



**SCOTTISH EXECUTIVE**

Development Department  
Planning Division

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Your ref:  
Our ref:

17 June 2004

Dear Mr Davies

**TOWN AND COUNTRY PLANNING (SCOTLAND ACT) 1997  
EDINBURGH AND THE LOTHIAN STRUCTURE PLAN  
FINAL MODIFICATIONS**

The Scottish Ministers have decided to approve the Edinburgh and the Lothians Structure Plan which was submitted on 23 June 2003. In reaching their decision they have considered all representations and objections made to them in accordance with the Town and Country Planning (Structure and Local Plans)(Scotland) Regulations 1983. In addition to the matters taken into account in the Plan as submitted, the Scottish Ministers have considered such other matters as they thought relevant.

The Plan is approved subject to a number of modifications, which are set out in Annex A to this letter. At Annex B are comments on objections made to the Scottish Ministers during public consultation on the submitted Plan and on the draft modifications where the Scottish Ministers have not accepted the substance of the objections and, as a consequence, propose no modifications to the Plan.

Of particular importance are the modifications concerned with ensuring the provision of a five year housing land supply and requiring early review of the plan. The Executive will take an active part in the approach to the review and the issues it will address. It will expect the review to set out a long term settlement strategy highlighting the strategic choices facing the region in terms of infrastructure capacity and landscape quality, including the impact of alternative scenarios on the green belt. It will expect the strategy to be informed not just by an overall assessment based on household projections but a finer disaggregation of housing requirements based on a common assessment of housing needs across the city region supported by all local authorities. The plan will need to be developed in close association with the private sector and key infrastructure providers, including the Executive's Trunk Roads - Network Management Division. It will also need to demonstrate that it has taken account of and responded to market signals.

Whilst the Scottish Ministers' approval of the Plan, as modified, is founded primarily on the consideration of policies and proposals, it relates to the plan as a whole. It should be understood that the Scottish Ministers' approval of the Plan does not convey approval of any matter therein for any other statutory purpose. In particular, it does not commit the Scottish Ministers, or any other Government department, to the payment of grant on any particular project or to the amount or timing

of any capital expenditure. Approval does not extend to other documents submitted with the plan, such as the Action Plan, the Supplementary Statement or the Urban Housing Capacity Study.

The Plan shall become operative on 21 June 2004.

The foregoing decision is final, subject to the right, conferred by Section 238 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the Scottish Ministers' decision to apply to the Court of Session within 6 weeks from the date of publication of the first notice of the approval of the Plan, whereby the Court may quash the decision if satisfied that it is not within the powers of the Act or that applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act.

I am sending a copy of this letter and annexes to the Planning Conveners and Heads of Planning of the four Lothians Councils and to all those who have made representations since the Plan was submitted.

Yours sincerely

**KEN JOBLING**  
**Principal Planner**

Modification	Reference	Deletion	Addition/Replacement	Reason
1a	Para 2.41: 1 <sup>st</sup> sentence	Delete 'within a wider core development area'	Replace with 'in six core development areas'	To clarify that core development areas are geographically constrained
1b	Para 2.41: 2 <sup>nd</sup> sentence	Delete 'Locations have been identified within this core area that'	Replace with 'These locations'	
2a	Para 2.44: 1 <sup>st</sup> sentence	Delete 'Leadburn'	Replace with 'Penicuik'	To focus development on more accessible locations
2b	Key Diagram		Amend to restrict southward extension of the A701 Corridor CDA	
3a	Para 2.45: 6 <sup>th</sup> sentence	Delete 'maximum' and 'delivered'	Replace with 'minimum' and 'allocated'	To indicate long term intentions, to provide a positive incentive for infrastructure investment, and to provide consistency with HOU3.
3b	Para 2.46: 5 <sup>th</sup> sentence			
3c	Para 2.47: 5 <sup>th</sup> sentence			
4a	Para 2.51: 3 <sup>rd</sup> sentence	Delete '2008'	Replace with '2006'	To require an early review of the plan, informed by a land use/transport modelling and assessment exercise
4b	Para 3.27	Delete 'have to be replaced by 2010' and '2008'	Replace with 'be replaced by 2008' and '2006'	
4c	Para 8.13	Delete '2008'	Replace with '2006, guided by the results of a land use/transport modelling exercise commencing in 2004'	
5a	Para 3.2: 1 <sup>st</sup> sentence	Delete ',wherever possible,'		To more fully reflect national policy
5b	Para 3.3	Delete 'structure plans should aim to'	Replace with 'planning authorities should'  Add 'at all times' after 'supply of housing land'	
5c	Para 3.18: 2 <sup>nd</sup> sentence		Add 'and to create sustainable communities' at end of sentence	
5d	Para 3.25: 1 <sup>st</sup> sentence	Delete 'aim to'	Add 'at all times' after 'supply of housing land'	
5e	HOU10: 1 <sup>st</sup> sentence	Delete 'aim to'		

6a	HOU3:		Add after the first sentence: 'In the circumstances outlined in paragraph 3.18, additional land may be allocated in some locations (in which case a minimum figure is shown in Schedule 3.1) or safeguarded for development beyond the plan period.'	To clarify the policy and provide greater flexibility
6b	HOU3	Delete <i>'requires allocations. Not all the capacity of allocated sites requires to be developed within the plan period'</i>	Replace with <i>'refers to allocations not completions.'</i>	
6c	Schedule 3.1		Add 'minimum' after: 'Waterfront Edinburgh 1,700' 'Rest of Edinburgh Urban Area 1,100' 'Armadale 1,000' 'Livingston and the Almond Valley 3,000' 'Winchburgh/East Broxburn/Uphall 3,000'	
7	HOU4c		Add 'and where new long-term and defensible green belt boundaries can be established' before semi-colon	To provide more guidance on the release of green belt land and greater compatibility with ECON2
8a	Para 3.26: 1 <sup>st</sup> sentence	Delete 'a biennial'	Replace with 'an annual'	To ensure a more effective monitoring process for rectifying shortfalls and to ensure compliance with the need to maintain a five year supply
8b	Para 3.28: penultimate sentence	Delete 'biennial'	Replace with 'annual'	
8c	HOU10: 2 <sup>nd</sup> sentence			
8d	Para 3.26: last sentence	Delete 'two years'	Replace with '18 months'	
8e	Para 3.28	Delete '20% or more over two consecutive years'	Replace with '10% or more'	
8f	HOU10		After 2 <sup>nd</sup> sentence add: 'The first monitoring report will be published 18 months after structure plan approval.'	

8g	HOU10: 3 <sup>rd</sup> para	Delete whole paragraph	Replace with: ‘Where a Council’s contribution to the effective five-year supply falls below 90% of its expected contribution (as identified in Table 3.2), and the shortfall in the Lothian-wide housing land supply is also more than 10%, that Council will bring forward additional land. This land will be found within the core development areas and/or in the locations specified in HOU9. The land will be brought forward by a local plan alteration or, where this is not possible, by granting planning permission in advance of local plan adoption, provided that the proposals comply with other policies of the structure plan. The infrastructure required to bring forward such sites must either be available or committed.’	
8h	Para 3.28: 5 <sup>th</sup> sentence	Delete ‘ Where a land supply shortfall results from a lack of essential infrastructure, however, Policy HOU10 will not apply.’		
9	Para 3.28: last sentence	Delete		To ensure that completions rates are not unnecessarily constrained
10a	Para 5.4: 2 <sup>nd</sup> sentence	Delete ‘This is reflected in the structure plan transport investment package set out in Table 5.1. The’	Replace with: ‘Those elements of the package which this plan safeguards are set out in Table 5.1. The plan does not commit the key stakeholders to fund infrastructure projects and agreements on implementation are therefore included in the Action Plan. However, the’	To clarify that Table 5.1 is concerned with safeguarding and not decisions on how schemes will be implemented
10b	Table 5.1	Delete heading ‘Safeguarding Requirements’ and contents of column	Add to title of Table 5.1: ‘to be Safeguarded Pending Decisions by Stakeholders on Implementation’ Add superscript characters <sup>2</sup> to relevant text under City of Edinburgh/Tram	

11a	ENV1A	Delete all except last sentence	<p>Replace with:                  ‘A development which would have an adverse effect on the conservation interests for which a Natura 2000 area has been designated should only be permitted where:</p> <ul style="list-style-type: none"> <li>• there is no alternative solution; and</li> <li>• there are imperative reasons of over-riding public interest, including those of a social or economic nature.</li> </ul> <p>Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.’</p>	To comply with NPPG14
11b	Glossary		<p>Add definition:                  ‘Natura 2000 Sites selected by the European Commission for designation as Special Areas of Conservation (SACs) under the Habitats Directive or classified as Special Protection Areas (SPAs) under the Wild Birds Directive are referred to collectively in the Regulations as European sites. The network of sites across the European Community is known as Natura 2000.’</p>	
12a	ENV1C		Add a new bullet: ‘Sites listed in the Inventory of Gardens and Designed Landscapes’	To more accurately reflect the importance of a particular designation
12b	ENV1D	Delete bullet: ‘Sites listed in the Inventory of Gardens and Designed Landscapes’		

13a	ENV3: first sentence	Delete 'only'		To provide more positive support for diversification
13b	ENV3: 3 <sup>rd</sup> sentence	Delete 'Exceptions, which should be justified in local plans, may include'	Replace with 'The following types of development, where justified in local plans, may be allowed in support of rural diversification'	

<p>14a</p>	<p>Para 7.15</p>	<p>Delete whole paragraph</p>	<p>Replace with the following two paragraphs (and renumber subsequent paragraphs):</p> <p>'7.15 To meet the requirements of EU Directives, the National Waste Strategy: Scotland requires the management of waste to give increased emphasis to recycling, waste minimisation and a reduction in landfilling. The National Waste Plan 2003 and the Lothians and Borders Area Waste Plan (AWP) apply the requirements of the National Waste Strategy for a significant increase in the number of new facilities. The AWP accommodates a mix of techniques to handle waste (the Best Practicable Environmental Option) which articulates the 2010 and 2013 Landfill Directive targets. Fulfilling those targets within the structure plan period requires planning authorities to accommodate the need for new facilities. Subject to other policy considerations, the structure plan is committed to supporting proposals that meet the capacity requirements of the AWP. There will be a presumption against developments that conflict with it.</p> <p>7.16 To establish a suitable network, local plans should identify existing and proposed locations to meet the necessary AWP capacity increases. Examples include existing waste management facilities, degraded, contaminated or derelict land (including opportunities for their restoration and rehabilitation) and industrial sites. Local plan reviews and alterations will take account of the provisions set out in the Lothians and Borders AWP, national planning guidance and advice, in consultation with other AWP partners. Technologies and best practice in the design of new development and in the field of waste management are constantly changing, and local authorities will monitor developments to ensure the planning framework, including where necessary, supplementary planning and design guidance, equips councils to consider innovative proposals.'</p>	<p>To ensure a plan led approach to waste planning in accordance with the National Waste Strategy, national planning policy and the Area Waste Plan.</p>
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14b	ENV11	Delete policy wording	Replace with: 'Proposals meeting Lothians and Borders AWP's Best Practicable Environmental Option and capacity and infrastructure requirements will, in principle, be supported. Local plans identifying existing and proposed sites or containing policies to meet the AWP capacity and infrastructure requirements should follow the principles of sustainable waste management and accord with policies ENV1, ENV2 and ENV3.'	
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15a	Para 7.17: last sentence		Add 'and treating surface water' after 'reducing flood risk'	To ensure that SP allocations take account of areas identified as being at significant risk of flooding, to ensure that local plans conform with SPP7, and to safeguard development from significant risks of flooding.
15b	ENV12:	Delete first two sentences	Replace with: 'The Lothian Councils, in consultation with SEPA, Scottish Water and development industry interests, will review the risk of flooding in the structure plan area and consider altering the plan if the review shows that strategic development allocations are affected. The potential for flooding inland and on the coast will be considered in every local plan and policies set out in accord with SPP7.'	
15c	ENV12	Delete last sentence	Replace with: 'Development proposals for greenfield and brownfield sites should include sustainable drainage systems for the attenuation and treatment of surface water and to assist in reducing the risk of flooding unless local conditions prevent this approach.'	To ensure SuDS are the norm for new development as a means of disposing of surface water and contributing to reducing the risk of flooding.
16a	Para 8.3: last sentence	Delete whole sentence		To remove a questionable policy statement.
16b	IMP1: 2 <sup>nd</sup> para	Delete whole paragraph		
Minor mod	Para 3.11	Delete '26,500'	Replace with '26,400'	To correct a minor error.
Minor mod	HOU5: 1 <sup>st</sup> sentence	Delete 'the' before 'housing land'		To clarify that all housing land allocations require adequate infrastructure.
Minor mod	Para 7.6: 3 <sup>rd</sup> sentence	Delete 'HOU2'	Replace with 'HOU3'	To correct a minor error.
Minor mod	Glossary: Coalescence		Add 'or visually' after 'physically'	To acknowledge the importance of visual factors in defining coalescence.

## **EDINBURGH AND THE LOTHIANS STRUCTURE PLAN REASONS FOR NOT MAKING MODIFICATIONS**

### **Introduction**

Many representations made on the Plan are met either wholly or in part by Scottish Ministers' final modifications. The following commentary summarises those representations made where Scottish Ministers have decided not to make modifications and gives reasons for their decision. The commentary covers both representations made on the Plan as submitted and on Scottish Ministers draft modifications. Apart from the short general section at the beginning, it follows the contents sequence in the Written Statement.

### **General**

1. The structure plan should provide a more extensive strategic view of the whole Edinburgh city region over a longer timescale (Cockburn Association, Scottish Association for Public Transport and others).

*Reason: The plan can effectively only deal with the defined SP area. However, the early review of the SP will take greater account of the relationship with surrounding areas.*

2. The plan should also deal with other topics, such as hazards, telecommunications and the provision of roads service areas (HSE, RPS Consultants, BT and Moto).

*Reason: These are matters which can more appropriately be dealt with by local plans.*

3. A number of those responding were confused about the status of the Supporting Statement, the Action Plan and the Urban Housing Capacity Study.

*Reason: No modifications are necessary, as the final decision letter makes it clear that Ministers approval relates only to the written statement and key diagram.*

### **Development Strategy**

4. There were a considerable number of objections about the inclusion/exclusion of particular Core Development Areas (CDAs) and areas of restraint and their coverage.

*Reason: These have been proposed following extensive analysis and discussion. Development is focussed on CDAs; it is not precluded elsewhere. Detailed development allocations are a matter for local plans.*

5. Development should not necessarily be directed to other areas in order to protect the Green Belt (a number of West Lothian residents and others). Because of environmental impact, the plan should not provide for development needs in full and, in particular, there should be no Green Belt releases (Friends of the Edinburgh Green Belt, Currie CC, Duncan Campbell and others). Green belt boundaries should be reviewed to allow for additional development (Cala Homes, Hart Estates, Mactaggart and Mickel, Homes for Scotland, Ashdale Land & Property, Boland Scottish Properties, Stewart Milne Holdings and others).

A similar range of representations were made about policy ENV2 (Green Belt) in the Environment section of the plan.

*Reason: No modifications are necessary – the plan provides a reasonable balance between development needs and protection of the environment. Detailed allocations are a matter for Local Plans.*

## **Housing**

6. There was a wide range of objection about the population and housing projections used as the basis for the development strategy/housing need. Some considered that the projections were over-estimates (Friends of the Edinburgh Green Belt, Currie CC and others). On the other hand, many of the volume housebuilders consider that the housing requirement forecasts are too conservative and that the plan, therefore, allocates an inadequate amount of housing land. They also claim that there is an over-reliance on windfall, that some of the land may not be 'effective', and that flexibility margins are too tight.

*Reason: The plan provides a reasonable strategic basis for meeting relatively short term development needs, making extensive use of existing or programmed infrastructure capacity. The plan already proposes a build rate of 5,000 houses a year which is considerably higher than recent rates. Projections will be monitored and the plan will be reviewed after 2 years.*

7. Some objectors considered there was a lack of conformity with SPP3 'Planning for Housing'.

*Reason: SPP3 was issued in February 2003 and therefore the structure plan was produced in the context of the previous guidance in NPPG3. Nevertheless, the plan's approach to housing land accords with the main principles of SPP3. Although no substantial modifications have been made, Ministers have made a number of relatively minor modifications to clarify some matters (Modifications 3, 5, 6 and 7).*

8. Some 115 objections to the submitted structure plan, mostly from Livingston residents, concerned site specific housing proposals in the emerging local plan for West Lothian which are being brought forward to meet structure plan requirements. Most of these were repeated at the draft modification stage.

*Reason: No modifications are made as the local plan process is the most appropriate mechanism for considering site specific housing proposals.*

9. A smaller number of objections were also made to the location and the size of the housing allocations in East Lothian, including a number concerned with the inclusion of the Blindwells new settlement and its site specific nature. (AWG Residential, Walker Group, Ballencrieff Dev Co., Bryant Homes and others).

*Reason: Development is focussed in areas where infrastructure capacity exists or can be provided cost-effectively and CDAs have been chosen following a comprehensive development options study. Detailed allocations are a matter for local plans.*

10. Many of the volume housebuilders and other developers were concerned that Policies HOU5 and 6 should make it clear that the cost of providing infrastructure should be commensurate with the scale of the development.

*Reason: Developer contributions are already required to conform to Circular 12/1996 which provides guidance on the circumstances in which Section 75 agreements should be used.*

11. A similar number of housebuilders and other developers were critical that the policy on affordable housing (HOU7) did not adequately indicate how it would be delivered in the plan area.

*Reason: The approach is consistent with national planning policy, leaving it to local plans, informed by local housing needs assessments, to set out the scale of provision and the delivery mechanisms.*

12. A range of representations were made about HOU8: Development on Greenfield land; some considering that the policy was too restrictive (ING Estates, Miller Ventures, Barratt, AWG Residential, Cala Homes, Hart Estates, Mactaggart and Mickel and others); others concerned about inappropriate development (Howgate CC, Musselburgh Conservation Society, Crammond Association, SNH and others).

*Reasons: The policy is in line with the plan's strategy of restraining development outwith urban areas and CDAs.*

### **Economic Development**

13. There were calls for closer links between economic development and housing allocations to reduce the commuting and environmental implications (Duncan Campbell, Friends of the Edinburgh Green Belt, Balerno CC, Barry Turner, East Lothian Liberal Democrats, Ms E Marshall and others).

*Reason: Proximity is already at the heart of the plan's CDA strategy.*

14. Concerns (both for and against) were expressed that ECON5 does not provide a firm enough indication of the development potential of the west Edinburgh area (Keppie Planning, BAA, International Business Gateway (Scotland), Premier Property Group, Pilrig Residents Association, SNH and others).

*Reason: The policy accords with the West Edinburgh Planning Framework, which is shortly to be reviewed.*

### **Transport**

15. A number of representations were made about the provision of particular pieces of transport infrastructure (Network Rail, Corstorphine CC, Inveresk Village Society, Miller Ventures and others).

*Reason: These are matters more suitable for the Action Plan and/or local plans.*

## **Retailing and town Centres**

16. There was considerable criticism that policies RET1 and RET2 and the associated schedules made an arbitrary distinction between established and emerging town centres and did not allow for new centres to be given full town centre status. (Universities Superannuation Scheme Ltd, Robert Drysdale Planning, B&Q plc, Pillar Property plc, Magell Ltd, Ocean Terminal services Ltd, Kilmartin Property Group and others)

*Reason: These policies are in line with the Executive's current guidance, which will be reviewed over the next year.*

## **Environment**

17. Some considered that environmental policies should be strengthened to give further protection to the area's high quality environment (Duncan Campbell, Craiglockhart CC, Friends of the Edinburgh Green Belt, Balerno CC, Inveresk Village Society, and Liberton CC).

*Reason: The structure plan already takes full account of environmental issues and provides an appropriate level of protection.*

18. A small number of representations concerned the areas of search for opencast coal (Inveresk Village Society, Midlothian Federation of CCs, Stewart Milne Holdings and others).

*Reason: This policy accords with national planning policy and was only recently incorporated in the structure plan.*