



## Appeal Decision Notice

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Decision by Mike Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2351
- Site address: Land 322 metres west of 6 Ravelrig Road, Balerno EH14 7DG
- Appeal by JS and R Mitchell against the decision by Edinburgh City Council
- Application for planning permission no.20/04611/PPP, dated 23 October 2020, refused by notice dated 8 June 2021
- The development proposed: Permission in principle for a mixed-use development comprising residential development (Class 9), health centre (Class 2), community facility (Class 10), outdoor recreational area (Class 11), associated landscaping, access and infrastructure works
- Date of site visits by Reporter: 24 November 2021 and 8 March 2022

Date of appeal decision : 9 May 2022

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### Decision

I dismiss the appeal and refuse planning permission.

### Environmental impact assessment

The proposed development is described as above, and in Chapter 3 of the EIA report. It is EIA development. The determination of this appeal is therefore subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EIA regulations”).

I am required to examine the environmental information, reach a reasoned conclusion on the significant environmental effects of the proposed development and integrate that conclusion into this decision notice. In that respect I have taken the following into account:

- the EIA report submitted on 23 October 2020;
- a Habitats Regulations Appraisal, prepared in February 2021; a Noise Impact Assessment, prepared in September 2021; and an updated Transport Assessment, prepared in September 2021;
- consultation responses from NatureScot, Historic Environment Scotland and the Scottish Environmental Protection Agency; and
- representations from members of the public.

My conclusions on the significant environmental effects of the proposal are set out at paragraphs 36, 38, 39, 51, 56, 61, 65 and 66 below.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are:

- the principle of developing the appeal site for residential and other purposes;
- the housing land supply position in Edinburgh;
- the environmental impact of the development, including its effect on the green belt;
- the transport implications of the development; and
- the overall sustainability of the proposed development.

### The proposed development

2. The appeal site consists of a rectangular area of land extending to 34 hectares, situated on the north side of Balerno. Most of the site consists of arable farmland, although a disused railway line runs through it from south-east to north-west, mostly on a steep-sided embankment. Ravelrig Road crosses the site from south to north, dividing it into two unequal-sized portions. Where it crosses the site Ravelrig Road has the characteristics of a rural lane, with a relatively narrow carriageway, no footways and steep-sided cuttings in parts. The land slopes down quite steeply from south to north. An overhead power line crosses the northern part of the site, the boundary of which is formed by a railway line.

3. The application is for permission for what is described as a mixed-use development. This would comprise approximately 350 dwellings, of which 30% would be affordable housing, together with a health centre and community facility. An indicative masterplan has been submitted with the application and as part of the EIA Report. This shows that all built development would be on the parts of the site south of the former railway line, with vehicular access taken from Ravelrig Road. The northern parts of the site would be laid out as public open space, including outdoor recreation, extensive landscaping, sustainable drainage basins and an area identified for potential community allotments. The proposed health centre/community facilities would be located adjacent to the west side of Ravelrig Road. The former railway line would form a cycle/footpath linking into a new park being formed to the south-east and the wider countryside to the north-west.

### The development plan

4. The development plan for this area comprises the Edinburgh and South-East Scotland Strategic Development Plan 2013 (SESplan) and the City of Edinburgh Local Development Plan 2016 (CELDP). Paragraph 33 of Scottish Planning Policy 2014 (SPP) states that, where development plans are more than five years old, they are considered to be out-of-date. In such circumstances, the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

5. In a report to Scottish Ministers on a proposed large-scale housing development in Edinburgh (reference NOD-EDB-002), dated 13 January 2020, the reporter concluded that SESplan was out-of-date in its entirety. In the subsequent Notice of Intention issued by Scottish Ministers on 30 April 2020, they did not agree that the development plan as a whole was out of date, but considered that the relevant policies of SESplan and the associated SESplan Housing Land Supplementary Guidance (2014) relating to housing land requirements were out of date, and that paragraph 33 of SPP was therefore engaged.

6. The CELDP is now some six years old, and the same principle should therefore be applied to it. Nonetheless, both SESplan and CEDLP remain the extant development plan for the area, and the weight to be given to their policies that are relevant to the proposed development on the appeal site is a matter of judgement.

7. The consultation period for the proposed City Plan 2030 has now closed. The council has stated that the representations received are now being considered before the plan is taken back to elected members for submission for examination by reporters for Scottish Ministers. It may, therefore, be changed before final adoption but I consider that it is capable of being a material consideration in this case, and I sought the views of the parties on how it bears on the current proposal. The weight to be given it is a matter of judgement.

#### The principle of developing the appeal site for residential and other purposes

8. The appeal site is within the green belt as identified in the current CELDP. The proposed development does not meet any of the criteria for new development in the green belt or countryside set out in policy Env 10 of that plan. It does not, therefore, comply with that policy.

9. The site remains in the green belt in the emerging City Plan 2030, where policy Env 18 contains the same criteria for acceptable developments as in the current development plan.

10. In the second part of policy Hou 1 in the latter plan, it is stated that, where a deficit in the maintenance of the five-year housing land supply is identified, greenfield/green belt housing proposals may be granted planning permission, subject to meeting the following five criteria:

- a. the development will be in keeping with the character of the settlement and the local area;
- b. the development will not undermine green belt objectives;
- c. any additional infrastructure required as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time;
- d. the site is effective or capable of becoming effective in the relevant timeframe; and
- e. the proposal contributes towards the principles of sustainable development.

These criteria reflect similar requirements in SESplan policy 7 in relation to maintaining a five-year housing land supply.

11. In order to ascertain whether the latter policy and CELDP policy Hou 1 are engaged, it is necessary to assess the current housing land supply position in Edinburgh.

#### The housing land supply position in Edinburgh

12. The most recent figures for the Housing Land Target and Housing Land Requirement in Edinburgh were set out in SESplan and its Housing Land Supplementary Guidance. However, it has been recognised that these figures are now considerably out-of-date. Thus, in his report on the proposed Edinburgh Garden District Development (NOD-EDB-002), the reporter concluded:

*“3.42 There is, however, a serious difficulty in deciding what conclusions to draw from the output of the housing land audit. As the applicant correctly states, the housing land supply target figures are taken from SESplan 1, approved more than five years ago, and its associated supplementary guidance. In accordance with paragraph 33 of SPP, there can be no dispute that the development plan is more than five years old and that consequently the presumption in favour of development that contributes to sustainable development is a significant material consideration in the determination of this application.”*

13. A similar conclusion was reached in another appeal decision referred to on behalf of the appellants (reference PPA-230-2295), where the reporter stated:

*“9. I have given careful consideration to whether the housing supply target and housing land requirement expressed in the LDP could reasonably be relied upon in this appeal, in order to assess the adequacy of the current effective housing land supply. Ultimately however, whilst they feature in an up-to-date component of the development plan, the difficulty with such an approach is that the figures are still derived directly from the SDP. As these figures must be regarded as out-of-date where they appear in the SDP, it stands to reason that the same must apply to where they are reproduced in the LDP, notwithstanding that they have been subject to a proportionate increase to enable them to be extended to 2026.”*

14. He further added:

*“11. Furthermore, the scale of the housing shortfall should further influence the weight to be given to the benefits of a housing proposal. In this appeal, the absence of a target against which the effective housing land supply can be measured presents significant difficulties in establishing whether or not there is a shortfall which needs to be addressed. There are even greater difficulties in establishing the scale of a shortfall, should one exist.*

15. In both the above-mentioned cases, the reporters concluded that the available evidence suggested that there was an unspecified shortfall in the five-year effective housing land supply in Edinburgh. Both those decisions were made in 2020, and I consider that it is reasonable to revisit the situation in the light of any more recent information. A continuing difficulty, however, is that, in light of the age of SESplan, there is no up-to-date information on the appropriate housing land target, and thus the housing land requirement.

16. Fr the appellants, it is suggested that the Housing Need and Demand Assessment (HNDA2) prepared in 2015 in connection with SESplan 2 is an appropriate starting point, notwithstanding that the latter plan was rejected by Scottish Ministers. On that basis, they provided the following figures:

Housing need and demand 2012-2025	52,640
Total completions 2012/13 – 2019/20	17,566
Remaining need and demand 2020-2025	35,074
Effective land supply	12,415
Five-year shortfall	22,659

17. This equates to a five-year supply of only 1.77 years. If a 10% generosity margin is applied to the 2012-2025 figure for total housing need, the five-year supply is reduced to 1.54 years.

18. It is recognised by the appellants that HNDA2 does not provide a housing supply target which, on the basis of paragraph 115 of SPP, is intended to be a policy view of the

number of homes the planning authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, and issues of capacity, resource and deliverability.

19. In both the two above-mentioned cases the reporters comment on the use of HNDA2. In NOD-EDB-002, the reporter states (in paragraph 3.43):

*“For example HNDA2, which although certified as robust and credible, is intended only as a starting point for the preparation of plans. Expecting the individual decision maker to select an appropriate growth scenario is unrealistic and would be most unsatisfactory from a public participation standpoint.”*

In PPA-230-2295, the reporter comments in paragraph 16 that:

*“However, I find it is necessary to make a clear distinction between the evidence provided by a HNDA, and the subsequent strategic policy decisions that are required to be taken over the spatial distribution of future housing. Whilst HNDA2 indicates that there are increasing needs and demand across the city region (as a single housing market area), no conclusions can be drawn from HNDA2 in regard to what proportion of housing should appropriately be provided within the City of Edinburgh LDP area.”*

20. The above-mentioned comments relate to the use of HNDA2 in establishing housing supply targets in the context of specific developments. In its documents entitled “City Plan 2030 Housing Study”, and “Choices for City Plan 2030”, both produced in January 2020, the council has used HNDA2 as the starting point for establishing the housing supply targets for City Plan 2030.

21. In the circumstances I sought further information from the parties on their positions with regards to the most up-to-date housing land supply situation, taking into account the proposals in City Plan 2030. For the appellants, it is noted that this plan identifies a Housing Supply Target of 36,911 and a Housing Land Requirement (based on 20% generosity) of 44,293 for the period 2021-2032. It identifies a housing land supply of 57,428, which represents a surplus of 13,135 compared to the Housing Land Requirement. Of this supply, 14,520 units are on “strategic sites”, 10,798 on brownfield sites, and 18,801 on “legacy sites”. Of the remaining supply, 12,838 are on other sites in the current land supply, and 741 on sites which have either received planning permission since 31 March 2021 or on sites where a decision on a planning application is pending. The appellants contend that many of the “legacy sites” have been carried forward from the currently adopted plan, and have not been developed, despite being identified for a considerable period of time; thus casting doubt on their effectiveness.

22. They also argue that the decision in the proposed City Plan 2030 to concentrate new allocations on brownfield sites, with no new greenfield allocations, compounds the high risks of the housing strategy in that plan. These risks were fully identified by the council itself in the “Choices for City Plan 2030” document. Furthermore, the effective reliance on the public sector to subsidise additional affordable housing provision at a time when the public purse is stretched intensifies the risks. The current proposal at Balerno would provide 30% affordable housing with no public subsidy required. The appellants note that only about 10% of the allocated brownfield sites are currently vacant, which raises concerns about delivery. Also, the plan’s approach to housing land has been the subject of significant objection from third parties.

23. In its submission in response to my request for further information, the council has referred to the Housing Land Audit and Completions Programme 2021 (HLACP), which was reported to the Planning Committee on 1 December 2021. This sets out the housing land supply position as of 31 March 2021, when it states that there was land available for 22,411 houses, free of planning constraints. Table 1 in the HLACP sets out the Housing Supply Target for the periods of 2009-2019, 2019-2024 and 2024-2026, giving a total from 2009-2026 of 32,394. Using a generosity allowance of 10%, the table states the Housing Land Requirement for 2009-2026 as being 35,633.

24. Against this figure is set the completions figure from 2009-2021 of 23,651; thus leaving the remaining Housing Land Requirement for 2021-2026 as 11,982. The council has then argued that the completions target for the five-year period from 2021 to 2026 is 8,743 (Housing Supply Target minus completions). The corresponding five-year completions programme from the HLACP is 12,843, which is some 46% above the above-mentioned completions target. It is also above the five-year Housing Land Requirement.

25. The council has also stated that the programmed completion rate for 2021-2026 is 2,569 units per year (12,843/5). There is therefore enough effective housing land in Edinburgh to last for 8.7 years (22,411/2,569).

#### *My conclusions on the housing land position*

26. There is a considerable discrepancy between the appellants' and council's positions on the adequacy of the effective five-year housing land supply. In attempting to reach some conclusion on this matter, I think that it is important to recognise that in the case of *Gladman Developments Limited v. The Scottish Ministers [2020] CSIH 28* it was held that it is the Housing Land Requirement that needs to be assessed (i.e. the Housing Supply Target plus the relevant generosity allowance).

27. The figures set out in Table 1 of the HLACP are based on the Housing Supply Target established by SESplan and its associated supplementary guidance. As previously noted, this is considerably out-of-date but, as is stated in City Plan 2030 (paragraph 2.96):

*“There are therefore no approved, statutory housing supply targets for Edinburgh which cover the entire period of City Plan 2030. There is no formal mechanism for providing an alternative to Strategic Development Plan targets.”*

28. I have noted the conclusions of the reporters in the two decisions in 2020 referred to above that it was not possible to conclude that there was an effective five-year housing land supply in Edinburgh at that time. City Plan 2030 will establish a new Housing Land Requirement for the plan period once adopted. As indicated in paragraph 21 above, this is currently set at 44,293; but I have no doubt that the housing land supply position will be thoroughly assessed during the eventual examination of that plan, and the Housing Land Requirement might be different in the adopted plan.

29. The appellants have questioned whether the delivery rates needed for the currently proposed Housing Land Requirement in City Plan 2030 can be achieved. I think that it is important, however, not to conflate housing delivery with housing land availability. The former can be affected by many factors other than the effectiveness of the housing land supply. As the Covid-19 pandemic has illustrated, housing delivery can fall dramatically as a result of issues entirely unrelated to the effectiveness of the housing land supply. In such circumstances, allocated sites still remain available for development once external factors change, and it does not necessarily mean that further land needs to be released.

30. The *Gladman* decision referred to above introduced the concept of the “tilted balance”, whereby, if a shortfall in the effective five-year housing land supply is identified, this weights the balance in favour of proposals that would help to remedy that shortfall. The “angle” of tilt will be set by the extent of the shortfall.

31. On the question of the shortfall, I am not persuaded by the appellants’ initial argument that there is only a 1.54 year’s housing land supply in Edinburgh based on the HNDA2 figures, which is acknowledged as not constituting a target. Equally, I am not convinced by the council’s position that there is an 8.7 year’s supply, as that is based on the SESplan Housing Supply Target, which is out-of-date. It is not unusual at the end of a plan period for a shortfall in the effective five-year housing land supply to emerge, as existing allocated sites are developed. One of the aims of the replacement plan would be to remedy that shortfall but, in the interim period, the requirement set out in paragraph 123 of SPP may not be met. I am sure that the strategy of City Plan 2030, with its emphasis on the use of brownfield land, will be hotly debated during the course of the forthcoming examination of that plan. I do not consider that the current appeal is an appropriate forum to enter into that debate.

32. I have recently been advised that the Scottish Ministers’ final decision on the Edinburgh Garden City development was issued on 4 April 2002. A number of comments made in that decision are pertinent to the present case, as follows:

*“... the Reporter was unable to conclude that there is a 5-year effective housing land supply – or identify that there is a shortfall in the effective housing land supply. Scottish Ministers have taken into account that as the relevant policies relating to housing land requirement of SESplan and accompanying supplementary guidance are out of date and both SESplan and the LDP are more than five years old that paragraph 33 of SPP is engaged. Paragraph 33 of SPP sets out that in these circumstances, the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”* (Paragraph 11)

*“Ministers have taken written submissions into account and have given the draft City Plan limited weight in the determination of this application given its draft consultation status.”* (Paragraph 13)

*“Ministers have taken into account the Reporter’s consideration in chapter 3 and para 9.2 that he has been unable to conclude with certainty that there is currently an effective 5 year housing land supply. Based on the evidence before him the Reporter considers that there is serious difficulty in deciding what conclusions to draw from the output of the housing land audit, as the housing land supply target figures are taken from SESplan which is more than 5 years old. In para 3.44 the Reporter concludes that there would be too many uncertainties in order to somehow roll forward the housing supply target set out in SESplan and that such an approach would likely lead to widely varying demand-side calculations from case to case.”* (Paragraph 15)

*“The Reporter concludes that SPP paragraph 33 is engaged and that this is the appropriate mechanism intended by SPP for situations such as this one, rather than an ad-hoc rolling forward of supply targets, any concept of which is absent from SPP. Scottish Ministers accept the Reporter’s reasoning that at the time it had not been possible to calculate whether or not there is a housing land supply shortfall for the SESplan area given that the housing land supply figures for SESplan are out of date.”* (Paragraph 16)

33. All told, I conclude that the present position with regards to the existence or otherwise of an effective five-year housing land supply in Edinburgh is uncertain but, as in the previous cases referred to above, I cannot rule out that there is a shortfall. However, I also cannot determine what the extent of any such shortfall may be and, thus, what the “angle” of tilt in favour of the development is. In the circumstances, I consider that, given the possible existence of a housing land shortfall and the age of the current development plan, paragraph 33 of SPP is engaged; and that the presumption in favour of development that contributes towards sustainable development is a significant material consideration in this case.

#### The environmental impact of the development

34. The proposed development has been the subject of an Environmental Impact Assessment (EIA), and the planning application was accompanied by the resulting report (hereafter referred to as the Environmental Statement). This includes an assessment of the landscape and visual impact of the proposed development, its ecological impact, and its impact on air quality. It also includes an assessment of its traffic and transport implications, which I consider separately in the following section of this notice.

#### *Landscape and visual impact*

35. The Environmental Statement includes a Landscape and Visual impact Assessment (LVIA) for the proposed development. In terms of its **landscape impact**, the development would have an inevitable local effect in transforming the current agricultural landscape of most of the site into an essentially suburban development. In terms of its wider impact, the appeal site lies within NatureScot Landscape Character Type (LCT) 274 – Lowland Plain and Landscape Character Area (LCA) 27 – Gowanhill Farmland, as identified in the 2010 Edinburgh Landscape Character Assessment. This assessment notes that the area is typical of other farmed areas on the fringes of Edinburgh and strongly influenced by communications, settlement and industry. It is not unique or rare within Edinburgh and the Lothians, although it does provide a degree of landscape setting for the settlement of Currie. However, it is generally considered to have a low scenic quality.

36. The impact of the development on the wider Lowland Plan LCT would be limited. However, its impact on the smaller Gowanhill Farmlands LCA would be greater. Whilst this area might not be of great scenic quality, it does provide the setting for the urban area extending from Currie to Balerno. This area currently has a very clear settlement boundary extending along the flat crest of the ridge running east-west and adjoining the southern boundary of the appeal site. The development would extend development to the north down the relatively steep scarp slope, thereby blurring the distinction between the urban area and the adjoining countryside. This would, in my view, have a significant adverse landscape impact, contrary to the conclusion of the Environmental Statement that the impact on the Gowanhill Farmland LCA would be moderate but not significant by Year 1 of the development. Whilst I appreciate that, over time, the maturing of the landscaping on the site would help to reduce the impact on the landscape, I consider that the new housing would remain as a significant encroachment of urban development into the countryside in the long term. All told, therefore, I conclude that the development would have a significant adverse effect on the landscape of the area.

37. Its location on the north-facing slope would also result in a significant adverse **visual impact**, when seen from the north. The existing housing in this part of Balerno and extending east to Currie forms a very distinct settlement boundary on the crest of the ridgeline. The new houses at Ravelrig Heights are partially screened by the mature trees



along their northern edge. In contrast, the new development would be very open to view on the fairly steep, north-facing slope. This is particularly apparent in views from Old Dalmahoy Road to the north-west of the site, where there is very little vegetation along the line of the old railway. Whilst the existing trees and shrubs along this line would help to screen the new development immediately to its north, it would have little effect in softening views of houses further up the slope. Even when the existing vegetation is reinforced with new planting, as is proposed, I am unconvinced that this would significantly screen the upper part of the new development, even in the longer term. Whilst extensive landscaping is also proposed on the area of the site north of the former railway line, again I do not believe that it would significantly screen the upper part of the new development, even when it has matured, because it is at a much lower level.

38. All told, I consider that the proposal would have a significant and long-term, adverse visual impact, by extending urban development down the slope beyond the current well-defined settlement boundary into the adjoining countryside.

39. The site lies within the currently-defined green belt. Whilst this is not a landscape designation as such, it reflects the rural character of the landscape in the area. One of the purposes of the green belt set out in SESplan policy 12 is to protect the landscape setting of Edinburgh. This reflects a similar purpose contained in paragraph 49 of Scottish Planning Policy. Both SESplan policy 7 and CELDP policy Hou1, part 2, state that, where it is necessary to release additional sites to meet a shortfall in the five-year effective housing land supply, such development should not undermine green belt objectives. Whilst I consider the overall planning balance later in this notice, I conclude that the proposed development would have a significant adverse effect on the setting of this part of Edinburgh. As such, its adverse landscape and visual impact is a negative factor to be taken into account in assessing the overall balance.

40. My attention has been drawn in a number of representations to the appeal decision when permission in principle for residential development was granted on the site now known as Ravelrig Heights. In his decision notice in 2014, the reporter stated:

*“Furthermore, a clear distinction can be drawn between the appeal site and the remaining undeveloped land to the north of Lanark Road West, to the extent that no precedent would be set for any further development, and I return to this below in the context of the landscape and visual impact of the proposed development.”*

Whilst I am not bound by a previous reporter’s opinion, and overall circumstances will, of course, have changed significantly since that time, I nevertheless agree with his later assessment, which he refers to above, that the Ravelrig Heights site has a well-defined boundary to the north, beyond which the agricultural land slopes much more steeply down in that direction.

### *Ecological impact*

41. The habitat survey carried out for the EIA indicates that the principal habitats within the site are arable farmland, poor semi-improved grassland and marshy grassland. These are of generally low biodiversity value, although they may provide foraging habitat for birds (including grazing geese) and mammals (including badgers). They are not uncommon habitats in the area, and it is concluded in the Environmental Statement that their loss to development would be of negligible significance.

42. A tree survey of the site identified a substantial number of good quality trees; primarily along its southern boundary; on either side of Ravelrig Road where it crosses the site; and along the former railway line. To a large extent, these trees could be retained with the appropriate detailed design of the development, although there might be some short-term degradation of the habitat during construction operations.

43. The Balerno to Ravelrig Junction Railway Site of Importance for Nature Conservation (SINC), a local designation, crosses the appeal site. This route is to be retained as a cycle and footpath, and enhanced with further planting, and it is considered that the long-term impact on its ecological value would be negligible.

44. In terms of protected species, it is evident that badgers are active both within the site and surrounding area. These would be disturbed and, possibly, displaced during construction operations, although the absence of built development on the northern part of the site might reduce the extent of direct impact. The Environmental Statement concluded that this would, overall, be of low significance. It is recommended, however, that further badger surveys should be undertaken before any development on the site commences.

45. There have been records of bats in the wider Balerno area, and the larger trees along the southern boundary of the site offer roosting potential for bats. They could suffer disturbance and loss of habitat during construction operations and after the development has been completed. Again, further survey work is recommended before the detailed design of the development is undertaken, as well as mitigation measures such as the provision of directional lighting. Overall, the Environmental Statement concludes that the long-term impact on bats would be negligible.

46. There is no evidence of any other protected species on or in the vicinity of the site. It would, however, be necessary to carry out further surveys for breeding birds, before any felling of trees or removal of other vegetation that might provide nesting habitat.

47. In its consultation response on the planning application, NatureScot noted that, as the site was not allocated in the CELDP, it had not undergone a Habitats Regulation Appraisal (HRA) in relation to the Firth of Forth Special Protection Area (SPA). Although not referred to in the council's Committee Report, a HRA was prepared for the appellants in February 2021. This was intended to determine whether the proposed development would be likely to have a significant effect on the conservation objectives of the SPA.

48. The site is situated some 10 kilometres south of the nearest boundary of the SPA and would have no direct impact on it. The qualifying interests of the SPA include a large number of waterbird and seabird species. Of these, it was agreed with NatureScot that only one species was potentially of concern in relation to this site; in that pink-footed geese are known to use arable farmland/winter stubble for foraging, and to travel up to 20 kilometres from the SPA to utilise such habitats.

49. The HRA found that there was no field or desk-based evidence of pink-footed geese in or near the site, and only limited evidence of their presence in south rural Edinburgh. The site is already subject to disturbance from passing trains, farming operations, and the adjoining residential area. Whilst geese may sporadically use the site for foraging, there is abundant similar habitat in the wider area.

50. Despite the potential connectivity of the site with the Firth of Forth, I am satisfied that the evidence in the HRA demonstrates that the development would not be likely to have a significant effect on the conservation objectives or integrity of the SPA. I therefore conclude

that an Appropriate Assessment under Regulation 48 of The Conservation (Natural Habitats &c.) Regulations 1994, as amended, is not required in this case.

51. Overall, I conclude that, subject to appropriate mitigation measures, the proposed development would not have any significant adverse ecological impact. As a result, I consider that it would not conflict with policies Env 13, Env 14, Env 15 or Env 16 of the CELDP.

#### *Impact on air quality*

52. During the construction of the development, there would inevitably be some local impact on air quality, largely from dust arising from earthmoving operations and the passage of heavy vehicles to and from the site. This would primarily affect residents living to the south of the site, and would be of a temporary nature. I agree with the conclusion in the Environmental Statement that, subject to appropriate mitigation measures to be included in a Construction Environmental and Management Plan (CEMP), the adverse effects on air quality from the construction phase of the development would be of low significance.

53. In the longer term, any impact of the development on air quality would arise from the traffic it generated. The Environmental Statement predicts that the levels of nitrogen dioxide or particulates would not exceed the relevant Air Quality Standards at the nearest residential properties.

54. Amongst its reasons for the refusal of permission, the council stated that the application had not demonstrated the development would not have an adverse impact on air quality, and therefore does not comply with CELDP policy Env 22. This reason appears to be based on the consultation response from the council's Environmental Protection Team, which is concerned about potential cumulative impacts with other developments in the wider area on the local road network and subsequent air quality. The Environmental Statement does, however, include an assessment of cumulative effects with four other developments, the traffic generation from which has been taken into account in predicting traffic flows on the road network, and consequently the impact on air quality standards.

55. The Air Quality Impact Assessment (AQIA) undertaken to inform the Environmental Statement contained an assessment of the possible effect of dust emissions from Ravelrig Quarry, situated to the west of the appeal site. It notes that a previous assessment carried out for the Ravelrig Heights development demonstrated that the effects of dust from the quarry would be insignificant. The boundary of that site is the same distance from the quarry as the proposed development. All potential receptors within the development would be over 250 metres from the site boundary and over 1.3 kilometres from the main dust-generating activity within the quarry. Institute of Air Quality Management guidance indicates that adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres of the dust-generating activities. The AQIA therefore concluded that the potential effects of dust from the quarry did not require further detailed assessment, and could be screened out. I find no reason to disagree with that conclusion.

56. All told, I find that there is no evidence before me to suggest that the air quality impact of the additional traffic generated by this proposal, together with that from other new developments in the area, would have a significant adverse impact, or that dust emissions from Ravelrig Quarry would have any significant adverse impact on the development itself. I conclude that the proposal would not conflict with policy Env 22 in terms of air quality.

*Noise impact*

57. The Environmental Statement states that the potential noise impact associated with the development was scoped out of further consideration. This was because noise impact assessments undertaken for the two new residential developments adjoining the southern boundary of the site concluded that there was the potential for a slight impact on residential receptors as a result of blasting at the adjacent quarry, and that impacts from traffic and railway noise would not be significant. The council's Environmental Protection Team, however, considered that, in the absence of a specific noise assessment for this development, permission should be refused. The third reason for the refusal of permission by the council was that the application failed to demonstrate that a good level of amenity could be achieved through compliance with CELDP policy Des 5 in terms of potential noise impacts from nearby uses.

58. In response to this, a Noise Impact Assessment (NIA) has been submitted for the appellants as part of this appeal. Recorded noise levels on the site were generally low, reflecting the generally low level of activity in the area, but included noise from the railway and local and distant road traffic. There was no obvious noise associated with the quarry at the time of the survey. The NIA concludes that acceptable internal noise levels in the new houses could be achieved with appropriate sound insulation measures. Whilst the railway along the northern boundary of the site is a potential source of noise, the indicative masterplan shows that no houses are proposed north of the former railway line through the site. I am satisfied that any necessary noise mitigation measures for the proposed houses could be covered through detailed measures at the stage of applications for the approval of matters specified in conditions.

59. With regards to potential noise and vibration from the quarry, the NIA notes that the assessment undertaken for the Ravelrig Heights development included the potential impact of quarrying operations, including periodic blasting. As these dwellings are closer to the quarry than those on the appeal site, it is considered that activity from the quarry is not expected to have a significant adverse impact on the proposed development. The council's Environmental Protection Team has stated that mitigation measures were put in place for Ravelrig Heights to reduce the impact from the quarry by means of an acoustic barrier along the western boundary of that site. That barrier may need to be continued along the appeal site. I consider that this is another matter that can satisfactorily be addressed through a condition requiring a more detailed assessment and, if necessary, mitigation measures, when detailed proposals are submitted.

60. With regards to any noise impacts associated with the proposed development itself, again there would be some during the construction stage from the operation of equipment and the movement of vehicles. This would be a temporary phenomenon and I consider that appropriate mitigation measures could be specified in the CEMP. Any long-term noise impact would be largely associated with the extra traffic generated by the development, which would primarily affect existing residents to the south of the site, particularly along Ravelrig Road. Whilst I appreciate that this has not been assessed, the submitted Transport Assessment indicates that the peak hour flows along this road would be increased by a maximum of some 227-271 vehicular trips (taking into account both the health centre and community hub). Not all of these trips would necessarily be south along Ravelrig Road, with a significant proportion predicted to travel north along Ravelrig Road to Long Dalmahoy Road. Figures 10a and 10b in Appendix E of the Transport Assessment predict that there would be 138 two-way trips on Ravelrig Road at its junction with Lanark Road West in the AM peak, and 177 during the PM peak. This can be compared to Figures 6a and 6b, which show projected 2025 and committed development flows of 281

(AM) and 287(PM). On this basis, the proposed development would increase peak traffic flows on the southern section of Ravelrig Road by 49% (AM) and 61% (PM).

61. Whilst such percentage increases would be considerable, I note that the council has not raised specific concerns about the long-term noise impact of the proposed development on the amenity of existing residents; although CELDP policy Des 5 includes the criterion that new developments should not adversely affect the amenity of neighbouring developments, as well as that the future occupants should have acceptable levels of amenity in respect of a number of factors, including noise. On this latter count, I am satisfied that the development would be acceptable in principle, subject to a more detailed assessment of any noise mitigation measures at the detailed design stage. With regards to the impact on the amenity of the neighbouring area as a result of the noise from increased traffic on Ravelrig Road, I do not have sufficient information to reach a definitive judgement on this, other than to say that there would be some increased noise levels at peak periods, but that I doubt that the overall impact on existing residential amenity would be significantly adverse.

#### *Other potential environmental impacts*

62. The Environmental Statement states that the impact of the development on **cultural heritage** was scoped out of further consideration. There are a number of listed buildings on Lanark Road West but, in view of their distance from the site and the existing intervening screening, I am satisfied that the development would have no impact on their settings or any features of special architectural or historic interest that they possess, in terms of section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended. Similarly it would be at a sufficient distance from the boundary of the Balerno Conservation Area to have no impact on the character or appearance of that area, in terms of section 64(1) of that Act.

63. Historic Environment Scotland (HES), in its consultation response on the planning application, did not object to the principle of the development, but disagreed with the finding of the Environmental Statement to scope out cultural heritage impacts from further assessment. It considered that there was some potential for adverse impact on the settings of two nearby scheduled monument – Dalmahoy Hill fort and Kaimes Hill fort. Whilst it was content that the likely impact would not raise issues such that it would object to the proposal, it considered that some consideration should be given to reducing any impacts at the detailed design stage if possible. As the development would be located on the same east/west ridge as the two forts, such consideration might involve adjustments to the scale and height of the development to ensure that important eastward views from these monuments would not be adversely affected. In its Committee Report, the council has suggested that the impact on the two forts is likely to be minimal, but a condition could be imposed, if permission were to be granted, requiring a more detailed assessment when detailed designs were being prepared. I agree with that assessment.

64. The area is one of known archaeological potential and, if permission were to be granted, further investigations should be undertaken, to be agreed with The City of Edinburgh Council Archaeology Service. This could be achieved through an appropriate planning condition.

65. Subject to the above-mentioned conditions, I am satisfied that the proposed development would not conflict with the relevant provisions of the CELDP – policies Env 3, Env 6, Env 8 and Env 9.

66. A Flood Risk Assessment (FRA) has been carried out for the development, and concluded that it could be accommodated on the site with no increase in flood risk, taking into account climate change. The Scottish Environment Protection Agency, in commenting on the application, had no objections to the development, stating that the site is outwith its fluvial flood map, and that there is significant lateral and vertical separation between the proposed development and the nearest watercourses/drainage channels on its eastern flank. The council's own Flood Prevention Team considered that further information was required on the sufficiency of the capacity of the watercourse and railway culvert to accommodate the proposed surface water discharge rate from the proposed detention basins. It also noted that attenuation should be based on the 1 in 200 year event, with a 40% uplift for climate change, rather than the 30% used in the FRA. I am satisfied that these are matters that can be covered by planning conditions if permission were to be granted. Subject to such conditions, I conclude that the development would not conflict with CELDP policy Env 22 in relation to **flood risk and drainage**.

#### The transport implications of the development

67. The Transport, Traffic and Access chapter of the Environmental Statement has been informed by a separate Transport Assessment, which was updated in September 2021.

68. The Transport Assessment has assessed the likely impact of the traffic generated by the proposed 350 houses and other developments to be built on the site, using information from the TRICS database and local traffic surveys. I have already referred to the projected traffic generation figures in my consideration of the noise impact of the development; but for convenience I have also summarised them below:

	Weekday AM peak (two-way flows)	Weekday PM peak (two-way flows)
Housing	180	218
Health Centre	40	45
Community Hub	7	8
<b>Total</b>	<b>227</b>	<b>271</b>

69. These maximum projected traffic flows have been distributed onto the local road network, and the impact on the relevant junctions analysed, taking into account both general traffic growth and the traffic generated by existing committed developments. All the junctions are shown to operate within their design capacities in future scenarios. I accept that the technical evidence suggests that the additional traffic generated by this proposal could be accommodated on the existing road network. I have some concerns about the predicted distribution of peak hour traffic from the development, with a relatively large proportion travelling on the northern part of Ravelrig Road and, thence, on Long Dalmahoy Road, given the narrow and rural character of these roads. I also note the concerns expressed by the Balerno Community Council, amongst others, that the impact of the additional traffic on Lanark Road, through Currie and Juniper Green, has not been adequately addressed.

70. In any event, the technical capacity of roads to accommodate additional traffic does not mean that it is inherently desirable to add to traffic flows on existing roads when looked at from a broader perspective. The Transport Assessment considers the issue of the accessibility of the site by means other than the private car. It notes that the centroid of the site is within the 1600 metre isochrone from facilities in the centre of Balerno. Planning Advice Note 75 – Planning for Transport (PAN 75) notes that this distance is broadly in line with observed behaviour for accessibility to local facilities by walking and cycling. It also

recommends that, for access to public transport from housing, the recommended guideline is less than 400 metres to bus services. In this case, the nearest bus stops are some 800 metres from the site centroid. On one of my site inspections, I walked from the edge of the site on Ravelrig Road to that bus stop in some eight minutes. Parts of the proposed development, especially on the western side, would be significantly further away. It took me some 15 minutes to reach the nearest shop in the centre of Balerno.

71. Given its peripheral location on the edge of the existing settlement, I do not believe that the site is particularly well situated for pedestrian access to facilities. Whilst I consider that older children could walk or cycle to Balerno High School, I think that it is very unlikely that most parents would walk with younger children to the nearest primary school at Dean Park, to the south-west of the centre of Balerno. I also consider that other facilities in the village centre would not be readily accessible on foot by the elderly, people with impaired mobility, parents with young children, or those encumbered with shopping bags. Consequently, I consider that the location of the development would be likely to increase the use of the private car for trips to school and for shopping. Whilst I recognise that there is a regular and frequent bus service to and from central Edinburgh on Lanark Road West, the distance to the nearest bus stops from the furthest parts of the site might well discourage public transport use, especially in inclement weather.

72. For the appellants, it has been suggested that they would be willing to enter into a bus service agreement to secure public transport improvements, including a service into the site itself. There is no written confirmation, however, that a bus operator would be willing or able to introduce a new service, or to divert an existing one, along the relatively narrow Ravelrig Road to a terminus within the site; or of the level of subsidy that might be required for such a service. In their most recent submissions, the appellants have suggested that a contribution to community mini-bus or dial-a-ride service would be appropriate in light of current uncertainty over the future use of public transport since the Covid-19 pandemic.

73. In a Supplementary Note produced for the appellants on the impact of the Covid-19 pandemic, it is argued that there is likely to be a continued desire of many people to work from home, at least for part of the week, in the long term. I acknowledge that this is a possibility, but only time will tell how travel patterns will stabilise in coming years. The current climate change emergency requires that the number of daily car journeys should be reduced drastically in the future. However, the location of new housing developments on the periphery of existing settlements, with relatively limited accessibility by other means of transport, does not necessarily accord with achieving that aim. I appreciate that the projected traffic generation associated with the current proposal may represent a worst-case scenario, but I consider that it would be imprudent to adopt over-optimistic assumptions about future travel patterns at the present time.

74. The appeal site is not, in my view, particularly accessible for mainstream public transport, and I am unconvinced that there is a sufficient level of long-term commitment to ensure any significant improvement to such accessibility. The suggested provision of less conventional methods of public transport, for which I consider that there is no guarantee as to their long-term viability or retention, serves to emphasize, in my opinion, the inherently poor accessibility of the site to means of transport other than the private car.

75. The appellants have also argued that the proposed provision of a health centre and community hub would improve accessibility to these facilities for local residents. Whilst I do not doubt that such facilities would be welcome, I do question the likelihood or feasibility of them actually being implemented. The Planning Statement submitted with the original application notes that the nearest doctors' surgery to the site is at some distance to the east

in Currie, and is already over-subscribed. However, there is no indication of how a new health centre would be financed or staffed, given that it is the National Health Service that would be responsible for the latter function. In response to my request for further information on this matter, the appellants have suggested that the provision and funding of the proposed facility would be through a partnership between the developer of the site and a healthcare provider, who would also be responsible for its operation. There is no indication of who such a provider may be – NHS or private – and I remain unconvinced about this aspect of the proposed development.

76. Likewise, there is no indication of how the proposed community hub would be financed, managed or operated. Allocating sites for these facilities on an indicative masterplan will not make them happen. In addition, even if there is a need for such facilities, the peripheral location of the appeal site is such that they would not be well located to serve the wider community in Balerno; and they could increase the level of car use on the immediate road network.

77. In its Committee Report, the council has suggested that, given its location, it is likely that there will be high car dependency, making it more difficult to achieve the objective of CELDP policy Tra 2 to reduce the amount of provision made for cars within the development. Ultimately, the level of on-site parking provision would be a matter to be determined at the stage of detailed design. Nevertheless, the indicative masterplan suggests the provision of a large number of detached houses, and marketing considerations may well make it difficult to impose lower standards of on-site parking.

78. CELDP policy Tra 8 states that proposals relating to major housing sites, which would generate a significant amount of traffic, should demonstrate that identified local and city-wide individual and cumulative transport impacts can be timeously addressed; and that any required transport infrastructure has been addressed. The Roads Authority recommended that planning permission should be refused, on the grounds that the development would not meet the transport objectives set out in the CELDP; namely, to minimise the distances people need to travel; promote and prioritise travel by sustainable means; and minimise the detrimental effects of traffic and parking on communities and the environment. Whilst I have accepted that the traffic generated by the proposed development could be accommodated on the local road network without requiring any improvements or additions to infrastructure, I generally agree with the council's position that it would have a low level of sustainability in transport terms, because of the peripherality of the site. As such, I consider that this is a negative factor to be considered when assessing the overall planning balance.

#### The overall sustainability of the proposed development

79. Scottish Planning Policy (SPP) contains a presumption in favour of development that contributes towards sustainable development. The Courts have held that a development that would help to remedy a shortfall in the five-year housing land supply would, of itself, make a contribution towards sustainable development.

80. Paragraph 29 of SPP sets out 13 principles that should be used to guide decisions. Assessing the present proposal against those principles, I find as follows:

- The development would create economic benefits, in terms of its construction investment and employment, and increased tax revenues, both local and national. These would be no different from any other housing project of a similar size.



- There is no evidence before me to suggest that the development would respond to economic issues, challenges and opportunities, as outlined in local economic strategies.
- Although the application is for permission in principle, I have no reason to believe that, at the detailed design stage, a development could not be created that would achieve the six qualities of successful places set out in paragraphs 41-46 of SPP.
- The proposal involves the development of a greenfield site in the green belt, contrary to the provisions of both the extant and emerging local development plan. As such, it would not make efficient use of existing capacities of land and infrastructure, nor support town centre and regeneration priorities.
- I have considered the accessibility of the site in the previous section of this notice, and concluded that it has limitations in terms of its access by means other than the private car.
- If permission were to be granted, the council has indicated that a financial contribution would be required towards the provision of additional education infrastructure to serve the new development. The appellants have indicated a willingness to make such a contribution; and, in addition, to make a contribution to support bus provision to the site for a defined period.
- Whilst detailed proposals for climate change mitigation measures for the development could be assessed when an application for the approval of matters specified in conditions is submitted, at the present stage the additional car journeys likely to be generated because of the relatively poor accessibility of the site would be a negative factor in relation to overall climate change mitigation. There would, however, be no significant problems associated with flood risk.
- In terms of improving health and well-being by offering opportunities for social activity and physical activity, the proposed open space and recreational facilities, including the potential for community allotments, would be of benefit.
- With regards to the principles of sustainable land use set out in the government's Land Use Strategy 2016-2021, the development would result in the loss of a significant area of agricultural land, much of which is of prime quality. Paragraph 80 of SPP states that development on prime agricultural land should not be permitted except where it is essential as a component of the settlement strategy or necessary to meet an established need, where no other suitable sites are available. As I have indicated above, the appeal site is not included in either the existing or emerging settlement strategies for Edinburgh. I appreciate that much of the agricultural land around the city is of prime quality, and some may need to be used to meet the overall housing need, but a comparison of the relative merits of alternative sites is beyond the scope of this appeal. The loss of prime agricultural land that would be involved in this case is a factor to be taken into consideration when the overall planning balance is assessed.
- The development would have no adverse impact on the cultural heritage of the area.
- The development would have some benefits in protecting, enhancing and promoting access to natural heritage by the formation of a cycle and footpath along

the former railway line through the site, and the extensive landscaping proposed, particularly on the northern part of the site.

- The principle of reducing waste, facilitating its management and promoting resource recovery is not of particular relevance to the current proposal.
- There is no inherent reason why the detailed design of the proposal should not avoid over-development and protect the amenity of both the new and existing development. It would also not adversely affect water or air quality.

81. Drawing these matters together, I conclude that the development would meet some of the sustainability principles, but be less beneficial in terms of others. I accept that it would make some contribution towards sustainable development, but the weight to be given to that in the overall balance to be drawn is a matter to which I return later.

#### Conclusions in respect of the development plan

82. In my consideration of the environmental impact of the proposed development, I have concluded that it would not conflict with a number of relevant policies in the CELDP, as listed in that section of this notice.

83. However, I have also concluded that it would have a detrimental landscape and visual impact. To that extent, I consider that it would conflict to some degree with policies Des 4 (Development Design – Impact on Setting) and Des 9 (Urban Edge Development). Whilst the overall layout of development would be similar to the character of the existing settlement to the south, including the newly built houses at Ravelrig Heights, it would nonetheless constitute an extension of essentially suburban development into the rural landscape to the north, the visual effect of which would be emphasised by its location on a relatively steep north-facing slope. As such I do not believe that it would have a positive impact on its surroundings, including the wider landscape; nor would it conserve or enhance the landscape setting of the city. I also do not think that it would strengthen the existing green belt boundary, which is clearly established along the crest of the ridgeline.

84. I have indicated in paragraph 8 above that the development would not comply with policy Env 10 (Development in the Green Belt and Countryside). SESplan policy 12 sets out four purposes for the definition of green belts in local development plans. I consider that the proposal would conflict with two of those purposes: namely, it would not direct planned growth to the most appropriate locations or promote regeneration; and it would not maintain the landscape setting of the settlement.

85. In relation to the development plan policies for the release of additional housing land in the event of a shortfall being identified, I have concluded in paragraph 33 above, that I cannot rule out the existence of such a shortfall, but also cannot determine its extent. To the extent that SESplan policy 7 and CELDP policy Hou 1 are therefore engaged, I conclude that the proposed development:

- whilst reflecting the character of the adjoining suburban residential development, would have an adverse impact on the landscape and therefore on the setting of the adjacent part of the settlement;
- would conflict in two respects with the objectives of the green belt;
- would make a financial contribution towards the additional infrastructure required;
- would be effective or be capable of becoming effective within the current five-year period; and

- would contribute towards sustainable development in some respects, but would be less sustainable in terms of its use of greenfield land within the green belt and its accessibility to travel modes other than the private car.

86. Drawing all the development plan matters together, I conclude that the proposal would conflict with relevant policies to a significant extent and would therefore not comply with the development plan when taken overall.

87. It therefore remains for me to consider whether there are any other material considerations which would, nevertheless, warrant planning permission being granted.

#### Other material considerations

88. With regards to the issue of housing land supply, paragraph 123 of SPP indicates that planning authorities should ensure that there is always enough effective land for at least five years. Paragraph 125 states that, where a shortfall in the five-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered to be up-to-date. In such circumstances, the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

89. As previously indicated, I cannot rule out the existence of a shortfall in the current effective five-year housing land supply in Edinburgh. The proposed development would help to remedy any such shortfall, and SPP therefore weighs in favour of it. In paragraph 80 above I have assessed the development against the 13 sustainability principles in SPP. As with many similar developments, it meets some but not others. SPP does not require an assessment of the overall sustainability of the development, a more onerous requirement than a contribution towards sustainable development. However, in drawing up an overall planning balance, some judgement is required as to the significance of the individual sustainability principles in the particular circumstances of the case. As paragraph 28 of SPP states, the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; not to allow development at any cost.

90. Paragraph 34 of SPP states:

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

91. Notwithstanding the comments made in the Scottish Ministers' decision letter of 4 April 2022 (paragraph 32 above), I consider that the proposed City Plan 2030 is at a relatively advanced stage. It does not allocate the appeal site for residential development; nor does it allocate any other sites in the Balerno/Currie area for such development. Whilst I acknowledge that, in the context of the whole plan area, the proposed development is not of a scale that would prejudice the overall plan, it would nevertheless represent a very significant departure from the plan's proposals for the Balerno/Currie area. It would also run counter to the plan's overall strategy of prioritising the use of brownfield sites to meet its

housing land requirement. As I have previously stated, I expect this strategy, as well as the specific land allocations, to be the subject of considerable debate during the course of the examination of the emerging plan. Such debate may include the merits or otherwise of the present appeal site. However, it will take place, I believe appropriately, in the context of an assessment of all the other potential housing sites, both allocated and proposed. To release this site for development at the present time would, in my view, undermine to a degree the proper plan-making process. I consider this to be a factor that counts against the proposal.

92. In the context of the forthcoming examination of the City Plan 2030, a further consideration to be taken into account is the public representations received in respect of this proposal. 644 representations were made at the time of the original planning application; of these, three expressed support, six made comments about the proposal, and 635 objected to the development, including the Balerno Community Council and Gordon Macdonald MSP. A further 35 representations have been submitted in relation to the current appeal, all objecting to the development.

93. The main grounds of objection can be summarised as follows:

- the site is within the green belt, and the development would be contrary to CELDP policy Env 10;
- the site is not allocated for development in the proposed City Plan 2030;
- the appellants have failed to establish the existence of a housing land shortfall, and SESplan policy 7 is not, therefore, engaged;
- the development would have an adverse impact on the character of Balerno;
- the development would be on prime quality agricultural land, and be inconsistent with paragraph 80 of SPP;
- there is a lack of adequate roads infrastructure, and the development would add to existing congestion on Lanark Road (A70);
- it would have an adverse impact on local roads and road safety;
- there is a lack of public transport, and no evidence that a bus service could safely access or negotiate Ravelrig Road, or that it would be financially viable without subsidy, or whether such subsidy would be forthcoming;
- there is no evidence that the proposed healthcare facility would be supported by Lothian Health Board;
- there is no evidence that the community hub would be economically, environmentally or socially sustainable;
- the development would have a potentially adverse impact on air quality, contrary to CELDP policy Env 22; and
- it would have an adverse impact on neighbouring properties.

94. I have largely covered these matters in the preceding sections of this notice. The large number of objections to this proposal is not, in itself, a determining factor in this appeal. However, in the context of the planning process, the fact that the site is not allocated for development in the emerging City Plan 2030 is an important consideration in many peoples' minds. To grant planning permission at this stage, prior to a full examination of that plan, could therefore undermine the public's view of the plan-making process.

#### The overall planning balance

95. The Courts have introduced the concept of the "tilted balance" into the consideration of planning applications where housing land supply is a significant issue. Where a shortfall in the five-year effective housing land supply has been identified, the balance is tipped in

favour of proposals that would help to remedy that shortfall. The “angle” of the tilt is determined by the extent of that shortfall.

96. Whilst I have not ruled out the existence of a housing land shortfall at the present time, I am unable to determine its extent, given the lack of an up-to-date position on the Housing Land Requirement for Edinburgh. I have noted in paragraph 31 above the widely differing views of the parties on this matter, and stated that I am not confident in either of the extreme positions adopted.

97. I recognise that the development of the appeal site would contribute to remedying any such shortfall and, thus, would contribute towards sustainable development; and that this is a significant material consideration in favour of this proposal. On the other side of the balance, however, are the adverse landscape and visual impact of the development; its adverse effect on the green belt in this locality; the loss of prime agricultural land involved; its relatively poor accessibility by travel means other than the private car; and its possible prejudice to the proper consideration of the emerging local development plan through the forthcoming examination.

98. Paragraph 33 of SPP states that decision-makers should take into account any adverse impacts that would significantly and demonstrably outweigh the benefits of the development when set against wider policies. The balance to be drawn is a matter of judgement based on the circumstances in each case. I conclude that, notwithstanding the possibility of a housing land shortfall, the adverse consequences of the development that I have identified above significantly and demonstrably outweigh any benefits to be gained from helping to remedy that shortfall. I appreciate that the current SPP does not require a development to be sustainable as such. However, in this instance, I believe that the current proposal is, when viewed overall, not a sustainable development.

### **Overall conclusion**

99. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations that are sufficient to justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*M D Shiel*

Reporter