sought in order to secure appropriate mitigation of landscape and visual effects. Such information should include:
 - details of the form, colour, cladding of the principal buildings with focus on a design-led approach to achieving overall visual coherence and relevant landscape mitigation of the built elements of the project;
 - full details of all earthworks, including disposal of spoil, slope stabilisation measures and long term maintenance of slopes;
 - full details of all landscape features, including walls, trees, hedgerows to be removed, those to be retained and those to be repositioned (e.g. stone walls could be re-used);
 - proposals for protection of vegetation to be retained and soils to be stored and re-used;
 - full details of all proposed planting and seeding, including the proposed widths of woodland planting and the nature of high quality landscape proposals along key development frontages.
 - proposals for night time lighting to minimise light pollution; and
 - proposals for after care and maintenance of all landscape proposals.

Submissions by the appellant

3.11 The appellant looked at effects on landscape character by considering two types of receptor: landscape character areas and landscape designations. Within the site itself, it also considered effects on the physical fabric of the landscape.

3.12 The site is located within the North Esk unit of the Lowland River Valleys landscape character area (LCA). Adjacent to this LCA, to the west (and starting approximately one

kilometre from the nearest edge of the appeal site), is the Pentlands unit of the Uplands LCA. Also within the appellant's three kilometre study area is the Mortonhall Policy Landscape, which is identified in the Edinburgh Green Belt Landscape Character Assessment as LCA 53. This lies to the north of the A720 Edinburgh bypass, flanked to the east and west by urban land and, at its closest point is approximately two kilometres from the appeal site.

3.13 The Pentland Hills are currently designated an Area of Great Landscape Value. This is a local designation which is proposed to be replaced in the emerging Midlothian and West Lothian LDPs by a Special Landscape Area designation (which is also a designation of local significance). The boundary of the designated Pentland Hills Regional Park is also within the study area. Landscape that is included within a designated Regional Park would typically be considered to have regional landscape significance.

3.14 The appellant's analysis of visual effects in the ES LVIA and its subsequent addendum, took in 15 viewpoint locations. These included a range of locations from points directly on the site boundary, to the eastern slope of Caerketton Hill, one of hills at the nearest edge of the Pentland range, approximately 1.7 kilometres away. The three locations where the planning authority specifically requested an assessment of visual impact (and which were dealt with in the LVIA addendum) were: the main entrance area to Sofa World at Pentland Retail Park; from De Quincy Road, Poltonhall, Bonnyrigg; and at Gowkley Moss roundabout.

3.15 For the construction and operational phases of the proposed development, the appellant predicted likely landscape and visual effects on the identified receptors and then listed mitigation that would be employed to mitigate the effect. The residual effect on each receptor was then described. The appellant points out that, of the total site area of 36.62 hectares, 11.64 hectares (32%) would remain as essentially undeveloped backlot areas, which would only contain built structures (associated with individual productions) on a temporary basis.

3.16 Locally to the site, the appellant accepts there would be significant short-term landscape and visual amenity effects due to the construction phase. However, it describes these as short term in nature and typical of normal construction activity seen elsewhere in Midlothian. It proposes a number of working-practice stipulations to which it would adhere, which are argued to mitigate the landscape and visual effects of the construction process so far as could reasonably be expected.

3.17 During the operational phase, landscape and visual effects would depend on the number, scale and location of proposed buildings and other infrastructure. As this is an application for planning permission in principle, such details have yet to be finalised. The appellant has based its LVIA on the tallest of the main buildings having a maximum height of 28.6 metres, but comments that it is likely that only a limited proportion would be as tall as that. A condition could be imposed controlling the maximum height of buildings above the finished site levels. The appellant contends that the distribution of smaller buildings and areas of open space amongst the larger buildings would create an appropriate hierarchy of built form.

3.18 In response to my request for further information²⁹, the appellant confirmed that the energy centre would have a maximum of eight flues, the height of which would be six metres above the height of the roof level of the energy centre (predicted to be six metres in height) and/or any building height within 40 metres of the flues.

3.19 The appellant states that the approach to the design and layout of the site (albeit indicative at this stage – as the final arrangement will depend on the preferences of the occupier) has sought to reduce landscape and visual effects so far as is possible, thereby incorporating “embedded mitigation” within the scheme design. Further such mitigation could be implemented at the detailed design stage through the use of façade design and colouration that served to minimise the bulk of and apparent scale of buildings. The appellant argues that the alignment of the buildings has been chosen to follow the grain of the landscape, which is a further example of embedded mitigation.

3.20 Further mitigation (which the appellant describes as “applied mitigation”) would be implemented at the detailed design stage. This would include paying careful attention to site illumination so as to reduce off-site effects, routing all services underground, extensive tree and shrub planting using native species and the creation of a wetland area within the site.

3.21 Due to the lack of certainty over the form that development on Site B would take, the appellant has not provided any indicative layout or building height information for that part of the site. However, it contends that the level of detail that has been provided to date is sufficient for a meaningful assessment of operational-stage landscape and visual effects of the entire site to be made.

3.22 The appellant identifies the landscape sensitivity of the appeal site as medium due to the absence of landscape designations and the fact that it comprises a combination of pasture land, which is not uncommon locally, and derelict land. However, it accepts that the proposals would introduce a substantial change to the landscape fabric of the site, which would result in a Major / Moderate (significant) landscape fabric effect.

3.23 With regard to landscape character, the appellant used a zone of theoretical visibility³⁰ (ZTV) drawing to determine the locations where the proposed development would be seen, This was also of importance to its assessment of likely visual amenity effects. The ZTV models visibility of the proposed development both with and without screening.

3.24 The appellant considers that within three kilometres of the site, new built form to a maximum 28.6 metre height would be a prominent visible element in the landscape, but would not necessarily be intrusive or dominant. Beyond three kilometres, the relative size of the built form is predicted to be much reduced, becoming less distinct and less dominant and appearing as one element of many in the wider views of the landscape.

3.25 The appellant concludes that, due to the position of the site within a shallow valley, sheltered by the wooded ridge of land to west, the wooded Straiton Bing to the north, and the adjacent urban edge of Bilston to the south east, the Proposed Scheme would have a compact visual footprint. It looked at the predicted visibility from all directions, including from the road network, and concluded that opportunities to view the site clearly were

²⁹ [Energy Strategy Summary \(Rev A\) May 2016](#)

³⁰ Figure 5.15 in [volume 2 of the ES](#)

relatively few in number, due to screening by topography and existing tree cover. It predicted that, beyond three kilometres from the site, landscape character effects would not be more than negligible. Therefore, it concentrated on studying likely landscape character effects within that radius of the site.

3.26 For the North Esk unit of the Lowland River Valleys LCA, the appellant assigned a medium sensitivity to this form of development and predicted a magnitude of landscape character change which varied from substantial within the immediate environs of the site to slight elsewhere. For the majority of the landscape unit, it concluded that effects on landscape character would be negligible at most. This results in a major / moderate (significant) effect on landscape character within the immediate vicinity of the site, dropping to a moderate (not significant) effect within a two to three kilometre radius of the site and negligible to no effect beyond that.

3.27 For the Pentland Hills unit of the Uplands LCA, the appellant assigned a high receptor sensitivity, reflecting the AGLV and candidate SLA designations and the iconic status of these hills in the local context. However, it found that there would be only a slight change to the character of this landscape unit due to the scale of the landscape and the semi-urban context within which the proposed development would be viewed. Consequently, it concluded that there would be a moderate (not significant) effect on the landscape character of the Pentland Hills unit. The appellant also concluded that effects on the AGLV designation covering the Pentland hills would be restricted to eastern flanks of the nearest hills and that elsewhere, effects on landscape character would be negligible at most. Other locally designated landscapes within a three kilometre radius of the site were considered, but from none would it be possible to experience more than a very restricted view of the development. Effects on landscape character within those areas would therefore also be negligible at most.

3.28 Visual effects were analysed in terms of settlements, key transport routes and the appellant's 15 viewpoints. The ZTV was used to identify areas where there could be theoretical visibility of the proposed development (based on the appellant's indicative scale parameters).

3.29 Settlements that were studied included Bilston, Niven's Knowe Residential Park, Loanhead and the south Edinburgh suburbs.

3.30 For Bilston, which is on the western side of the A701 to the south of Straiton, the appellant predicts that there could be visibility of the proposed development from the northern edge of the settlement at a distance of approximately 500 metres. Viewpoint 6, on Seafield Road, is said to represent the typical nature of partially filtered views from the north of the settlement. At this northern edge, the appellant predicts moderate / minor effects on visual amenity with minor effects elsewhere. None of these effects would be significant.

3.31 The appellant predicts that elements of the proposed development would be visible to residents of the Niven's Knowe Residential Park from as close as 50 metres. From my site inspection, it would appear that there are in fact two adjacent residential park homes sites on the A701 and that the closer of the two to the site is named Pentland Park. I believe that it is residents of Pentland Park who would be closest to the appeal site, with the Niven's Knowe site approximately 100 metres further away. This issue does not affect the appellant's analysis of the effect on these receptors, as it has correctly noted that there are residential properties that immediately abut Site A.

3.32 The appellant states that the proposed development would be built at a lower level and would be well screened from the park homes by a proposed woodland shelter belt that would be created on a bund that it proposes to form along the south eastern boundary of Site A. These features are argued to reduce the significance of any views of the proposed development from this location. The appellant accepts that the taller buildings that are proposed would rise above the intervening vegetation and would appear as a cluster of prominent new large-scale buildings. Overall, the appellant predicts a major effect on visual amenity for those properties closest to the site, decreasing to a moderate (not significant) effect further away from the site boundary.

3.33 Loanhead is a settlement to the east of the A701. Residential properties here are approximately 600 metres away from the appeal site at the closest point. The appellant's ZTV and fieldwork lead it to conclude that, at most, there would be intermittent glimpses of the rooflines of the proposed development from a few locations within Loanhead. At most, the effect on visual amenity is predicted to be moderate / minor and not significant.

3.34 The appellant analysed visual effects on the suburbs that lie to the south of Edinburgh which are north of the appeal site, beyond the A720 Edinburgh city bypass. These lie between 1.5 and 1.8 kilometres from the site. The ZTV indicates that the proposed development would be visible from settlement edges at Fairmilehead, Kaimes and Burdiehouse. Viewpoint 7 is said to be representative of typical views. Overall, it is predicted that effects on visual amenity at these locations would be moderate and not significant.

3.35 The most significant visual effects that were predicted to be experienced by road users were for the A720, A701, A702 and A703.

3.36 Road users on the A720 were assigned low sensitivity on the basis that this is not a recognised tourist road and does not cross land that is of recognised landscape value. At its closest point, the road would be approximately 800 metres from the site. Viewpoint 9 shows views from this route. The appellant predicts that parts of the development would be seen in the context of the large-scale retail buildings at Straiton and concrete works at Old Pentland. Visual effects are predicted to be minor and not significant.

3.37 The A701 abuts the eastern edge of site B and is approximately 300 metres from the nearest edge of Site A. Receptor sensitivity is regarded as medium - slightly higher than for the A720 due to the local importance of this route and the lower vehicle speeds. It is predicted that the proposed development would be visible for approximately 800 metres of this route, as it passes the site. Viewpoint 1 is said to be representative of effects on those travelling south along the A701, close to Site B. The appellant accepts that the new built form would be seen as a prominent new element within the foreground of views towards the distant profile of the Pentland Hills. However, it argues that, while the exact nature of new development on Site B is yet to be determined it is likely that a new built-up edge would be established adjacent to the A701 which would curtail views to the developments on Site A. As with effects on other viewpoints, it is predicted that the proposed comprehensive structure planting would mature to partially filter direct views to the development and assist in softening the overall profile of the development form. In addition, the appellant believes that sensitive use of colour for the proposed buildings would ensure that they receded in views. Visual effects are predicted to be moderate and not significant.

3.38 The A702 lies to the west of the site, immediately at the foot of the Pentland Hills. The road corridor rises above the surrounding land to the east, including the appeal site, affording views across the site to Straiton and the Edinburgh suburbs. Receptor sensitivity is predicted to be low due to the relatively fast-flowing and winding nature of this route. Views of the site would be available for a 2.5 kilometre stretch of road, at a distance of approximately 1 kilometre at the closest point. The development would be seen behind Cameron Wood and with a backdrop of the Straiton Retail Park. Sensitive planting and choice of external finishing colours are once again argued to mitigate visual effects on this receptor. The residual visual amenity effect is predicted to be moderate and not significant.

3.39 The A703 Seafield Moor Road connects the A701 and A702. It runs to the south of the appeal site at a distance of approximately 500 metres. Visibility of the proposed development is predicted to be available from two sections of this route: a 500 metre section of road descending from Hillend in the west; and an 800 metre stretch to the south west of the site. Viewpoint 3, close to Damhead Holdings, is argued to be representative of the effect on this receptor. Based on a sensitivity rating of medium, the appellant predicts a moderate and not significant effect.

3.40 Of the 15 viewpoints that the appellant selected for its analysis of visual amenity effects, it found that visual amenity at viewpoint 5 (Damhead Road), viewpoint 10 (Cameron Wood), viewpoint 11 (core path east of Pentland House) and viewpoint 12 (Damhead Road to the east of the site) would be significantly affected. All of these viewpoints are close to the site. From all of the other locations that the appellant analysed, including the additional viewpoints that the planning authority requested be analysed, it concluded that, due to the scale and diversity of landscape, in combination with the screening that is provided by topography and vegetation and the separation distance from some of the viewpoints, there would be no significant effect on visual amenity.

Reporter's conclusions on landscape and visual effects

3.41 With an application for planning permission in principle it is not possible to model the precise landscape and visual effects that could be expected to arise, as one does not have full details of the form that the proposed development would take. The appellant's approach, which I regard as appropriate, was to define, in very broad terms, the likely location and maximum height, width and length of buildings proposed for the site. In response to my request for further information, it also predicted the height and number of flues that would be required to serve the proposed energy centre. Should Ministers be minded to grant planning permission in principle, conditions could be imposed specifying scale parameters with which any designs submitted for approval would need to comply.

3.42 I do not regard the absence of an indicative building layout or building scale parameters for Site B to be an issue of concern. That part of the site is close to the busy A701 and its existing pattern of commercial development. As such, its location is less sensitive, in landscape and visual amenity terms, than Site A, for which such indicative details have been provided. Site B is also derelict land with no inherent landscape fabric or character qualities that are likely to be affected more significantly than those of Site A. I am satisfied that, if Ministers were minded to allow the appeal and grant planning permission in principle, a condition controlling the uses of Site B and requiring the approval of the design and layout of the site buildings would be sufficient at this stage to ensure that its development had no unacceptable landscape or visual amenity effects. At this stage, it is the effects of developing Site A that are, I consider, of greater significance.

3.43 Subject to the working methods that the appellant has suggested, which include tree retention and protection, restrictions on site lighting and the maintenance of the site and access roads in a tidy condition, I am satisfied that adverse landscape and visual effects during the construction period (which would be temporary in nature) would not exceed what one would inevitably experience with a development site of this scale. They would therefore be acceptable. A construction environmental management plan would typically be in place for a project of this scale and could be secured by a planning condition. Therefore, in considering whether planning permission in principle should be granted, I consider that greater attention needs to be paid to the operational stage of the proposed development, as it is that which would have a permanent effect on the locality.

3.44 Operational-phase landscape fabric effects on the appeal site itself are recognised by the appellant to be significant. That is to be expected in any development proposal of this scale due to the significant change to the fabric of the site that it would introduce. In this instance, the development of Site A would result in the loss of pasture land and a range of unexceptional farm buildings. The designation of this land as prime agricultural land is an important issue for the determination of this appeal, (which I consider later in this report) but is a separate issue to the value of the site's fabric in landscape terms.

3.45 SNH has concerns over the proposed formation of level building platforms within Site A, which would destroy its bowl-like landform and require engineered supporting structures that might be visually intrusive. Such changes to the profile of the site would represent a significant change to its landscape fabric. However, as with the other fabric changes that the proposal would introduce (the most significant of which would be replacement of open fields with extensive hard surfacing), I am satisfied that the effects (although significant) would not be unacceptable, because the inherent value of the affected landscape fabric is itself unexceptional.

3.46 Overall therefore, I am, satisfied that there would be no unacceptable effects on the landscape fabric of the site.

3.47 Turning to landscape character effects, I do not fully support the appellant's argument that the proposed form of development would be similar to that seen in the nearby Straiton retail park development or the employment land at Bilston and Loanhead. The proposed buildings would share some characteristics with those existing landscape features. However, the largest of the proposed buildings would dwarf anything that is currently seen locally. As such, it could be expected to have more significant landscape and visual effects. In addition, the location of Site A is such that even development that closely followed the form and scale of the Straiton retail sheds would have a different (and more significant) effect on the character of the landscape due to the location of Site A being somewhat detached from the core of the retail / commercial area.

3.48 Looking first at effects on the landscape character of the North Esk unit of the Lowland River Valleys LCA, I agree with the appellant that effects would be localised. Despite the significant height of some of the proposed buildings, screening from the topography and, to a lesser extent, from existing and proposed tree cover, would reduce the radius around the site within which the development was a dominant landscape feature. Care would need to be taken to ensure that proposed levelling of the site was carried out in a way that reduced rather than increased the prominence of the proposed buildings, as Site

A rises quite significantly to the south. This could be controlled in the approval of matters specified in conditions.

3.49 Close to the site, the appellant accepts (and I concur) that the character of the landscape would be significantly affected. However, it is necessary to consider whether such significant landscape change would necessarily be adverse in nature.

3.50 Site B is unattractive derelict land and the character of most of it is strongly influenced by its proximity to the busy commercial and retail development at Straiton. For this part of the site, there is no reason why the proposed redevelopment would be harmful to its very limited landscape character. I am satisfied that adequate control could be exerted at the matters specified in conditions stage to ensure that such effects were, in fact, positive.

3.51 The character of Site A and its immediate surroundings is rather different. This location has more of the qualities that characterise the remainder of the North Esk unit (well-tended agricultural land interspersed with woodland giving a pleasant, settled character). However, it is not entirely free from detracting and urbanising influences. Pentland Road has streetlights and footways and carries quite a significant level of traffic, including large goods vehicles. When I inspected the area, I noticed evidence of fly tipping in places and noise from the A720 and from commercial operations on the northern side of Pentland Road. To the west there are views of the Pentlands, whereas to the east one can see the park homes sites at the western edge of Straiton, which present a rather stark edge between the settlement and surrounding fields. There is an impression of being at a point of transition between the urban areas to the east and north and the countryside to the west and (particularly) the south.

3.52 The character of the landscape at this point is typical of an urban-fringe location, where a range of very different land uses exert influence over its appearance, although it is notable that the open pasture land of Site A is the most attractive landscape feature locally. Its redevelopment in the manner that is proposed would undoubtedly remove its rural character. It would be possible to secure a high quality of design for the proposed buildings and the spaces between them. However, even a well-designed scheme of this scale would have a significantly urbanising effect, which, on Site A, would give the impression of the urban area encroaching into the surrounding farmland. Therefore, in respect of Site A, I agree with SNH that it is inevitable that this significant landscape character effect would be adverse in nature.

3.53 The landscape of the Pentland unit of the Uplands LCA contrasts strongly with that of the lower-lying land within which the appeal site is situated. It is an upland landscape that is devoid of houses, trees and roads. As a landscape receptor, I agree with the appellant that it has high sensitivity due to its inherent and relatively unspoilt qualities and the value it has for recreational users, as recognised in its Regional Park designation. However, from the small part of this landscape where the appeal proposal would be visible, there is already extensive visibility of Edinburgh, of the towns that surround it to the south and of the extensive transport networks that link the settlements. There is therefore little sense of wildness or remoteness because the presence of large-scale built development is already a prominent backdrop to the quieter upland landscape.

3.54 The appeal proposal would add to the urbanised backdrop, but is sufficiently far from the nearest edge of the upland landscape and sufficiently close to the existing form of

Straiton that it would only slightly alter the existing situation. For that reason, I agree with the appellant that the proposed development would have only a moderate impact on the character of this landscape. For the same reasons, I am satisfied that the proposal would not, as the authority fears, compromise the setting of the Regional Park. As such, I am satisfied it would not conflict with local plan Policy RP16, which seeks to resist proposals that would be contrary to the policy aims and management strategy of the regional park.

3.55 The proposal would not satisfy the requirement of local plan Policy RP7 to avoid adversely affecting the quality of the local landscape. However, in drawing together my conclusions on this proposal, I have had regard to the fact that it would be difficult for any development of this scale, in any location, to avoid all adverse landscape effects. When evaluating the significance of this policy conflict, I have also had regard to the limited radius within which the landscape would be adversely affected.

3.56 Turning to visual effects, I have assessed the proposal using the same receptor types as in the appellant's LVIA, namely: settlements; transport routes; and viewpoints.

3.57 No party has suggested that the settlements that the appellant assessed: Bilston, Niven's Knowe / Pentland Park, Loanhead and the south Edinburgh suburbs do not cover all of the settlements that would be likely to experience significant visual amenity effects and I agree that the appellant's analysis covered all of the required settlements.

3.58 Viewpoint 6 provides an impression of effects on the visual amenity of Bilston. The location of that viewpoint is on Seafield Road, which effectively marks the north western edge of the settlement. There are two properties on the north western side of the road which would have a slightly clearer view of the site and it is also likely that more of the site would be seen from further north east along Seafield Road. However, this does not alter my conclusion that the chosen viewpoint represents a reasonable impression of the effect on this settlement.

3.59 Almost all of the properties on Seafield Road face north west and, subject to the height of the roadside hedge, enjoy a pleasant outlook across fields to the Pentland Hills in the west. To the north, which is the direction in which the appeal site would be seen, it is possible to see the Niven's Knowe / Pentland Park park homes sites, although these are not prominent. The appellant's visualisation shows that the upper parts of the taller buildings that are proposed for Site A would be glimpsed on the northern horizon between existing trees. It is likely that there would also be limited views of larger buildings on Site B.

3.60 I am satisfied that from this viewpoint, the effect on visual amenity would not be significant, as the alteration to the view would be noticeable but not prominent and the likely main focus for views (to the west) would be unaffected.

3.61 Niven's Knowe Residential Park and Pentland Park are two adjacent residential park homes sites on the western side of the A701 at Straiton. Because of their proximity to the site, they are likely to be the most significantly affected settlements. The nearest properties on Pentland Park directly abut the south eastern boundary of Site A. The appellant intends to plant a 50 metre wide buffer strip along this boundary, which would, in time, screen some of the proposed development. A bund would also provide some screening and could be formed prior to other development taking place in order to provide a more immediate screen. However, these screening features would themselves have an effect on the outlook

from the park homes sites and the appellant accepts that, for the closest properties, visual amenity effects would be significant.

3.62 No visualisation was provided for the park homes sites. However, it was apparent from my site inspection that the 22 park homes in Pentland Park that have a rear aspect onto Site A, currently enjoy attractive views across the site towards Cameron Wood and the Pentlands beyond. I accept the appellant's submission that these properties are elevated above the lower, central, area of the site. I would estimate that the height difference is around six metres. I also appreciate that the appellant intends to level the site in order to facilitate development and that such works could ensure that higher points on the site, particularly towards its southern boundary, which is currently elevated slightly above the level of the park homes sites, could be reduced. However, even with these measures in place, I predict that the residual visual amenity effect on the nearest park home properties, which the appellant accepts would be significant, would be significantly adverse in nature. I agree with the appellant that there would not be significant visual amenity effects on the majority of park home properties, as these do not enjoy the same views across the site and are further from the proposed buildings and screening features.

3.63 Loanhead lies to the east of the busy A701, beyond the retail and commercial units at Straiton. There are numerous residential properties here, but very few, if any, would have any view of the proposed development. At most, there might be glimpses of rooftops beyond the foreground commercial buildings. This would have a negligible effect on visual amenity.

3.64 The southern suburbs of Edinburgh are represented by the appellant's viewpoint 7. This is from Frogston Road West. Properties to the north of this road face south and there would be potential views of the development to the south east. However, at present, views from some of these properties fall short of the A720 due to the rising land and groups of trees in between. Clearer views are available from the road itself, as exemplified in viewpoint 7 and may be clearer still from further to the east, although at that point, there are no residential properties nearby, which would suggest a lower level of receptor sensitivity.

3.65 Viewpoint 7 shows the buildings on Site A visible on the skyline at a distance of approximately two kilometres. Development on Site B could be expected to be equally prominent, but is not shown in the visualisation. From this point on the road, the existing development at Straiton can also be seen along with numerous large electricity pylons. The scale of the proposed buildings would significantly exceed those at Straiton and, unlike the Straiton buildings, would be seen rising above the land to the south, as skyline features.

3.66 If planning permission in principle were granted, care would need to be taken with the design and siting of the buildings on both parts of the appeal site and, particularly with the colours of the external finishes so as to assist in blending buildings with foreground fields. However, no such measures would be likely to reduce the eye-catching effect of the buildings breaking the skyline. Nevertheless, subject to careful control at the detailed design stage, given the separation distance and the visual context within which it would be seen, I conclude that the proposed development would introduce a noticeable but not an intrusive new element into the view from this location. The visual amenity effect would not therefore be significant from viewpoint 7.

3.67 Views from the A720 are shown in viewpoint 9. Drivers on this busy road are likely to be focussed on driving, although passengers would be more aware of their surroundings,

which would include, approximately one kilometre to the south, the development that is proposed for the appeal site. This route is not promoted as a tourist route and is unlikely to attract significant numbers of users who are intent upon the landscape quality of their surroundings. Taking all matters into account, I agree with the appellant that receptor sensitivity on the A720 should be regarded as low.

3.68 The appellant's viewpoint is in a field to the north of the A720 looking directly at the site. It therefore provides a clearer view of the site than is likely to be experienced by users of that road. As such, it represents a worst-case impression of the effect.

3.69 In this view, the buildings proposed for Site A would be seen clearly on the horizon at a distance of just over one kilometre. The view would be similar to that from viewpoint 7 to the north, but of greater impact due to the closer proximity. Anyone looking towards the site would not fail to see the significant mass of proposed buildings breaking the skyline, although there would be some filtering of views by roadside trees, at least when they were in leaf.

3.70 Land to the south of the A720 typically has a less developed appearance when seen from the A720 than that on the opposite side, although at this point on the road there are fields to both sides of the road, and land on the southern side of the road has a number of urbanising influences, which include the retail sheds at Straiton and the cement works on the opposite side of Pentland Road from Site A.

3.71 Taking all considerations into account, I conclude that, due to low receptor sensitivity, the effect on the visual amenity of the A720 would not be significant.

3.72 The section of the A701 that would be affected by the proposed development is that which runs past Site B. I agree that receptor sensitivity for users of this road should be regarded as medium. However, for the reasons set out below, I find that the visual effect would be greater than the moderate effect that is predicted by the appellant.

3.73 The appellant's visualisation for viewpoint 1, which is on the A701 close to its junction with Pentland Road and immediately adjacent to the eastern boundary of Site B, provides a representative impression of the visual effects of developing Site A that would be experienced on the short section of this route where there are views of the appeal site. As with other visualisations, no development is shown on Site B. The appellant notes that development on Site B would screen views of Site A from this direction. While that may be so, the effect of developing Site B would itself introduce very significant change to views from this location, as I discuss below.

3.74 The appellant intends to develop Site A before Site B. As such, the visualisation provided for viewpoint 1 is likely to be representative of a visual effect that could endure for several years. I agree with SNH that this visual effect would be significantly adverse, as built development on Site A would dominate (and partially obscure) views towards the eastern end of the Pentland range, which is the visual highlight of this location at present.

3.75 Once Site B was developed, the visual effect on the A701 would change. At present, Site B itself has an unattractive, unkempt appearance. Redevelopment of the site for employment purposes would accord with the established pattern of development on the opposite side of the road and, provided that the design quality was high, could secure a significant improvement to the appearance of Site B itself. Such development would

obstruct views of the Pentlands to the west and south west but would also screen the development on Site A.

3.76 Taking all considerations into account, I find that, until the development of Site B was complete, visual amenity effects on this section of the A701 would be significantly adverse. However, following completion of Site B, the significant improvement to the appearance of a prominent but neglected site would compensate for the loss of attractive views of the countryside beyond, so that, while still representing a significant visual effect, the nature of that effect would be less adverse.

3.77 The appellant assigns low sensitivity to users of the A702. However, I do not agree with that assessment. As with the A701, users of that route will include those with an interest in the surrounding landscape as well as commuters and delivery drivers. It also has a very different character to the multi-lane ring road that is the A720. I have assigned a medium receptor sensitivity to this route.

3.78 Viewpoint 2 is representative of the view that would be experienced by users of this road travelling north towards Edinburgh. Those travelling south are likely to experience a lower level of visual amenity effect, as the focus of views would not be in the direction of the site. As the road is elevated between approximately five and 30 metres above the surrounding fields, clear views are available to the north east, towards and across the appeal site, which is between 1.2 and two kilometres distant.

3.79 The proposed development on Site A would be partially screened by Cameron Wood, but the taller buildings on that part of the site would project well above the tallest trees. Beyond the buildings, the existing development at Straiton, Loanhead and Bilston can be seen. Buildings on Site B would be seen as part of that existing settlement cluster, whereas those on Site A would have the potential to give the appearance of extending the built form outwards into the surrounding countryside.

3.80 The elevated nature of this road means that even the tall buildings that are proposed would not break the skyline. This is likely to increase the potential for the scale and visual impact of the development to be reduced by simple building design techniques, adequate landscaping and sensitive colour choices for external surfaces. Subject to such matters being addressed successfully (which could be achieved at the matters specified in conditions stage) I am satisfied that visual effects on the section of the A702 where the site could be seen, would not be significant. In this respect I do not accept the conclusion of SNH that the development could not be accommodated successfully within the landscape when viewed from this location.

3.81 Visual amenity effects for users of the A703 are shown in the appellant's visualisation for viewpoint 3. In this view, one would see the taller buildings on Site A rising above the near horizon at a distance of approximately 800 metres. There are foreground buildings and business premises, which add a degree of clutter to the existing view and which would tend to reduce the impact of the new development. I conclude that the tallest of the proposed buildings would introduce a noticeable change to the view but, subject to appropriate design and colouration, would not have a significantly adverse effect on visual amenity.

3.82 The fifteen viewpoints at which the appellant assessed visual effects were agreed with the planning authority. I am satisfied they provide a representative picture of the range

of visual effects that the proposal would introduce. The appellant found that from only four of these viewpoints would the proposed development have a significant effect on visual amenity. These were viewpoints 5 (Damhead Road), 10 (Cameron Wood), 11 (core path east of Pentland House) and 12 (Damhead Road to the east of the site). I agree that all four would experience a significant visual effect. In addition, as I have set out above, I predict that there would also be significant visual effects at the park homes sites adjacent to Site A and for a section of the A701 at Straiton. For the remainder of the selected viewpoints, I agree with the appellant that the distance from the site and / or screening that is available would ensure that visual effects were insignificant.

3.83 The visualisations for viewpoints 5, 10 and 12 show the significant visual effect of developing Site A on users of Damhead / Pentland Road. Development on Site B would also affect the visual amenity of this road, particularly towards its eastern end. The visualisations present a stark impression of the form that the proposed development would take, which almost certainly overstates the degree of effect due to the absence of the mitigation that would be provided by site landscaping and sensitive building design. Nevertheless, I conclude that it is reasonable to predict (as SNH does) that the significant visual amenity effects that the appellant accepts would occur, would be adverse in nature, because the proposal would replace attractive, undeveloped pasture land with a significant urban built form.

3.84 My conclusions in respect of effects on visual amenity at viewpoint 11, which is on a core path to the east of Pentland House, are the same. Regardless of the quality of the finalised scheme, the degree of visual dominance and the urbanising effect of developing (in this case just Site A), would be significantly harmful.

3.85 The planning authority and a number of local residents have raised concerns over how the proposal might affect the visual amenity of the area at night. I agree that night time effects would be likely to add an additional degree of visual intrusion because, at present, there is a material difference between levels of illumination on Pentland Road / Damhead Road and the much more intensively illuminated A701 corridor. Such effects would be experienced most significantly when close to the site, but, to a lesser extent, would also be apparent when the site was seen from further away (where the impression of the appeal proposal extending development out into open countryside would be more apparent than during the day). Overall however, the additional impact of night time illumination does not alter the conclusions I have reached as to the radius from the site within which significant adverse landscape and visual effects would be experienced.

3.86 Concern has also been raised by a number of parties that the proposal would cause the coalescence of settlements that are currently distinct, contrary to local plan Policy RP21. That policy does not permit proposals that would cause physical or visual coalescence of neighbouring communities unless adequate mitigation is provided to maintain visual separation and community identity. In this instance, the community that lives along Pentland / Damhead Road is not identified as a settlement in the local plan and does not exhibit an obvious physical presence, as it comprises a scattered arrangement of buildings rather than a settlement in the conventional sense. That being the case, I am satisfied that there is no potential for the proposed development to cause the adverse effects that this policy seeks to avoid. In addition, the layout of any development of Site A could (as has been shown in the indicative layout) incorporate a generous landscaped buffer between the park homes sites and the nearest edge of the development so that the character of the former retained its separate identity.

3.87 In conclusion, I find that there would be significant adverse effects on the character of a very small part of the North Esk unit of the Lowland River Valleys LCA. For the remainder of that landscape unit and for the only other landscape unit that I consider could conceivably be affected by this proposal – the Pentland unit of the Uplands LCA, landscape character effects would be insignificant. Landscape fabric effects within the site itself would be significant. Visual effects would be significantly adverse in a number of locations, including those where there are residential receptors who must be regarded as particularly sensitive. However, as with landscape character effects, the radius from the site within which such effects would be experienced is very limited. I have had regard to the point raised by a number of objectors that the landscape and visual amenity effects of built development on the backlot areas would alter with each production and would add to the overall effects. However, I am satisfied that adequate control could be exerted over the maximum scale of any structure erected in those areas that landscape and visual effects attributable to those parts of the site would not materially increase the significance of the landscape and visual amenity effects beyond the levels that have been assessed.

3.88 When considering whether adverse landscape and visual amenity effects should be accepted, one must bear in mind that a development of this scale is always likely to introduce significant visual amenity effects within its immediate surroundings and that these will often be adverse in nature. If that alone were sufficient to rule out such development, there would be no likelihood of it ever taking place. What is required therefore is an assessment of whether the significant adverse effects and any other predicted disbenefits of the scheme are outweighed by the benefits it could reasonably be expected to deliver. I carry out that assessment in Chapter 10 of this report.

CHAPTER 4: ECOLOGY

4.1 Due to the presence of protected species within the ecological study area that are liable to persecution, certain parts of this chapter may be redacted in public copies of this report.

4.2 The ES deals with ecological effects in Chapter 6³¹. Within the proposed development's zone of ecological influence, effects on the following receptor types were studied:

- Loss of marshy grassland habitat
- Disturbance/displacement of barn owls (both in terms of nesting and foraging)
- Disturbance/displacement of bat roosts
- Loss of bat foraging habitat
- Disturbance/displacement of [REDACTED] from the site

4.3 The appeal submission originally lacked a bat survey, despite the ES having identified that some of the buildings that would require to be demolished as part of the proposal had high bat roost potential. I required the appellant to undertake such a survey, which was completed in accordance with a methodology agreed with SNH. I then gave other parties the opportunity to respond.

Submissions by the planning authority

4.4 On 1 March 2016 the planning authority's planning committee confirmed the grounds on which it recommends Ministers should refuse planning permission in principle. None of these cited any specific ecological effect. However, the final ground for objection confirmed the authority's view that insufficient survey work had been carried out in relation to protected species at the site.

Submissions by SNH

4.5 At scoping stage, SNH raised the issues of habitat mitigation / enhancement and protected species licensing (for bats and [REDACTED]. The ES identifies all of the above, plus possible impacts upon [REDACTED] as potentially significant effects. It also records the invasive non-native species, giant hogweed, as being present on site.

4.6 SNH notes the proposals in the ES (section 6.4.7) to re-create areas of marshy grassland in order to mitigate the loss of the existing habitat. It supports this and recommends that conditions secure this commitment.

[REDACTED] The results of [REDACTED] survey show no activity recorded within the application site, [REDACTED]

³¹ [ES Chapter 6 \(starts at page 108 of pdf\)](#)

4.8 The suggested mitigation for loss of [REDACTED] foraging habitat is stated as “*sensitive design and the retention of green corridors*” (section 6.4.13). SNH considers this statement to lack detail and the accompanying drawings do not provide any indication of where these green corridors would be located. SNH advises that greater clarity should be provided on which areas of the proposal might form these green corridors, and help to provide [REDACTED] foraging habitat.

4.9 SNH notes that the ES showed some of the buildings due for demolition (e.g. Jacaranda cottage), along with some of the trees in the area, to be of ‘high’ bat roost potential. The ES proposed further bat surveys as part of a future application for approval of matters specified in conditions. However, SNH confirmed that this is not an appropriate approach for bats which are all European protected species (EPS). Scottish Government guidance is clear that prior to determination the planning authority must have “*satisfied itself that the proposed development either will not impact adversely on any European protected species on the site or that, in its opinion, all three tests necessary for the eventual grant of a Regulation 44 licence are likely to be satisfied.*” If bats are found to be roosting in the application area then a protected species license may be necessary to enable the proposal to proceed. Mitigation for any loss of bat roosts (section 6.4.22) should be secured by condition.

4.10 In response to the further environmental information, which included a bat survey of the buildings to be demolished, SNH confirmed that it was satisfied with the survey methodology and that it found the subsequent report to be comprehensive and to present an accurate assessment of impacts. Consequently, SNH supports its recommendations. If the proposed schedule of mitigation in section 5.3 of the bat report is secured then SNH considers (without prejudice to the consideration of any formal licence application) that it is likely that the tests relating to European protected species would be met and therefore that a licence would be granted.

4.11 SNH initially noted that [REDACTED] had not been discovered within the site. However it advised that the farm buildings might provide suitable habitat and requested further survey work to confirm presence / absence. It advised that if [REDACTED] were found to be using buildings in the application area, then a protected species license may be necessary to enable the proposal to proceed.

[REDACTED]

[REDACTED]

[REDACTED]

4.13 Such mitigation measures could be specified in conditions.

Submissions by the appellant

4.14 The appellant undertook a desk-based and an extended Phase 1 habitat survey of the site. It notes that the site contains no environmental designations but does contain two features / habitats that are recognised as important in the Midlothian local bio-diversity action plan (LBAP): marshy grassland and rough pasture; and non-species rich hedgerows.

4.15 Giant Hogweed, an invasive species, was recorded to the east of the site. This would be removed as part of the proposed development.

4.16 The appellant predicts that there would be no impacts on Cameron Wood, as that lies outside the site boundary and as sufficient clearance would be maintained from the boundary to avoid harming any of its trees.

4.17 The appellant accepts that the loss of the entire marshy grassland habitat on the site would be a moderate (and significant) ecological effect. This would be mitigated by the incorporation of that habitat type within site landscaping. Following mitigation, the effect would reduce to a minor, not-significant effect.

4.18 Effects on [REDACTED] due to a loss of foraging resource are predicted to be minor (not significant), as the development would not affect Cameron Wood, which is the principal resource for that species locally. Mitigation would be provided by the retention of green corridors within Site A.

4.19 Bats (soprano and common pipistrelles) would experience a loss of habitat following the demolition of existing farm buildings. Mitigation would take the form of the provision of bat boxes to replace lost roosting opportunities and the supervision of demolition works (which in places should take place by hand) to minimise the risk of bats being present. Mitigation for the loss of foraging habitat would take the form of incorporating key foraging routes into the layout of Site A.

[REDACTED]

Reporter's conclusions on ecological effects

4.21 It is significant that the site has no ecological designations and that there is no evidence to suggest that off-site effects could have any adverse implications for any designated habitats.

4.22 The identification of two habitats within the site that are identified in the Midlothian LBAP recognises that the site provides some habitat that is locally of some value. In addition, Site A accommodates a number of protected species, including those with protection under European law.

4.23 The requirement to undertake a site survey for bats delayed the processing of this appeal, as such surveys must take place during summer months when bats are active. It did however provide essential information on the presence of bats, which informed a mitigation strategy that SNH has now confirmed is appropriate. I am satisfied that, subject to the mitigation measures that SNH has specified, effects on bats would be acceptable. Such measures could be secured by planning condition.



4.25 There would be a loss of [redacted] foraging habitat, but appropriate site landscaping could ensure that this did not represent a significant adverse ecological effect. Again, this could be secured by a planning condition should Ministers be minded to allow this appeal.

4.26 Overall, I am satisfied that the proposals meet the requirement of local plan Policies RP13 and RP14 to provide appropriate mitigation for effects on protected species and valuable (but non-designated) habitats. Policy RP15 requires development proposals to demonstrate compliance with the Midlothian LBAP. Again, subject to appropriate mitigation, the loss of marshy grassland and rough pasture and non-species rich hedgerows could be compensated for in the detailed design and layout of the proposed scheme.

4.27 My conclusion is that, subject to appropriate planning conditions, the ecological effects of the proposal would be acceptable.

CHAPTER 5: TRAVEL AND TRANSPORTATION ISSUES

5.1 Many of the travel and transportation issues that require assessment are linked to the proposed LDP and are considered in Chapter 7 of this report. These include the implications of the appeal proposal for the construction of the A701 relief road and for the development of significant levels of housing and employment land, which the proposed LDP seeks to allocate within the A701 corridor. I do not address such matters here.

5.2 Within this chapter, I consider whether the appellant's proposed approach to addressing site users' travel requirements is consistent with national and development plan policy. I also evaluate the likely road and traffic implications of the proposal in accordance with the basis upon which the appellant assessed its proposals.

Submissions by the planning authority

5.3 None of the planning authority's suggested reasons for refusal deals with road and traffic effects, except in terms of its view that the appeal proposal could prevent delivery of the A701 relief road and thereby frustrate the authority's strategic growth proposals for the Straiton area. I deal with those concerns in Chapter 7.

Submissions by Transport Scotland

5.4 Transport Scotland³² notes that no junction design details for the end connections of the relief road have been provided. It confirms that, until the A701 relief road locations and connections have been confirmed and assessed, Transport Scotland is not in a position to provide comment on the traffic impact on the trunk road network. However, it has no objections to the proposal, subject to conditions requiring developer-funded improvement of the A701/B702/A720 westbound off slip / A720 eastbound on slip junction and a travel plan and full details of the proposed relief road being provided and approved prior to development commencing.

Submissions by Damhead and District Community Council

5.5 The community council notes that the development aims to have some 900 employees with parking for 600 vehicles. This would exacerbate the existing congestion in the area (whether or not the A701 is realigned) since the A720 city bypass cannot cope with existing traffic. In addition, parking on this scale runs contrary to local, regional and national commitments in relation to climate change and in terms of the green initiative to reduce car numbers and to encourage this by reducing parking places. Adopting such an approach so close to a park and ride facility would make a mockery of the provision of such services and environmental policies.

Submissions by the appellant

5.6 Chapter 9 of the appellant's ES³³ included an assessment of traffic and transport issues. A separate transport assessment (TA)³⁴ was submitted, along with a framework travel plan³⁵. Additional junction modelling³⁶ was carried out, at the request of Transport

³² [Transport Scotland response to the application](#) and [further environmental information](#)

³³ [ES Chapter 9 starting at page 163 of the pdf](#)

³⁴ [Transport Assessment](#)

³⁵ [Framework travel plan](#)

Scotland. The appellant also submitted images taken from a traffic camera at the A720 / A701 junction³⁷ and traffic flow calculations³⁸ in order to provide validation for Transport Scotland of the predicted baseline queue lengths at this junction.

5.7 The appellant analysed baseline traffic conditions on the local road network, along with future baseline conditions, taking account of predicted traffic growth including that attributable to identified committed developments. However, this did not take account of development that is proposed to be allocated in the proposed LDP along the A701 corridor.

5.8 The appellant agreed a suitable study area with the roads authority and Transport Scotland for assessing traffic and transportation effects. This included the A701 corridor, A702 / A703 routes and also the junctions providing access to the A720. Within this area, it identified 13 key junctions. It also sought to agree detailed aspects of the transport assessment methodology with the relevant agencies, prior to undertaking the work.

5.9 In the ES, the appellant used the *Guidelines for the Environmental Assessment of Road Traffic* (1993) to assess the magnitude of change in traffic impact. This considers a range of factors including driver delay and pedestrian / cyclist intimidation to produce a series of impact thresholds that could be used, in combination with an assessment of receptor sensitivity, to predict whether effects on a range of receptors are likely to be significant. For the purposes of its study, the appellant assigned all receptors a high sensitivity, as they all represent people using the local road network.

5.10 The appellant looked at 15 receptor locations (local junctions) and provided an assessment of likely effects for both the construction and operational phases of the proposed development.

5.11 At present Pentland Road / Damhead Road experiences approximately 2,300 vehicle movements on a typical weekday. The northern section of the A701 (between the Pentland Road junction and the A720) carries approximately 25,000 vehicles on a typical weekday. South of the Pentland Road junction, peak daily traffic levels are approximately 19,300.

5.12 During the construction phase, based on baseline traffic flows for 2022, the appellant predicts a 6% increase in traffic flow during the morning peak period at the A701 / Pentland Road junction and a 5% increase in traffic at the same junction in the evening peak period. Without mitigation, it predicts that this would lead to moderate driver delay and accident and safety effects.

5.13 For the Old Pentland Road / Damhead location, it predicts a 17% (morning) and 16% (evening) traffic increase, which it predicts (without mitigation) would lead to moderate to major driver delay and accident and safety effects. For the other 13 locations that it assessed, the appellant predicts negligible driver delay / accident and safety effects.

5.14 For all of the studied locations, the TA found that the junction would continue to operate within available capacity.

5.15 For all locations, the appellant predicted negligible effects on pedestrian / cyclist delay and all of the other assessment factors, except accident and safety effects at the

³⁶ [Additional junction modelling](#)

³⁷ [Traffic camera images](#)

³⁸ [Traffic flow calculations](#)

A702 / A703 / Damhead Road junction, where a number of accidents have been reported and where (without mitigation) moderate to major accident and safety effects were thought possible, due to increased numbers of slow-moving large goods vehicles and the unconventional junction design,.

5.16 For the operational phase of the proposed development, a baseline year of 2022 was also applied. Traffic increases attributable to the proposed development for each of the 15 junctions were predicted to range from 0% at A703 / Old Pentland Road to a 41% increase during the evening peak period at the Old Pentland / Damhead Road location.

5.17 Without mitigation, this was predicted to cause moderate to major driver delay effects at the A701 / Pentland Road junction and major driver delay effects at the Old Pentland / Damhead Road location. As with the construction phase, accident / safety effects were predicted (without mitigation) to mirror those predicted for driver delay, with additional minor safety effects at the A702 / A703 / Damhead Road junction, due to its unconventional design.

5.18 All other effects, including all effects on pedestrians and cyclists, were predicted to be of negligible significance, primarily because levels of pedestrian and cyclist activity in the locality are low and also, in respect of the A701 / Pentland Road junction, due to the existing provision of pedestrian crossing facilities.

5.19 For all predicted effects where greater than negligible effects were predicted, the appellant considered how mitigation measures could be introduced to reduce the predicted effects.

5.20 For the construction phase, a management plan is proposed to be prepared for each phase of construction, which would detail the pattern of HGV arrivals and departures and routings to be used. Any large items of plant or other large loads that needed to be brought to or from the site, would be transported during off-peak periods. In relation to construction worker traffic, the Construction Management Plan may also arrange for worker start and finish times to be staggered such that the majority of arrivals and departures occur outside of the morning and evening peak hour periods. Subject to these measures, the appellant predicts that during the construction phase, at the two worst-affected junctions, driver delay effects would be no worse than negligible.

5.21 In order to address the safety concerns it identified at the Old Pentland Road / Damhead location and at the junction of the A702, A703 and Damhead Road, the appellant proposes to incorporate into the Construction Management Plan, a stipulation that all large goods vehicles use the Pentland Road / A701 junction. This would reduce safety effects to moderate at worst.

5.22 To mitigate driver delay effects during the operational phase, the appellant proposes to implement a travel plan, which would inform staff and visitors about travel options using sustainable modes of transport and to encourage staff to use them. This would help to reduce the amount of additional vehicular traffic travelling around the local network. It is envisaged that the provision of a travel plan would assist in achieving a modal shift away from the private car, particularly single occupancy trips, leading to a 5% reduction in car use over a 5 year period. Bearing in mind the fact that, even without mitigation, junctions would operate within capacity, the appellant predicts that residual driver delay effects on all of the junctions would be negligible.

5.23 The proposed travel plan and its associated reductions in private car use, are also argued to reduce the likely operational phase accident and safety effects. In addition, having studied accident record data for all of the studied junctions, the appellant concludes that predicted safety effects are likely to be an over-estimate. Residual accident and safety effects during the operational phase are predicted to be moderate at worst.

5.24 The appellant considers there to be good local pedestrian provision, with lit footways on at least one side of all surrounding roads connecting the appeal site to local residential areas. Signal-controlled pedestrian crossings with dropped kerbs, tactile paving and refuge islands are provided at the A701/Pentland Road junction which not only aid access from the footway along Pentland Road / Damhead to surrounding residential areas within Straiton, Loanhead and Bilston, but also to the bus stops along the A701 corridor. The Institute of Highways and Transportation *Guidelines for Providing Journeys on Foot* (2000) states that an acceptable walking distance for commuting purposes is one kilometre, with two kilometres considered to be the maximum preferred distance. On that basis, the site is considered to be within a reasonable walking distance of all of the residential areas within Straiton, Bilston and Loanhead.

5.25 The locality is also considered to have a high standard of provision for cyclists. The A701, in particular, is noted to have cycle lanes and bus lanes which cyclists may use. This could facilitate access to the site not only from local residential areas of Straiton, Loanhead Bilston, Roslin, Auchendinny and Lasswade (all within an accepted 20 minute commute time) but also from Edinburgh.

5.26 Five bus services run along the A701 and stop close to its junction with Pentland Road (approximately 400 metres from the proposed main entrance to Site A. These provide a service to Edinburgh city centre and the surrounding residential areas.

Reporter's conclusions on travel and transportation issues

5.27 Paragraph 271 of SPP requires development management decisions to take account of the implications of development proposals on traffic, patterns of travel, and road safety.

5.28 The assessment of the proposal's likely traffic effects, as set out in the ES, TA and background documents, follows methodology that was agreed with the council and Transport Scotland. Neither of those parties has challenged the appellant's analysis of such effects or the conclusions it has drawn.

5.29 I have concerns over the decision not to model cumulative effects with the substantial level of development that the proposed LDP intends to allocate along the A701 corridor. I discuss these in Chapter 8. However, in as far as it goes, (which is to consider the effects of the appeal proposal in combination with forecast traffic growth and committed development), I am satisfied that the appellant's analysis provides a reliable basis for drawing conclusions as to the likely traffic and associated effects of the appeal proposal.

5.30 Local residents understandably have concerns that the character of Pentland Road / Damhead Road would change as a result of a significant increase in road traffic. I agree that this is part of the localised negative amenity effect, which would be a negative consequence of the development proposal. This requires careful consideration when

weighing the positive and negative aspects of the proposal in the planning balance. I address such issues in Chapter 10.

5.31 However, looking at the matter purely from the technical perspective of whether the proposed development could be accommodated by the local road network, safely and without unacceptable delays, (and ignoring for the moment the implications of allocating significant additional development in the proposed LDP), while both the construction and operational phases would see a noticeable increase in traffic on local roads, those roads have sufficient capacity to accommodate this without significant delay or safety implications.

5.32 On that basis, and subject to the proposed mitigation, I accept that the proposal would have no unacceptable traffic effects.

5.33 Key themes in SPP include: reducing the need to travel; providing safe and convenient opportunities for walking and cycling for both active travel and recreation; facilitating travel by public transport; and enabling the integration of transport modes. SPP paragraph 279 requires significant travel-generating uses to be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Travel plans are recognised as contributors to reducing reliance on the private car.

5.34 PAN 75 *Planning for Transport*³⁹ confirms that new developments should be user-focused and that the transport element should promote genuine choice, so that each travel mode contributes its full potential and people can move easily between different modes. When finding a site for development, an assessment of accessibility by different modes should ideally be undertaken for a number of possible sites before decisions are made on possible locations and site layouts. A hierarchy of relative sustainability is described in which walking is the most favoured travel option followed by cycling and then public transport. Private car use is confirmed to be the least sustainable travel mode.

5.35 When assessing any proposal's performance against the sustainable travel expectations of SPP and PAN 75, I consider that it is essential to have regard to the characteristics of the individual proposal, including its scale and the nature of the land use proposed.

5.36 In this instance, the appellant has argued that the success of the proposed studio development will depend upon the different and varied elements (film stages, backlots, film school, studio tour, data centre etc) all being located together. No party has challenged that assertion, which appears to me to be reasonable. This, and the nature of the proposed uses, inevitably limits the choice of sites on which the proposal could be accommodated. The appellant provided evidence of the site search process it undertook⁴⁰, in which 27 other sites across Scotland were considered but rejected in favour of the appeal site.

5.37 My view is that any assessment of this site's accessibility to more sustainable modes of travel needs to accept the fact that an edge of settlement location is likely to be the only location that could provide a large enough site, together with the other attributes that the appellant has indicated are essential, including proximity to both Edinburgh and Glasgow

³⁹ [PAN 75](#)

⁴⁰ [Further environmental information on site search](#)

and the requirement for a dramatic visual backdrop (in this case provided by the Pentland Hills).

5.38 When assessed on that basis, the site performs well in terms of access to public transport – there being regular bus services along the A701 within a reasonable walking distance. It is also within comfortable walking distance of a quite extensive residential catchment (which is expected to increase significantly if proposed LDP allocations are adopted). It is notable that pedestrian links to residential areas and public transport already benefit from street lighting and signal controlled crossing facilities.

5.39 Cycling accessibility is also good for an urban fringe site, due to the facilities that already exist on the A701. And there is a significant pool of population within a reasonable cycling time of the site including in the Edinburgh suburbs.

5.40 Many objectors to the proposal believe that the specialised nature of employment that the site would offer means that, in reality, employees would be drawn not from the local area where sustainable travel options exist, but from further afield, especially from the Glasgow area where there is an existing pool of film industry expertise. While that may be so for certain roles (at least in the short term) it is not unreasonable to expect that those attracted to the site for employment might also be encouraged to relocate to where there would be more sustainable means of travelling to the site. Such locations would include many desirable residential areas in the south of Edinburgh, which have bus connectivity with the stops closest to the site on the A701.

5.41 In addition, it is reasonable to predict from the evidence that has been submitted that the proposal would create employment opportunities for people who do not have prior film industry experience, and that some of these could be drawn from existing and proposed housing areas that are within walking and cycling distance of the site. I discuss job creation and other socio-economic issues in Chapter 7 of this report.

5.42 In many respects therefore, I find that the proposal meets the expectations of SPP and PAN 75 with regard to providing realistic alternatives to the private car for those who would be employed at, or would visit, the proposed development. And the adoption of a travel plan could ensure a modest but worthwhile increase in more sustainable travel modes. This could be secured by a planning condition.

5.43 Given the reasonably good standard of accessibility by public transport, the appellant's indication that it would provide a total of 600 on-site car parking spaces is perhaps surprising. I share the concern expressed by the community council that such a high level of on-site parking appears to run contrary to national policy expectations of parking restraint and could tend to encourage site users to rely on the private car, despite the existence of reasonable alternatives. SPP not only requires that significant travel-generating uses are sited at locations which are well served by public transport, it also specifies that such locations should be subject to parking restraint policies. Having said that, the appellant's predictions of on-site employment levels suggest that up to 900 people could be employed there at busy times. In that context, the provision of 600 parking spaces might not be excessive.

5.44 Clearly, a degree of pragmatism needs to be applied when seeking to reduce on-site parking to a level that falls below that which the developer believes to be necessary. While such an approach could well encourage greater use of public transport and other more

sustainable travel modes, it might also lead to inconsiderate parking in the environs of the site, which would benefit neither the environment or local residents and businesses. If Ministers were minded to grant planning permission in principle, I consider that it would be reasonable to defer detailed consideration of this issue until the consideration of matters specified in conditions. At that stage, fuller details of the scale and nature of development would be known, which would allow the planning and roads authorities to make a judgement as to what might be the appropriate level of parking restraint.

5.45 Reducing the need to travel and promoting greater use of sustainable modes of transport are key principles underpinning SESplan's spatial strategy. It expects that travel demands resulting from new development should be met, as far as possible, by sustainable forms of transport including public transport, and specifies that development likely to generate significant travel demand will be directed to areas that are capable of being well served by public transport and that are accessible by foot and cycle, to reduce the need to travel by private car. For all development types it is expected that the generation of additional car traffic will be minimised.

5.46 Local plan Policy TRAN1 only permits major traffic-generating uses in locations that are, or would be, well served by public transport and are well located in relation to safe and direct routes for pedestrians and cyclists.

5.47 As with an assessment of compliance with SPP's and PAN 75's sustainable travel requirements, when considering whether the proposal accords with the expectations of SESplan and local plan Policy TRAN1, it is necessary to have regard to the type and scale of development that is proposed and the consequent constraints this is likely to impose upon site selection. When considered on that basis, I am satisfied that, subject to appropriate control of on-site parking provision in matters specified in conditions, the proposal would be consistent with these development plan requirements.

5.48 Having considered all of the submissions that have been made on travel and transportation issues, which include no objections from either the roads authority or Transport Scotland, (and setting aside for a moment the implications of proposed LDP allocations that I discuss in Chapter 8) I conclude that the additional traffic that the proposal would generate could be accommodated within the road network without unacceptable delay or safety effects. With regard to Transport Scotland's request for development not to commence until full details of the relief road have been finalised, my view is that this would exceed what would be reasonable. My view is that it would be sufficient to have enough details of the proposal to conclude that it would not impede delivery of the relief road and a developer contribution to contribute towards its funding.

5.49 Finally, I find that, bearing in mind the nature and scale of the proposed development, the appeal site satisfies the requirements of national and development plan policy with regard to accessibility by more sustainable transport modes.

CHAPTER 6: NOISE, VIBRATION AND AIR QUALITY EFFECTS

6.1 The council's environmental health staff initially raised a number of concerns over the potential for the proposed development to have unacceptable noise and vibration implications. Similar concerns were expressed by a number of objectors to the proposal, particularly in relation to the proposed backlot areas, where the appellant suggests a licensing system could be used to regulate potentially noisy activities. I sought further environmental information on this issue.

6.2 Air quality issues are also of concern to a number of objectors, although the planning authority raised no objections in this regard. Air quality effects were not assessed in the ES, (the scope of which was agreed with the authority and SEPA). In relation to emissions from the proposed energy centre, a limited amount of air quality information was provided in response to my request for further environmental information. There is no evidence concerning the air quality implications of the additional traffic that the proposal would generate.

Submissions by the planning authority

6.3 In response to the further environmental information on noise and vibration (summarised below) the planning authority made the following comments.

6.4 Although additional information has been submitted, this falls short of providing details of how controlling noise from such activities through a 'permission-based' approval / licensing system has been successfully applied in practice. That being the case, the authority made contact with Three Rivers District Council with the aim of establishing whether this kind of system has been successful in satisfactorily controlling environmental noise at the Warner Brothers Leavesden Studios operating in their area. The following bullet points summarise their comments in relation to this.

- The backlot area is at a similar distance to noise-sensitive properties (150 metres to an hotel and 200 metres to residential property). These sensitive receptors are generally downwind of the prevailing weather.
- A few years ago they had complaints e.g., related to the use of loud hailers / megaphones; however, these have been resolved.
- For the past two years the studios have operated without noise complaints to the Council, despite being in constant use, with typically six or seven productions on at the same time and regular use of the backlot area.
- Noise control from the site is satisfactorily controlled by the implementation of a noise management and public communication process operated by the studios.

6.5 Having regard to this application being one for planning permission in principle and in view of the information previously available relating to all noise sources apart from the backlot area, the additional information recently received regarding the backlot area, and the comments from Three Rivers District Council, it is now considered by the authority that a satisfactory level of information is available to form a view that it is possible for the studios to operate without significant environmental noise impact. This does not mean there will be no impact, just that the experience of operating similar facilities has demonstrated that the significance of impact can be managed to a level which could be considered as acceptable.

6.6 Therefore the planning authority is satisfied that noise from the backlot areas and from other aspects of the development could be adequately controlled by planning conditions.

6.7 The authority has expressed no concerns over air quality.

Submissions by SEPA

6.8 From the information within the Energy Statement SEPA anticipates that this proposal will not fall within the remit of a Pollution Prevention and Control (Scotland) Regulations 2012 – Part A permit, within Schedule 1 – sector 1 activities at this time.

6.9 In future, however, the Medium Combustion Plant Directive (MCPD) will introduce a requirement on EU member states to register and regulate combustion plant between 1 and 50 megawatts thermal input with the objective of improving air quality.

6.10 The MCPD refers to individual technical apparatus, although 2 or more new medium combustion plants (MCPs) can be considered a single MCP where their waste gases are (or could be) discharged through a common stack. Individual combustion plants less than 1 megawatt should be discounted. The MCPD has to be transposed into UK legislation by the end of December 2017, and consultation will take place on this shortly. It is likely that existing plant of between 1 and 5 megawatts input will be required to register by 1 January 2029 and comply with Emission Limit Values (ELVs) by 1 January 2030, whilst new plant must register from 20 December 2018, and comply with ELVs for Sulphur Dioxide, oxides of Nitrogen and dust.

6.11 With regard to the thermal input it is not clear whether the 4 megawatt gas boiler is thermal input or output. It is also noted that the appellant's predicted emission limit of 250 milligrams per cubic metre quoted does not meet the proposed ELVs under the MCPD for new plant, which would appear to be 100 milligrams per cubic metre for the gas boiler and 95 milligrams per cubic metre for the engines (assuming all will use natural gas). It also does not meet the ELVs for existing plant.

6.12 SEPA will be the competent regulatory body to oversee these regulations. The operator will be required to carry out monitoring of emissions (Annex III - Part 1) within 4 months of registration, and then at a defined frequency. SEPA has not objected to the proposal or raised any concern that it might not comply with the regulations.

Submissions by the appellant

6.13 In response to my request for further information on noise and vibration effects, the appellant's noise consultant looked at the effects of similar developments in England and how these have been managed.

6.14 It made some limited observations of filming activities in the backlot at the early stages of the Leavesden Studios redevelopment project in 2009. It was noted that there was little to report on with regards noise. No explosions, pyrotechnics or suchlike were typically used. It was the consultants' understanding that effects are commonly added in digitally, rather than there being actual explosions.

6.15 The appellant states that truck-mounted generators are commonly required for backlot or outdoor filming but it is possible to implement physical noise control measures as required from simple screening to more involved acoustic enclosure systems. This is in line with the approach set out in the Code of Practice for Filming in Edinburgh⁴¹.

6.16 It is predicted that the loudest sounds observed around backlots will typically be due to vehicles for transporting crew and actors and flatbed vans carrying equipment, but there will be a low speed restriction on site and so limited noise generation. The appellant recognises that there is little objective data available on noise levels from different filming activities, but argues that it could be assumed that there would be two general types, either explosive events or announcements over a sound system or personal loudhailer.

6.17 The appellant accepts that there is little control available to limit noise from explosive noise. Screening can certainly help significantly for ground level noise sources. However, it is accepted to be likely that, even with screening, if such practices were operated at night, the noise levels inside bedrooms of neighbouring properties would be higher than recommended sleep criteria. Therefore, the appellant accepts that any such events would very much need to be managed and limited to appropriate times with perhaps some extraordinary licensing agreement for occasional use. It is the appellant's understanding that this would be required for public safety in any case.

6.18 It is also accepted that use of loudhailers or megaphones on the backlots would, even if screened, potentially cause noise levels in neighbouring properties around the Pentland site which could cause sleep disturbance. So if this approach were to be adopted it would need to be time-restricted. However, with sophistication of communications systems, such antiquated noisy approaches would not be necessary, for example in-ear systems or directional monitor speakers could be positioned in proximity to filming sets where speech coverage is confined to the necessary area and sound spill to the surrounding area could readily be reduced to very low noise levels and so avoid risk of noise nuisance.

6.19 Pinewood Studios in West London applies noise limits to operations which vary according to time of day, evening or night. However, the appellant accepts that how successful these actually are in minimising risk of noise nuisance to neighbours is unknown. In terms of the 100 dB (A) noise level limit used at Pinewood, it is anticipated that this has been derived and set largely in relation to need for occasional loud events and would expect that it would allow for typical worse noise events such as explosive bangs. This limit applies up to 7 pm. There is then an approvals process whereby any extraordinary need for such high noise levels during the night would require a formal procedure of consent at Group Director level before permission is granted to any production. This specifically includes for any special effects, use of public address systems, or any vehicles that may produce noise audible outside the site boundary.

6.20 As a guide, in order to be able to operate the backlot during night time hours whilst avoiding sleep disturbance and nuisance to neighbours, the appellant predicts that it would be necessary to limit sounds from activities to within the range of 70-80 dB(A). This is a reasonably generous limit and would allow for the likes of shouting during scenes. To arrive at this limit, account is made for noise attenuation due to distance between backlots and dwellings and it assumes that the residents may need to sleep with their windows

⁴¹ [Code of practice for filming in Edinburgh](#)

open in summer. The resulting level inside the property would be less than 45 dB(A), which is the normally adopted guide level for protecting against sleep disturbance as advised by the World Health Organisation.

6.21 More detailed calculations could be undertaken beyond the in principle planning stages to derive site-specific limits accounting for distance and actual screening effect. This could potentially be called up as a planning condition.

6.22 As a broad conclusion, provided that appropriate communication systems are adopted on set, and explosive events restricted, it would be feasible to operate night shoots without causing undue noise nuisance to the surrounding community.

6.23 Turning to air quality issues, as set out above, the ES did not address this potential environmental effect. In relation to the proposed energy centre (and in response to my request for further information) the appellant predicts that emissions of oxides of Nitrogen from the combined heat and power (CHP) gas engines (of which three are proposed to be installed) would be 250 milligrams per cubic metre. No further emissions details have been provided.

Reporter's conclusions on noise, vibration and air quality effects

6.24 The potential for different uses within the appeal site to generate noise is likely to be quite varied. Much of the on-site activity would take place within buildings, which could be designed to attenuate noise to an acceptable level. However, some noisy activities would take place outdoors, within the backlot areas, which increases the likelihood that the proposed use would disturb nearby residential neighbours.

6.25 Both the appellant and the planning authority have looked at how similar developments in England have addressed this issue. The discussions the authority has had with Three Rivers District Council, which is responsible for public protection around the Warner Brothers Leavesden Studios site are particularly useful. These confirm that noise management at that site has been implemented successfully. The planning authority is satisfied that, subject to planning conditions dealing with certain matters, the proposal would be acceptable in relation to noise issues.

6.26 Conditions requested by the planning authority, should Ministers be minded to grant planning permission in principle, would require submission and approval of a construction noise and vibration management plan, would regulate plant noise and control noise breakout from the proposed workshops and other potentially noise generating buildings, and would require approval of a noise management plan to regulate filming activity. The noise management plan would regulate the following matters.

- Identifying appropriate hours of operation restrictions in relation to the full range of operational activities resulting in sound which can be heard beyond the site boundary;
- Identifying appropriate noise level criteria in relation to the full range of operational activities resulting in sound which can be heard beyond the site boundary, having regard to their associated hours of operation;
- Processes and procedures for internal and external lines of communication, identifying personnel roles, responsibilities and appropriate levels of decision making;

- The implementation and regular review of a policy to ensure a high standard of community engagement, neighbour liaison and dissemination of information;
- The implementation and regular review of a complaint management policy.

6.27 Subject to these conditions, I am satisfied that noise and vibration effects from the proposed development could be adequately controlled.

6.28 Turning to air quality issues, it is significant that neither the planning authority or SEPA (which would regulate emissions from the proposed energy centre) required the scope of the ES to deal with this issue. One can infer from that approach that neither body considered that significant air quality effects would be likely to arise.

6.29 An increase in road traffic, which would be inevitable despite the site's reasonable accessibility by non-motorised forms of travel, would clearly have the potential to increase levels of atmospheric pollutants. However, there is no evidence that air quality in the locality is poor or that it would become significantly worse as a result of the proposed additional road traffic. The council's environmental health department, which has responsibility for traffic-related air quality issues, has not objected to the proposal. Taking all matters into account, I am satisfied that it is reasonable to conclude that there would be no significant traffic-related air quality effects as a result of the proposed development.

6.30 Very little information has been provided on emissions from the proposed energy centre, from which any air quality implications could be evaluated. However, as I have explained above, neither SEPA or the planning authority required the scope of the ES to consider air quality effects. SEPA's response to the further environmental information⁴² confirms that it will be the regulatory authority for emissions from the proposed energy centre. It notes that the appellant's prediction of emissions of oxides of Nitrogen would not meet proposed emission limit values. However, it raises no objection to the proposal on that basis.

6.31 Ultimately, emissions from the proposed energy centre would be a matter for regulation under other legislation. Neither SEPA or the planning authority has raised an objection on air quality grounds or on grounds that insufficient information has been provided. There is no evidence that air quality in the locality is poor, or that any aspect of the proposal would degrade air quality to a level that would be unacceptable. Therefore, subject to what I say about cumulative effects with proposed LDP allocations in Chapter 8, I am satisfied that Ministers have sufficient information to conclude that significant air quality effects from this proposal would not arise.

⁴² [SEPA letter of 9 September 2016](#)

CHAPTER 7: SOCIOECONOMIC EFFECTS

7.1 In deciding whether to grant planning permission in principle, it is necessary to consider the likely significance of potential positive as well as negative effects so that the proposal as a whole can be weighed in the planning balance.

7.2 An important element of the appellant's case is that the proposed development offers the potential for significant socio-economic benefits at both a local and national level. Many of the submissions in support of the proposal have also referred to local benefits and to the potential for significant benefits to the wider Scottish economy.

Submissions by the planning authority

7.3 The planning authority is not convinced by the appellant's evidence of significant positive socio-economic effects. It contends that such benefits have not been substantiated.

7.4 The authority also has significant concerns with the potential for the proposed development to undermine the proposals it has to promote socio-economically beneficial development elsewhere, particularly planned growth at the Midlothian Campus of the Edinburgh Science Triangle at Bush Estate which has a significant national / international presence, the relocation and expansion of the University of Edinburgh Royal (Dick) School of Veterinary Studies, and the establishment of the Easter Bush Research Consortium. Such adverse effects are feared to be a consequence of the appeal proposal jeopardising delivery of the A701 relief road. The authority contends that such disbenefits would outweigh any socio-economic benefits of the proposal.

Submissions by the appellant

7.5 The appellant argues that the economic benefits of the appeal proposal, in terms of inward investment and job creation, are significant material considerations that in this instance would support a departure from the adopted development plan.

7.6 The appellant confirms that the proposed film & TV studio would be the first of its kind in Scotland and the first entirely new-build studio in Britain. Over the past ten years, film production has become an increasingly global industry. With the development of an international class facility, which would be a major asset for the Midlothian area, there is argued to be an opportunity to take a share of this growing industry. The appellant states that this facility would provide a base for film and TV production, as well as offering much needed performance and rehearsal space for large-scale theatrical productions.

7.7 Socio-economic effects were considered in chapter 4 of the ES. This considered national economic effects but concentrated on local (Midlothian council's area and the Pentland data zone) effects. The appellant looked at the likely direct and indirect effects of the appeal proposal due to increased employment and its indirect effects due to increased spending. Both the construction and operational phases were considered.

7.8 In 2013, the UK spend on feature films produced in the UK was £1.1 billion, with a further £0.4 billion in high-end television programmes. In that period, the total number of features produced in the UK was 284; with 241 feature films and 43 high-end television programmes.

7.9 A report on the “Economic Impact of the UK Film Industry” comments on the impact of the filming industry on the wider UK economy. It found that *“for every job supported in the core UK film industry a further job is supported through indirect and induced multiplier impacts. The core UK film industry therefore helps to support 72,000 FTE jobs when we include those people employed in companies supplying the film industry and for the jobs dependent on the spending of film industry workers”*.

7.10 The report noted that the value to the UK economy from this *“multiplier activity contributes a further £1.6 billion a year to UK GDP and £425 million a year to UK tax revenues”*. Indirect employment and activity supported by the UK film industry includes the *“manufacture of production equipment sold to production companies; the manufacture of goods sold at cinemas; the spending of film crews in hotels, restaurants etc; business expenditure on TV, radio and other advertising; and a wide variety of activity in the business services sector (legal, accountancy, IT etc)”*.

7.11 Induced economic impacts were also identified - “jobs in the industries that supply these purchases, and includes jobs in retail outlets, companies producing consumer goods and in a range of service industries”.

7.12 The capital expenditure of the Proposed Scheme has been estimated by an independent industry specialist at £136 million for all aspects of the development. These costs were established utilising benchmark rates for the construction of comparative developments in the UK.

7.13 Using 2011 census data, the appellant looked at the existing socio-economic profile of Midlothian. This identified a local population of just under 78,000 with economic activity and unemployment rates for both men and women slightly better than the Scottish mean. The economic profile of the local area is broadly typical of Scotland, although with a slightly lower proportion of local people employed in managerial and professional roles than the national mean, and a slightly higher proportion employed in caring, leisure and other service occupations. The Scottish Index of Multiple Deprivation identified the Pentland data zone, where the site is situated, as lying within the bottom 36% of Scottish data zones.

7.14 Construction phase effects are expected to last for four and a half years. It is predicted that 600 staff would be employed at the peak of the construction period. Due to the non-specialised nature of the proposed construction project, the appellant considers that local contractors would be well placed to bid for work. This would tend to increase levels of direct employment locally, but could reduce spin-off benefits for catering and accommodation providers locally, who would have benefitted more from a workforce that was not based nearby. If the split of construction jobs was evenly distributed between Major Group 5 (skilled trades) and Major Group 8 (process, plant and machine operatives) the 600 employment opportunities within the construction period would represent a 4.1% increase in employment in Major Group 5 and a 21.4% increase within Major Group 8 (where existing employment levels locally are low). These comparisons are with employment levels in the Midlothian council area as a whole. The appellant regards this as a direct, medium term positive socio-economic effect of major significance.

7.15 Indirect effects during the construction phase would take the form of expenditure with off-site supply industries associated with construction (e.g. suppliers of equipment, specialist construction materials and infrastructure) and induced impacts upon the local

economy in the form of spending by construction employees in local shops, restaurants and other retail businesses.

7.16 The appellant notes the presence, within a short distance of the site, of both large retailers such as ASDA and small independent businesses. It states that existing employment in the Pentland data zone is 624 persons, in comparison with which, the 600 staff employed during the construction phase would represent a significant potential increase in local spending. The appellant predicts that such indirect construction-phase effects would be of moderate to major positive significance.

7.17 During the operational phase of the development, employment at the site is predicted to be 320 full time equivalent (FTE) staff). A further 580 staff are predicted to be employed by production companies carrying out individual productions at the site. The breakdown of the 900 total FTE staff is as follows:

- Studio employees:- 40 FTEs
- Film employees:- 580 FTEs
- Energy centre:- up to 12 FTEs (depending upon size and technology chosen)
- Data centre:- 40 FTEs
- Hotel (180 bed) staff:- 60 FTEs
- Film School staff:- 40 FTEs
- Student accommodation:- 26 FTEs
- Employment zone:- 80-100 FTEs (based on a conservative assumption based on the size of the land parcel).

7.18 The employment opportunities at the site would fit within Major Groups 1 (managers, directors and senior officials), 2 (professional), 3 (associate professional and technical), 4 (administrative and secretarial) and 6 (caring, leisure and other services). As a proportion of existing employment levels in each of these Major Groups in Midlothian, the appellant predicts increases of between 0.5 and 3.5% except for Major Group 3 (associate professional and technical), where a 10.7% increase in employment is predicted. In respect of that category of employee, this is predicted to be a positive effect of moderate to major significance, although the appellant recognises that the bulk of such employment opportunities would be within the staff of individual production companies, which means the effect would be temporary (albeit on a recurring basis).

7.19 The appellant did not assess impacts arising from the potential for tourism associated with the operation of the film studio due to a lack of clarity regarding the operator's intentions. If the operator chose to operate the site as a tourism venue in its own right (as is the case with some film studios) then it could be expected that additional socio-economic benefits would arise.

7.20 With regard to indirect effects during the operational phase, these would include off-site employment in supply industries associated with filming (e.g. providers of accommodation and subsistence, advertising, cinemas and supporting business services). Applying the 1:1 multiplier effect recommended in the Oxford Economics report on the "Economic Impact of the UK Film Industry" to this scenario would result in 900 FTEs in varying roles across the region.

7.21 As the employment would be indirect or induced, the appellant accepts that it is undefinable; and therefore it must be assumed that the employment generated would be

diluted across a number of roles throughout the region. The appellant predicts an indirect and/or induced effect on the local economy of negligible to minor positive significance. The appellant accepts that due to fluctuations in employment caused by productions starting and finishing, the effect would be temporary.

7.22 Induced effects in the local economy would be created by spending of the 900 FTE employees in local shops, restaurants and other businesses. As with the predicted effect of 600 construction staff, but to a greater degree, this additional spending is predicted to represent a moderate to major significant positive socio-economic effect for the local economy.

Reporter's conclusions on socio-economic effects

7.23 SPP sets out a presumption in favour of development that would lead to sustainable economic development, and requires due weight to be given to net economic benefit. The proposal's potential socio-economic effects are therefore of considerable importance to the determination of this appeal.

7.24 Many of those who have offered support to the proposal have referred to the contribution it would make to the local and (particularly) the national economy. However, I agree with the point made by some who are opposed to the scheme, that the issue for Ministers to consider is not simply whether a purpose-built film and television studio would be beneficial to the Scottish economy but whether the appeal site is the appropriate place to carry out such a development. Having said that, it is undeniable that the particular requirements of this form of development are likely to impose restrictions on the locations where it could realistically be expected to be developed. This must be borne in mind when considering the suggestion that has made by many objectors to the scheme that any socio-economic benefits from the proposed development could be secured on an alternative, more appropriate, site.

7.25 The appellant has set out the site-selection process⁴³ that informed its choice of the appeal site. This commenced with Warner Brothers' approach to the Scottish Government to identify a list of potentially suitable sites for a Scottish film studio. Some of these were discounted following a desktop study. The suitability of the remaining sites was evaluated by site inspection. Following this process, a shortlist of two sites was drawn up. One was the appeal site and the other the former British Steel Tube Works site in Gartcosh, Lanarkshire. However, the alternative site was then rejected on grounds that it had been identified as a site for a new police headquarters and laboratory.

7.26 The appellant's view is that this process is sufficient to refute the planning authority's suggestion that there must be a more suitable site for the development, somewhere in the central belt.

7.27 In support of the suitability of this site, the appellant has advised that subsequent discussions have revealed that Pinewood Studios (the proposed operator) is of the view that the appeal site is the only site worthy of selection and subsequent investment. The appellant has also provided evidence of its continuing dialogue with Edinburgh Napier University about establishing a film academy within the development⁴⁴. This is argued to

⁴³ [Appellant's site selection document](#)

⁴⁴ [Edinburgh Napier University letter of 16 June 2016](#)

support its view that this site is ideally located and to emphasise its likely socio-economic benefits.

7.28 Opponents of the scheme suggest two specific alternatives to developing the appeal site: the site at Gartcosh in North Lanarkshire that the appellant ruled out as unavailable but which objectors claim is, in fact, available; and Shawfair in Midlothian, which is close to Queen Margaret University.

7.29 In addition, it is pointed out that an extended film and television studio has been granted permission in Wardpark, Cumbernauld (expanding the floor space from 30,000 square feet to 78,000 square feet). This is the location where the “Outlander” television series is filmed. Objectors state that this nullifies any claim that the appeal proposal is in the national interest. A further proposed development at Heriot Watt University at Ratho for six sound stages on a 24 acre site is cited as further evidence that socio-economic benefits from developing a studio do not need to rely on the appeal proposal. It is argued that the appeal proposal should be considered within a significantly more competitive market than when it was first submitted as an application to the planning authority.

7.30 The appellant has not specifically refuted the suggestion that the Gartcosh site may be available, but its confirmation that the operator that intends to run the proposed studio does not consider that site to be suitable is sufficient, in my view, for it to be ruled out as a realistic alternative. I have no evidence to support the assertion that land at Shawfair is suitable or available for the proposed studio development. It would be unreasonable therefore to give any significant weight to the suggestion of that location as an alternative to developing the appeal site.

7.31 The Wardpark and Herriot Watt sites have been referred to by objectors to this proposal not as alternative locations to which the appeal proposal could be directed, but as evidence that, if it is considered desirable for there to be greater investment in the film industry in Scotland, it is possible that such investment will be delivered independently of the appeal proposal. My view is that the achievement of planning permission is but one of many hurdles that a development project needs to overcome. In addition, the evidence I have received as to the significant size of the film industry within the UK as a whole and the comparatively miniscule scale of operations in Scotland, together with the strong interest in Scotland as a filming location, does not suggest that there is a likely to be a lack of interest in developing the appeal site, even if the two other studio developments go ahead.

7.32 The appellant contends that the submission of the application that has led to this appeal is evidence in itself of the appellant’s commitment to the site and its belief that it is suitable for the proposed studio. In addition, it argues that the commitment that has been shown by the proposed studio operator (Pinewood Studios), the proposed provider of the film school (Edinburgh Napier University) and the proposed partner in the Energy Centre (SSE) emphasise that the proposal is not only suitable for the site, but viable and deliverable in reality⁴⁵.

7.33 Ultimately, I do not consider any of the arguments that have been made against the appeal proposal’s potential socio-economic benefits to be compelling. The development will only take place on a site in which the operators are willing to invest. The evidence that I have suggests that the appeal site has a good chance of securing the requisite commitment

⁴⁵ See [appellant’s response to the comments on the further environmental information](#)

and of delivering the significant socio-economic benefits that the appellant has predicted. Opponents to the scheme have not challenged the appellant's evidence of the value of the film industry to the UK and Scottish economy, or its potential to contribute significantly more to the Scottish economy than it does at present. And no convincing evidence has been put forward to cast doubt on the predictions the appellant has made of the likely socio-economic benefits that could be expected to be generated by the appeal proposal within the local economy.

7.34 It is necessary to weigh against predictions of socio-economic benefit, any socio-economic disbenefits that could also reasonably be expected. The planning authority is concerned that the proposal could jeopardise delivery of the employment land allocations it proposes to make in the proposed LDP, whose value to the local economy is considered likely to exceed any benefit from the appeal proposal. That issue has broad and potentially significant implications, which I address separately in Chapter 8 of this report.

7.35 Objectors to the proposal predict adverse socio-economic consequences for existing businesses. Particular reference is made to the farm that occupies part of the appeal site, which would be forced to close. Adverse effects are also predicted for local equestrian businesses and an herb nursery, café and shop business on Old Pentland Road due to increased traffic levels and from the visual intrusion of the proposed tall buildings and noise nuisance from outdoor activities. It is also argued that local hotel businesses would suffer from competition with the proposed on-site hotel, although the appellant's stated intention for that accommodation is to cater solely for the requirements of the site and not for a wider market.

7.36 In addressing such concerns, it must be borne in mind that the planning system serves the public interest and is not concerned with protecting the rights of one individual over another. What is required therefore is an objective assessment of net economic effects.

7.37 With the exception of the farm that would undoubtedly cease to exist if the proposal were implemented, it is difficult to quantify potential negative effects. Local business owners will quite understandably fear the worst when confronted with such a significant change to the environment within which their business currently operates. However, it cannot be assumed that predictions of significant adverse effects would necessarily prove to be well founded.

7.38 Even if they were, when one compares the limited number of people that are in employed in the potentially affected businesses with employment predictions for the appeal proposal, it is reasonable to conclude that detrimental socio-economic effects that have been predicted by those who are opposed to the scheme would be significantly outweighed by even cautious predictions of the appeal proposal's positive socio-economic effects within the local economy. Therefore, even if one ignored benefits to the national economy, the net socio-economic effect would unquestionably be positive.

7.39 Subject to what I say in the following chapter about potential implications for other development proposals, my conclusion is that the proposal's net economic effect would be significantly positive at both the local and national level. This needs to be given significant weight in assessing the positive and negative implications of the proposal.

CHAPTER 8: THE PROPOSED LOCAL DEVELOPMENT PLAN

8.1 The proposed LDP, which is currently before DPEA for examination, identifies a route corridor for a relief road that would take through-traffic away from the centre of Straiton in order to support the development of significant levels of additional employment and residential development along the northern end of the A701 corridor. Both the relief road and the new development are significant strategic aspirations of the proposed LDP, which follow the SDA 10 designation in SESplan that I discussed in Chapter 2.

8.2 There are two potential implications for the proposed LDP that require careful assessment. The first relates to delivery of the proposed A701 relief road and the second concerns the capacity of the road network in the locality of the site to accommodate both the appeal proposal and all of the development that is proposed to be allocated in the proposed LDP.

8.3 As set out in the proposed LDP, the route of the A701 relief road would pass through Site A. The appellant considers that such an alignment would be fatal to its proposal and has made representations to the LDP examination to that effect. Within the appeal proposal, it has proposed to relocate the route to the western edge of Site A by providing a strip of fallow land alongside the eastern edge of Cameron Wood, within which the relief road would be provided. Alternatively, it has suggested that the route could be re-aligned to the western side of Cameron Wood⁴⁶, which would take it outside the appeal site.

8.4 In my formal request for further environmental information, I asked the appellant to demonstrate how the reservation that is proposed to be provided for the relief road would be able to form part of a suitable, continuous road alignment between the A703 and A720 without unacceptable environmental effects. Its response (and that of other parties) is discussed below.

8.5 With regard to the second issue, and as I confirmed in Chapter 5 of this report, I have concerns that traffic from the proposed studio development when added to all of the other development that is planned locally in the proposed LDP, might exceed the capacity of the road network. This could have unacceptable delay, safety or amenity consequences. In addition, if the appeal proposal were granted planning permission in principle in advance of the merits of the other sites being considered, this could conceivably prevent some of the proposed LDP allocations being delivered, either due to an inability to overcome such concerns, or because the cost of mitigating any such effects would make the development unviable.

8.6 I sought further information on both of these issues and have incorporated the appellant's responses to my requests for further information and other parties' responses to the further environmental information into my summary of the parties' cases that I set out below.

Submissions by the planning authority

8.7 At the time it was considering the application that is now the subject of this appeal, the planning authority expressed concern over what it considered to be the incompatibility

⁴⁶ That is the basis for the appellant's [representation to the proposed LDP](#)

of this proposal with the proposed A701 relief road. The authority considers the relief road to be a key element of its proposed LDP.

8.8 It remains the authority's position that the proposal could hinder the delivery of the relief road. It raised a number of concerns in response to the further environmental information about the appellant's alternative route for the A701 relief road. The authority also expressed concern over the appellant's unwillingness to assess the cumulative effects of developing the appeal proposal and the housing and employment development that the authority is proposing to allocate in the proposed LDP.

8.9 The council notes that the appellant's proposed relief road design assumes that the new road would cross the existing Pentland / Damhead Road at grade, by way of a traffic signal controlled junction. It regards this as inconsistent with the need for the new road design to offer a faster route, with fewer traffic delays than the existing route. The council believes that introducing traffic signals onto this route would be a disincentive to drivers using the route and could result in through-traffic staying on the existing A701. If that were the case then there could be insufficient capacity on that road to accommodate all of the development that the proposed LDP intends to allocate there.

8.10 The authority would not support a proposal to sever Pentland / Damhead Road on each side of the appellant's proposed relief road as the road carries around 2000 vehicles per day and any proposed closure of this route would raise considerable local opposition.

8.11 Both of these concerns point to a need for grade-separation between the proposed relief road and Pentland / Damhead Road.

8.12 Although the detailed design of the A701 relief road has still to be considered, it appears to the authority highly likely that the optimum solution for crossing the Pentland / Damhead Road would be by a road bridge over the existing road. This bridge would require to be in the order of six metres above the existing road and would require sections of earth embankments on both sides to bring the new road alignment up to the level of the bridge. These embankments would require to be of a considerable length to allow the elevated section of road sufficient distance, gradually to return to the existing ground level and would require sufficient land take to accommodate the necessary side slopes. The planning authority contends that the two options submitted by the appellant do not safeguard an adequate area of land to accommodate this design requirement.

8.13 The authority points out that, outwith the actual road construction zone, additional land would be required to allow access for construction vehicles, areas for SUDS ponds and basins and landscaping.

8.14 The authority also points out that the two indicative road alignment options only show a short section of the overall road alignment which lies within the site boundary. The options do not demonstrate that either of these two isolated sections of road alignment could form part of a suitable, continuous road alignment from the A703 to the A720 as required by the proposed LDP. Given the known uncertainties with ground conditions throughout the route it is highly likely that the northern and southern sections will require detailed ground investigation to establish the alignment that would provide the most cost-effective design solution and be acceptable in terms of meeting general planning and environmental requirements. This requires flexibility to be built into any provisional design. Safeguarding an isolated section of road in the centre of the route would place an additional

constraint on the design. This approach could lead to an increase in construction costs if the optimum design cannot be built due to the restricted width of road corridor proposed by the developer.

8.15 The authority notes that the appellant did not respond to my request for information on how the route of the proposed relief road might affect Cameron Wood and Pentland burial ground. I address those points in Chapter 9.

8.16 In relation to the second issue, the authority does not accept the appellant's reason for not addressing my request to model the cumulative effect of adding the proposed studio development to the significant level of development that is to be allocated in the proposed LDP. It confirms that the land is identified in the proposed LDP, which is available on the Council's website, so it would have been possible to model the cumulative effects.

Submissions by SNH

8.17 SNH is concerned that the need to re-route the proposed A701 relief road could have significant (and as yet unknown) impacts on natural heritage⁴⁷. These could include additional and cumulative landscape and visual effects, as well as effects on woodlands and other habitats.

Submissions by the appellant

8.18 The appellant states that if the relief road were built along the route that is indicated in the proposed LDP, it would prevent the proposed development going ahead, even if planning permission were granted. This is because road traffic would create unacceptable background noise for outdoor filming on the backlots and would reduce the developable area of the site.

8.19 The appellant's preference would be for the relief road (the route of which it notes has yet to be finalised) to be routed to the west of Cameron Wood. As an alternative, the appellant has indicated in a revised land use diagram for the site⁴⁸ that an area of fallow land could be reserved along the western boundary of site A, through which the proposed relief road could cross the appeal site. It states that this has suitable width and ground conditions to accommodate the relief road, should that be the outcome of the LDP examination.

8.20 In response to my request for further information on how the relocation of the proposed relief road might be achieved, the appellant submitted a brief report by its transport consultants⁴⁹. This provides two alternative alignments for the section of relief road that passes through the proposed area of fallow land. Levels details were included to show how both of these options could connect with the remainder of a relief road route. Both options would involve an at-grade crossing of Pentland / Damhead Road via a signal-controlled junction.

8.21 In response to comments on the further environmental information⁵⁰, the appellant points out that its proposal does not seek planning permission for this section of the relief

⁴⁷ [SNH letter of 12 June 2015](#)

⁴⁸ [Drawing L\(00\)003 Rev 7](#)

⁴⁹ [WSP report June 2016](#)

⁵⁰ [Appellant's response to comments on further environmental information](#)

road and that it has provided details of how it might be accommodated within the site merely to assist in the consideration on the planning authority's objection.

8.22 The appellant points out that the two route options it has suggested are, in fact, based on the *Alignment Options Preliminary Feasibility Report* that was prepared on behalf of Midlothian Council. That being the case, it does not consider it reasonable for the authority to assert that those route options are insufficiently detailed.

8.23 It notes that the planning authority would not support an at-grade crossing of Pentland / Damhead Road, but suggests that an underpass arrangement could be devised that would raise the level of Pentland / Damhead Road by two to three metres and route the relief road underneath. It argues that this would have less significant effects on the setting of Pentland burial ground than the council's suggested bridge crossing and notes that a similar arrangement can be seen to the east of Dalkeith, where the A68 underpasses Salters Road, the B6414 and the A6106.

8.24 The appellant does not regard as well founded, the authority's concerns that the proposed fallow area within the site would be too small to accommodate SUDS pond and other infrastructure. It argues that there are other locations within the site that would appear better suited to siting such facilities and that, in any event, the fallow land would have sufficient space to accommodate such facilities, if that were necessary.

8.25 The appellant considers that it is inappropriate for the authority to be seeking to obstruct this proposal on the basis of the relief road when neither of the routes the authority has shown in the proposed LDP has been subject to environmental assessment, has received planning permission or has any funding in place. It argues that the concerns the authority has raised about ground conditions being likely to complicate delivery of the relief road provide support for the appellant's view that it cannot be assumed that this feature will ever be delivered. To resist development on the appeal site for this reason is argued to create planning blight upon the land.

8.26 The appellant argues that the A701 relief road being is at the preliminary feasibility stage only. The appellants unresolved representation against the route options that are set out in the proposed LDP has yet to be considered in the LDP examination so it cannot be assumed that they will form part of the LDP when it is adopted.

8.27 With regard to the second issue, the appellant accepts that SDA 10 requires 1,600 residential units and over 15 hectares of additional employment land within the A701 corridor. However, it states that, to date, no information has been made available to indicate where these units will be located or how they will access the existing network. In light of the foregoing, it's the appellant's opinion that any attempt at more detailed assessment of environmental effects would be of limited value, and could constitute a less reliable basis for a recommendation. It is also argued that the Environmental Impact Assessment delivered in support of the planning application provided detail and assessment of the potential environmental impacts associated with the development commensurate with the level of design and sufficient for determination of the application. It is argued that more detailed assessment of environmental effects would be appropriate and deliverable when the development is submitted for Full Planning.

Reporter's conclusions on the proposed local development plan

8.28 With regard to the A701 relief road, the appellant's position is that, until the LDP examination has concluded, it cannot be assumed that there will be a relief road and, even if there is, it cannot be assumed that it will run along either of the indicative routes that have currently been identified by the planning authority. The appellant has made representations to the LDP examination⁵¹ seeking the allocation of Site A for the land uses that are currently proposed. Its representation also objects to the proposed timing of development on Site B (which is identified as site Ec3 in the proposed LDP). The LDP states that site Ec3 cannot be developed before the A701 relief road has been provided. The appellant considers that, as funding for the relief road will rely on developer contributions, development that would contribute such contributions must be allowed to proceed in advance of the relief road. Finally, and of most relevance to the two issues with which I have particular concern, the appellant objects to the two proposed alternative alignments for the relief road, as set out in the proposed LDP's Loanhead / Straiton Settlement Statement Map⁵². It proposed an alternative route to the west of Cameron Wood that would take the relief road outside the appeal site⁵³.

8.29 The two alternative routes for the relief road that are shown in the proposed LDP lie slightly to the east of those suggested by the appellant in its further environmental information and would not be contained within the strip of fallow land that the appellant proposes to reserve along Site A's western edge. It appears to me (in the absence of any explicit clarification) that, in terms of implications for the proposed development, the difference between the planning authority's proposed routes and those suggested by the appellant is that the appellant's suggestions would require slightly less land-take. With regard to the concerns the appellant has raised over background noise, one can only assume that the only difference between the routes (which all follow a similar path through the site) is the council's requirement for the relief road to cross Pentland / Damhead Road via a bridge as opposed to a signal controlled junction. That would have the effect of elevating a section of the route above the remainder of the appeal site.

8.30 The A701 relief road is an aspiration of the proposed LDP that will be evaluated as part of the examination of that proposed plan. Its justification and (if justified) the appropriate route it should take, are not matters for me to address. However, it is essential for me to consider whether granting planning permission in principle for this proposed development would be prejudicial to the proper consideration of such issues through the development plan examination process that is currently underway.

8.31 Paragraph 34 of SPP confirms that, where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

8.32 In this instance, the appellant has not questioned, and I have no reason to doubt, the significance that the proposed relief road has to the delivery of the significant level of

⁵¹ [Appellant's representations to the proposed Midlothian LDP](#)

⁵² [Proposed LDP maps \(see page 5 of the pdf\)](#)

⁵³ [Appellant's representations to the proposed Midlothian LDP \(page 8 of pdf\)](#)

development within SDA 10 that is required by SESplan and is proposed to be allocated in the LDP.

8.33 The relief road is not referred to specifically in SESplan, although reference is made to the need for enhancements to the gateway to Midlothian at the northern end of the A701 corridor and the need for significant investment in infrastructure. It seems to me (and the appellant has not advised me that it disagrees with the planning authority on this issue) that the relief road is intended to form an integral part of the improved infrastructure investment that is referred to in SESplan, and that a significant element of the proposed LDP's development strategy will be reliant upon the relief road being delivered.

8.34 My view therefore is that any decision that could affect the deliverability of the relief road would be likely to predetermine decisions about the scale, location or phasing of new developments that are central to the emerging plan. In order to be confident that the appeal proposal would not be prejudicial to the proposed LDP, it needs to be determined whether it can safely be assumed that granting planning permission in principle for this proposal would not prevent the delivery of the relief road in a satisfactory form.

8.35 The authority is concerned that the corridor the appellant has offered to leave within the appeal site in order to accommodate the relief road would, at best, accommodate an at-grade crossing of Pentland / Damhead road and would not permit the route to pass above that road on a bridge, which the authority considers is essential for the relief road to achieve the traffic diversion that is the sole purpose of its construction. It is also concerned that defining such a narrow route corridor for the road at this stage would threaten the deliverability of the relief road due to the constraint it would impose on the remaining sections of the route, some of which would have to cross (or preferably avoid) challenging ground conditions.

8.36 I have sympathy with both of the authority's points.

8.37 It seems entirely plausible that a relief road, which will inevitably require users to travel a longer distance, would prove less attractive to such potential users if it did not avoid potential sources of delay such as a signal-controlled junction. If road users chose to continue along the existing A701 instead of using the proposed alternative, the relief road would fail to reduce traffic levels on the A701 to the extent the authority has predicted. In such circumstances, it is reasonable to assume that there could be a capacity constraint on the existing road that would impede delivery of proposed housing and employment land allocations, contrary to the expectations of SESplan. I note that the appellant suggested at a late stage in the process that an underpass could be employed in order to address this issue. However, I have no evidence of how such an approach might work or what implications it might have for the delivery of the relief road, for the development of the appeal site or for adjoining land uses.

8.38 It also seems plausible that imposing a tight route corridor for a central section of the proposed relief road could threaten the ability of that road to deliver the alignment necessary to encourage higher vehicle speeds while also avoiding the mine workings, and made ground that are known features of the ground conditions in this area.

8.39 I have given some thought to the option of granting planning permission in principle with no specific reservation provided for the relief road, but with a requirement that the development accommodate the road, once its existence and subsequently its alignment has

been confirmed. However, the uncertainty in that approach and the very clear concerns the appellant has raised over the potential for a road through the site to render the land unsuitable for the proposed development, mean it is not an option that I consider to be feasible.

8.40 I do not agree with the appellant that adopting a cautious approach to development that could impede delivery of the proposed relief road is tantamount to creating planning blight within the appeal site. That site is situated within the green belt and therefore has extremely limited development potential at present. The appellant's representation to the proposed LDP will ensure that the merits of allocating the appeal site as a studio development site are evaluated. At the same time, the merits of the proposed relief road (and the appellant's opposition to it) will be considered. That seems to me to be the appropriate way in which to consider these inter-related matters. The effect of this appeal proposal is to have the merits of the appellant's proposals for the appeal site considered in advance of the LDP being adopted. In such circumstances, I consider it reasonable for the authority to raise potential conflict with the relief road in its objection to the proposal.

8.41 Taking all matters into account, I consider that concerns over the delivery of the relief road mean the requirements of SPP paragraph 34 to consider the risk of prejudice to an emerging development plan need to be given significant weight in the determination of this appeal.

8.42 The second issue of concern with regard to the proposed LDP is the potential for the appeal proposal to have unacceptable cumulative effects with the extensive level of development that the proposed LDP intends to allocate in the A701 corridor. Even if the appeal proposal did not affect the delivery of the relief road, it is possible that there could be cumulative effects with this other development. It is therefore a separate issue that requires to be addressed.

8.43 The proposed LDP's proposals maps⁵⁴ identify six strategic housing land allocations, two strategic affordable housing allocations and six strategic employment land allocations in this area. The proposed LDP predicts that these proposed housing allocations would deliver 1460 units and identifies the total area of the proposed employment land allocations as approximately 90 hectares (including three sites totalling 14.54 hectares for bio-technology / knowledge-based development). In addition, I note that the proposed LDP's Action Programme indicates that other housing sites that are further away would also be reliant upon the A701 relief road⁵⁵. It is possible that traffic from these sites could also have a cumulative effect with that from the appeal proposal.

8.44 The appellant declined to model the likely cumulative traffic effects with the proposed allocations, on the basis that there was insufficient information on the other sites for such an exercise to produce valuable results. In response to the authority pointing out that the location of proposed site allocations is shown in the proposed LDP, the appellant argues that such allocations do not specify how the sites in question would access the infrastructure network.

8.45 I agree with the planning authority, that it would have been possible to obtain sufficient information from the proposed LDP to enable such modelling to have been carried out. The location of the proposed site allocations is clear from the proposed LDP's maps

⁵⁴ See maps 6 and 7 of the [Proposed LDP maps](#)

⁵⁵ See [proposed LDP Action Programme](#) (page 116 onwards in the pdf)

and the likely scale of each development is set out in the proposed LDP⁵⁶. As would be expected, the map of proposed allocations does not specify access points. However, it would be a straightforward matter to make educated assumptions about where site accesses would be taken and, using appropriate modelling, to determine effects on the local road network.

8.46 I do not consider that it is reasonable or appropriate to ignore potential cumulative effects with the proposed LDP site allocations. Although it is possible that some of those proposed allocations will not be supported through the examination process and will not therefore be carried forward into the adopted LDP, it can be assumed that the proposed LDP will allocate a significant level of both residential and employment development in the vicinity of the appeal site, as that is a requirement of SESplan, with which the LDP, once adopted, must be consistent.

8.47 The cumulative effects with which I have concern include driver delay, road safety and air quality. As I confirmed in Chapters 5 and 6, I accept the findings of the appellant's modelling that, if one does not include cumulative effects with proposed LDP allocations, one can be confident that unacceptable effects will not arise. However, in the absence of the cumulative effects modelling that the appellant has declined to provide, it is simply not possible to retain that level of confidence when one allows for the potential effects of the significant level of additional development that the LDP proposes to allocate.

8.48 If Ministers were to grant planning permission in principle at this stage, there would be a risk that the delivery of LDP allocated sites would be impaired by a lack of capacity in the road network. As such a significant proportion of the proposed LDP's housing and employment site allocations are in the A701 corridor (as is required by SESplan) this, in my view, would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan

8.49 Taking all matters into account, I again conclude, in relation to the lack of certainty over potentially unacceptable cumulative effects, that the requirement of SPP paragraph 34 to consider whether the proposal would be prejudicial to the emerging development plan should be a significant material consideration in the determination of this appeal.

8.50 Drawing together my conclusions on the effects of this proposal for the proposed LDP, I find that the A701 relief road and the very extensive site allocations that are proposed within the A701 corridor, are of critical importance to the settlement strategy of the proposed LDP. On the evidence that is before me, I conclude that the appeal proposal would undermine the plan-making process by predetermining decisions about the scale, location and phasing of new developments that are central to the emerging LDP. The importance of this issue is made especially apparent by the fact that the proposed LDP is currently undergoing examination. As set out above, I recommend in Chapter 10 of this report that, in accordance with SPP paragraph 34, this issue be given significant weight in Ministers' consideration of this proposal.

⁵⁶ See [Assessment of Development Sites – Results](#) in the proposed LDP (commencing page 52 of the pdf)

CHAPTER 9: OTHER MATTERS

9.1 There are two other issues that have been raised in objection to the proposal that require to be addressed.

9.2 The first concerns the adequacy of the environmental information. It is necessary to determine whether, at this 'in principle' stage, the appellant has provided sufficient environmental information to enable Ministers to assess the significance of its environmental effects. The planning authority and a number of objectors to the scheme contend that this is not the case.

9.3 The second issue concerns effects on prime agricultural land. Objectors to the proposal state that prime agricultural land is a scarce and irreplaceable resource, with only approximately 8% of land in Scotland having that designation. Some of the proposed development would occupy such land and the significance of that fact needs to be assessed.

Submissions by the planning authority

9.4 With regard to the adequacy of the environmental information, the authority contends that the 'Rochdale Envelope' approach that is reflected in PAN 1/2013 includes key propositions that there should be acknowledgement that projects can evolve over a number of years but that 'clearly defined parameters' are to be identified within which the development must take place. The level of detail of the proposal within the defined parameters must be such as to enable a proper assessment of the likely environmental effects and necessary mitigation, considering a range of possibilities where necessary.

9.5 The mitigating measures should be adequate to deal with the worst case in order to optimise the effects of the development on the environment. This approach does not give developers an excuse to provide inadequate descriptions of their projects. It will be for the authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent.

9.6 The authority is not satisfied that the appellant has properly considered the issue of alternatives to the current proposal. It notes that PAN 1/2013 states that whilst the Directive and the Regulations do not expressly require the applicant to study alternatives, those alternatives which are in any case considered as part of the project planning and design process must be assessed, and an outline of the main alternatives studied by the applicant included in the ES.

9.7 It notes that PAN 1/2013 states that the nature of certain developments and their location may make the consideration of alternative sites a material consideration. In such cases, the ES should record this consideration. More generally, the consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice, resulting in a more robust application for planning permission. Whilst option evaluation is traditionally undertaken in terms of economic and engineering feasibility, at this stage it is worthwhile taking the environmental implications of

options into account (particularly as the mitigation measures associated with these may have differing cost and programme implications).

9.8 The authority contends that the ES must also give an indication of the main reasons for the choice made, taking into account the environmental effects. The Council's view is that the appellant has not assessed the proposed appeal site in enough detail to establish the environmental effects. The Council therefore has no confidence that appropriate consideration has been given to the environmental effects associated with the other sites identified in the matrix.

9.9 It is a matter of concern to the authority that issues related to cumulative effects have not been adequately addressed, and in order to make appropriate assessment in terms of the Environmental Assessment Regulations. Again the Council draws attention to the paragraphs relating to PAN 1/2013 and the 'Rochdale Envelope'.

9.10 With regard to the loss of prime agricultural land, the fifth of the authority's formal grounds for objecting to the proposal refers to loss of agricultural land among other reasons why the site is considered to be unsuitable for the proposed development. Local plan Policy RP4 requires there to be a locational justification for developing such land which the authority does not consider has been demonstrated.

Submissions by SNH

9.11 SNH requests the decision maker to examine closely how this proposal could affect soils including the loss of prime agricultural land, which is contrary to SPP and development plan policy.

Submissions by the appellant

9.12 In response to my request for further environmental information, the appellant's environmental consultant provided some additional information, which I have discussed elsewhere in this report. It also made some general observations on the question of how much environmental information is required at this stage⁵⁷.

9.13 The appellant's position is that the proposal for a film and television studio, backlot and supporting premises is at the 'in principle' stage only, with a limited level of detail available for the film studio complex only. The final layout for the remaining areas of the site (mixed employment uses; hotel; gas powered CHP plant / energy centre; film school & student accommodation; studio tour building; earth station antenna; associated infrastructure including car parking, SUDS and landscaping) is at the stage of zoning / land-use planning only.

9.14 In response to criticism that it has not provided sufficient detail of the proposed energy centre, the appellant has stated that its details are simply unknown at this stage of the project. However, it has confirmed that its design will have a low emission and environmentally friendly focus, incorporating a number of appropriate local renewable technologies such as heat pumps (ground and air source) solar thermal and solar photovoltaic, creating a multi energy vector supply. The Energy Centre would also include a large scale (10 megawatt) thermal battery phase change storage technology, which would

⁵⁷ Contained within the [WSP | Parsons Brinkerhoff report of June 2016](#)

interact with the proposed site energy network to optimise supply and demand centrally and locally. It has confirmed that emissions from the proposed energy centre would comply with whatever statutory requirements applied at the time and that measures could and would be taken to minimise visible plumes. As the energy centre would be more than 40 metres away from other buildings, the maximum flue height would be 12 metres.

9.15 With regard to site selection, the appellant believes that it has provided sufficient detail of the alternatives it considered and the reasons why they were rejected.

9.16 As has been confirmed elsewhere in the report, the appellant also believes that it has provided sufficient environmental information for a decision on this proposal to be taken and that further information can be left to the consideration of matters specified in conditions.

9.17 With regard to the loss of prime agricultural land, the appellant believes that there is a significant locational justification for siting the proposed development partially on prime agricultural land, which outweighs the conflict with development plan policy and SPP. It notes that the site is used only for sheep grazing, which is not an especially productive use of the land and that the proposed A701 relief road would be likely to impair its future efficient agricultural use in any event. The site's urban fringe location is argued to detract from its use for agriculture, and the significant economic benefits that the development proposal would bring are considered to outweigh any disbenefit from the loss of this land to farming.

Reporter's conclusions on the adequacy of the environmental information

9.18 Prior to the submission of this non-determination appeal, the planning authority sought further environmental information⁵⁸ under regulation 23 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (the EIA regulations). The appellant responded to that request⁵⁹. However, I considered that there remained an inadequate level of environmental information and made my own regulation 23 request⁶⁰. The response to that request and the comments made upon that response by interested parties have informed the production of this report.

9.19 The key question to answer is whether sufficient information has been provided to enable the decision maker, reasonably to conclude that all potentially significant environmental effects have been adequately considered and, thereby, to conclude whether planning permission in principle should be granted. If the answer to the question is in the negative then it is my view that planning permission in principle should be refused

9.20 The appellant has not provided all of the additional environmental information I requested, but that does not necessarily mean it is impossible to conclude whether planning permission in principle should be granted. In an application for planning permission in principle, an applicant is always likely to wish to retain as much flexibility as possible and to limit the amount of design and modelling work that is carried out in advance of finalising the prospective site occupiers' requirements. At the same time, the decision making body is required to agree the principle of development in advance of knowing its full details. It therefore needs to be confident that the overall parameters with which any subsequent

⁵⁸ [Authority request for further environmental information](#)

⁵⁹ [Appellant's response to authority request for further environmental information](#)

⁶⁰ [Reporter's request for further environmental information](#)

detailed designs would have to be consistent, are adequately specified and that the implications of developing within those parameters are properly understood.

9.21 I have considered, elsewhere in this report, the adequacy of information on alternative sites, and on many of the proposal's likely environmental effects. In this chapter, I discuss matters that I have not addressed elsewhere in the report. For matters I have addressed elsewhere, I provide only a brief summary of my earlier findings.

9.22 When the appeal was first received, my view was that there was inadequate environmental information on the proposal's likely implications for bats, which are European protected species (EPS). The appellant's view was that a bat survey was not required at this stage and could be secured by a planning condition. The planning authority and SNH did not accept that submission.

9.23 Circular 3/2011 on the EIA regulations refers to the case of *R v Cornwall CC ex parte Hardy* [2001 JPL 786], where a condition attached to a planning permission required surveys to be carried out to obtain information on the likely effects on protected species. The permission was quashed on the grounds that the outcome of the surveys, and any necessary mitigation measures, should have been included in the Environmental Statement, enabling the public to comment and the competent authority to take account of the information in determining the application.

9.24 As I discussed earlier in this report, the appellant did, ultimately, carry out a bat survey. Having received the results of that survey, and having received confirmation from SNH that, based on the survey findings and the appellant's proposed mitigation, it was likely that any necessary EPS licenses would be issued, I was satisfied that Ministers then had sufficient environmental information on that aspect of the proposal.

9.25 SNH has confirmed, and I agree, that all other protected species survey work has also now been carried out to a level that would allow Ministers to grant planning permission in principle.

9.26 I sought further information on the environmental implications of the proposed energy centre. The original appeal submission contained very limited information about this aspect of the proposal and there appeared to be conflicting information about the scale of that element of the scheme and the type of fuel it would use.

9.27 In response to my request for further environmental information, I received an energy strategy summary⁶¹ and I subsequently obtained clarification that this supersedes any earlier description of the scale of the proposed energy centre and the fuel it would use⁶². The appellant's response to other parties' responses to the further environmental information also provided a little additional detail on the proposed energy centre⁶³.

9.28 Even with the further environmental information, the appellant has provided little information about the likely environmental effects of the proposed energy centre. However, it has now clarified the source of fuel and the maximum flue height, which were of particular concern to a number of parties. SEPA has also clarified the regulatory position which would, independently of the planning system, ensure that the environmental effects of

⁶¹ [Energy strategy summary 20 May 2016](#)

⁶² [Appellant's response of 31 October 2016](#)

⁶³ [Appellant's response of 31 October 2016](#)

emissions from the energy centre were adequately controlled. Overall, I am satisfied that, subject a condition restricting the energy centre to the parameters set out in the energy strategy summary, there is now sufficient information from which to conclude that the proposed energy centre would not have unacceptable environmental effects.

9.29 The further information that the appellant provided on the site search process and its justification for rejecting alternative locations in favour of the appeal site has been criticised by a number of parties, but as I explained in Chapter 7, I consider that sufficient information has been provided to support the appellant's view that there are no realistic, deliverable alternatives to the appeal site.

9.30 I requested the appellant to provide an assessment of how incorporating the relief road within the site in the manner they have suggested, would be likely to affect Cameron Wood and the setting of the Pentland Burial Ground. I requested such an assessment because the land reservation within which the appellant suggests the relief road could run lies very close to the wood and the burial ground, which is Category B listed⁶⁴. The appellant did not deal with either of these issues.

9.31 While it would have been preferable to have had more information on these implications of the proposal at this stage, I am satisfied that it would be possible to minimise adverse effects on these receptors in the approval of matters specified in conditions. Therefore, I conclude that their absence does not, in itself raise, sufficient concern to justify refusing to grant planning permission in principle.

9.32 In Chapter 8, I concluded that approval of the proposal would be prejudicial to the examination of the proposed LDP, which is currently underway. The reason for this conclusion was that I do not consider there has been sufficient modelling of cumulative roads and traffic effects (in particular, no modelling whatsoever of such effects in combination with the extensive development site allocations that the proposed LDP intends to make in the locality of the appeal site) and that there is uncertainty over how the proposed development might affect the delivery of the A701 relief road.

9.33 Having given this matter careful consideration, I conclude that the lack of information on potential cumulative effects with proposed LDP allocations and the uncertainty of how the proposal might affect the delivery of the A701 relief road raises sufficient doubt as to the acceptability of the proposal that there is insufficient information to justify granting planning permission in principle at this time.

9.34 For all other matters, I am satisfied that the appellant has provided enough detail in its proposal to enable Ministers to grant planning permission in principle with appropriate conditions.

9.35 Turning to the loss of prime agricultural land, I am satisfied that the evidence the appellant has provided on its search for alternative sites and its explanation of why the appeal site is considered to satisfy all of its requirements, provides a strong locational justification to weigh against the loss of such land. Food security issues are of considerable importance and are likely to become more important in the future. This underpins the importance of protecting the best agricultural land from development unless exceptionally justified. However, the loss of the 23 hectares of the appeal proposal's Site A would not

⁶⁴ [List description for Pentland Burial Ground](#)

have a significant effect on food supply. And when weighed against the predicted socio-economic benefits of the proposed development, which I have concluded would be significant at both a national and local level, and the locational justification that has been put forward for siting the proposed development in this location, I conclude that the loss of prime agricultural land is justified by the facts of this proposal and that the requirements of local plan Policy RP4 are satisfied.

CHAPTER 10: OVERALL CONCLUSIONS AND RECOMMENDATIONS

10.1 In accordance with section 25 of the Town and Country Planning (Scotland) Act 1997, this proposal requires to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Midlothian Local Plan and the strategic development plan, SESplan.

10.2 In this chapter, I set out my conclusions on the proposal's compliance with the development plan and describe the weight that should be given to the various policy provisions. I then take account of any material considerations that could justify a decision that was not in accordance with the development plan, before recommending whether planning permission in principle should be granted.

10.3 Turning first to the local plan, Inset Map 3⁶⁵ shows the policies and proposals that apply to the A701 Corridor North, within which the site is situated.

10.4 All of the appeal site is located within the Edinburgh green belt, as defined in the local plan. Policy RP2⁶⁶ of the plan only permits development in such locations where it falls within one or more of a series of use types, all of which have a need to be situated in such a location, for example because they are necessary for agriculture or another rural land use. The appellant accepts that the proposed mixed-use development does not fall within any of the use types that are accepted under Policy RP2 and I agree with the parties that the proposal is contrary to that policy.

10.5 The local plan identifies a safeguarded road scheme, the line of which is shown to pass through the middle of Site B. Policy TRAN4 confirms that the land so indicated is a strategic road proposal, known as the Straiton to Milton Bridge Improvement. The policy requires this to be safeguarded for transport proposals, taking account of any changes to safeguarding requirements arising from the Local Transport Strategy and/or Regional Transport Strategy. Planning permission for the construction of that road was secured in February 2000 and some initial works were undertaken. However, the planning authority has confirmed that, in November 2015, it resolved to abandon that safeguarded route in favour of revised proposals in the proposed LDP⁶⁷. It stated that *“economic factors, ground conditions and difficult engineering solutions have made it increasingly unlikely that the consented road scheme will ever be delivered and work has therefore been carried out to try to identify an alternative road alignment which may offer better prospects for delivery.”* Bearing this in mind, I am satisfied that the current proposal is not in conflict with Policy TRAN4 and that the local plan safeguarded route is not a constraint upon the proposed development.

10.6 Both parcels of land within the current appeal site are covered by local plan Policy RP1, which aims to protect the countryside. Development in areas subject to that designation is only permitted by Policy RP1 if it complies with one or more of three criteria. These relate to appropriate rural uses such as agriculture, a designated non-conforming use in the green belt or if the use accords with Policy DP1 (which sets out detailed policy requirements for rural housing). The appeal proposal satisfies none of these criteria so is contrary to Policy RP1.

⁶⁵ [Local plan inset map 3](#)

⁶⁶ [Local plan page 31](#)

⁶⁷ [Report to the council's cabinet of 17 November 2015](#)

10.7 Site A within the current proposal is also subject to Policy RP4, which seeks to protect prime agricultural land. This policy presumes against development that would result in the permanent loss of such land unless the site is allocated for development to meet Structure Plan requirements or there is a locational justification for the development which outweighs the environmental or economic interests served by retaining the farmland in productive use. If the proposed development meets one of those exemptions, it is required to accord with all other relevant local plan policies and proposals.

10.8 The appellant argues that the appeal site is ideally suited to the proposed development and was selected after an extensive site investigation process. Those factors in combination with the proposal's significant socio-economic benefits are argued to outweigh the environmental and economic value of retaining this land in agricultural use.

10.9 Paragraph 80 of SPP confirms that prime agricultural land and land that is of lesser quality but is important locally, should not be developed except as a component of the settlement strategy or where it can be demonstrated that the proposal is necessary to meet an established need and could not be located elsewhere.

10.10 The appellant argues that there is an over-riding socio-economic need for the proposed development and that it has looked carefully for alternative sites and found none to be suitable.

10.11 As I have set out in Chapter 9, I agree with the appellant that the proposal's socio-economic benefits and (from a developer's point of view) the suitability of this site for the proposed development, outweigh the value of retaining this small area of prime agricultural land in productive agricultural use. Therefore, while there is conflict with local plan Policy RP4, I do not regard this as a significant concern.

10.12 Overall, I find that the proposal is in conflict with a number of provisions of the local plan. However, in accordance with SPP, as the plan is more than five years old, it must be regarded as out of date, a fact which the planning authority accepts. That does not alter the local plan's status with regard to section 25 of the Town and Country Planning (Scotland) Act 1997 – its expectations must still form the starting point of any decision on whether or not to grant planning permission in principle. However, the fact that the plan is out of date may increase the weight to be given to other material considerations, which could justify a decision that was contrary to the local plan.

10.13 The other component of the development plan is SESplan. This identifies the A701 corridor as Strategic Development Area (SDA) 10. SESplan expects the 13 identified SDAs to be the primary locations for growth and investment.

10.14 SESplan's spatial strategy confirms that, for this SDA and the other four within the Midlothian / Borders sub-regional area, the emphasis should be on creating additional employment opportunities to reduce the need to commute, and implementation of transport infrastructure to accommodate further planned growth.

10.15 Precise boundaries for the SDAs are not defined in SESplan. Instead it was left for subsequent LDPs to determine what, if any land allocations would be required in order to implement the SDA allocation. When assessing the merits of this proposal, I conclude that the fact that this general area has been identified as one of the most suitable locations in the SESplan area for focussing significant levels of development provides a limited amount

of support for the appeal proposal. However, as I set out below, I conclude that, when one considers what SDA 10 seeks to achieve and how the proposed LDP intends to implement the designation, it must be concluded that the proposal is inconsistent with that designation.

10.16 The proposed Midlothian LDP (which I discuss in more detail below) does not formally define a boundary for the SDA. However, it proposes to implement SESPlan's SDA designation by significantly expanding the corridor of existing residential and employment development along the A701 by pushing the green belt back from its current position along the western side of the A701. Two potential routes for the proposed A701 relief road are shown on the proposals map and it is proposed to revise the green belt boundary so that it follows the western side of the easternmost relief road route. Land to the east of that proposed route would therefore be removed from the green belt and some (but not all) of that land is proposed to be allocated for development (the remainder would be designated as "countryside" and would therefore have only limited development potential). The effect of these proposed changes would be that all of Site B would be designated for development, with approximately 80% of Site A designated countryside and the remainder staying within the green belt.

10.17 Until the proposed LDP is adopted (and precise boundaries for the green belt are set), one cannot state categorically which parts of the appeal site could reasonably be regarded as benefitting from the SDA recognition that strategic-scale economic development is appropriate in principle. As is proposed by the council, some of Site A would remain green belt, where development is greatly restricted, and the majority of that site would be designated countryside, where there is also limited development potential. In the proposed LDP, only Site B could realistically be described as falling within and contributing to SDA 10.

10.18 At this stage therefore, I find that the proposal can draw some limited support from the allocation of SDA 10 in SESplan, but this should not be regarded as a significant factor in its favour, given the absence of a defined boundary for the SDA and the fact that SESplan left to LDPs (which for Midlothian is not yet adopted), the task of defining where within a very general SDA area, development was to take place.

10.19 Turning to potential negative consequences for the appeal proposal from SDA 10, I explained in Chapters 8 and 9, my concern that the proposal could undermine the proposed LDP's attempt to deliver the housing and employment sites in the A701 corridor that are required by the SDA 10 designation. These include the bio-technology and knowledge-based industries site allocations that are specifically highlighted in SESplan as important to SDA 10. My conclusion was that there is insufficient evidence from which to conclude that the appeal proposal would not threaten the delivery of those SDA 10 requirements.

10.20 Overall therefore, my conclusion is that the proposal should be considered contrary to SESplan in respect of its SDA 10 requirement.

10.21 SESplan sets out eight specific aims for the SDP, which reflect the plan's vision. Those with particular relevance to this proposal are discussed below.

10.22 SESplan aims to enable growth in the economy by developing key economic sectors, acting as the national hub for development and supporting local and rural development. I considered this issue in Chapter 7, where I identified significant benefits to the local and national economy as a result of the appeal proposal. However, in Chapters 8 and 9 I

expressed concern that such economic growth would be undermined if the proposal impaired the delivery of site allocations in the proposed LDP. I return to this issue, later in my conclusions.

10.23 A further SESplan aim is to integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations. This informed the identification of the SDAs but is also relevant to the assessment of any significant development proposal. SESplan expects that travel demands resulting from new development should be met, as far as possible, by sustainable forms of transport including public transport. It supports the enhancement of accessibility and travel choice for all sectors of the community. Development likely to generate significant travel demand will be directed to areas that are capable of being well served by public transport and that are accessible by foot and cycle, to reduce the need to travel by private car. For all development types it will be expected that the generation of additional car traffic is minimised.

10.24 SESplan Policy 8 requires local planning authorities in collaboration with Transport Scotland and SEStran (the south east of Scotland transport partnership) to support and promote the development of a sustainable transport network. Specific requirements are set for LDPs. These include a requirement to ensure that development likely to generate significant travel demand is directed to locations well served by sustainable transport options. The generation of additional car traffic is expected to be limited, including by restricting car parking in accordance with the availability of alternative travel means. The density and type of development is expected to be regulated in accordance with public transport accessibility and the design and layout of new development is expected to demonstrably promote non-car modes of travel.

10.25 Although Policy 8 is worded so as to steer the direction of future LDPs rather than the consideration of individual planning applications, in the absence of an adopted LDP, it is relevant to assess the extent to which the development proposal is consistent with these expectations. I did this in Chapter 5 of this report, where my conclusion was that, bearing in mind the nature of the development that is proposed, the proposal should be regarded as broadly compliant with these expectations.

10.26 SESplan aims to conserve and enhance the natural and built environment. The extent to which the proposal would support this aim was discussed in Chapters 3 and 4. I found that there would be no significant harm to ecological interests but that there would be significant adverse effects on the landscape and on people's appreciation of particular views across it. However, the radius within which such effects would be experienced would be limited and, given the scale of the proposal, I do not regard the level of adverse effect to be so severe that one should regard the proposal as contrary to this SESplan aim.

10.27 The final relevant SESplan aim (which is also addressed in Policy 11 of that plan) is its requirement to promote green networks including through increased woodland planting, enhancements to biodiversity and the creation of more attractive, healthy places to live. The parties disagree over whether this proposal would safeguard or threaten Cameron Wood and whether it would improve or worsen biodiversity and opportunities for countryside access. My conclusion is that there is no reason why the proposal should conflict with these requirements and that adequate control could be exercised at the stage of approving matters specified in conditions.

10.28 My conclusion in relation to SESplan therefore, is that the proposal satisfies some, but not all requirements of that strategic component of the development plan. The issue that leads me to conclude that the proposal is inconsistent with SESplan is its potential effect on the delivery of development within SDA 10.

10.29 In order to make a recommendation as to whether planning permission in principle should be granted, it is necessary to have regard to all of the material considerations that have been brought to my attention, to weigh up the positive and negative aspects of the proposal that I have identified in this report and, bearing in mind the conflict I have identified with certain aspects of the development plan, to recommend whether the planning balance lies in favour of or against granting planning permission in principle.

10.30 As I concluded in Chapter 7, the proposal's potentially significant socio-economic benefits to the local and national economy need to be given significant weight. However, as I concluded in Chapters 8 and 9, the fact that a decision to grant planning permission in principle would be prejudicial to the consideration of the proposed LDP, which is currently under examination is also of great significance.

Recommendation

10.31 Taking all matters into account, I conclude that the prejudice to the emerging LDP, which is at a very late stage in its production, and the consequent threat to the delivery of its proposed A701 relief road and the strategic development allocations, in combination with the other negative effects of the proposal, outweighs the socio-economic benefits it would deliver. Accordingly, I recommend that planning permission in principle is refused.

10.32 Should Ministers disagree, I have set out, in Appendix 1 to this report, matters that ought to be secured by a planning obligation and a list of planning conditions that I consider would be appropriate.

David Buylła
Reporter

Appendix 1: Planning obligation and conditions that should be applied in the event that Ministers are minded to grant planning permission in principle

Planning obligation

A planning obligation should commit the developer to make a financial contribution to the A701 relief road and to fund improvement of the A701 / B702 / A720 westbound off-slip / A720 eastbound on-slip junction.

Planning conditions

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. If phasing of the development is proposed, then these matters may be approved individually in respect of each phase.

Approval of Matters:

- (a) siting, design, slab levels and the height of all built structures, including the design of all external features and glazing specifications and acoustic capabilities;
- (b) detailed site layout including the layout of all buildings, roads, footpaths and cycle routes;
- (c) design and configuration of open spaces, including all levels, materials and finishes;
- (d) car and cycle parking,
- (e) waste management and recycling facilities;
- (f) surface water and drainage arrangements including SuDS;
- (g) existing and finished ground levels in relation to Ordnance Datum for the entire development;
- (h) full details of sustainability measures;
- (i) hard and soft landscaping details, including:
 - i) existing trees, landscaping features and vegetation to be retained, removed, protected during development and in the case of damage, restored;
 - ii) proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
 - iii) location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;

- iv) schedule of plants to comprise species, plant sizes and proposed numbers/density;
- v) 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 on adjoining plots are occupied;
- vi) drainage details and sustainable urban drainage systems to manage water runoff;
- vii) proposed car park configuration and surfacing;
- viii) proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- ix.) areas of the site that will provide habitats that are recognised as important in the Midlothian Local Biodiversity Action Plan; and
- x) proposed cycle parking facilities;

(Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)

2. All hard and soft landscaping proposals approved pursuant to condition 1 shall be carried out in accordance with a scheme that has been approved in writing by the planning authority as the programme for completion and subsequent maintenance. Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

(Reason: to ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 of the Midlothian Local Plan and national planning guidance and advice.)

3. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and around any trees outwith the site boundary where the canopy of the tree overhangs the site boundary. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

(Reason: to ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.)

4. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the planning authority.

(Reason: to ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.)

5. No development shall take place on any phase of the development until a ground contamination survey and associated remediation strategy for that phase has been

submitted to, and approved in writing by, the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

- i) the nature, extent and types of contamination on the site;
- ii) measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
- iii) measures to deal with contamination encountered during construction work; and
- iv) the condition of the site on completion of the specified decontamination measures.

Any works of remediation and any other requirements that are identified in the approved remediation strategy shall be completed to the written satisfaction of the planning authority in accordance with a timetable that has also been agreed in writing with that authority. (Reason: to ensure that construction workers and future users of the site are not at risk from ground contamination).

6. Development shall not begin until details of the access arrangements and haulage routes for construction traffic accessing and leaving the site have been submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accords with the approved details.

Reason: *to ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

7. No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer 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 Policy RP28 of the Adopted Midlothian Local Plan.)

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

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

9. Prior to the commencement of any phase of this development, the physical suitability of the ground on which that phase would be built shall be investigated and a report submitted to and approved in writing by the planning authority. This report will deal with issues including ground stability, former mine workings and the risk to the development from ground gas. Development shall not proceed except in accordance with any approved mitigation measures.

(Reason: to ensure that the development pays proper regard to ground conditions.)

10. The development hereby approved shall not include any element of retail or office accommodation unless such accommodation has been confirmed in writing by the planning authority to be of a scale and form that is incidental to the studio use.

(Reason: the effect on the vitality and viability of town centres of incorporating town centre uses within this out of centre development has not been assessed.)

11. The generating capacity, fuel source and other details of the energy centre hereby approved shall be in accordance with the details set out in the Energy Strategy Summary Revision A, dated 20 May 2016 by Hoare Lea .

(Reason: to ensure that the development accords with the environmental that informed the decision to grant planning permission in principle.)

12. No building or other site structure shall exceed 28.6 metres in height above its slab level or above the level of the existing ground in the location where that building or structure would be built.

(Reason: to ensure that the development accords with the environmental information that informed the decision to grant planning permission in principle.)

13. The site layout details submitted pursuant to condition 1 shall include the area of fallow land that is shown in drawing number L(00)003 Rev 7, which shall be reserved for the construction of the A701 relief road and shall not be used for any other purpose.

(Reason: to ensure that the development makes adequate provision for the relief road.)

14. Prior to development commencing a Construction Noise and Vibration Management Plan shall be submitted to and approved in writing by the planning authority. Construction work shall not proceed except in accordance with the approved plan.

(Reason: to ensure that construction activity has an acceptable impact in terms of noise and vibration.)

15. Prior to development commencing a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the planning authority. The CEMP shall include the following details:

- Signage for the construction traffic, pedestrians and other users of the site,
- Controls on the arrival and departure times for the construction vehicles and for site workers;
- Piling methods (if employed)
- Earthworks;
- Control of emissions,
- Waste management and disposal and material re use,
- Prevention of mud / debris being deposited on public highway;
- Materials storage; and hazardous material storage and removal.

Construction work shall not proceed except in accordance with the approved plan.

(Reason: to ensure that construction activity has an acceptable impact in terms of noise and vibration.)

16. During the operational phase of all parts of the development, plant noise from all sources will be controlled such that the 'Rating Level' at any noise sensitive receptor location shall not exceed the low background levels established by baseline noise survey*.

**Note: The target Rating Levels are given in Table 10.17 'Environmental Noise Criteria' of the Noise & Vibration chapter Environmental Statement (WSP/BP). The design and installation of all plant and machinery shall be such that any associated noise complies with NR25, or NR20 if there are noticeable acoustic features present.*

(Reason: to ensure that plant noise has an acceptable effect on sensitive receptors.)

17. Prior to commencement of works, the detailed site layout, buildings orientation and design shall be submitted for approval, along with an acoustic report demonstrating that breakout, emissions and propagation from such sources are mitigated to an acceptable level.

(Reason: to ensure that noise from buildings has an acceptable effect on sensitive receptors.)

18. No filming activity shall be undertaken until a Noise Management Plan has been submitted to and approved by the planning authority. This Noise Management Plan shall include sections to address the following matters:

- Identifying appropriate hours of operation restrictions in relation to the full range of operational activities resulting in sound which can be heard beyond the site boundary;
- Identifying appropriate noise level criteria in relation to the full range of operational activities resulting in sound which can be heard beyond the site boundary, having regard to their associated hours of operation;
- Processes and procedures for internal and external lines of communication, identifying personnel roles, responsibilities and appropriate levels of decision making;
- The implementation and regular review of a policy to ensure a high standard of community engagement, neighbour liaison and dissemination of information;
- The Implementation and regular review of a complaint management policy.

(Reason: to ensure that noise from filming has an acceptable effect on sensitive receptors.)

19. Prior to the commencement of development a remediation scheme, including a scheme of intrusive site investigations, to afford public safety and the stability of the proposed dwellings from the risks posed by the recorded mine entries (adits) shall be submitted to and approved in writing by the planning authority. Once approved, the scheme of intrusive site investigations shall be completed and the report of its findings shall be submitted to and approved in writing by the planning authority before any works commence on site.

(Reason: to ensure public safety in regard to former mine workings.)

20. Prior to works commencing, a mitigation scheme for effects on bats [REDACTED] shall be submitted to and approved in writing by the planning authority. The approved mitigation measures shall be followed in full as part of the site redevelopment.

(Reason: to ensure that predicted effects on these protected species are adequately mitigated.)

21. Prior to development commencing, a scheme setting out maximum scale parameters for any temporary built development on the backlot areas of the site shall be submitted to and approved in writing by the planning authority. Once approved, temporary built development may take place within the backlot areas without further approval from the planning authority, provided that this development is removed within 12 months of its erection. No temporary built development shall take place within the backlot areas that

would exceed the agreed scale parameters or would be retained for more than 12 months shall take place unless it has been approved in writing by the planning authority.
(Reason: to provide an appropriate balance between regulatory freedom and the control of adverse effects on those parts of the site where regular changes in built form are to be expected.)