

Consultation Response: The City of Edinburgh Council Second Proposed Local Development Plan

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Introduction

As Member of Parliament for Edinburgh East I would like to submit my comments responding to the City of Edinburgh Council's Second Proposed Local Development Plan (SPLDP). Specifically, my comments relate to proposal HSG29 (pages 64-65), the inclusion as Brunstane as a potential site designated for housing development, and Policy Hou 8 (page 102) which outlines the Council's policy for determining applications for purpose built student accommodation.

On behalf of my constituents I have campaigned to see the preservation of the Greenbelt to the north and east of Newcraighall since being elected. To our dismay the Planning Committee has granted successive applications for housing at those sites and development has recently begun at Newcraighall North. We feel the proposal, for up to 1330 homes at Brunstane (HSG 29), is inappropriate for the area and should be removed from the Second Proposed Plan. The planning authority must strive to protect this last remaining area of defensible Green Belt at the eastern fringe of the city to prevent coalescence with Musselburgh.

I would also like to see a substantial strengthening of the proposed policies Hou 8 and the reintroduction of a specific HMO policy which has been incorporated into Hou 7. My constituent's in the Southside and city centre must be assured that the plan once adopted will not allow the excessive concentration of student accommodation in any one locality, an issue which I have campaigned on extensively.

Housing Proposal HSG 29 (Brunstane)

This proposal, for housing development on land to the south of Brunstane Burn and north of Newcraighall Road of up to 1330 homes and necessary amenities is incompatible with the policies outlined in the SESplan Strategic Development Plan (“SDP”) policies as published by the local authorities who form the Strategic Planning Authority for South East Scotland in June 2013. As such the proposal should be removed from the SPLDP.

This submission will explore local resident’s concerns including:

- The need to retain the only area of defensible Green Belt between the city of Edinburgh and Musselburgh, and their preference to ensure the settlements do not coalesce;
- The excessive pressure on local transport infrastructure for which SDP and the SPLDP does not provide for;
- The suitability of the site according to the SDP; and,
- The cumulative impact of further housing development in the area and the broader issue of Scottish Government policy.

Maintaining a Green Belt & preventing coalescence

The site has been identified as Green Belt in SDP Figure 3, however it is the planning authority which seeks to revoke this status to allow proposals for housing development (paragraph 35, page 12, SPLDP).

SDP policy 12 (page 54) outlines the onus on the planning authority to preserve and maintain a defensible Green Belt. SDP policy 12 promote four key objectives:

1. To maintain the identity and character of Edinburgh neighbouring towns, preventing coalescence;
2. Direct growth to the most appropriate locations;
3. Maintain the landscape setting of these settlements; and,
4. Provide opportunities for access to open space and the countryside.

Should the authority proceed with its proposal to remove this site from the Green Belt the authority would satisfy its needs to meet SDP strategic housing requirements, however it would fail to satisfy the Strategic Planning Authority’s intentions to maintain a full greenbelt between the city and surrounding towns. The SDP advises where Green Belt land is required to achieve housing strategy, effort should be made to minimise the impact on the objectives of the policy and secure long-term boundaries. The proposition fails to secure the boundary of the city and it is clear that the authority will not be able to deliver on these objectives should the site remain included in the SPLDP. This considerable proposal represents a loss of land from the Green Belt which is more substantial than Newcraighall North and East combined. Those sites, regarded in the SPLDP as HSG 26 & 27, were removed from the currently adopted Edinburgh City Local Plan however development has been allowed outwith the current Local Plan.

In addition concerns that the natural city boundary will be lost, local amenity will be substantially diminished should agricultural land be lost at the fringe of the city. The land is bounded by the Newhailes House and gardens, and is a local visitor attraction owned by the National Trust for Scotland with views across eastern Edinburgh to Arthur’s Seat. In 2002 the land was identified as

a proposed biodiversity area, where 97 Scottish wildflowers threatened with extinction remain while the Brunstane Burn path is regarded as an Urban Wildlife Site.

Newcraighall, a mining village of distinction, lies to the southwest of the site and is due to be overwhelmed when development of HSG 26 & 27 take place, this further development will alter the character of the village and this corner of my constituency beyond recognition. Figure 4 (page 12, SPLDP) illustrates the stark impact of HSG29 on the Green Belt at the eastern fringe of the city boundary, as Edinburgh and Newcraighall, begin to coalesce with Musselburgh and East Lothian. Coalescence not only diminishes Edinburgh as its own city, but the prominence of Newcraighall is reduced as the quality of its own community and built environment becomes intertwined with that of a separate town located in a different local authority. This is unlike any such proposal to reclassify Green Belt in the SPLDP.

The natural boundary that currently exists protects the identity and character of existing. For my constituents resident in the very east of the city, it appears that planning authority has given up on preventing an erosion of the small remaining distinction between the two urban areas. No alternate proposals for housing on Green Belt included in the SPLDP feature such a substantial coalescence with a settlement, town, or local authority which is distinctly separate from Edinburgh; indeed where further proposals are located on Green Belt, the plan proposes the inclusion of tree planting in order to establish a new defensible boundary, but this simply isn't possible at this site because here the plan proposes the erosion of the access to a last part of the 'country'.

Suitability of the site in terms of transport and local infrastructure

Bounded by Portobello Cemetery and the Brunstane Burn, Gilberstoun, Newcraighall Village, and Newhailes House, the proposal site is one which is virtually landlocked. The site has no formal access from Milton Road West the East Coast Main Line runs through it from north to south. It is clear to the planning authority the site will require substantial transport planning and provision, along with necessary infrastructure investment from any developer that is likely to be unaffordable.

The Brunstane site brief (page 64, SPLDP) outlines substantial those measures required to ensure accessibility to the site, including access from Milton Road East and Newcraighall, but not from Gilberstoun, to allow private access and public transport provision. While it is appreciated that some access to the site will be made by public transport, my constituents and I, including those who already reside in Brunstane and Gilberstoun, expect the majority of transport to and from any housing will be made by private motor car, bringing a substantial increase in peak traffic flows placing pressure on existing infrastructure and any new access roads. The site does not meet the requirements of the SDP policy 8 regarding transport (page 46) which requires development to ensure that travel demand that can be best met through sustainable forms of transport, with car use minimised. While the SDP refers to a proposed extension to the Edinburgh Tram towards Musselburgh and Dalkeith via Newcraighall will be required to ensure that 'the appropriate level of accessibility by sustainable travel modes' (paragraph 45, page 18), residents in my constituency know that any such extension of the tram is unlikely to take place in the short or medium term future. The SDP also notes that the Sheriffhall roundabout, a major junction serving the Midlothian and the South East wedge of the city is operating at capacity (page 18).

Substantial concerns regarding the impact of this site in transport terms are raised in the planning authority's own Transport Appraisal ("appraisal"), conducted by Halcrow Group Limited

(CH2MHILL) and published in June 2014. This updates the original Transport Appraisal to take account of the changes and additions to new housing sites included in the SPLDP. The appraisal supports local concerns that there will be substantial impact to traffic flows on Milton Road East (A1) and Newcraighall Road (A6095) and recognises 'the largest % impact is forecast to be experienced by the A6095 Newcraighall Road, due to impact from three sites, Newcraighall 1 and 2 but especially Brunstane' (page 23). The appraisal also explains that significant impact is still expected on local corridors regardless of whether or not the authority makes efforts to accommodate significant proportions of trips through more sustainable options (pages 12, 17 & 22) confirming concerns that development will lead to excessive congestion and further pollution in the area. The appraisal also raises concerns that the provision of suitable bus services may encounter difficulties, specifically capacity and frequency of services are considered as difficult to achieve with the local authority needing to obtain agreement with operators, as well as 'prime-pumping' any investment (page 40).

Many of my constituents know from personal experience that there are very few north-south bus routes as operators prefer the main west east routes. Familiar services run in this manner and include the 26, 15, and 45 through Portobello; the 44 along Milton Road; and, the 30 via Newcraighall which is heavily constrained to single deck saloon carriages due to railway bridges crossing the landscape. The 30 for instance already serves Musselburgh and Newcraighall as well as Queen Margaret University on an elaborate route via several housing developments south of Newhailes House and as such this service is already very busy by the time it reaches Craigmillar .

Further substantial infrastructure investment will be required to ensure that the site can be used to its full potential, with the proposed number of dwellings being achieved. It should be noted that the UK Coal Authority regards the land which the proposal covers as a 'Development High Risk Area' due to the extent of mine workings deep underground, similar to much of the land in this part of my constituency. The authority holds records for number of shafts plotted here, but the data is not exhaustive. Landlocked by settlements and infrastructure including the East Coast Main Line and electricity pylons, the site has many challenges a developer must overcome. The SPLDP Brunstane and Newcraighall site brief loosely outlines these challenges to ensure this site can be delivered in practice (page 64), however the appraisal take a differ position and develops a critique regarding the viability of the site. The appraisal highlights for instance 'it is desirable, in the interests of safety, that the site should have more than one vehicular crossing of the railway' (page 50) in addition to an uncertainty regarding the access road from Milton Road East as the issue of 'land ownership' must be investigated further. Any interaction with the green network, including crossings and footpaths for pedestrians, cyclists, and walkers will need to be created in a way which is sympathetic to the existing John Muir Way, again placing additional burdens on developers.

Residents and I have considerable concerns that this site is not suitable for the proposal as set out in the SPLDP. Combined with development in East Lothian and Midlothian, it is clear that there are likely to be acute congestion and air quality problems in the east and south east of Edinburgh. This development is not supported by further strategic development of transportation infrastructure in the South East of the city. The SDP outlines in paragraphs 42 and 45 the reasoning for release of Green Belt since the 1990s has been because of the capacity available in transport infrastructure built over previous decades, however the Brunstane site lies outwith this strategic development area. Indeed the SDP highlights that the same strategic development of transport

infrastructure has more recently been aided through considerable investment in the west of Edinburgh, which serves as an ideal and sustainable candidate for the delivery of housing development. Paragraphs 38 to 41 (page 16, SDP) refer to the strategic suitability of the west of Edinburgh due to its proximity to Edinburgh Airport, the development of public transport infrastructure, projected business growth, being well located in terms of the road network, and its proximity to the new Forth crossing which will enhance accessibility for new residents. It is clear the west of Edinburgh will be far more suitable in terms of SDP transportation policy because the planning authority will be able to direct travel demand where it can be accommodated but public transport and new infrastructure. It is patently clear that there is a preference for greater development to the west of Edinburgh which must be the focus of any revised SPLDP.

The cumulative impact of further housing proposals

Edinburgh, and other authorities part of the South East Scotland Strategic Development Authority, have been required to identify additional land for potential use as housing by the Scottish Government. They were satisfied that undeveloped land identified in previous Structure and Local plans, for instance at the Leith Waterfront, and the South East wedge of Edinburgh, should satisfactorily meet housing demand for many years to come. SDP authorities chose to take a realistic view of housing needs over the two decades, however this was not accepted by the Scottish Government. The Scottish Government decided that the first SDP failed to identify enough land supply for future development. It was argued, by the Scottish Government, the predictions provided by SDP authorities for population and household formation were not sufficient and would fail to meet housing needs in the South East of Scotland. The onus on respective planning authorities to identify the potential sites which may be required for up to 20 years was unnecessary in the view of the planning authority; indeed history suggests that even during housing booms all identified sites do not go used in the timescale prescribed. The fundamental problem with the approach the Scottish Government has taken is that many Green Belt sites identified are cherry picked by developers who wish to develop those ahead of Brownfield sites. In recent history Edinburgh has shown a real flair in developing gap sites and brownfield land across the city, but it is difficult to see how this can be maintained when substantial areas of Green Belt are more attractive to developers. As a consequence sites at Granton and Craigmillar, which have long been identified as opportunities for thousands of homes, go undeveloped as regeneration takes place very slowly. In establishing sites which have presumption of suitability (i.e. Green Belt) makes it much more difficult to oppose specific detailed planning applications when they come forward, creating a real headache for local communities.

I appreciate the planning authority's caution in failing to identify such land developers might be able successful on appeal. Citing the warnings the Scottish Government has given this could lead to the authority having less control over developments than if a proper plan is agreed. However I take the view that the Scottish Government has failed to use its power to protect communities from the scourge of developers cherry picking Green Belt sites. At this stage in the delivery of the SDP and the SPLDP it is clear to my constituents that responsibility for this scramble for land lies with the Scottish Government who have placed burdens on authorities to earmark land once regarded as Green Belt as suitable for housing. It is the Scottish Government, through their failure to legislate and the prescriptions in the National Planning Policy Framework, who have allowed this position to arise. While the Scottish Government may offer cautionary advice, it has failed to support authorities and communities by maintaining legislation and policy allowing developers to enjoy more power than local government and communities.

The position the Scottish Government has adopted, for which accountability has been delegated to local authorities, has pitted communities across Edinburgh against one another. Brunstane (HSG29) was not identified as a potential site in the first iteration of Local Development Plan last year, as it was thought to be incapable of development easily because of constraints on access as discussed above. Other sites were included last year, such as Cammo in the west of the city, and local groups there have been working up their opposition for some time.

My constituents in the eastern fringe of the city have responded to proposals for housing development at Newcraighall for many years now. There the community is worn down by the number of planning applications for two sites. For a number of years, developers have returned to the planning authority with applications for development which have attempted to increase the number of dwellings each time. There is a sense that developers are being allowed to chip away at the village, a concern cemented now that proposal HSG 29 considers the viability of land at Brunstane. I reiterate my request that HSG 29 is removed from the SPLDP.

Strengthening Policies on Student and HMO Accommodation (Hou 8 and Hou 7)

In the last two years my constituents in the Southside of the city have become increasingly concerned that the demographics of their community have radically altered as the concentration of the student population has increased substantially. This increase has been quantified in the 2011 census and in many areas has risen above 40% of the population. This increase has been in a mix of purpose built student accommodation and in HMO properties which replaces family housing stock.

The SPLDP proposes a separate policy for purpose built student accommodation (Hou 8) which has similarities with that currently adopted in the Edinburgh City Local Plan (currently Hou 10), while the planning authority proposes incorporating the current policy on Houses in Multiple Occupation (Hou 9) into Hou 7 (Inappropriate Uses in Residential Areas). On the basis of recent experience of applications determined under current policies, my constituents believe that both the proposed Hou 7 & Hou 8 must be substantially strengthened and defined in order to ensure that the community in the Southside remains one which is demographically balanced, and the area remains a vibrant and enjoyable place for all ages to reside.

Policy Hou 8 purpose built student accommodation

The principle of this policy remains virtually the same as that which is currently adopted in the Edinburgh City Local Plan. The policy as proposed is listed on page 102 of the SPLDP as follows:

“Planning permission will be granted for purpose-built student accommodation where:

- a) The location is appropriate in terms of access to public transport and university and college facilities; and*
- b) The proposal will not result in an excessive concentration of student accommodation in any one locality”*

The current policy recently failed when an applicant successfully appealed a refusal of planning permission based solely on this policy. The Scottish Government reporter found that the proposal was agreeable due to his broad interpretation of ‘adjacency’, an expression detailed in the planning authority’s published guidance. While the Council’s QC has since suggested that the reporter may have erred in his interpretation it is clear that the policy needs to develop in order to ensure that the parts a) and b) cannot be interpreted too broadly.

Existing guidance establishes ‘purpose built student housing will be acceptable provided it will not result in a student population of 30% or more in the locality’, indeed the application above was refused on the basis that the student population in the area was well above 30%. While Hou 10 (of the Edinburgh City Local Plan) is undergoing an urgent review Hou 8 within the SPLDP requires a considerable strengthening and must be more prescriptive. The policy must be revised and include a clear emphasis on the concentration limit within the policy wording. Alterations to the policy could include:

- Incorporating the 30% limit into the policy wording ensuring a clear intention to manage student accommodation provision, for example: “Planning permission will not be granted for

purpose built student accommodation in localities where the overall student population already comprises 30% or where the proposal would result in this threshold being exceeded”

- Planning permission being prohibited in certain areas where the population has already exceeded 30%, with datazones listed in an appendix to the Local Development Plan; and,
- Listing preferred datazones where student accommodation would be acceptable and is desirable, in order to promote a population balance which is acceptably under the 30% threshold.

In line with other forms of development, local residents feel that the policy can be strengthened further to ensure developers are committed to make contributions to support the delivery of local services and amenities, and affordable housing. At present student accommodation developers are not required to make any provision for affordable housing and I would like to see a requirements of Hou 6 (SPLDP) to be applicable when the authority determines an application for purpose built student accommodation. Many of the Brownfield sites selected by student accommodation developers in recent applications would have also been highly suitable for the provision of affordable housing. Due to market conditions and the level of Scottish Government grant the City of Edinburgh Council and registered social landlords have found such opportunities highly prohibitive. This modification to the policy would ensure that developers can make an ongoing contribution to the local area in which their development is constructed.

Finally, it is of particular note that the discussion of the policy in the SPLDP (paragraphs 221 & 222, page 102) focuses on the need to promote development of the city’s Universities, but omits substantial discussion relating to the reasoning behind student accommodation and the concern that many of my constituents have: excessive student concentrations can lead to ‘rapid population turnover and less stable communities’ (paragraph 6.37, Edinburgh City Local Plan). The policy could be strengthened further by returning this discussion to the SPLDP.

Houses in Multiple Occupation Hou 7 (Inappropriate Uses in Residential Areas)

While there is particular attention being paid to the use of polices relating to purpose built student accommodation, the planning authority cannot overlook the importance of an adequate policy to manage planning applications relating to House(s) in Multiple Occupation (HMO). It is clear that the SPLDP proposes a reduced emphasis on managing this form of development by incorporation the policy into Hou 7.

It has long been a tradition for those studying in Edinburgh to lease tenement flats across the city centre and Southside. HMO licences were introduced in order to better manage this type of dwelling. Principally a matter for the City of Edinburgh Council’s Services for Communities Directorate the HMO licensing management team scrutinises most applications. In addition to the licensing requirement, there is a requirement for planning permission to be sought if the HMO will house 5 or more individuals who are not related. The planning policy applicable is currently listed in the Local Plan as its own policy Hou 9. The strength of the current Hou 9 sets a planning control to ensure that the concentration of HMOs in any one area is no higher than 30%. This serves to ensure that a diversity of housing stock is available in any one locality. This strength must be maintained in any new policy however this is not immediately clear in the proposed Hou 7 (Inappropriate Uses in Residential Areas).

As much of the responsibility for managing HMO applications rests with the Council's licensing department, a minority of HMO applications come to the attention of planners. While it is understandable that the planning authority is seeking to incorporate the policy into Hou 7, because the policy is less commonly used, it is not clear if the strength of the current policy will be transferred to any new guidance. The existing Hou 9 includes a policy wording limiting HMO concentrations in sensitive areas to a maximum of 30%, and if moved to guidance may mean that any concern regarding over concentration is dismissed at the discretion of the officer or members determining the application.

The 30% planning rule has been breached in many areas, because responsibility for granting licenses for properties with 4 or fewer persons rests with the local authority's licensing department. There is an urgent need to tie up the two departments to ensure that there is greater management of HMO numbers going forward. I would propose that the planning authority retains a separate policy regarding House(s) in Multiple Occupation. In line with the proposals listed above regarding student accommodation, the authority should seek to define the areas where HMO application is best suited going forward. This would be achieved by producing updated information relating to 'sensitive' areas on a regular basis, which would support those applicants and residents who choose to comment on any applications.

While the current local plan has provisions to limit the concentrations of purpose built student accommodation and HMO accommodation under the planning system, there is a need to ensure that local authority, as planning and licensing authority can work to maintain a balanced community where HMO accommodation requires a license only (i.e. properties with 4 or fewer residents). This is needed to ensure the planning authority can meet the spirit of the current HMO within any new SPLDP. The current HMO regime contains a legislative loophole which means the planning authority has difficulty managing concentrations. The planning authority must work with the licensing authority to establish a joint approach to the Scottish Government regarding changes to the Housing (Scotland) Act 2006 (part 5) to allow the local authority to restrict further licenses on the basis of license concentrations in sensitive areas. Ideally, my constituents would like to see the authority seek changes from the Scottish Government requiring the landlords of all HMO properties to seek planning permission in addition to a license.

Conclusions

I reiterate my request that HSG 29 is removed from the SPLDP, that policy Hou 8 is significantly strengthened, and a separate policy regarding House(s) in Multiple Occupation be reintroduced into the plan.

The significant concerns my constituents and I have regarding the removal Green Belt status at Brunstane have been outlined above. This submission has explained HSG 29 will lead to coalescence of the urban area with Musselburgh and is not permissible according to the policies of the SDP, as agreed amongst the local authorities of the Strategic Planning Authority. The planning authority should seek to preserve this last defensible area of Green Belt at the eastern fringe of the city and remove the proposal from its SPLDP. The planning authority must not fall to the pressure of the Scottish Government. In terms of its location and strategic infrastructure, this site is one which is a poor candidate for residential development comparative to the west of the city which can accommodate substantial development and associated increases traffic, as well as furthering economic growth for the city.

In the Southside of my constituency, many applications for student accommodation have already been submitted and are unlikely to be affected by any strengthening of the proposed policies. Nonetheless this should not prevent the local authority from ensuring it can better manage populations in this part of the city, both with regard to purpose built student accommodation and any future applications for HMO properties in what is currently family housing. At the same time the planning authority must seek to collect contributions from developers which will promote the delivery of affordable housing for communities keen to maintain established roots in the urban centre.