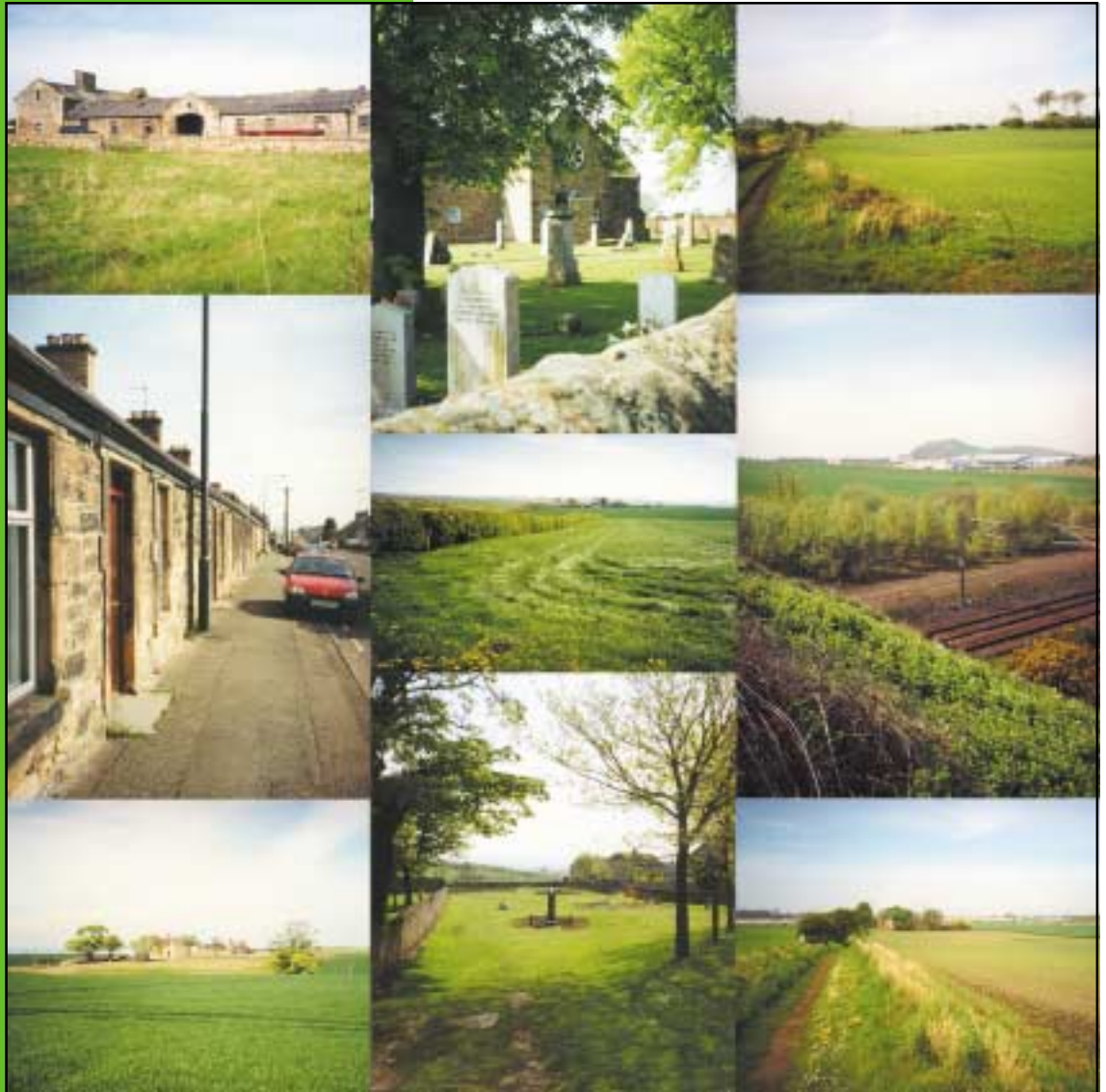


# Midlothian



Shawfair  
Local Plan

# Shawfair Local Plan

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ADOPTED BY RESOLUTION  
OF MIDLOTHIAN COUNCIL  
ON 25 SEPTEMBER 2003

SEPTEMBER 2003



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## *Vision*

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- The Lothian Structure Plan 1994, approved with modifications by the then Secretary of State in 1997, established the principle of accommodating major residential development and other uses in the area known as the South East Wedge. The majority of this development will be built within the area defined by the Shawfair Local Plan. The main purpose of the Local Plan is to provide the statutory policy framework that will guide this development.
- In recent times, private housing developments on the edge of Edinburgh and its neighbouring towns have generally comprised relatively small schemes of unexceptional suburban character, with few associated community facilities or shops, poor access to public transport and lack of ready access to employment areas. This approach has done little to engender community identity or quality in urban design. The failure to closely link new housing with jobs, facilities and public transport increases reliance on the private car, thereby adding to pollution and congestion. Such an approach is unsustainable.
- This Local Plan promotes the most significant comprehensively planned community development in Lothian for decades. The challenge for Midlothian Council and its partners, in both the public and private sectors, is to ensure that development is well designed and combines to create vibrant, self-contained communities in attractive settings where reliance on the private car is not encouraged.
- The Council's vision is of a more sustainable pattern of development that is more reliant on public transport, cycling and walking. Fundamental to achieving this is the location of houses close to good community facilities, shops and employment opportunities, with efficient and high quality public transport linking these. Integral to this vision is the creation of an attractive environment, both within and surrounding the new and expanded communities. This will entail a high quality of urban design and architecture, and the careful integration of new building into the landscape. Particular emphasis is placed upon securing community access to the surrounding countryside, where the Plan proposes the planting of woodlands and the creation of parks.
- It is the aim of the Local Plan to ensure that people already living in the area benefit as much as possible from the changes. It is recognised that the character of the area will be significantly altered, and it is hoped that the benefits that will accrue in the form of enhanced job opportunities, improved community facilities and better access to recreational open spaces, will be seen to outweigh some of the perceived disadvantages.
- The development of the area raises special challenges and the opportunity to create an attractive environment for the people that live there. It is Midlothian Council's aim to fulfil the rightful expectations of existing and future generations for quality in all aspects of the development process.





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# 1 Background

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## 1.1 Introduction to the Local Plan Process

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**1.1.1 The Planning System.** The purpose of the planning system is to guide the future development and use of land in the long term public interest. The aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. This means the provision of homes and jobs and an efficient transport network, at the same time as conserving our heritage and protecting our environment. The system seeks to achieve this by resolving sometimes inherent conflicts and preventing development that is not acceptable. It also provides a forum for public information and involvement.

**1.1.2** The Government's land use planning policies are contained in a series of National Planning Policy Guidelines (NPPGs now being replaced by Scottish Planning Policies (SPPs)). This Local Plan adopts the principles contained in these NPPGs but has not been amended to refer to the more recent SPPs 1, 2 and 3 which have been issued since the Shawfair Local Plan was finalised.

**1.1.3** The planning system has a statutory basis, with most of the legislation set out in the Town and Country Planning (Scotland) Act 1997. This requires the planning authorities (usually local councils) to prepare "structure" and "local" plans for their administrative areas. The structure plan sets out the strategic/regional policy framework for the use of land in an area, in this case the Lothians, while the local plan sets out more detailed guidance. This Local Plan must conform generally to the approved Lothian Structure Plan 1994 and together they comprise the "development plan" for the area.

**1.1.4** Development usually requires planning permission, and the legislation specifies that decisions on planning applications should be made in accordance with the development plan for the area, unless material considerations indicate otherwise. If a development proposal does not accord with the development plan, therefore, it is likely to be refused.

**1.1.5** Taken together, structure and local plans provide:

- ❖ a strategy to guide the location of development for 10 - 15 years;
- ❖ the incentive of identified opportunities for development and redevelopment;
- ❖ control by indicating standards to be achieved in new development; and
- ❖ ways to conserve and enhance the urban and rural environment and protect the diversity of the natural and cultural heritage.

**1.1.6 The Local Plan Process.** This document is the adopted version of the Shawfair Local Plan. The earlier finalised version of the Plan and modifications thereto were placed on deposit for objections. Objections that could not be resolved through negotiation were subject to a Public Inquiry and associated procedures. The Shawfair Local Plan supersedes the Villages and Rural Area Local Plan as it relates to the Shawfair area.

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## 1.2 Regional Context and Strategy for the Local Plan

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**1.2.1 The Lothian Structure Plan 1994**, approved with modifications by the former Secretary of State for Scotland in 1997, provides the regional context for the Shawfair Local Plan. The Shawfair Local Plan covers the larger part of the area referred to as the “South East Wedge” in the Lothian Structure Plan, and relates to that part of the Wedge that is within the administrative boundaries of Midlothian Council. The South East Edinburgh Local Plan deals with that part of the Wedge within Edinburgh. The respective planning authorities have co-operated to ensure consistency between the two Local Plans, and they have been progressed in tandem as far as possible.

**1.2.2 The South East Wedge.** Map 1 at the end of this section shows the extent of the South East Wedge. It is defined in the Structure Plan as the open area to the south of the existing built-up areas of Craigmillar and Niddrie, east of Little France, and north and east of Danderhall. It includes the small villages of Newton and Millerhill. The area is bounded by three major roads; the A1 Musselburgh Bypass, the A720 City Bypass and the A7 Old Dalkeith Road. The South East Wedge is identified in the Structure Plan as part of a “core location”, one of three within which the majority of new housing and economic development land for the region is to be located. The land proposed for development is currently within the Edinburgh Green Belt, and the Lothian Structure Plan provides the context for the removal of this designation. The South East Wedge is considered suitable as a core location for the following reasons:

- ❖ the roads are less congested than other parts of the City;
- ❖ the landscape is of lower quality than other parts of the Green Belt;
- ❖ drainage capacity is now enhanced with the upgrading of the Esk Valley Sewer; and
- ❖ development in the area has the potential to assist in the regeneration of adjoining communities.

**1.2.3** The Structure Plan requires that in the South East Wedge, local plans shall allocate:

- ❖ land for approximately 4000 private owner occupied houses;

- ❖ up to 30 hectares of land for general industry and/or business use, including a Medical Park for medical businesses; and
- ❖ a site for a local centre, including community facilities and shopping, to serve existing and new development.

### **1.2.4 The South East Wedge Joint Development**

**Study.** The Structure Plan required the preparation of a joint study of the South East Wedge prior to the preparation of local plans. The study area is larger than the Wedge itself, including the communities of Craigmillar and Niddrie as well as farmland in East Lothian. Examination of this broader area allowed consideration of the impact on neighbouring communities and an assessment of the wider landscape impact. The Joint Development Study was prepared by Midlothian and City of Edinburgh Councils and submitted to the Scottish Office in December 1998. It undertook the following:

- ❖ examining the broad development potential of the area, taking into account infrastructure constraints, impact on the Green Belt and the landscape setting of the City;
- ❖ reconfiguring the Edinburgh Green Belt;
- ❖ seeking the views of communities, statutory consultees as required by the Lothian Structure Plan, landowners, developers and various agencies;
- ❖ determining an outline layout for the development area and a mix of uses, including housing, shops, schools and services;
- ❖ defining a general landscape framework integrating development into the landscape setting of the City and providing for nature conservation;
- ❖ indicating road and public transport requirements, and examining the potential for rail access to the area;
- ❖ establishing design and other planning principles; and
- ❖ indicating the manner in which new development could integrate with existing development projects such as the new Edinburgh Royal Infirmary and regeneration initiatives in neighbouring communities.

**1.2.5** Since publication of the Joint Development Study and the Draft Shawfair Local Plan 2000, the pattern of development proposed in the Shawfair area has been re-configured. This is in response to emerging guidance and best practice relating to the development of new communities and comments received on the Draft Local Plan.

**1.2.6 The Shawfair Local Plan Strategy.** In recent times private housing development on the edge of the City and many of Lothian's landward towns has consisted of relatively small schemes of unexceptional suburban character. Together, these have taken up a relatively large amount of previously "greenfield" land, are difficult to service efficiently by community facilities and public transport, and have lacked ready access to employment areas.

**1.2.7** The development strategy of the Shawfair Local Plan is based on the need to move towards a more sustainable pattern of development that assists in reducing private car use, and is more reliant on public transport, walking and cycling. The strategy therefore provides the basis for the creation of new and extended communities that are more self-contained and therefore more self-reliant than previous urban expansions elsewhere in the Lothians. Fundamental to this approach is the location of houses close to good community facilities, shops and employment opportunities, as well as an efficient and high quality public transport system linking these. Sustainability objectives will be further promoted by the incorporation of Sustainable Urban Drainage Systems and measures to improve energy efficiency.

**1.2.8** The strategy promotes a compact urban form. This has the advantage of taking up less greenfield land, allowing more attractive areas to be protected from development, as well as accommodating the population densities which will be necessary to sustain community facilities, an economic public transport system and efficient energy production and delivery systems eg. combined heat and power. This can be achieved without sacrificing quality or resorting to high rise development.

**1.2.9** Also fundamental to the Local Plan strategy is the creation of an attractive surrounding environment. This will involve the careful integration of new building into the landscape, the protection of important natural features, the creation of parks, the planting of new woodlands, and the

creation of other semi-natural habitats. Particular emphasis is placed upon securing community access to the surrounding countryside for recreation purposes.

**1.2.10** Finally, it is the aim of the Local Plan to ensure that people already living in the area benefit as much as possible from the changes. It is recognised that the character of the area will be significantly altered, and it is hoped that the benefits that will accrue in the form of enhanced job opportunities and improved community facilities will be seen to outweigh some of the perceived disadvantages.

**1.2.11** The development of the area raises special challenges and the opportunity to create an attractive environment for the people that live there. This Local Plan seeks to provide the framework for achieving this. Actual delivery of this aim, however, will depend on the willingness of the numerous agencies involved in the development process to support and implement the policies and proposals contained in the Local Plan.

**1.2.12 The Development Manual and Masterplan.** In order to provide further advice to developers and others on detailed planning requirements, the Council, in co-operation with relevant partners, has prepared supplementary guidance, entitled "The Shawfair Development Manual". This provides the basis for the production of a Development Masterplan. The content and purpose of the Development Manual and Masterplan are explained in Section 2.10 (Implementation).

**1.2.13 Joint Working with City of Edinburgh Council.** For administrative reasons, it is necessary to progress the proposals for the South East Wedge in two separate Local Plans; the Shawfair and South East Edinburgh Local Plans. The two Councils are working together to ensure that the documents are complementary.

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### 1.3 Local Plan Content and How To Use It

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**1.3.1 Content of the Plan.** The Draft Shawfair Local Plan comprises a **Written Statement** consisting of text and a **Proposals Map** showing the whole Local Plan area.

**1.3.2** The **Written Statement** is broken down into the following sections:

Section 1 **Background** sets out the context for the preparation of the Local Plan.

Section 2 **Development Topics** contains policies and proposals relating to the major land allocations for development.

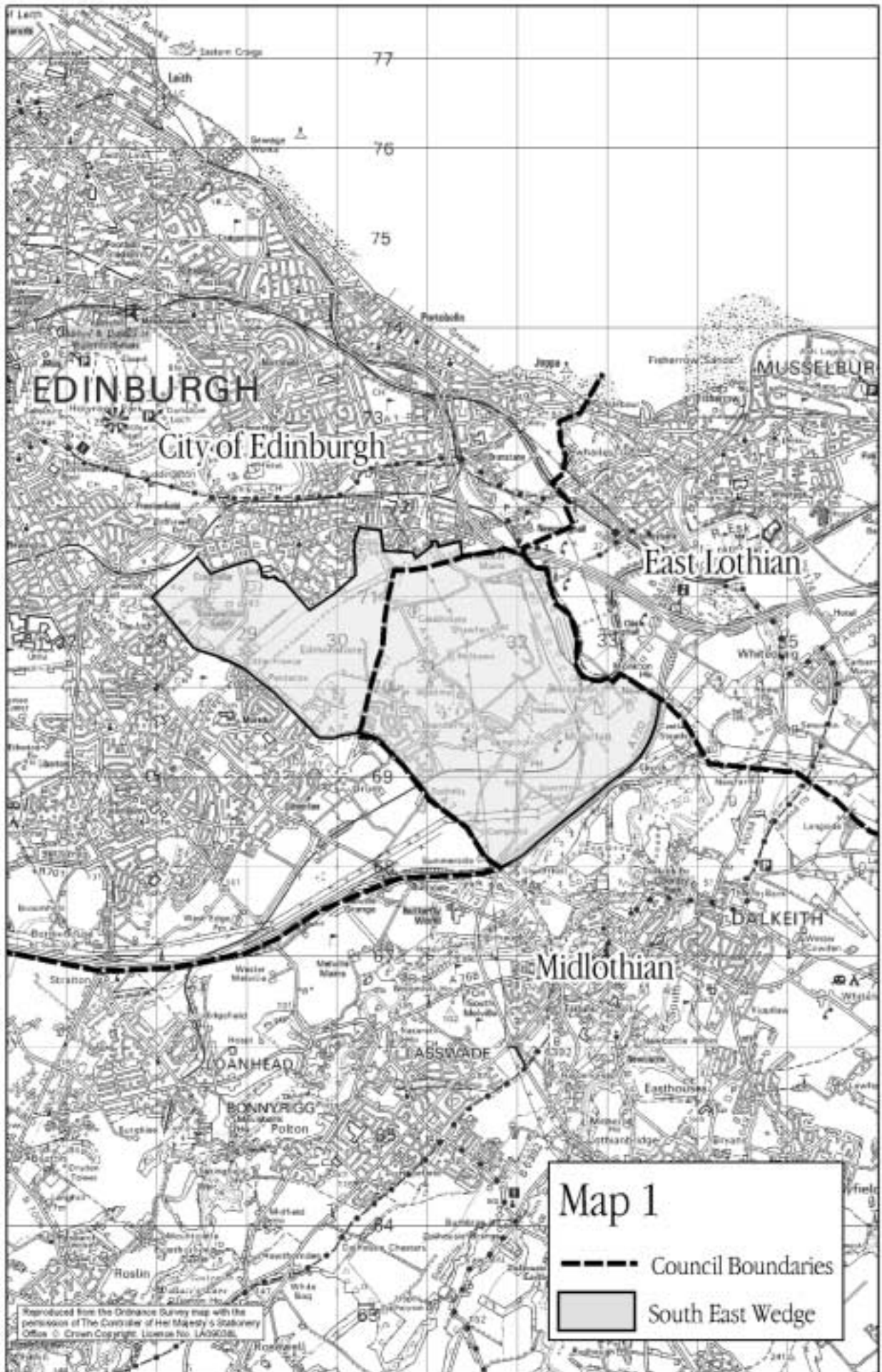
Section 3 **Resource Protection** focuses on the protection of the area's natural and built environment,

taking into account the requirement for significant development.

Appendix 1 **Additional Planning Policies** related to more minor development issues.

**1.3.3 How to Use the Written Statement.** The text of the Local Plan sets out the policy and proposals context within which the Council will view planning applications. It is important to consider the Plan as a whole as there may be more than one policy or proposal applicable to a particular area.

**1.3.4 The Proposal Map.** This is located at the back of this document and shows the whole of the Local Plan area. It indicates the policies and proposals which apply to specific areas as well as policies which apply to the whole Plan area.





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## 2 Development Topics

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### 2.1 Development Aims and Summary of Proposals

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**2.1.1 Development Aims.** Development in the Shawfair Local Plan area will seek to achieve the following aims:

- ❖ the creation of sustainable communities which have the opportunity to be comparatively self reliant, incorporating environmentally beneficial features such as: reduced dependency on private cars through good access to public transport; the introduction of combined heat and power/community heating schemes if feasible; and the use of Sustainable Urban Drainage Systems (SUDS);
- ❖ the development of a mixed community of homes, workplaces and a full range of community services, including houses of various types and tenures, to cater for the needs of different population groups;
- ❖ the development of a compact low rise built form, focussing on a town centre containing shops and community facilities;
- ❖ the delivery of economic opportunities, with a range of sites allocated to increase the number and range of quality jobs available in the area;
- ❖ the creation of a landscape framework that provides a setting and containment for the new development, enhances important natural features such as existing ridgelines, retains a green setting for the City and Musselburgh Bypasses, and provides open land that permeates the existing and proposed urban areas;
- ❖ the provision of public access to the countryside for existing communities and new residents through walkways, cycleways, bridlepaths and other recreational opportunities, and enhancement of the countryside and its nature conservation interest through tree planting and the creation of other semi-natural habitats; and
- ❖ the phased provision of infrastructure such as schools, roads and community facilities. These will require to be funded by the developers.

**2.1.2** The following paragraphs summarise the main aspects of the new development proposals. They are not intended to provide a detailed description or explanation of the Local Plan's policies and proposals, which are provided in the following chapters.

**2.1.3 Housing and Community Facilities.** There are three proposed locations for major housing development and associated community facilities, in summary:

**Shawfair:** A new community comprising around 3,500 houses, two new primary schools with nursery facilities and a town centre.

**North and South Danderhall:** Two urban extensions of around 190 houses and 300 houses respectively. Danderhall Primary School requires to be extended.

**2.1.4 Economic Development.** There are three new locations proposed for business development:

**Whitehill Mains:** 13 hectares of land is allocated for business and industrial uses south of Newcraighall.

**Todhills:** 9 hectares of land is allocated for business and industrial use south of Danderhall.

**Hunter's Yard:** 1.5 hectares of land is allocated for business uses north of Danderhall.

The site of the former Monktonhall Colliery and land adjacent to Millerhill Marshalling Yards continue to be promoted for economic development.

**2.1.5 Transport Network.** The Plan promotes a transport network that encourages walking, cycling and use of public transport, whilst also providing for the needs of the car user. Where appropriate, roads will be designed and managed to reduce car speeds and to prioritise public transport, pedestrians and cyclists. Midlothian Council recognises the contribution that rail can make to more sustainable travel patterns, and the Local Plan therefore promotes the introduction of heavy and/or light rail into the Shawfair area.

**2.1.6 Landscape Framework.** The land to be developed is currently within the Edinburgh Green Belt. In order to ensure that new development is well integrated into its surroundings and does not detract from the character of the overall Green Belt, the Local Plan is promoting the following landscape principles:



- ❖ the integration of development into the landscape through woodland planting and avoidance of development on ridgelines;
- ❖ protection of important views of the City;
- ❖ maintenance of the green expanse along the City and Musselburgh Bypasses;
- ❖ protection of the character of important natural features such as the Edmonstone Ridge;
- ❖ the creation of attractive “green” spaces within development areas; and

- ❖ providing recreation and access to the open space network.

**2.1.7 The Need for Quality.** This Local Plan addresses the single largest development in Lothian for decades. It is Midlothian Council’s aim to ensure that the new development provides an attractive place to live and work and fulfils the rightful expectations of local people for quality in all aspects of the development process.

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## 2.2 The New and Extended Communities

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**2.2.1 Introduction.** The creation of sustainable and balanced communities will require the provision of high quality housing of mixed type and tenure, developed in close association with services such as shopping, leisure facilities and medical care. This section of the Local Plan indicates the requirements for such provision, addressing the following matters:

- ❖ the location and distribution of new residential development and associated facilities;
- ❖ the requirements for community facilities, including shops; and
- ❖ the provision of social housing.

Design, transportation and education matters are addressed in subsequent sections.

**2.2.2 National Policy.** NPPG1 (The Planning System) refers to “social justice”, and indicates that attention should be paid to the needs of all communities and interests and that planning policies should support the provision of appropriate local facilities. NPPG3 (Land for Housing) indicates that plans should make provision to meet demand for housing, and emphasises the need to create attractive and convenient urban areas in which people want to live. The guidance recognises that housing can have a significant visual impact, and that good design and integration into the landscape are essential in improving the quality of the environment. It also indicates that structure plans are the appropriate vehicle to determine housing requirements for an area and to guide it to preferred general locations.

**2.2.3 Structure Plan Policy.** The Lothian Structure Plan 1994 sets out the strategic housing land policies for the region until 2005, and beyond. Amongst other things, its policies seek to achieve 36,500 private sector house completions in Lothian over the period 1992 - 2005 within the context of promoting more sustainable forms of development. The Structure Plan therefore directs housing development to locations that:

- ❖ Reduce the need for travel and reliance on the private car.

- ❖ Protect valuable landscapes, habitats and the more important parts of the Edinburgh Green Belt, and use infrastructure effectively.

**2.2.4** More specifically, Policy H7 of the Structure Plan requires land to be allocated for approximately 4000 private houses in the area it refers to as the South East Wedge. One purpose of this Local Plan is to address that requirement, insofar as it relates to Midlothian. The Structure Plan indicates that the South East Wedge should incorporate varied house types and tenures to ensure the widest access to housing.

**2.2.5** Structure Plan Policy S13 requires the Local Plan to provide for shopping facilities in association with the proposed development, and indicates that this should include a large supermarket as well as more specialised shops, serving primarily a local catchment.

**2.2.6 Local Plan Policy.** Three areas of residential development are proposed. The largest will be a new community of 3,500 houses, located around the site of the former Monktonhall Colliery and the small villages of Millerhill and Newton. This community will have a compact form, with facilities located centrally to maximise their viability and accessibility by all modes of transport. A further 490 houses are proposed on two sites to the north and south of the nearby village of Danderhall. The number of houses proposed is more than that referred to in Structure Plan Policy H7 because that only refers to private owner-occupied housing. Additional capacity (approximately 17%) is required to accommodate social rented housing.

**2.2.7 Proposal COMM1 (Residential Development).** This proposal sets the physical limits for the new residential areas (see Proposals Map) and specifies the number of houses required. It should be read in conjunction with the other policies and proposals contained in the Local Plan eg. relating to design, landscaping, transportation, social housing and implementation. It should also be noted that there will be specific parts of the Proposal COMM1 area that are unlikely to be suitable for development (eg. to protect features of landscape importance).

## COMM1 RESIDENTIAL DEVELOPMENT (PROPOSAL)

Location	Area (approx.)	No. Houses (approx.)
Shawfair	115 hectares	up to 3,500
North Danderhall	8 hectares	190
South Danderhall	13 hectares	300
<b>Total</b>	<b>136 hectares</b>	<b>up to 3,990</b>

### Notes

- 1) The Lothian Structure Plan 1994 requires land for 4000 private owner-occupied houses to be allocated in the South East Wedge as a whole. Additional capacity is considered to be required for social rented housing, and so the total number of houses to be accommodated in the South East Wedge is 4,800 (3,990 in Midlothian). It should therefore be noted that if fewer social rented houses are proposed, the numbers above will reduce accordingly.
- 2) Subject to (1) above, the maximum number of houses permitted in the new community will be 3,500. This includes any housing development on the former Monktonhall Colliery (see Proposal COMM3).

**2.2.8 Policy COMM2 (Social Housing).** Social housing is that which is available to either lower income households or particular needs groups within the community who do not have access to the general housing market. Housing needs studies undertaken independently by the Lothian Councils have identified varying levels of local need for social housing. There is little guidance on the provision of such housing within a new community such as Shawfair, where the provision of a range of house types and opportunities is a key planning objective. The South East Wedge is a strategic land allocation that has the potential to make a significant contribution to the region-wide need for social housing. It is therefore considered appropriate to take a broad based and flexible approach to social housing provision in the Local Plan area.

**2.2.9** Based on current information, the Council is of the view that there should be approximately 20% social housing within the new and extended communities. In order to create balanced communities it is desirable to evenly distribute such housing through the development areas.

**2.2.10** The Council will consider a broad range of

mechanisms to achieve the necessary supply of social housing in the Local Plan area, and will work closely with developers, Communities Scotland and Registered Social Landlords (RSLs) to secure this. Communities Scotland have indicated that the South East Wedge is a strategic priority for them, and it is likely to provide, where required, some subsidy for RSL developments in the Local Plan area. Developers will be required to provide sufficient funding in addition to this to achieve the overall social housing requirement. Because of the lengthy period over which the new communities will be developed and likely fluctuations in the housing market, it is not possible to accurately predict what will constitute an affordable home at any point in time. It is also the case that there are differences between people unable to enter the private housing market in terms of what they can afford. In terms of affordable housing provision, there may be a number of means by which this can be achieved, and preferences may vary depending on particular issues relating to individual sites. It is therefore not appropriate for the Local Plan to be overly prescriptive in regard to the mechanisms used to secure affordable housing, nor precisely define what constitutes an affordable home. However, it is considered

appropriate that at least half of the social housing identified in Policy COMM2 is affordable and suitable for people on waiting lists approved by the Council. The remainder should provide an appropriate range of affordability, and might include shared equity/ownership schemes. Economic considerations relative to individual sites, including infrastructure costs and relevant market conditions, will be taken into account, together with the availability of subsidy from Communities Scotland.

**2.2.11 Proposal COMM3 (Former Monktonhall Colliery).** The former Monktonhall Colliery site is now largely disused and represents a significant development opportunity. However, the site is affected by mine-workings and a continuing mine-water pumping operation, and the precise manner in which it can be developed depends upon detailed analysis of its suitability to accommodate particular uses, and the preferred physical relationship between uses within and outwith the site.

**2.2.12** The former colliery site could form a transition

zone between the predominantly community related development proposed to the north, west and south, and the business/industrial uses proposed to the east, adjacent to Millerhill Marshalling Yards (see Section 2.4 Economic Development). Proposal COMM3 allows for a variety of uses on the former colliery site, although it is recognised that not all of these may be necessary or feasible. The Development Masterplan (see Policy IMP2) will be required to indicate the nature and distribution of proposed development on the site. The possibility of a temporary rail link into Monktonhall Colliery and station that could provide public transport at the outset of development is currently being promoted by the landowner. However, because the Council has doubts regarding the feasibility and practicality of this, it is not identified in Proposal COMM3, though it is not precluded. Nevertheless, given the uncertainties of delivering any proposed rail alignment it is prudent to safeguard the existing disused line. Any proposal must not jeopardise the funding and implementation of either the Waverley Line (in whole or part), or a rail station at the heart of the Shawfair community (see Proposal COMM4).

## COMM2 SOCIAL HOUSING (POLICY)

The provision of approximately 20% social housing within the housing areas allocated in Proposal COMM1 is required, and this should be evenly distributed through the development areas.

The Council will seek to agree an appropriate level of funding from Communities Scotland. Developers will be required to provide additional funding, sufficient to secure the overall amount of social houses required.

## COMM3 FORMER MONKTONHALL COLLIERY (PROPOSAL)

The following development will be supported, as appropriate:

- A. Business (Class 4) and industry (Class 5).
- B. Residential development if appropriate and necessary to integrate with development promoted in Proposal COMM1\*.
- C. Plant required in connection with a district heating/combined heat and power scheme, if feasible (see paragraph 2.9.13).
- D. Uses compatible with and beneficial to the development of the new community, subject to proposals consisting primarily of retail or leisure floorspace being assessed against the 11 tests set out in paragraph 45 of NPPG8.

\* the total number of houses in Proposals COMM1 (*Shawfair*) and COMM3 shall not exceed approximately 3,500.

**2.2.13 Proposal COMM4 (Town Centre).** It is important that the new community has a central, viable and vibrant focus of activity, accessible to the whole population. The required provision includes shops, medical facilities and community services. Also, taking into account the latest information in regard to the likely proposed alignment of the Waverley rail line, a preferred location for any rail halt and associated park and ride is within or at the edge of the town centre (see Section 2.5.20 and Policy TRAN3).

**2.2.14** The exact location and boundaries of the town centre cannot be defined at this stage, as this will depend on detailed consideration of factors such as the exact location of transport infrastructure, the overall design concept, the proportion of any residential component, ground conditions and impact on existing housing. Proposal COMM4 is therefore shown as a symbol on the Proposals Map. This represents the most central position in the proposed new community that, in principle, will be the most accessible to the population as a whole, particularly pedestrians. However, it is recognised that there may be practical reasons, such as those mentioned above, why an alternative location may be

appropriate. Within this context though, the town centre should be located centrally to the new Shawfair community.

**2.2.15** The Development Masterplan will be required to show in detail the manner in which the town centre is to be developed including the location, type and distribution of development, design and landscape concepts, and areas of amenity open space. Particular emphasis should be placed on the overall design of the town centre and the manner in which various uses relate to each other. It is critical to the success of the new community that its centre is an attractive place where people will wish to socialise and undertake their day to day business.

**2.2.16** In addition, Danderhall Leisure Centre requires to be upgraded to serve the expanded community.

**2.2.17 Policy COMM5 (Local Shops).** Local convenience shops may be required to serve the incidental shopping needs of those new housing areas furthest from the town centre. The number and location of these will depend, amongst other things, on the location and scale of the town centre.

#### **COMM4 TOWN CENTRE (PROPOSAL)**

The following provision shall be made in the town centre<sup>†</sup>:

- A. A supermarket of up to approximately 6000 square metres gross floorspace.
- B. Unit shops of a number, size and location necessary to serve local needs. This shall be determined in consultation with the planning authority, and specified in the Development Masterplan.
- C. A range of community facilities, including a sports centre\*, community meeting rooms, a medical centre, post office, banking, and a library. The scale and nature of these facilities shall be determined in consultation with the planning authority.
- D. A public park including children's play equipment.
- E. A site for a rail halt shall be safeguarded (see Policy TRAN3), the location of which should maximise accessibility. Associated with this there shall be safeguarded a car park of 100-200 spaces (precise size to be determined after further study) which may enable a limited park and ride function to develop.

Other uses appropriate to the town centre (eg. hotel, places of worship) will also be permitted, so long as their scale and number is compatible with the size of the community.

<sup>†</sup>The town centre will be a local centre of a very high order. Although it will not be a strategic shopping centre, its unique importance to the new Shawfair settlement demands that it enjoys (exceptionally) the protection afforded to town centres by NPPG8. This protection can only be against other potentially competing retail and other town centre uses in the local plan area.

\*It may be appropriate to locate the sports centre outwith the town centre, closer to the outdoor sports facilities referred to in Proposal COMM6 (as shown on the Indicative Development Framework Plan in the Shawfair Development Manual).

#### **COMM5 LOCAL SHOPS (POLICY)**

Local convenience shops may be required in residential areas. The requirements for provision will be determined by the Council, following discussion with relevant parties.

**2.2.18 Proposal COMM6 (Outdoor Recreation Facilities).** Provision requires to be made for outdoor recreational pursuits. The area most suited to such uses is between Danderhall and the new Shawfair community, and to the north of Shawfair. This is easily accessible to both communities and will also secure an active non-development use for an area of Green Belt that may no longer be suitable for agriculture following development of adjacent areas. Parts of the area between Shawfair and Danderhall are likely to be suitable for sports pitches, whilst the area to the north of Shawfair may accommodate a community woodland. The space needed for outdoor recreation facilities may extend into the proposed Shawfair community as defined by Proposal COMM1, and this will be a matter to be addressed through the master planning process. The Development Manual will address the requirements in greater detail, as well as the need

for additional areas of recreation, woodland and amenity open space to be dispersed throughout the Local Plan areas.

**2.2.19 Policy COMM7 (Children's Play Facilities).** Appropriate public provision shall be made for children's play throughout the new residential areas, in accordance with National Playing Fields Association guidelines and the terms of the Development Manual.

**2.2.20 Policy COMM8 (Non-Allocated Housing Sites).** Within the existing urban areas, unforeseen housing development opportunities may arise. These include gap sites, conversions and demolition sites. Such development will be permitted in appropriate circumstances as detailed in Policy COMM8.

#### **COMM6 OUTDOOR RECREATION FACILITIES (PROPOSAL)**

Within the area shown on the Proposals Map, the following minimum provision shall be made:

- A. Community woodlands and parkland.
- B. 4 full size grass sports pitches.
- C. 1 full size synthetic sports pitch and floodlighting.
- D. 1 synthetic multi-sport area.
- E. 1 cricket square.
- F. 2 bowling greens.
- G. Changing facilities.

#### **COMM7 CHILDREN'S PLAY FACILITIES (POLICY)**

Children's play facilities shall be provided within residential areas in accordance with National Playing Fields Association guidelines and the Council's existing policies for such provision.

#### **COMM8 NON-ALLOCATED HOUSING SITES (POLICY)**

Where infrastructure is available, housing development on non-allocated sites within the existing built-up areas, including the reuse of buildings and redevelopment of brownfield land, will be permitted, provided that:

- A. it does not lead to the loss or damage of valuable public or private open space;
- B. it does not conflict with the established land uses of the area;
- C. it has regard to the character of the area in terms of scale, form, design and materials; and
- D. it does not conflict with other policies and proposals in the Plan.

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## 2.3 Design and Landscape

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**2.3.1 Background.** The character of Edinburgh and its neighbouring towns has suffered in the past from the development of mundane or unattractive housing schemes. Midlothian Council is determined that this should not be repeated in the Local Plan area. The new and extended communities that are being promoted here will therefore be required to incorporate the highest standard of design, and to be set within an attractive landscape framework.

**2.3.2 National Policy.** NPPG1 (The Planning System) indicates that development plans should include broad design parameters based on sound analysis of the character of the area. It states that local plans should set a framework within which developers can work, addressing issues of context and form such as scale, layout, density, massing and height. It goes on to say that more detailed issues can be dealt with in Supplementary Planning Guidance. NPPG3 (Land for Housing) indicates that new settlements provide an opportunity to improve standards of layout and design. It states that developers should aim for a high quality of design and landscape in all new housing developments, with particular emphasis upon:

- ❖ The shape, layout and form of development and its impact on the surrounding area.
- ❖ The choice of materials, with colours and textures that complement development in the locality.
- ❖ Well-designed schemes that respect both the local environment and the landscape setting.
- ❖ The visual impact of new developments as seen from major roads and rail routes.

PAN44 (Fitting New Housing Development into the Landscape) provides further detailed advice on such issues, and is commended to developers. PAN49 (Local Planning) advises that local plan policies should address the spaces between and around buildings, which can be important in maintaining and enhancing the environmental quality of an area.

**2.3.3** NPPG14 (Natural Heritage) recognises that landscape contributes to the identity of an area and quality of life, as well as providing a setting for

recreational and education activities. Local plan policies are therefore required to protect and enhance landscape quality, identify opportunities to extend native woodland and, more generally, to protect and enhance natural heritage.

**2.3.4 Structure Plan Policy.** This specifies the need to create a quality mixed development accessible by public transport. The Structure Plan states that open areas should be maintained to avoid the coalescence of existing communities, and identifies the particular requirements to maintain a green expanse straddling the City and Musselburgh Bypasses, and to create a new inner boundary for the Green Belt in the longer term.

**2.3.5 Local Plan Policy.** The Local Plan's design and landscape policies are intended to provide the context for the delivery of a high quality environment that will look attractive and provide a desirable place for people to live and work.

**2.3.6 Policy DES1 (Design Principles).** The new development will be laid out as structured neighbourhoods based on sustainable civic design principles. The better points of traditional villages, such as sense of place and community and easy access to green space should be combined with the best urban qualities such as attractive townscape, lively street scenes, and a range of facilities. The Council will require high quality design and a form of development that creates a pedestrian scale environment. Although innovative architectural approaches will be supported, the designs and layouts promoted should be rooted in the traditional vernacular styles of the Lothians. This means that some of the styles of development seen in many suburban housing schemes built over the past few decades across Scotland will not be acceptable here.

**2.3.7** As explained in Section 2.10 (Implementation), the Council has prepared supplementary planning guidance in the form of a Development Manual. Amongst other things, this addresses design and landscape issues in more detail (see Policy IMP1). The Development Manual, in conjunction with the policies contained in the Local Plan, provides the basis for the submission of a Development Masterplan (see Policy IMP2) and subsequent detailed planning applications.

## **DES1 DESIGN PRINCIPLES (POLICY)**

The Council will require a high standard of design in all new development. New development will require to reflect the following principles:

### **Architecture**

Design should be rooted in the traditional vernacular styles of Lothian's older towns and villages. Innovative design of appropriate quality will be encouraged. Traditional local architecture is generally characterised by simplicity of appearance. Generally, therefore, overelaborate designs should be avoided.

### **Scale**

Creation of a human scale environment. The height of buildings should generally not exceed two and a half storeys, except to create variety in architectural form, or where the use or location of particular buildings justifies a grander scale e.g. town centre buildings.

### **Layout**

Layout of development should reflect the traditional forms apparent in Lothian's older towns and villages, and, in the new community, should focus upon the town centre where community facilities will be concentrated. Buildings, open space and landscaping should be laid out to create a sense of enclosure, with a series of linked spaces incorporating interesting views. An emphasis on linked (as opposed to detached) housing will assist in achieving enclosure. Generally, houses should front directly on to the road, and should have private back garden space. In areas of denser housing, large front gardens should be avoided as this can disrupt the desired sense of enclosure.

### **Density**

Generally, housing densities should be highest in and around Shawfair town centre and local facilities, decreasing towards the outskirts. Densities should be upwards of 45 units per hectare net (excludes open space but includes abutting roads from which houses directly access) in the highest density areas and otherwise between 15 and 20 units per hectare net. This approach will help avoid unsatisfactory suburban layouts.

### **Materials**

Buildings should be finished with materials of a type similar to those used traditionally in the Lothians. Walls should be wet dash rendered or stone finished in most cases, and roofs should generally be clad with natural slates or clay pantiles. Alternatives may be acceptable, if of comparable appearance or where environmental impacts can be significantly reduced (See Policy UTIL5).

**2.3.8 Policy DES2 (Landscaping and Open Space).** Landscaping has a major role in enhancing the setting of new development - softening its impact in exposed areas, linking town with country, unifying urban form, creating local identity, enclosing public spaces and providing

habitat for wildlife. Open space is an essential part of the built environment. It gives visual amenity, allows for formal and informal recreation, and can provide the setting for important buildings.



## **DES2 LANDSCAPING AND OPEN SPACE (POLICY)**

- A. New development will be accommodated within a scheme of structural landscaping designed to minimise any harmful visual impact of development on the wider landscape and, more generally, to integrate development attractively into that landscape. It will comprise native woodland tree species in groups, belts and larger woodlands.
- B. Landscaped spaces will be required to assist in integrating existing and new development, as well as providing buffers between potentially conflicting types of development.
- C. Landscaping within development areas shall be designed to give visual enclosure, add colour and interest, and provide shelter.
- D. Open space shall be provided within areas of residential development. These shall take the form of small parks providing for informal recreation and children's play. Opportunities should be sought to incorporate safe water features in conjunction with Sustainable Urban Drainage Systems.

The Shawfair Development Manual provides further detailed guidance on landscaping requirements. Specifically, it contains a plan showing a preferred scheme of structural landscaping.

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## 2.4 Economic Development

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**2.4.1 Introduction.** In order to accommodate future growth in Lothian's economy, there is a need generally to provide land for businesses and industry. Given the proximity to Edinburgh and Midlothian's labour markets, and the major housing growth being promoted, it is appropriate to encourage new economic development in the Local Plan area.

**2.4.2 National Policy.** NPPG2 (Business and Industry) sets out Government guidance for the development of business and industry, as follows:

- ❖ to give priority to job creation and economic development;
- ❖ to provide an adequate amount of marketable land for business and industry and an improved range in terms of quality, size and location;
- ❖ to ensure that business and industrial development does not lead to unacceptable damage to the environment;
- ❖ to identify locations for new development which minimise the length and number of vehicle trips; and
- ❖ to discourage new development where it would be likely to add unacceptably to congestion.

**2.4.3 Structure Plan Policy.** This places considerable emphasis on the need to build on past success by providing high quality business sites, and in Lothian proposes the allocation of up to 100 hectares of new land. The Structure Plan indicates that the South East Wedge offers scope for promoting economic development in an area where there is less congestion, a shortage of land for economic development, high levels of unemployment nearby, and

potential for improved public transport for work trips. It proposes that up to 30 hectares of additional land for economic development may be allocated within the South East Wedge, and stipulates that local plans should indicate whether general industry or business use is appropriate for each locality.

**2.4.4 Local Plan Policy.** The Local Plan promotes business and industrial development on sites already allocated for those uses, as well as new ones. As well as providing for wider needs, these sites will provide employment opportunities for new residents and people already living in the area, helping to create a sustainable pattern of development where people are able to live close to their place of work.

**2.4.5 Policy ECON1 (Established Industrial Land Supply).** The former Monktonhall Colliery and adjacent land to the west of Millerhill Marshalling Yards are part of the established industrial land supply. The Local Plan continues to promote these sites for business and industrial uses, although as explained in Section 2.2, the former colliery site has the potential to accommodate a variety of uses (see Proposal COMM3). Policy ECON1 is therefore applicable to the land adjacent to the marshalling yards. In particular, this area may be suitable for rail connected distribution and employment uses, and expansion of rail marshalling and terminal facilities. Adjacent uses will need to be configured so as to avoid conflict between new development and the existing operation at Millerhill Marshalling Yards. Access issues relating to this site and the former colliery are addressed in Section 2.5 (Transport).

**2.4.6 Policy ECON2 (Millerhill Marshalling Yards).** The marshalling yards provide the largest such facility in south east Scotland, and Policy ECON2 reflects their current use.

### ECON1 ESTABLISHED INDUSTRIAL LAND SUPPLY (POLICY)

Business (Class 4), industry (Class 5) and distribution (Class 6) will be permitted on land adjacent to Millerhill Marshalling Yards, provided there is no conflict with other Local Plan policies. Proposals for non-employment generating uses will not be permitted.

### ECON2 MILLERHILL MARSHALLING YARDS (POLICY)

The continuing use and expansion as rail marshalling yards is supported. Business (Class 4), industry (Class 5) and distribution (Class 6) will be permitted.

**2.4.7 Proposal ECON3 (Economic Land Allocations).** Two major new economic land allocations are proposed, to the north and south of the Local Plan area, in locations accessible to existing and future residents.

**2.4.8** A smaller economic land allocation is identified at Hunter's Yard on the Wisp. Business development here will help provide local employment opportunities.

**2.4.9 Landscape and Design.** New business and industrial development requires to be well integrated into the landscape through good quality design and appropriate landscape planting. Section 2.3 of the Local Plan indicates design and landscape requirements. Although not all of these will be applicable to economic development sites, account should be taken of the objectives and principles outlined.

**2.4.10 Policy ECON4 (Working from Home).** There is an increasing trend for people to work from home,

and this has the obvious benefit of reducing travel to work. This trend reflects advances in electronic communications systems, and it is considered important that new residential development facilities incorporate the latest technological developments. There may also be demand for workshop homes, where individuals can run their own business from accommodation integral or adjacent to their living space. The development of a limited number of workshop homes will therefore be encouraged within residential areas, so long as it can be undertaken without harming local amenity, does not involve direct retail sales and does not encourage significant vehicle movements.

**2.4.11** The Development Masterplan should outline proposals for incorporating computer electronic technology to allow for home working and indicate provision to be made for workshop homes.

### **ECON3 ECONOMIC LAND ALLOCATIONS (PROPOSAL)**

Business (Class 4) and industry (Class 5) uses will be permitted on the sites identified below, provided there is no conflict with other Local Plan policies. Proposals for non-employment generating uses will not be permitted.

A. Whitehill Mains	13 hectares
B. Todhills	9 hectares
C. Hunter's Yard	1.5 hectares

As shown on the Proposals Map, the Todhills allocation is combined with a park and ride allocation. This provides for some flexibility in the precise location of each use within the footprint shown. See Policy TRAN3 also.

### **ECON4 WORKING FROM HOME (POLICY)**

Working from home and a limited number of workshop homes will be supported, provided this does not harm local residential amenity, does not involve direct retail sales, and does not encourage a significant amount of vehicle movements.

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## 2.5 Transport

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**2.5.1 National Policy.** NPPG17 (Transport and Planning) advises that planning authorities should ensure that development strategies are consistent with the aim of reducing travel demand and put greater reliance on means of transport other than the private car. The guidance recognises that the relationship of homes to other uses has a large potential to influence travel demand in terms of transport type and length of journey. Further, it states that the development of new settlements and expansion of existing settlements for housing should give greater weight to locations able to be well integrated into effective networks for walking, cycling and public transport. Access to jobs and facilities should also be a prime consideration.

**2.5.2 Structure Plan Policy.** The Structure Plan strategy accords with the principles of NPPG17. In relation to the Local Plan area, it indicates that high quality public transport facilities and infrastructure should be promoted, with layouts and densities which favour public transport, cycling and walking.

**2.5.3 Local Plan Policy.** The approach adopted in the Local Plan area is based upon the need to create a network which is less car dependent, allows for good quality and accessible public transport, is well orientated towards pedestrians and cyclists, and is safe.

**2.5.4** In recent times, much new housing development on the edge of towns and cities in Scotland has been characterised by relatively low density, suburban development with poor access to the public transport network. As a consequence there is a built-in dependence on the private car. A principal aim of this Local Plan is to provide a context for new development that does not encourage such dependence. In order to achieve this it is critical that opportunities are created for the efficient operation of public transport.

**2.5.5** The transport network as a whole should be constructed to allow for easy movement between transport modes. In practice, this means that public transport stops, car parks and the path network should endeavour to converge in particular locations to allow interchange. Such an approach can provide for practical alternatives to whole journeys being undertaken by car. The introduction of rail into the Local Plan area would significantly enhance the prospects of achieving more sustainable travel patterns.

**2.5.6 Roads.** The Local Plan area is well served by the strategic road network with good links to Dalkeith and Midlothian as a whole. To the south is the City Bypass. North from Sheriffhall, the A7 provides the main radial route into the City. To the east, the A1 provides a high-grade route to Edinburgh, East Lothian and beyond. The area's proximity to Edinburgh, and accessibility to the strategic road network make it an attractive location for new development.

**2.5.7** The existing road network within the Local Plan area will require significant expansion to serve the new and extended communities. This will involve the formation of new roads as well as changes to the existing network.

**2.5.8 Policy TRAN1 (Road and Bus Network).** A key component of the approach to transportation within the Local Plan area is the establishment of a movement network that best facilitates viable, good quality and accessible bus services. Possible options have already been discussed with the main bus operators, but further dialogue will be required in respect of the detail of implementation. It is also important that the construction of the road network allows for any future introduction of light rail from Edinburgh.

**2.5.9** To ensure that the road network is not used for "rat-running" to and from Edinburgh (e.g. from Sheriffhall to Fort Kinnaird), sections of it will require to be designed to make such movements unattractive or impossible.

**2.5.10** Routes that would require lengthy looped bus services should be avoided. Where possible, bus stops should be located in areas of activity, the town centre being an obvious example. Clear and direct pedestrian routes to bus stops are essential. Internal roads should be designed in a manner that prioritises pedestrians and cyclists, and is safe for children. The roads authority will seek to impose a maximum speed of 20mph, but consideration should also be given to physical traffic calming measures such as mixer courts.

**2.5.11** The road network should allow major destinations (e.g. town centre, rail stations, park and ride) to be accessed as directly as possible, whilst not conflicting with other objectives such as safety and creating a high quality environment. A possible primary road network is shown on the Proposals Map, and this may be subject to change depending on a variety of factors including; the actual distribution and type of development, the location of rail infrastructure and associated park and ride, the prospects for the introduction of light rail, and further dialogue with bus operators and developers.

**2.5.12** As development of the area progresses, some existing road closures are likely to be required. This will prevent "rat-running" and the use of sub-standard roads. Before decisions on road closures are made, analysis of traffic volume and movement will be undertaken, and the public consulted. Subject to further analysis, the following routes may be affected:

- ❖ the Wisp;
- ❖ the A6106 between Hilltown and Newton Village;
- ❖ the B6415 through Millerhill;
- ❖ the Hilltown road (restrictions already in place);
- ❖ the Cauldcoats Farm road;
- ❖ Whitehill Road;
- ❖ the Newton Village/Harelaw Road.

## TRAN1 ROAD AND BUS NETWORK (POLICY)

The principal road network to serve new and existing development is shown on the Proposals Map. The network shown is indicative of preferred routes based on current information and may therefore be subject to alteration. Alternatives will, however, require to achieve the objectives and respond to the issues outlined in paragraphs 2.5.3 - 2.5.14.

The road and bus network will be developed in accordance with the following principles:

- A. Priority will be given to public transport, pedestrians and cyclists, as appropriate to the function of the road.
- B. Roads will be designed to prevent “rat-running” through or adjacent to residential areas.
- C. Roads will be routed with particular consideration given to the efficient operation of bus services.
- D. Where appropriate, provision for future light rail development will be made.
- E. The new road network should be phased in a manner that minimises the impact of construction traffic on existing residential areas.

**2.5.13 Access to the Monktonhall/Millerhill Economic Development Land.** The former Monktonhall Colliery and the land adjacent to Millerhill Marshalling Yards are proposed to accommodate economic development (Proposal COMM3, Policy ECON1). However, there are road access issues. In the longer term, it is most unlikely that access could be obtained via the existing road access into Monktonhall as this will be a predominantly residential area, unsuitable for industrial traffic. Access from the north might be obtained via the Whitehill Mains business site allocation (Proposal ECON3), which will be linked into the Kinnaird Park road network. However, this presents a relatively convoluted route in respect of the wider strategic road network. An alternative option would be the construction of a road linking the Sheriffhall junction to the marshalling yards area, avoiding existing and proposed residential development. Whether or not this is technically feasible requires further analysis.

**2.5.14 Safeguard TRAN2 (A720/A68 Junction and Link Road Safeguard).** As described below and shown on the Proposals Map, this indicative route is safeguarded. Whether or not it is implemented will depend to a varying degree on a number of factors, including:

- i) The feasibility of major economic development in the Monktonhall/Millerhill area.
- ii) The possibility of preferable alternatives to access this area.

- iii) The availability of funding.
- iv) A future decision to construct the A68 northern Dalkeith Bypass.
- v) Any road and junction here having an acceptable impact on Newton House (a listed building) and its setting, which is included in the Inventory of Gardens and Designed Landscapes.
- vi) Any road or junction here having an acceptable traffic impact on the A720 City Bypass. In this regard, it should be noted that traffic using the road would be restricted to vehicles connected with future economic uses in the Monktonhall/Millerhill area and access to any park and ride in that vicinity.

Should it be demonstrated that a link road is necessary and feasible, a formal alteration to the Local Plan will be required to translate this safeguard into a proposal. This will allow full consideration of its implications, including the opportunity for parties to object. Having regard to paragraph 64 of NPPG17, the potential importance of this road link is such that it is considered appropriate to identify an indicative route on the Proposals Map.

**2.5.15** Further detail on the manner in which the road network should be developed is contained in the Shawfair Development Manual.

**2.5.16 Policy TRAN3 (New Rail Lines, Stations and Park and Ride).** Rail is a relatively sustainable form of travel, and the Local Plan supports the development of a rail network in the Local Plan area. Since publication of the South East Wedge Joint Development Study, the prospect of this has advanced.

**2.5.17** Funding has recently been announced towards the Crossrail project that, amongst other things, will allow the development of a rail halt and park and ride facility at Kinnaird Park, providing a passenger service to the City centre. Ultimately, there may be the prospect of linking this into a re-opened Edinburgh South Suburban Line. It would appear to be relatively straightforward to extend the Kinnaird Park rail link into the Local Plan area.

**2.5.18** Funding has also been made available to progress the Waverley Line to Parliamentary Order stage. A further prospect is the re-opening of the Loanhead line, with the possibility of this being extended to Penicuik.

**2.5.19** Although there remains uncertainty regarding the implementation of these proposals, it is considered appropriate that the Local Plan strategy take account of prospects for rail based transport. The development pattern promoted in Section 2.2 (The New and Extended Communities), and as shown on the Proposals Map, is therefore orientated to take advantage of such provision.

**2.5.20** The Proposals Map shows the likely route of the new rail lines and associated stations and park and ride. It should be noted that these are indicative only, and further detailed analysis is required to establish the exact routeing. The main elements are as follows:

- ❖ A re-aligned Waverley Line with a new station and associated park and ride located within or next to the town centre, central to the new community (see Proposal COMM4). It should be noted that the actual proposed route of the railway will be determined through a separate statutory process from this Local Plan i.e. a Bill being pursued through the Scottish Parliament to grant powers to construct the line. Consequently, the Local Plan can neither determine the route nor, at this stage, be certain as to what it will be. It is therefore important that development does not prejudice its implementation. The indicative route shown on the Proposals Map reflects the currently preferred alignment and rail station location being considered by the Waverley Group (including representatives from Midlothian, Scottish Borders and City of Edinburgh Councils). A key objective of the Local Plan is to ensure that the residents of Shawfair have easiest possible access to a train station, and the current preferred alignment provides for this.
- ❖ The Loanhead line with a new station and associated park and ride at Todhills.

### **TRAN2 A720/A68 JUNCTION AND LINK ROAD (SAFEGUARD)**

A route linking the A720 City Bypass to the B6415 facilitating access to the proposed rail station and park and ride and business land allocations (Proposals COMM3, COMM4 and Policy ECON1) is safeguarded.

The route shown on the Proposals Map is indicative only. Its actual location and design (including landscaping) should have appropriate regard to the amenity and setting of Newton House.

A formal alteration to the Local Plan will be required to translate this safeguard into a proposal.

### **TRAN3 NEW RAIL LINES, STATIONS AND PARK & RIDE (POLICY)**

The proposed rail lines, stations and associated park and ride sites are shown on the Proposals Map. The locations shown are indicative of preferred requirements based on current information, and may therefore be subject to alteration, particularly in respect of further detailed technical appraisal and the procedures leading to Parliamentary consent.

Development that would prejudice the implementation of the Waverley and Loanhead rail lines and associated stations will not be permitted. Furthermore, new development should seek to facilitate their implementation.

As shown on the Proposals Map, the Todhills park and ride facility is combined with the economic allocation promoted in Proposal ECON3. This provides for some flexibility in the precise location of each use within the footprint shown. The disposition of the two uses should nevertheless ensure that the park and ride occupies a prominent and easily accessible site, appropriate to such a use.

**2.5.21 Policy TRAN4 (Cycleways and Paths).** An important objective of the Local Plan is to promote opportunities for walking, cycling and horse riding for travel to work and for recreational purposes through the provision of a planned, well managed and safe path network. The structure of the network will be based on the following types of path:

- ❖ **Local service paths** - predominantly hard surfaced paths linking residential areas with shopping centres, leisure facilities, schools and other local amenities.
- ❖ **Strategic paths** - predominantly hard surfaced routes linking new development with neighbouring areas and the regional cycle network. These paths must accommodate walkers, cyclists and, where appropriate, horse-riders.
- ❖ **Countryside paths** - informal paths linked from residential areas into the countryside for recreational purposes.

**2.5.22 Policy TRAN5 (Car Parking).** Provision for car parking is clearly necessary, but if poorly integrated it can spoil the appearance of an area. Car parking in front of houses is therefore to be avoided as this can result in an unattractive clutter of vehicles, and make it difficult to realise the aims outlined in Section 2.3 (Design and Landscape). Parking should therefore be confined to the rear of houses or to the edge of groups of houses, in secure but unobtrusive locations. Within the new town centre, parking should be very carefully considered, particularly in regard to the proposed supermarket. Such development usually incorporates highly

visible and expansive car parks. This approach will not be acceptable here, where the requirement is for the creation of a high quality and attractive pedestrian scale environment. The detailed car parking standards to be applied in the Local Plan area are specified in the Shawfair Development Manual.

**2.5.23 Policy TRAN6 (Sheriffhall Roundabout).** The A720/A7 Sheriffhall roundabout adjoins the Shawfair Local Plan area, and is its principal link to the trunk network i.e. the A720 City Bypass. The grade separation of this junction is included in the Structure Plan list of schemes to be safeguarded, and it continues to be an increasingly major point of congestion. The roundabout was at or near capacity by 2002, and the situation will worsen as traffic levels in the area increase, irrespective of the proposals contained in this Local Plan. The Local Plan promotes a strategy that encourages the use of public transport as an alternative to the car, but this will not address the existing problem. The Scottish Executive, whose predecessors approved the allocation of development land in the South East Wedge, and who have responsibility for trunk roads, are therefore urged to afford a high priority to implementing grade separation. The Council has recently been awarded Public Transport funding towards a foot/cycle bridge across the roundabout.

**2.5.24 Policy TRAN7 (Green Transport Plans).** NPPG17 encourages the production of Green Transport Plans for significant travel generating uses. The plans should set out proposals for more sustainable travel patterns and relate to local targets for the promotion of walking, cycling and public transport.

#### **TRAN4 CYCLEWAYS AND FOOTPATHS (POLICY)**

New development will be required to be associated with a structured path network, including local, strategic and countryside paths, as outlined in the paragraph 2.5.21. The path network should be shown in the Development Masterplan.

#### **TRAN5 CAR PARKING (POLICY)**

The design and layout of development should provide for secure and unobtrusive car parking and shall comply with the requirements of the Shawfair Development Manual.

#### **TRAN6 SHERIFFHALL ROUNDABOUT (POLICY)**

Midlothian Council urges the Scottish Executive to implement the grade separation of the A720/A7 Sheriffhall Roundabout.

#### **TRAN7 GREEN TRANSPORT PLANS (POLICY)**

The outline planning application (see Policy IMP2) shall be accompanied by a Green Transport Plan. Subsequent detailed planning/reserved matters applications shall also be accompanied by such plans where necessary.

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## 2.6 Education

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**2.6.1 Background.** It is necessary that sufficient land is made available to accommodate the required educational infrastructure to support development uses. The Local Plan also provides a policy framework that will ensure delivery of funding for schools (see Section 2.10 - Implementation).

**2.6.2 Structure Plan Policy.** In general, the Structure Plan's development strategy seeks to maximise the potential of existing schools to accommodate children from new housing, where possible proposing the allocation of housing land close to where anticipated spare capacity would exist. However, the amount of housing development proposed in the Local Plan area necessitates the building of new and extended schools.

**2.6.3 Local Plan Policy.** The existing primary schools serving the Local Plan area are Danderhall Primary and St David's Primary in Dalkeith. The secondary schools are Dalkeith High School and St David's High School. These schools are full or nearly full. A new Schools Community Campus is being developed in Dalkeith through Public Private Partnership. This comprises two secondary schools with shared facilities, special needs school provision and a

new primary school with nursery facilities. The secondary and special needs schooling will serve the Local Plan area. New and extended primary schools/nursery provision are therefore required within the Local Plan area.

**2.6.4 Policy EDUC1 (New Education Facilities).** This specifies the required provision for new education facilities.

**2.6.5 Location of New Schools.** The location of the new primary schools in the proposed Shawfair community has not yet been determined, and will require to be established as part of the masterplanning process (see Policy IMP2). Obviously, they should be located in accessible locations in the community, and be safely related to the road network. The schools should therefore be linked to residential areas by a comprehensive path network. There may be potential benefits in locating the schools on a central campus close to the town centre. Not only will this be accessible to the community, but will also assist in creating a focus of activity in that location. The schools would be physically at the heart of the community, and would be well positioned to perform a wider community function. The town centre would certainly benefit from dual trips, with parents combining the "school run" with shopping and social activities.

### EDUC1 NEW EDUCATION FACILITIES (POLICY)

The following educational facilities will be required to support housing development in the Local Plan area:

- A. A five class extension to Danderhall Primary School and nursery facilities for at least 30 full time equivalent places.
- B. An extension to Dalkeith High School (to form part of new campus).
- C. An extension to St David's High School (to form part of new campus).
- D. Two non-denominational double stream primary schools to serve the proposed Shawfair community.
- E. A five class denominational primary school (adjacent to one of the schools in D above).
- F. New primary school provision will incorporate nursery facilities of at least 30 full time equivalent places per primary stream.

The refurbishment of Danderhall Primary School is also desirable.

The Development Masterplan will specify how the phasing of new school buildings and extensions will ensure continuous adequate school capacity to serve housing development as it proceeds. It is anticipated that the new schools campus in Dalkeith will be complete by 2003.



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## 2.7 Recycling

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**2.7.1 National Planning Policy.** The Environmental Protection Act 1990 aims to increase the amount of waste being recycled.

**2.7.2 Local Plan Policy.** The Council is committed to reducing the volume of domestic waste going to landfill sites by encouraging recycling. The housing, business and retail development proposed in this Local Plan will therefore be required to incorporate recycling facilities. These should be safe, convenient and unobtrusively located.

### REC1 RECYCLING FACILITIES (POLICY)

Provision shall be made within the Shawfair town centre and new housing and business areas for depositing waste for recycling, where appropriate. Facilities should be within easy walking distance and be located unobtrusively. Containers will require to be provided for clear and coloured glass, cans, waste paper and textiles.

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## 2.8 Vacant and Derelict Land

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**2.8.1 National Policy.** PAN 33 (Development of Contaminated Land) encourages the full and effective use of all land, including that which has been previously developed and is now lying derelict. Reuse can improve the character of an area and reduces the need to use greenfield land for development.

**2.8.2 Structure Plan Policy.** Policy ENV40 states that local plans should contain policies for the rehabilitation of derelict and contaminated land, and identifies north Midlothian as a priority area. Policy ENV41 encourages the treatment of bings to improve their appearance.

**2.8.3 Local Plan Policy.** There are a number of derelict and vacant sites in the Local Plan area, including:

- ❖ The former Monktonhall Colliery site (see Proposal COMM2).
- ❖ Land adjacent to Millerhill Marshalling Yards (see Policy ECON1).
- ❖ Part of Niddrie Bing.
- ❖ Shawfair Bing.

### **2.8.4 Policy DERL1 (Enhancement of Bings).**

Niddrie and Shawfair Bings have potential as informal recreational areas if suitably treated eg. stabilisation, tree planting and path construction. The large scale development proposals contained within the Local Plan present an opportunity to reshape these bings. Fill material for development sites and roads could be taken from them, and Policy RP3 (Agricultural Land) promotes the transfer of soil removed from development sites to provide a substrate for tree and plant growth. The Shawfair Development Manual will provide further guidance on enhancement measures.

**2.8.5** Scottish Enterprise has a continuing remit to improve the environment by removing major areas of dereliction. Within the context of bing enhancement, there may be opportunities to accommodate economic and/or recreational development. Where environmental benefits could be achieved, such uses may therefore be supported, if in line with other Local Plan policies and proposals.

### **DERL1 ENHANCEMENT OF BINGS (POLICY)**

Midlothian Council will seek the enhancement of bings in partnership with other agencies. The proposed after uses should not conflict with other Local Plan policies and proposals. Where appropriate, consideration will be given to developing the sites for informal recreational use, and utilising Midlothian's Local Biodiversity Action Plan to develop and enhance the sites' wildlife value.

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## 2.9 Infrastructure

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### Drainage and Water Supply

**2.9.1 Introduction.** The substantial amount of new development proposed in the Local Plan area will require to be served by enhanced drainage and water supplies. The latter will require to be extended and upgraded as development progresses.

**2.9.2** Development requires to be drained on a separate system with surface water discharged via Sustainable Urban Drainage Systems (SUDS), and foul flows likely to be discharged to the recently completed Esk Valley Sewer and the Edinburgh sewer network via off-site sewers. Water supply would be available from trunk mains via suitable off-site infrastructure. Development should be managed to ensure that, where possible, infrastructure is provided with equitable cost allocations to all developers.

**2.9.3 Policy UTIL1 (Sustainable Urban Drainage Systems).** Surface water discharges will be required to comply with the guidance outlined in the document "Sustainable Urban Drainage Systems: Design Manual for Scotland and Northern Ireland". SUDS are more sustainable than traditional drainage systems because they better protect and enhance water quality; are sympathetic to the environmental setting of communities; and provide habitats for wildlife. Typical features include swales, wetlands and ponds that can also provide visual

interest within and on the edge of developed areas.

**2.9.4** The Shawfair Development Manual provides detailed guidance on the implementation of SUDS and foul water treatments systems, including the possible location of significant water features.

### Telecommunications

**2.9.5 Introduction.** Circular 25/1985 (Telecommunications Development) requires planning authorities to encourage the growth of telecommunications and to be aware of the special needs and technical requirements of such developments.

**2.9.6 Structure Plan Policy.** ENV54 indicates that whilst complying with national policy the development of telecommunications should not mean that the appearance of buildings, towns and the countryside should be allowed to suffer serious damage and a balance needs to be struck between the specific locational requirements of the development and the need to protect features of acknowledged importance.

**2.9.7 Policy UTIL2 (Telecommunications).** Telecommunications are becoming increasingly important, especially in relation to employment. Whilst Midlothian Council encourages projects that will improve the

### UTIL1 SUSTAINABLE URBAN DRAINAGE SYSTEMS (POLICY)

Developers will be required to provide Sustainable Urban Drainage Systems for surface water as outlined in the Shawfair Development Manual, and following the principles contained in the SUDS Design Manual.

### UTIL2 TELECOMMUNICATIONS (POLICY)

Proposals for telecommunications developments should be sited and designed to minimise environmental and landscape impacts, taking into account:

- A. Technical and operational considerations.
- B. The possibility of sharing existing telecommunication facilities.
- C. The possibility of erecting radio antennae on an existing building or other structure.
- D. The availability of alternative sites.
- E. Other relevant Local Plan policies.

telecommunications network, it is also aware of the possible environmental impact of the proliferation of such developments. Policy UTIL2 seeks to ensure that telecommunication development has the minimum environmental impact, in visual terms.

## Energy

**2.9.8 Introduction.** The combusting of fossil fuels for energy releases carbon dioxide into the atmosphere, and this is widely accepted as having a major contribution to global warming. The UK Government is committed to substantially reducing CO<sub>2</sub> emissions, partly through a strategy of increased renewable energy generation (e.g. wind, solar, tidal, hydro and geothermal sources).

**2.9.9** Under the 1995 Home Energy Conservation Act, local authorities are responsible for achieving a 30% reduction in energy use in housing over a ten year period. Planning can play a significant role in promoting energy efficiency in new development. NPPG1 (The Planning System) states that planning should encourage energy efficiency through the layout and design of development, and considering the lifecycle of development from the outset. NPPG6 (Renewable Energy) states that the development plan should provide a positive framework for renewable energy development.

**2.9.10 District Heating/Combined Heat and Power (CHP).** Whether fossil fuels or renewable energy sources are being used, it is important that heat delivery systems are efficient. It is relatively inefficient to run normal size boilers and central heating systems for individual houses, as compared with a single common heat and power source. The implementation of a viable CHP/District Heating facility in the Local Plan area will contribute to Midlothian

Council's aspirations for developing environmental and social sustainability initiatives by reducing consumption of fossil fuels and providing cheaper energy. It also has the potential to attract business uses to the area due to exemption from the Climate Change Levy. CHP works best where there is a constant demand for both heating and electricity.

**2.9.11** Midlothian Council is participating in a feasibility study on CHP/District Heating in new build developments, organised by BRE (Building Research Establishment). This study appears to confirm the viability of such systems in the Local Plan area. Further work is also being undertaken to assess the viability of exploiting a geothermal energy source in the form of water in old mine-workings in the area, which is warmed by the heat of the earth.

**2.9.12 Policy UTIL3 (Renewable and Efficient Energy Technology).** This policy encourages renewable and efficient energy production where appropriate. In particular, the former Monktonhall Colliery site may be suited to accommodating plant for a district heating/CHP system (see Proposal COMM3). The site is envisaged as a transitional zone between housing and business uses and a facility could be located here without harming residential amenity, whilst being relatively close to major users.

**2.9.13 Policy UTIL4 (Combined Heat and Power/District Heating).** CHP/DH, if feasible, requires to be implemented at the outset of development so that it can be linked to the heating systems of adjacent buildings. Insulated hot water mains, heated by a central unit, should be put in place at the same time as gas and electricity mains. The development proposals contained within this Local Plan provide a good opportunity to implement CHP/DH. It is important that development patterns are compact to minimise hot water pipe lengths, and that there is a mix of uses to spread heat demand over different time periods.

### UTIL3 RENEWABLE AND EFFICIENT ENERGY TECHNOLOGY (POLICY)

Proposals for development necessary in connection with the efficient production and distribution of energy from renewable and other sources will be supported providing:

- A. There is no conflict with other policies in this Plan or the objectives of the Edinburgh Green Belt.
- B. There is no harmful impact on nearby communities.
- C. A realistic means of securing the removal of equipment when redundant, and restoring the site to a satisfactory condition, are included.

#### **2.9.14 Policy UTIL5 (Sustainable Construction).**

Policy DES1 requires buildings to be finished with materials of a type similar to those used traditionally in the Lothians. An exception to this policy is appropriate where there are significant energy savings to be achieved or gains in terms of reduced environmental impact through novel approaches to materials use.

**2.9.15 Gas.** Transco has indicated that the best means to supply the Local Plan area will be from a new source taken from the transmission pipeline at the junction of the A1/A720. Reinforcement of the existing system will also be required.

**2.9.16 Electricity.** It is anticipated that demand for electricity from the South East Wedge will be met from a new primary substation in the grounds of the Jack Kane Centre at Niddrie. However, there may ultimately be a requirement for

another primary substation, possibly in the area of the former Monktonhall Colliery.

**2.9.17** In the interests of amenity, the Council is of the view that the 33,000 volt twin circuit tower line which runs north-south through part of the new Shawfair community and adjacent recreational areas should be removed and cables placed underground. Scottish Power advises that if undergrounding is required, then, for technical reasons, it should extend from north of Fort Kinnaird shopping centre southward through the Local Plan area. They further advise that this should be carried out as a complete concept, and not carried out in an ad hoc manner to accommodate individual developments.

#### **UTIL4 COMBINED HEAT AND POWER/DISTRICT HEATING (POLICY)**

Unless it can be shown not to be economically viable, a comprehensive as possible scheme of Combined Heat and Power or District Heating will be implemented in conjunction with development proposed in this Local Plan.

The Development Masterplan (Policy IMP2) will identify those areas to be served by the scheme. Justification why other areas are omitted from such a scheme will require to be given. Areas not to be served by such a scheme will generally require to be laid out to facilitate passive solar heating.

The Shawfair Development Manual provides further guidance on this issue.

#### **UTIL5 SUSTAINABLE CONSTRUCTION (POLICY)**

The Council will look sympathetically on the use of types of construction materials which would result in significant energy savings and other reduced environmental impacts compared to conventional solutions. Energy savings will require to be demonstrated through an analysis which takes into account 'cradle to grave' embodied energy as well as the effect on the energy efficiency of the building in use over its lifetime.

#### **UTIL6 POWER LINES (POLICY)**

The 33,000 volt twin circuit tower line passing through the Local Plan area shall be removed and cables placed underground as required, to protect the amenity of proposed development and recreational areas.

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## 2.10 Implementation

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**2.10.1 Introduction.** This Local Plan addresses the single largest development in Lothian for decades. It is Midlothian Council's aim to ensure that the new communities prove to be attractive and sustainable places to live and work, and fulfil the rightful expectations of local people for quality in all aspects of the development process. The development of the area raises special challenges, and delivery of this aim will depend on the willingness of the numerous agencies involved in the development process to support and implement the policies and proposals contained in the Local Plan.

**2.10.2** It is important that new development is brought forward in a co-ordinated manner, that infrastructure and community facilities are available, and that sites are well integrated into the landscape, minimising any impacts on sensitive environments. To assist in achieving this, a Development Manual and a Development Masterplan will supplement the Local Plan.

**2.10.3** The scale of new development proposed in the Local Plan area is such that it will require substantial investment in infrastructure and other facilities to allow it to be properly planned and implemented in an acceptable way. The local authorities will not be able to finance the major physical and social infrastructure needs associated with the proposed developments, and private investment will be required. In this respect, legal agreements and planning conditions will be used as required to secure the provision of necessary infrastructure. Partnership arrangements will also be developed where appropriate.

**2.10.4 National Policy.** PAN49 (Local Planning) recognises that implementation is dependent on a combination of both public and private sector investment, and indicates that local plans should be clear about how policies and proposals will be implemented. NPPG1 (The Planning System) requires local plans to be clear and concise and indicates that detailed documents such as development briefs should be produced as supplementary guidance if required. PAN44 (Fitting New Developments into the Landscape) emphasises the advantages of involving the private sector in the development of such guidance, and supports the preparation of "masterplans" in relation to major new developments.

**2.10.5** NPPG3 (Land for Housing) in its section on new settlements states, "**Developers may be expected to provide or fund all or most new infrastructure, road improvements and similar requirements. Development Plan policies should be explicit about the provision which developers will be expected to make**". Scottish Office Circular 12/1996 on Planning Agreements sets out Government policy on the use of agreements under the planning legislation. In line with the Circular, this Local Plan gives clear guidance on the circumstances in which the Council will use agreements. This is to allow developers/landowners to anticipate the financial implications of development projects, for example in relation to land values. It is clearly preferable, in order to avoid abortive costs, for the funding implications of projects to be identified in the Local Plan rather than at the planning application stage. Financial and other contributions from developers towards development-associated facilities and infrastructure are supported in a number of National Planning Policy Guidelines.

**2.10.6 Structure Plan Policy.** The Structure Plan's housing policies are based on the efficient use of infrastructure. While every effort has been made to utilise existing capacity, the Plan acknowledges that in some instances key elements of infrastructure will be required to allow development to proceed. Structure Plan Policy H9 is clear that Policy H7 housing land allocations shall not proceed until essential infrastructure has been provided. This will include drainage, water supply, schools and roads.

**2.10.7** With regards to roads, the Structure Plan acknowledges that some new schemes will be provided by Government and some by councils. The Structure Plan indicates that developers would normally be expected to fund the provision of internal roads and links to the adjoining road network, as well as necessary improvements to the road network resulting from traffic generated by the development.

**2.10.8** With regards to schools, Structure Plan policy is that major housing sites cannot proceed without new school building. This will include the provision of new primary and secondary schools, and extensions to existing schools. At the time of the drafting of the Structure Plan (early 1990s), it was hoped that public resources would become available to fund some of this infrastructure. However, following reorganisation, further financial restrictions were placed on local authorities.

**2.10.9** In Midlothian, because of constraints on capital spending, the Council will not be able to fund the new or extended primary and secondary schools required to serve the proposed housing developments in the Local Plan area. The Council's limited resources will instead be fully utilised in maintaining the fabric of existing schools. It should be noted that the requirement for new and extended schools across Midlothian is greater than that forecast in the Structure Plan, due to a much reduced level of capacity today, compared to 1993/94. This has arisen through a combination of factors, including higher pupil generation levels, legislation limiting class sizes, and increased nursery provision.

**2.10.10 Local Plan Policy.** The Local Plan's policies and proposals broadly outline the requirements which development must adhere to. However, given the scale of the development proposals, the sensitivity of the surrounding environment, and the need to co-ordinate the provision of infrastructure and facilities, further more detailed supplementary guidance will be prepared.

**2.10.11 Policy IMP1 (The Shawfair Development Manual).** A Development Manual has been prepared by Midlothian Council in co-operation with relevant partners, and this sets out the principles to which development should conform. It will address the following main issues:

- \* Design
- \* Landscaping and countryside uses
- \* Water and drainage systems
- \* District Heating/Combined Heat and Power (CHP)
- \* Community facilities and open space
- \* Access and circulation

**2.10.12 Policy IMP2 (The Shawfair Development Masterplan).** The development proposed in this Local Plan is expected to take about 15 years to complete, and there are likely to be a number of developers involved. In order to maintain the integrity of the overall vision for the area, it is important that a clear framework for development is established at the outset. Policy IMP2 therefore requires the submission of a Development Masterplan that conforms to the Local Plan and Development Manual. It will cover the whole Local Plan area. The landowner(s) and/or developer(s), in consultation with the planning authority, will be responsible for the preparation of the Development Masterplan. The matters that will be addressed in the Development Masterplan are fundamental to the success of the overall development and Policy IMP2 therefore requires that the granting of outline planning permission is contingent upon submission to the Council of a satisfactory Masterplan.

**2.10.13 Detailed Planning Applications.** The implementation framework provided by the Local Plan, Development Manual and Development Masterplan is considered sufficient to guide individual developers in respect of detailed planning applications, and it is not currently the Council's intention to prepare detailed development briefs for individual development sites. The Council will seek to establish best practice for quality in development.

**2.10.14 Environmental Assessment.** The development proposed in the Local Plan area is of a scale that will require the outline planning application to be accompanied by an Environmental Statement, in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999.

**2.10.15 Policy IMP3 (Developer Contributions to Essential Facilities and Infrastructure).** The Local Plan seeks to provide the framework for the creation of new self contained communities, and this entails the provision of infrastructure and facilities to serve the population's daily needs. The various requirements have been identified in consultation with the appropriate service agencies, and these are identified in the relevant topic chapters of the Local Plan. The developer(s) will be required to fund this infrastructure. Whenever possible, Midlothian Council will encourage developers to form consortia, in order to co-ordinate planning applications, apportion developer contributions and maximise the potential for delivering rationalised, cost-effective infrastructure. For the avoidance of doubt, should funding for the initial infrastructure require a disproportionate contribution from those carrying out early developments, and the initial infrastructure provided is such that it will serve future developments, Midlothian Council reserves the right to seek reasonable, retrospective developer contributions from those carrying out such future developments so that these might be redistributed to initial contributors where this would be equitable and appropriate.

**2.10.16** For any other new housing sites that may come forward, the Council will identify appropriate developer contributions.

## **IMP1 THE SHAWFAIR DEVELOPMENT MANUAL (POLICY)**

The Council, in consultation with relevant partners, will prepare a Development Manual in the form of supplementary guidance to the Local Plan. Development proposals will be required to conform to the Development Manual, as well as the policies contained in the Local Plan.

## **IMP2 THE SHAWFAIR DEVELOPMENT MASTERPLAN (POLICY)**

The Council requires an outline planning application to be submitted for the whole Local Plan area. Outline planning permission will be conditional upon the submission of a satisfactory Development Masterplan. The Masterplan should conform to the Development Manual and the policies and proposals contained in this Local Plan, and will address the following matters:

- A. The detailed land use pattern across the entire Local Plan area.
- B. The detailed transport/movement network, including consideration of 'safer routes to school' and the possible future introduction of light rail.
- C. Establish a pattern of urban character areas.
- D. Define building lines and other edges, and their relationship with the public realm.
- E. Establish the nature and extent of landscape and open space, demonstrating the satisfactory relationship between urban development and woodland, parkland and water bodies.
- F. Demonstrate an appropriate distribution and density of housing to achieve Local Plan objectives.
- G. The amount and distribution of social housing.
- H. Show any proposed change in land levels, and demonstrate its conformity with landscape objectives.
- I. Incorporate design codes which accord with Policy DES1 (Design Principles) of the Local Plan and guidance contained in the Development Manual. This will establish the variation between character areas, and include consideration of such factors as building height, massing, articulation and materials as well as the nature of the public realm eg. soft/hard landscaping and street furniture. Particular emphasis should be placed on establishing the form and function of the town centre.
- J. Identify the way in which new development will integrate with existing development, including landscape "buffer" zones where appropriate.
- K. Include a comprehensive archaeological and historic building survey, indicating measures to preserve and record relevant features.
- L. The distribution/location of facilities and infrastructure, and the funding proposals to secure these.
- M. The phasing of development, including its landscape framework and proposals for advance planting.
- N. An energy strategy, including consideration of Policy UTIL4 Combined Heat and Power/District Heating.
- O. A flood risk assessment.
- P. A detailed assessment of ground conditions (e.g. stability and contamination problems) in all proposed development areas and conclusions in regard to development viability.
- Q. Consideration of possible future land/development requirements within the Shawfair community and how the Masterplan proposals provide flexibility to deal with as yet uncertain or unknown needs.
- R. Proposals for the future management of community facilities (e.g. open space, landscaping, SUDS, woodland).
- S. Include a detailed itemised statement indicating how the policies and proposals of the Local Plan and the guidance contained in the Development Manual have been taken into account.

The above list is not intended to be exhaustive, and there are likely to be other matters that the Masterplan should address. As issues emerge, the Council will seek to advise developers of these.



### **IMP3 DEVELOPER CONTRIBUTIONS TO ESSENTIAL FACILITIES AND INFRASTRUCTURE (POLICY)**

Development of the new and extended communities shown on the Proposals Map will only be permitted where the developer makes proper provision for infrastructure, environmental and community facilities requirements, on and off site. Development will not be allowed to proceed until the necessary facility/infrastructure provision has been made. The developer(s) will be required to fund/provide the following:

- A. Education infrastructure as specified in Policy EDUC1.
- B. New roads, road improvements, paths and cycleways.
- C. Structural landscaping.
- D. Water supply and drainage, including Sustainable Urban Drainage Systems.
- E. Town centre and related facilities as specified in Proposal COMM4 and para. 2.2.16.
- F. Outdoor recreation facilities as specified in Proposal COMM6.
- G. Recreational/amenity open space and play equipment.
- H. Rerouting and/or undergrounding of power lines *in accordance with Policy UTIL6*.
- I. A District Heating/Combined Heat and Power scheme, if feasible.

Planning conditions and legal agreements will be used to secure the funding and the proper phasing of development.

In circumstances where funding for initial infrastructure requires a disproportionate contribution from those carrying out early development, and the provision is such that it will serve future developments, Midlothian Council will seek appropriate retrospective developer contributions so that these can be redistributed to initial contributors.

#### **Note**

Requirements for social housing provision are specified in Policy COMM2.

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## 3 Resource Protection

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### 3.1 Natural Heritage

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#### Protection of the Countryside and Green Belt.

**3.1.1 National Policy.** Circular 24/1985 (Development in the Countryside and Green Belts) contains the following guidance:

In the countryside:

- ❖ development should be directed towards suitable sites in existing settlements to reduce servicing costs and minimise the impact on agriculture, wildlife and amenity;
- ❖ urban sprawl, the coalescence of settlements and ribbon development should be avoided; and
- ❖ isolated development should be discouraged in the open countryside except where provision is made in development plans or where there are special needs.

The purpose of the Green Belt is:

- ❖ to maintain the identity of towns by establishing a clear definition of their physical boundaries and preventing coalescence;

- ❖ to provide countryside for recreation or institutional purposes of various kinds; and
- ❖ to maintain the landscape setting of towns.

**3.1.2 Structure Plan Policy.** In those areas that are to be retained as countryside and Green Belt, there is a presumption against new development unless related to a countryside activity. The Structure Plan indicates a key requirement is to maintain a green expanse straddling the City Bypass.

**3.1.3 Local Plan Policy.** The Local Plan area is currently predominantly countryside within the Edinburgh Green Belt. The Local Plan seeks to minimise the amount of land taken up to accommodate the number of houses required by the Structure Plan, and to ensure that valuable landscapes are preserved. The land not identified for development will be retained as Green Belt, where there will be a strong presumption against development not associated with countryside uses, or which harms the character of the Green Belt. Where new development is proposed, the Local Plan promotes Green Belt boundaries that are defensible in the long term.

**3.1.4** The boundaries of the new development areas and their associated amenity open space will also be the inner boundary of the Green Belt. Where there are no existing features that act to establish a long-term defensible boundary, such a boundary will require to be created.

#### RP1 PROTECTION OF THE COUNTRYSIDE AND GREEN BELT (POLICY)

Development in the countryside will only be permitted if it is essential for the furtherance of agriculture, including farm related diversification, forestry, countryside recreation or tourism. Development complying with the terms of Policy DEV1 (see Additional Planning Policies) will also be permitted.

Proposals must not conflict with the following Green Belt objectives:

- A. maintaining the identity of the City and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence;
- B. providing countryside for recreation and institutional purposes of various kinds; and
- C. maintaining the landscape setting of the City and Midlothian towns.

#### RP1A COUNTRYSIDE RECREATION AND AMENITY OPEN SPACE (POLICY)

In the area surrounding the Todhills Economic and Park and Ride allocations, only essential countryside uses (including informal recreation and amenity open space) will be permitted.

**3.1.5 City Bypass Corridor.** There are no proposals for development in that part of the Green Belt north of the City Bypass, as defined by Policy RP2 on the Proposals Map. This forms an attractive open agricultural plain, the character of which should be retained.

**3.1.6** Further guidance relating to the countryside is set out in Policy DEV1 (Development in the Countryside) in Appendix 1 Additional Planning Policies. This includes policy on new housing conversions, extensions and replacement houses, as well as the conversion of farm buildings to non-agricultural purposes.

#### **Agricultural Land**

**3.1.7 National Policy.** SDD Circular 18/1987, as amended by SOEnv Circular 25/1994, confirms that prime quality land is a valuable national resource and should, if possible, be safeguarded.

**3.1.8 Structure Plan Policy.** The desire to preserve prime agricultural land is supported. However, because Edinburgh and most of the key towns in Lothian are surrounded by prime quality agricultural land, it is recognised that if housing and business development requirements are to be met in appropriate locations, the loss of such land is inevitable. Policy ENV18 presumes against development on prime agricultural land unless it is needed to meet Structure Plan requirements.

**3.1.9 Local Plan Policy.** Most of the countryside in the Local Plan area is prime quality agricultural land. The Structure Plan's housing and business development requirements mean that a significant amount of agricultural land will be lost. However, the Local Plan promotes the reuse of soil removed from development sites for bing enhancement schemes within the Local Plan area.

#### **RP2 CITY BYPASS CORRIDOR (POLICY)**

Development which harms the visual character of the land to the north of the City Bypass, as defined on the Proposals Map, will not be permitted.

#### **RP3 PRIME AGRICULTURAL LAND (POLICY)**

Development will not be permitted which leads to the permanent loss of prime agricultural land (Class 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system) unless:

- A. the site is allocated to meet Structure Plan requirements; or
- B. it meets with all other relevant Local Plan policies.

Where possible, topsoil removed from development sites shall be reused in connection with bing enhancement schemes.

## Woodland, Trees and Hedges

**3.1.10 National Policy.** Development plans should include policies for the conservation of the natural beauty and amenity of the land. NPPG14 (Natural Heritage) indicates that planning authorities should seek to protect woodlands, groups of trees and individual trees, and that planting with native species can offer greatest benefits in terms of natural heritage.

**3.1.11 Structure Plan Policy.** Structure Plan Policy ENV33 focuses on support for woodland planting as a key element in landscape enhancement.

**3.1.12 Local Plan Policy.** Trees and particularly hedgerows make an important contribution to the character of the Local Plan area, and they should be retained where possible. Developers are therefore encouraged to protect and manage them. In respect of the development of new communities, there will be benefit in retaining existing features, which can provide habitat for wildlife and add a sense of maturity to new building.

## Landscape Character

**3.1.13 National Policy.** NPPG14 (Natural Heritage) indicates that Local Plans should include policies for the conservation and enhancement of landscape character. The

Lothians Landscape Character Assessment, published by Scottish Natural Heritage (SNH), provides valuable local guidance on landscape types.

**3.1.14 Structure Plan Policy.** This recognises the broad range of landscapes that exist in Lothian, and Policy ENV21 requires local plans to have policies to conserve and enhance valuable landscapes.

**3.1.15 Local Plan Policy.** The Local Plan area is of mixed quality in landscape terms. One objective of the Local Plan is to ensure that new development is attractively integrated into the existing landscape. Policies DES1 and DES2 (Section 2.3 - Design and Landscape) seek to achieve the integration of the new development areas into the landscape. Policy RP5 is more general, applying to the whole Local Plan area.

**3.1.16** The South East Wedge Joint Development Study contains a detailed landscape analysis, including the identification of landscape character zones. Prominent and important features include the Edmonstone Ridge; the secondary ridgelines at Cauldcoats, Hilltown and Shawfair; the reclaimed Woolmet Bing; and the sweep of agricultural land between the bing and the City Bypass. These shall be protected from development and, where appropriate, enhanced through landscape planting.

## RP4 WOODLAND, TREES AND HEDGES (POLICY)

Development will not generally be permitted where it could lead directly or indirectly to the loss of, or damage to, existing woodland, groups of trees, individual trees and hedges which have particular amenity, nature conservation, recreation, landscape character, shelter, or other importance. The exception to this will be where retention is not possible and there is an overriding need to remove trees or hedges in the interests of achieving development required by this Local Plan. Equivalent replacement planting will be sought in such cases.

## RP5 LANDSCAPE CHARACTER (POLICY)

All development shall respect the quality of local landscape character, and contribute towards its maintenance and enhancement.

New developments shall incorporate proposals to:

- A. maintain the local diversity and distinctiveness of landscape character including natural and built heritage features of landscape value such as woodland, hedges, ponds, stone walls and historical sites; and
- B. enhance landscape characteristics where they need improvement and create new landscapes where there are few existing features.

### Species Protection and Habitat Protection

**3.1.17 National Policy.** NPPG14 (Natural Heritage) indicates that Local Plans should provide for the conservation of biodiversity (the range of living things) and the protection and enhancement of the natural heritage everywhere.

**3.1.18 Structure Plan Policy.** This mainly addresses sites of international, national and regional importance, of which there are none within the Local Plan area.

**3.1.19 Local Plan Policy.** Although the Local Plan area is predominantly agricultural land, there are wildlife habitats, particularly hedgerows and trees. A wide range of species and habitats are protected under the Wildlife and Countryside Act 1981 or European Directives. The Local Plan will not permit development that will adversely affect such species other than in circumstances where appropriate measures could be taken to minimise the effect of development or make positive provision for their protection. If development needs to take place then the developer will always be obliged to compensate for any environmental losses.

**3.1.20** The Council supports SEPA's Habitats Enhancements Initiative (HEI), which seeks to secure improvement in the way habitats are managed. Opportunities for implementation of HEIs in the Local Plan area will be explored. Proposals for development should also take account of the Midlothian Local Biodiversity Action Plan.

### Minerals

**3.1.21 National Policy.** NPPG4 (Land for Mineral Working) emphasises the value of minerals as an important national resource and part of the country's economy. It outlines the need for local plan policies to:

- ❖ indicate sites, or define areas of search, where planning authorities would favour mineral working;
- ❖ guide developers on the amelioration of significant environmental effects;
- ❖ encourage the removal of all minerals in a single operation from any site where this is economically viable;
- ❖ provide for the reclamation of sites to a beneficial after-use; and
- ❖ include policies safeguarding mineral deposits which are, or may be, of commercial interest, from permanent development which would inhibit their subsequent working.

NPPG 16 (Opencast Coal and Related Minerals) is founded on the principle of giving particular regard to the impact of opencast coal extraction on communities and the environment.

**3.1.22 Structure Plan Policy.** An alteration to the Structure Plan's mineral policies is currently in progress. The Scottish Ministers have modified and approved the Finalised Alteration submitted to them by the Lothian Councils, the effect of which is to require the identification of areas of search where mineral working would be favoured. No such areas are proposed in the Local Plan area.

## RP6 SPECIES PROTECTION (POLICY)

Development will not be permitted where it could adversely affect a species protected by law.

## RP7 HABITAT PROTECTION (POLICY)

Development will not be permitted where it could adversely affect habitats important for nature conservation, unless every opportunity has been taken to avoid damaging the conservation value of the site by demonstrating that:

- A. the development has been sited and designed to minimise such damage and the proposal includes measures to compensate appropriately for any damage that cannot be avoided; and
- B. the public need for the development can be conclusively demonstrated to override the conservation interest of the site.

Planning conditions will be used and legal agreements sought to ensure protection of the site during development and its management in the long term.

## RP8 MINERAL EXTRACTION (POLICY)

Mineral extraction will not be permitted within the Local Plan area.

**3.1.23** Policy ENV34 requires local plans to safeguard economically important minerals. In respect of re-phasing development to enable mineral working, Structure Plan policy accepts that this may not always be possible if strategic land requirements are to be satisfied within a particular timescale.

**3.1.24 Local Plan Policy.** Land in the Local Plan area is either required for development or is within the Green Belt.

NPPG4 states that if mineral working is conspicuous, it is generally incompatible with Green Belt. Opencasting within the remaining Green Belt in the Local Plan area would be extremely conspicuous, and is therefore unacceptable. In these circumstances, it is not considered necessary for the Local Plan to have a policy that seeks to prevent the sterilisation of coal reserves.

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## 3.2 The Built Heritage

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### Development within the Built-Up Area

**3.2.1 National Policy.** NPPG1 (The Planning System) states that one of the general objectives of development plans is “to maintain and enhance the quality of the natural heritage and built environment”. NPPG3 (Land for Housing) states that “the character and amenity of existing residential areas should not be unacceptably damaged by the effects of redevelopment or infill development”. It indicates that this should be an important consideration for planning authorities when preparing development plans and determining applications, and for developers when preparing proposals.

**3.2.2 Structure Plan Policy.** The Lothian Structure Plan recognises the importance of protecting and enhancing the amenity of all urban areas. Policy ENV1 requires local plans to ensure urban amenity is not harmed as a result of infill development or the conversion/extension of existing buildings.

**3.2.3 Local Plan Policy.** Policy RP9 relates to existing built-up areas within the Local Plan area as well as those proposed.

### Listed Buildings

**3.2.4 National Planning Policy.** The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 controls development relating to listed buildings of architectural or historic interest.

**3.2.5 Structure Plan Policy.** Policy ENV5 requires local plans to contain policies which seek to protect listed buildings.

**3.2.6 Local Plan Policy.** There are a number of listed buildings within the Local Plan area, but most of these are unaffected by development proposals. For those that may be affected it will be necessary to ensure that their character and setting is preserved as far as possible. Policy RP10 is applicable.

### Scheduled Ancient Monuments and Other Important Archaeological and Historic Sites

**3.2.7 National Policy.** NPPG5 (Archaeology) emphasises the importance of archaeological remains, providing a resource which is irreplaceable. Archaeological sites of national importance are identified as “Scheduled Ancient Monuments”. Other sites of more local significance are specified in the Sites and Monuments Record for the area.

**3.2.8 Structure Plan Policy.** Policy ENV6 presumes against development adversely affecting sites and areas of significant archaeological or historic interest. It highlights that not all sites are of significant interest and suggests that local plans should contain appropriate policies. It reiterates national policy on the importance of excavation and recording where preservation proves impractical and instructs local plans to include this requirement in their policies.

**3.2.9 Local Plan Policy.** There is part of a Scheduled Ancient Monument within the Local Plan area, east of Newton House (grid ref. NT335696 - NT 334699). This comprises an area of prehistoric settlement and agricultural remains. Policy RP11 applies.

**3.2.10** There are a number of archaeological sites of local and regional importance within the Local Plan area, some of which are likely to be affected by development proposals. As indicated in Policy IMP2 (see Section 2.10), the Development Masterplan will be required to incorporate a thorough archaeological study of the area to determine baseline information. Policies RP12 and RP13 are applicable also.

## RP9 DEVELOPMENT WITHIN THE BUILT-UP AREA (POLICY)

Development that harms the character or amenity of existing or future built-up areas, particularly residential areas, will not be permitted.

## **RP10 LISTED BUILDINGS (POLICY)**

Within the context of the development promoted in this Local Plan, development will not be permitted which would adversely affect the character of a listed building or its setting.

### **New Development**

Development within the curtilage of a listed building or its setting will only be permitted where it complements its special architectural or historic character.

### **Demolition**

Demolition will only be permitted in exceptional circumstances where:

- A. the proposed demolition is an addition to the building which is of little architectural or historic value and its removal would result in an improvement to the quality of the original building; or
- B. there is an overriding requirement in the public interest to allow the redevelopment of the site, the proposed use cannot physically be accommodated elsewhere and the listed building is incapable of adaptation without material loss to its character or appearance; and in either case
- C. there are approved plans for the future development of the site and agreement has been reached on the timescale for demolition and redevelopment.

### **Extensions and Alterations**

Proposals for extensions and alterations to a listed building will only be permitted where their siting, scale, design, materials and detailing do not detract from and, wherever appropriate, enhance the original character of the building.

### **Change of Use**

The change of use of a listed building will only be permitted where it can be shown that the proposed use and any necessary alteration can be achieved without detriment to the character, appearance and setting of the building.

## **RP11 SCHEDULED ANCIENT MONUMENTS (POLICY)**

Development which could have an adverse effect on a Scheduled Ancient Monument or the integrity of its setting will not be permitted unless there are exceptional circumstances.

## **RP12 OTHER IMPORTANT ARCHAEOLOGICAL OR HISTORIC SITES (POLICY)**

Development will not be permitted where it could adversely affect an identified regionally or locally important archaeological or historic site or its setting unless the applicant can show that:

- A. there is a significant public interest to be gained from the proposed development which outweighs the archaeological importance of the site;
- B. there is no alternative location for the proposal; and
- C. the siting and design of the proposal has been carried out to minimise damage to the archaeological resource.



### **RP13 SITE ASSESSMENT, EVALUATION AND RECORDING (POLICY)**

Where any development proposal could affect a known site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and the impact of the proposal on the archaeological resource.

Such an assessment will, unless the Council is satisfied to the contrary, require a field evaluation of the site to determine the:

- A. character and extent of the archaeological remains;
- B. likely impact of the proposed development on the features of archaeological interest; and
- C. ways in which the proposed development can be accommodated to preserve the archaeological resource.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer may be required to make arrangements for a full archaeological investigation - excavation and recording, prior to the start of development, followed by analysis and publication of the field data. Planning conditions will be used and agreements sought to secure these arrangements.

### **Recreational and Amenity Open Space**

**3.2.11 National Policy.** NPPG11 (Sport, Physical Recreation and Open Space) requires local plans to include policies to protect and enhance existing open space, including public parks and playing fields and other land of recreational, amenity or wildlife value.

**3.2.12 Structure Plan Policy.** Policies ENV1 and ENV2 reflect national policy, stressing the need for local plans to protect existing open spaces and playing fields from development.

**3.2.13 Local Plan Policy.** Within the Local Plan area there are many public and private open spaces which are important for visual amenity and recreation eg. Woolmet Park, the playing fields in Danderhall, areas of informal recreational space, private gardens, allotments and areas of disused land.

**3.2.14** Policy RP14 aims to ensure that areas of open space are protected from damaging development. Proposals must therefore take into account any important open space

and make provision for its protection, enhancement and management. In exceptional cases it may be necessary to accept loss of open space and in this case the policy seeks to ensure that there is appropriate compensation for this loss. Planning conditions and agreements may be used to secure the protection and long term management of the open space. The following policy applies to both existing open space and that to be provided in the new and expanded communities.

### **Public Rights of Way and Other Access Routes**

**3.2.15 National Policy.** The Countryside (Scotland) Act 1967 places a duty on local authorities to protect any public right of way. It also gives councils discretionary powers to make access agreements or orders to open land. Councils have historically experienced legal problems in public right of way assertion and in securing local recreational access. Scottish Natural Heritage (SNH), which has a statutory duty to facilitate the enjoyment of the countryside including the need for access, is seeking solutions to these problems through its Paths for All Initiative and its Access Forum.

**3.2.16 Local Plan Policy.** Access within and between communities and to the open countryside is important for recreational and transportation reasons. At present, assured public access is provided by a network of rights of way and public highways. The Council holds a register of known rights of way in Midlothian. This Local Plan seeks to retain and improve the network of Public Rights of Way including extending existing routes and improving links.

**3.2.17** Progress on the new and expanded communities will be accompanied by the development of a comprehensive path network. The network will provide opportunities for cycling, horse-riding and walking for people of all ages and abilities. This is addressed in Section 2.5 (Transport).

#### Historic Gardens and Designed Landscapes

**3.2.18 National Policy.** Scottish Natural Heritage and Historic Scotland jointly publish an Inventory of Gardens and Designed Landscapes. The sites included within the Inventory

are national designations, assessed on the basis of aesthetic and historic value, horticultural, arboricultural or archaeological value, scenic or nature conservation value. Development proposals affecting sites in the Inventory must be subject to consultation with SNH and Historic Scotland.

**3.2.19 Structure Plan Policy.** Policy ENV21 requires local plans to identify and protect historic gardens and designed landscapes.

**3.2.20 Local Plan Policy.** Newton House and its setting is included within the Inventory, as indicated on the Proposals Map. It should be noted that the Local Plan safeguards a road route and junction within the designed landscape (see paragraph 2.5.14 and Safeguard TRAN2).

#### **RP14 RECREATIONAL AND AMENITY OPEN SPACE (POLICY)**

Development will not be permitted on existing and future recreational and amenity open space unless it can be demonstrated that:

- A. its loss would not harm the visual amenity of the area;
- B. the enhancement of the existing facilities can best be achieved by the redevelopment of part of the site; and
- C. more appropriate and suitable facilities of a similar recreational nature, can be provided by the developer at an alternative location, where it will achieve a better distribution of recreational facilities to serve the local community, including those residents affected by the redevelopment of the site.

#### **RP15 PUBLIC RIGHTS OF WAY AND OTHER ACCESS ROUTES (POLICY)**

Development which could lead to the loss of a right of way, cycle path, bridleway, or other access routes will not be permitted except where the developer makes arrangements for an acceptable alternative access.

#### **RP16 GARDENS AND DESIGNED LANDSCAPES (POLICY)**

Development that would harm the special characteristics of a garden or designed landscape included within the Inventory will not be permitted, unless it can be shown that the harmful impact is minimised and clearly outweighed by social or economic benefits in the public interest.

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### 3.3 Compensation Arrangements

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**3.3.1 Local Plan Policy.** The Resource Protection Chapter sets out those areas of natural and built heritage where development will not be permitted, though it is acknowledged that there may be exceptions. Policy RP17 is

intended to ensure that in any exceptions where there will be unavoidable environmental loss as the result of development, there will be appropriate compensation. The potential for compensation will not be used as a justification for allowing development which unacceptably damages an environmental resource.

#### **RP17 COMPENSATION FOR LOSS OF ENVIRONMENTAL RESOURCES (POLICY)**

Where, in exceptional cases, development is permitted in the public interest which will lead to unavoidable environmental loss or damage to the resources covered by the Resource Protection policies, the Council will require the developer to make appropriate compensation to make good the loss. Planning conditions will be used and legal agreements sought to secure these arrangements.

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# *Appendix 1*

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## **Additional Planning Policies**

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### **DEV1 DEVELOPMENT IN THE COUNTRYSIDE (POLICY)**

#### **New Housing**

New houses will be permitted in the countryside only when they can be demonstrated to be essential for the furtherance of an established countryside activity. Applicants will be required to show that the need for the new dwelling is permanent, cannot be met within an existing settlement and that the occupier of the property will be employed full-time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long-term need for the proposed house by submitting an independent report on the viability of the associated business and its labour requirements.

In approving the new house, the Council will require that it, and any other houses within the control of the applicant related to the same countryside activity, will be subject to legal agreements. These will relate to the employment of the occupiers of the house or houses and tie the new dwelling to the landholding associated with the countryside activity in question.

#### **Design of New Housing**

New houses and their sites shall be designed to enhance the appearance of the countryside. The quality of design must be of a high standard and will in most instances be of traditional nature. Innovative design will not be discouraged provided the character of the location is not detrimentally affected by the siting and appearance of the new dwelling. The use of good quality external finishing materials will be required. On open sites, or within areas of established sensitivity, new houses will be expected to make use of appropriate natural materials for roofs and wall finishes.

#### **Housing Conversion**

Conversion of agricultural and other non-residential buildings in the countryside to residential uses will not be permitted unless the proposal meets the following criteria:

- a) the building makes a significant and positive contribution to the landscape and its retention is considered to be beneficial to its surroundings;
- b) the building is capable of conversion without requiring any alterations to its external appearance that would detract from its character or attractiveness;
- c) the building is capable of conversion without requiring any extensions other than of a very minor nature, and provided that any such extension does not detract from its character or attractiveness;
- d) the building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding;
- e) the building is capable of being served by an adequate and appropriate access;
- f) the building can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- g) the conversion of the building to such use is, in the particular circumstances of the case, the most satisfactory means by which it may be retained.

### **House Extensions**

Extensions to existing dwellings which could be used to provide a second dwelling will only be allowed if subject to a legal agreement preventing further subdivision.

### **Replacement Houses**

The demolition of an existing dwelling in the countryside and its replacement by a new house on the same site will not be permitted unless:

- a) it can be demonstrated that the existing dwelling is incapable of renovation or improvements to allow its continued habitation;
- b) the size of the proposed dwelling is not significantly larger than the existing dwelling;
- c) the appearance of the new dwelling is a significant improvement to the existing property and therefore enhances the environment of the area; and
- d) the existing dwelling is served by an adequate and appropriate access and is already serviced at reasonable cost with an acceptable discharge to local water courses or to mains drainage.

### **Appearance of all Buildings**

All new buildings in the countryside shall respect the character of existing buildings in terms of design, scale and materials used, blend with the landscape and conform with the countryside policies.

### **Institutional Buildings**

Non-conforming development proposals demonstrated to be essential to the renovation and retention of redundant institutional buildings, that are important for reasons of their history, architecture or contribution to the landscape, will be permitted, provided they are limited in scale and the existing buildings of value in this context remain the predominant feature of the site.

### **Conversion of Agricultural Buildings to Non-Agricultural Purposes**

The conversion of agricultural buildings to non-agricultural purposes will be permitted subject to the criteria applying to the conversion of such property to residential purposes (as in DEV1 above).

## Control of Class 3 (Food and Drink) Uses and Hot Food Takeaway Shops

**National Policy.** NPPG8 (Town Centres and Retailing) indicates that considerations in relation to noise and disturbance may be relevant in relation to these uses and it will normally be appropriate for them to be located in existing shopping or commercial areas. They are to be assessed for their contribution to diversification of centres, but regard is also to be had to potential problems from a concentration of such uses. When giving planning approval, conditions relating to opening hours are seen as appropriate.

### **FOOD1 HOT FOOD TAKEAWAY SHOPS (POLICY)**

Hot food takeaway shops will only be permitted if they are located within a town centre, local or neighbourhood shopping centre, or a predominantly commercial or business area. They will not be permitted in premises where there are residential properties on the floor or floors above or immediately on either side, unless the affected properties are owned and occupied by the applicant or his immediate family, or by an employee working in the proposed hot food establishment. Within existing shopping centres, consideration will be given to the cumulative effect of additional hot food takeaway establishments on the vitality and viability of the centre, and permission will not be granted if this is assessed to be seriously harmful.

Planning permission will not be granted for a hot food takeaway shop in any circumstance where it would cause significant harm to residential amenity or to the general environment of the area as a result of noise, disturbance, smell or litter. Planning permission will not be granted in a location where it would present a threat to road safety, for example, by encouraging on-street parking at a dangerous location.

Any external alterations to premises resulting from their conversion to a hot food takeaway shop, including any external flues or other ventilation equipment, must not be detrimental to the character and appearance of the building and the area in which the premises are located.

Where planning permission is granted for a hot food takeaway shop, conditions may be imposed to require the following:

- ❖ installation, operation and adequate maintenance of an effective system for the extraction and dispersal of cooking fumes to minimise the likelihood of nuisance being caused by cooking smells. Details of the proposed system will require to be submitted so that both its effectiveness and any external visual impact can be considered;
- ❖ no noise from the premises being audible in any nearby residential or other noise-sensitive building. This relates to impact noise, airborne noise, and noise from any sound reproduction system such as a television or music player. Sound insulation must be provided if needed to meet this requirement;
- ❖ an adequate area within the premises for the storage of refuse, and a litter bin immediately outside the front door of the premises;
- ❖ hours of opening no later than 10pm on Sundays and midnight on other days.

A proposed restaurant that includes a hot food takeaway element, will be considered on the basis of all the criteria outlined above.

## **FOOD2 RESTAURANTS (POLICY)**

Applications for restaurants solely for the consumption of food and drink on the premises will be considered on their individual merits, taking into account such factors as the size of the proposed establishment; its relationship to adjoining uses and in particular, residential properties; its relationship to other relevant planning policies; and its likely traffic generation and parking provision.

Where planning permission is granted for a restaurant solely for the consumption of food and drink on the premises, a condition will be imposed preventing its subsequent change of use to, or inclusion of a hot food takeaway facility, without the submission of a further planning application.

Planning permission for restaurants will include conditions, as appropriate, to mitigate any impact on the amenity of the surrounding area from noise or cooking smells.

## **FOOD3 CAFES, TEA ROOMS, COFFEE SHOPS (POLICY)**

Applications for the types of uses, where it is proposed to open only during normal shopping hours (for example, 9.00am to 6.00pm) and where the type of cooking facilities will be limited to a domestic scale (for example, domestic cooker, microwave oven etc) will generally be permitted in existing shopping centres, and other areas of predominantly commercial or business use. In other locations, they will be considered on their individual merits and in relation to other planning policies.

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

## House Extensions

**Background.** While increasing the accommodation of a house, extensions can also add to their architectural interest. It is important that they do not detract from the appearance of the property and the wider character of the surrounding area. Extensions that reflect the style of the original are most likely to be successful. Novel architectural solutions can also be acceptable.

### EX1 HOUSE EXTENSIONS (POLICY)

The Council will require a high standard of design.

Extensions to existing houses must not harm the appearance of the house and the character of the locality. New extensions will require to reflect the following principles:

- ❖ the extension should be clearly subservient to the existing property and/or read as an integral part of the original house;
- ❖ matching or complementary external wall and roof materials should be used;
- ❖ architectural detailing, scale and proportion should be sympathetic to the existing;
- ❖ extensions must not result in a harmful loss of daylight to neighbouring property;
- ❖ extensions must not result in loss of privacy and residential amenity for neighbouring property; and
- ❖ an adequate garden area must remain after the house has been extended.

### EX2 DORMER EXTENSIONS (POLICY)

Dormer extensions should take the form of dormer “windows” rather than “box” dormers. The dormers should not extend other than to a limited extent beyond the glazed area. They should not normally rise off the wall head, nor rise above the existing ridge level, nor occupy an excessive proportion of the existing roof area.

Dormers should not constitute an incongruous feature in the streetscene.



## Advertisements

Properly displayed and well designed advertisements add colour and interest to a street scene as well as providing useful information. Midlothian Council wishes to encourage such advertisements. It will prepare a revised design guide to show the kind of advertising that will be acceptable.

### **AD1 ADVERTISEMENTS (POLICY)**

Control over advertising will be exercised in accordance with the following:

#### **Amenity**

- A. advertisements must be related to the location at which they are displayed;
- B. advertising panels will be permitted normally only within built-up areas and where they relate well to their surroundings;
- C. hoardings may be permitted on a temporary basis to screen a construction site or other unsightly area awaiting improvement. As part of the display, landscaping and screen fencing may be required;
- D. within town centres, novel forms of advertising may be acceptable, for example, advertising columns or signs incorporating notice boards;
- E. within residential areas unnecessarily large and conspicuous advertisements will not be permitted;
- F. illuminated advertising incorporated into bus shelters will be permitted where there is an identified need for a bus shelter and where the advertising is in keeping with its surroundings. Such advertising will not normally be permitted outwith built-up areas;
- G. advertisements will not normally be permitted alongside traffic corridors or beside approaches to towns and villages;
- H. the perception that a locality has a lower level of amenity than elsewhere in Midlothian will not be considered as justification for displays of advertising that would not otherwise be permitted;
- I. smaller or temporary advertisements such as "house for sale" signs will not be permitted within amenity open space and roadside verges nor attached to street lights or other street furniture;
- J. advertisements attached to business premises must be in keeping with the appearance of the building;
- K. an especially careful effort will be exercised over the display of advertisements which are attached to or within the curtilage of buildings which are listed as being of special architectural or historic interest. The display of such advertisements will not normally be permitted unless there is a specific need for them;
- L. advertisements which are not related to the land on which they are displayed will not normally be permitted in the countryside. Large and conspicuous advertisements will not be permitted in the countryside;
- M. directional signs identifying tourist attractions and using standard white-on-brown format may be displayed in accordance with policies which have been approved by the Council as highway authority in consultation with the local tourist board. Other signs relating to establishments such as hotels, leisure facilities and public houses will not normally be permitted at locations remote from the premises advertised. "Advance warning" signs may be permitted if there is a clear need for them, provided they are designed for directional purposes only and provided they are of the minimum size necessary for their purpose.

## **Public Safety**

In all cases, the need to safeguard public safety will be an overriding consideration. Advertisements will not be permitted in the following cases:

- A. where they obscure any traffic sign;
- B. where they are likely to be confused with traffic signs or traffic lights;
- C. where they might distract the attention of a driver at a point where special care is needed;
- D. where they impede visibility at any access or road junction; or where they involve a structure which might be struck by a vehicle using any carriageway or by a vehicle running out of control over land beside a carriageway.

## Planning Enforcement

The planning system operates to regulate development and the use of land in the public interest. Planning enforcement has a key role to play in this respect. The purpose of planning enforcement is to control unauthorised activity and to remedy the effect of unauthorised development.

**Complaints Procedure.** It is not the function of the planning authority to become involved in private neighbour disputes where no planning issues are evident. In addition, it is not the Council's role to mediate in private legal disputes relating, for example, to the ownership of land. Every recorded planning enquiry or complaint will be investigated and assessed on its own individual merits. In certain circumstances no further action will be required. This will include cases where:

- ❖ investigation reveals that no breach of planning control is apparent;
- ❖ the activity or development under investigation is permitted development under the terms of the appropriate statutory legislation; and
- ❖ the use of the land or buildings does not constitute a material change of use for which planning permission would be required.

**Enforcement Action.** In cases where initial investigation indicates that there has been a possible breach of planning control, in terms of either the development or use of land and buildings, further research into the planning history of the site might be required. Certain operations and uses of land acquire immunity from planning enforcement action through the passage of time. It may therefore be necessary to determine when the development complained of commenced.

Where the Council is satisfied that a breach of planning control is involved, action will be taken which reflects the seriousness of the situation in terms of the environmental and amenity impact of the unauthorised development or use. Possible options include:

- ❖ no further action to be taken, in view of the minor nature of the breach of control;
- ❖ an invitation to the owner or occupier of the land to submit an application for retrospective planning permission, if necessary accompanied by the service of a Planning Contravention Notice;
- ❖ service of a Breach of Condition Notice, where conditions imposed on a planning permission are not being complied with;
- ❖ service of an Enforcement Notice;
- ❖ service of a Stop Notice, where it is essential that the unauthorised use or development be ceased in the short term, pending the outcome of any appeal against an Enforcement Notice; and
- ❖ application to the courts for an interdict to restrain a breach of planning control.

In the consideration of enforcement action, the Council will at all times seek to ensure that the action taken is commensurate with the breach of planning control to which it relates.

### ENF1 ENFORCEMENT ACTION (POLICY)

The choice of appropriate formal enforcement action is at the discretion of the Council. Careful consideration will be given to the appropriate course of action based on the circumstances of each case.

The Council will not allow protracted negotiations to hamper or delay the taking of formal enforcement action, if it is evident that the breach of planning control is unlikely to be resolved voluntarily.

The service of an Enforcement Notice carries with it a right of appeal to the Scottish Ministers. Pending the outcome of the appeal, the requirements of the notice are suspended. This can introduce a substantial delay in remedying breaches of planning control in such circumstances. Where it considers that circumstances warrant, the Council will serve a Stop Notice, requiring the unauthorised use or development to cease pending the outcome of the appeal.

In certain circumstances, the Council has the statutory power to enter onto land and carry out the works required by the enforcement notice, and to recover the costs incurred from the owner of the land. The Council will use this power in cases where it is appropriate and practical.

**The Condition of Land and Buildings.** The majority of complaints relate to positive actions on the part of the owner or occupier of land and buildings (for example, the carrying out of unauthorised building operations, or changing the use of premises without obtaining planning permission). However, a sizeable proportion are concerned with the neglect of land and buildings, resulting in their deteriorating to a condition where they are detrimental to the amenity of the surrounding area. Section 179 of the Town and Country Planning (Scotland) Act 1997 gives the planning authority the power to serve notices on the owners and occupiers of land which, as a result of its condition, is detrimental to the amenity of part of its district.

In most respects such notices are similar to enforcement notices served under other parts of the legislation, and the Council's planning enforcement policy will apply equally to them. In general, the use of this power will be confined to the worst instances.

Where such a notice is served, but is not complied with, the planning authority has the power to enter the land and carry out the outstanding work, thereafter seeking to recover the costs from the landowner. In such instances, the Council will generally utilise this power.

**Note: Full text of Planning Enforcement Policy available from Midlothian Council, Planning Unit, Strategic Services.**

## **ENF2 WASTE LAND NOTICES (POLICY)**

The Service of Waste Land Notices will be confined to the worst instances, where the condition of the land is particularly detrimental to amenity, by reason, for example, of its size, prominent position or location within an environmentally sensitive area.

