

# **OBJECTION STATEMENT**

RELATING TO

**PROPOSED ALLOCATION OF LAND FOR RESIDENTIAL  
DEVELOPMENT IN THE MIDLOTHIAN LOCAL DEVELOPMENT  
PLAN – MAIN ISSUES REPORT**

AT

**KIPPIELAW – EASTHOUSES  
(SITE REFERENCE E1)**

PREPARED BY

**Derek Scott Planning  
Planning and Development Consultants**



ON BEHALF OF

**The Save Kippielaw Organisation**

# Executive Summary

## OBJECTION TO PROPOSED ALLOCATION OF LAND FOR RESIDENTIAL DEVELOPMENT IN THE MIDLOTHIAN LOCAL DEVELOPMENT PLAN – MAIN ISSUES REPORT

AT

### KIPPIELAW – EASTHOUSES (SITE REFERENCE E1)

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These representations are submitted on behalf of '*The Save Kippielaw Organisation*' - a group of local residents opposed to the identification of a site at Kippielaw (EI), Easthouses as a Preferred Strategy Site in the Midlothian Local Development Plan - Main Issues Report. The local residents, through the submission of this objection, respectfully request that the site should not be zoned for housing development but be retained within an area designated as 'Countryside' and included within the proposed Strategic Greenspace (as referred to in Paragraph 7.10 of the Main Issues Report) in the emerging local development plan. The following points are cited in support of this request:

- The development of the site for housing will lead to the coalescence of Easthouses and Mayfield with Dalkeith removing, in the process, their separate characteristics and identities.
- The development of the site for housing would result in the loss of a treasured area of open space thus restricting the informal recreational uses to which it is currently put and the pleasure, exercise and well being that locals from across the wider area derive from it.
- The development of the site for housing would have an adverse effect on the character and setting of Kippielaw House and the adjacent steadings which have been sensitively converted to residential use.

- **The existence of a gas pipeline through the subject site sterilizes large areas of it from development; the consequence of which would be a housing development out of keeping with the character and amenity of the area.**
- **The subject site is identified as Class 3.1 Prime Quality Agricultural Land which Scottish Planning Policy presumes against the development of, in all, but the most exceptional of circumstances.**
- **The site lies within the likely zone of influence of previous underground mining operations. This combined with the presence of the pipeline referred to previously raise serious doubts over the deliverability of a viable housing scheme of the scale suggested.**
- **The Kippielaw site (E1) is not required to meet the housing requirements of SESPlan. The other sites identified within the preferred strategy have the potential to generate significantly more houses than those stated in the Main Issues Report thus rendering the Kippielaw site as surplus to requirements.**
- **Although the Kippielaw site has previously been recommended for identification as a housing site by a Reporter during the preparation of the extant Midlothian Local Plan it is a well recognised principle, particularly in Scottish Government circles, that a cautious approach should always be taken in transposing conclusions made in a different policy context, with a different set and mix of comparative sites elsewhere and a different range of evidence.**

# OBJECTION STATEMENT

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AT

### KIPPIELAW – EASTHOUSES (SITE REFERENCE E1)

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# OBJECTION STATEMENT

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AT

### KIPPIELAW – EASTHOUSES (SITE REFERENCE E1)

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## 1. INTRODUCTION & BACKGROUND

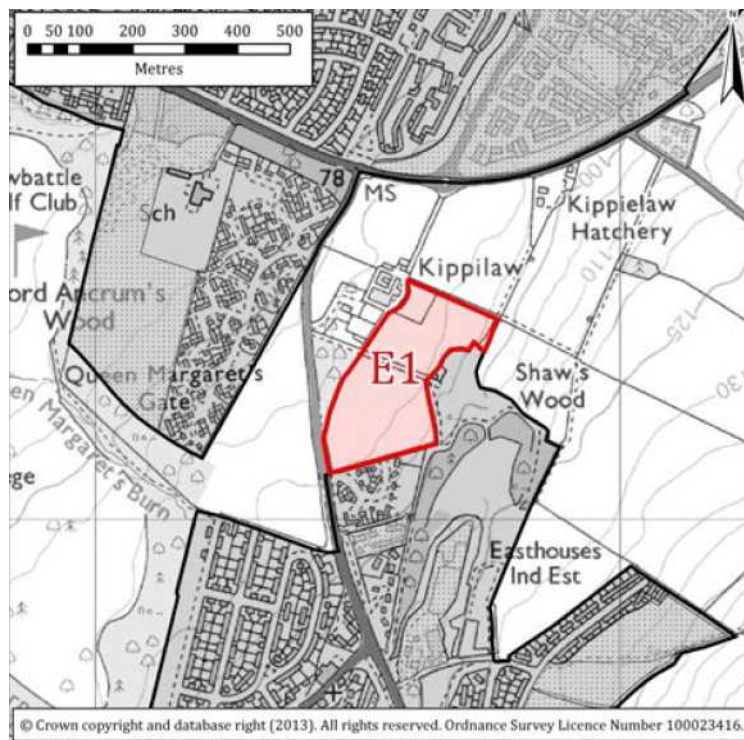
- 1.1** This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of ‘The *Save Kippielaw Organisation*’ who are a group of local residents opposed to the identification of land at Kippielaw, Easthouses (Site Reference E1) as a ‘*Preferred Strategy Site*’ for the development of 60-70 houses in the Midlothian Local Development Plan – Main Issues Report as published by Midlothian Council on 01<sup>st</sup> May 2013. The objection specifically requests that the subject site should not be identified as a housing site in the emerging local development plan and should remain designated as ‘countryside’ as it is in the current local plan but also included within the proposed Strategic Greenspace as referred to in Paragraph 7.10 of the Main Issues Report.



*Kippielaw Steading*

## 2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The site which is the subject of this objection lies within a belt of very attractive and valued countryside between Easthouses and Dalkeith. It is bounded to the south by an existing residential development in Easthouses (Easthouses Way); to the west, in part by East Houses Road (B6482) and in part by Kippielaw House and Steadings; to the north by agricultural land - a short distance beyond which exists Dalkeith; and to the east by further agricultural land, an existing dwelling house and Shaw's Wood. Although not listed, Kippielaw House is an attractive detached dwelling formerly used as a farm house and now set within extensive and attractively manicured grounds. The adjoining steadings were converted to residential use in 2004 and in conjunction with Kippielaw House form a very attractive group of buildings within a quite splendid countryside setting. The planning permission for the conversion of the steadings explicitly required that *'the special character of the buildings and their setting be retained as far as possible.'*



*Kippielaw – Easthouses*

- 2.2 The Fairmilehead/Pathhead Scotland Gas Network operated gas pipeline runs through the subject site in a broadly north east to south west direction.

### 3. GROUNDS OF OBJECTION

- 3.1 On behalf of our clients we would wish to object to the identification of Kippielaw as a Preferred Strategy Site in the Main Issues Report for the following reasons:

#### ***Coalescence***

- 3.2 The avoidance of coalescence or merging together of settlements is a critically important planning objective in ensuring that settlements (in this case Dalkeith and Easthouses/Mayfield) retain their individual and separate identities. On the eastern side of Easthouses Road the two settlements are presently separated by a belt of attractive countryside measuring some 580 metres in width. If the site known as Kippielaw E1 is allocated for housing, as suggested in the Main Issues Report, that distance will be reduced by c320 metres to c260 metres. It is evidently clear from an assessment of the area that in the event of the site being developed as proposed, Dalkeith and Easthouses, when viewed from a number of vantage points in the surrounding locale, would appear as a single block of development. This would obliterate the separate identities currently enjoyed by the two settlements and would furthermore result in a loss of treasured open space thus restricting the informal recreational uses to which it is currently used and the pleasure, exercise and well being that locals derive from it. Such scenarios must be avoided in the best interests of the proper planning and development of the area.



*Development of site will lead to coalescence of Dalkeith with Easthouses/Mayfield*

#### ***Adverse effect on the setting of Kippielaw House and Steading***

- 3.3 As previously outlined Kippielaw House and the converted steading complex adjacent are set within an attractive rural setting between Dalkeith and Easthouses/Mayfield. Although now used for residential as opposed to agricultural purposes their sensitive conversion through the retention of their courtyard form and distinctive octagonal chimney, combined within their countryside location, provide very important visual and



functional linkages to their past agricultural use. Indeed, the development represents a very fine example of positive rural planning for which the Council should be applauded and are known to be justifiably proud of as evidenced through the use of a photograph of the steading complex in their existing local plan.



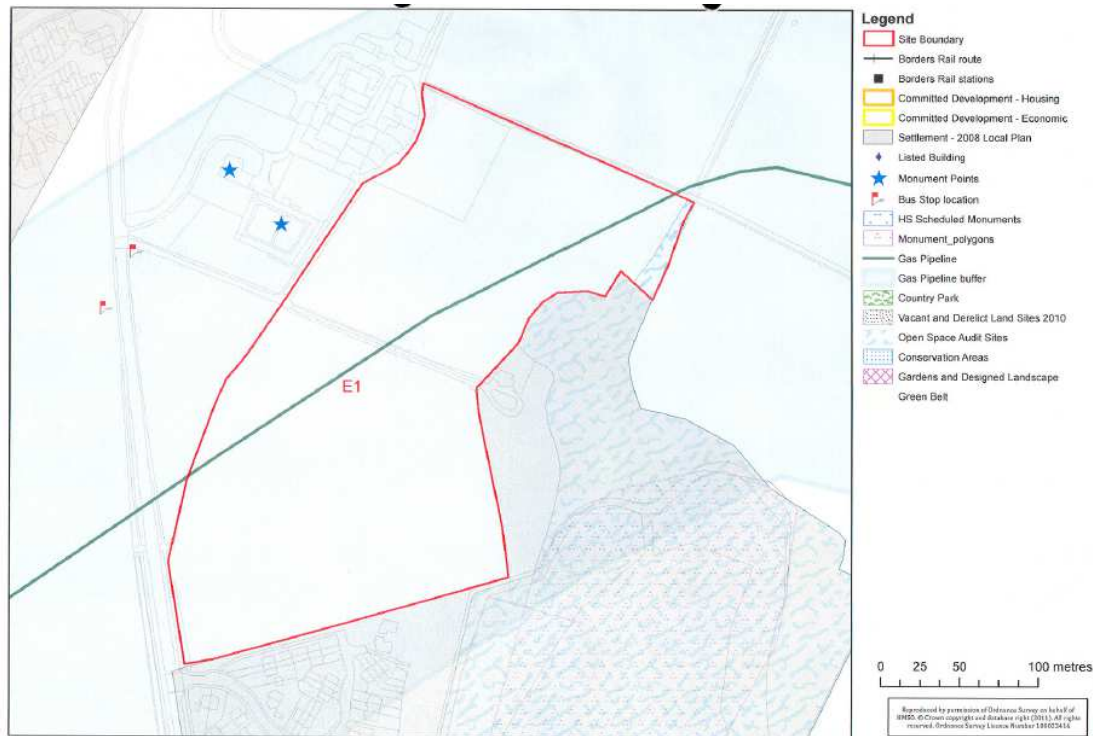
*Attractive setting for Kippielaw will be destroyed if site is developed for housing*

- 3.4 Set against the background described above it is deeply disappointing that the Council is contemplating zoning the lands to the east of Kippielaw House and Steading for what will almost inevitably be a high density modern residential development which will detract considerably from and have an adverse effect on the setting of this attractive group of buildings. We do not consider there to be a design solution available to compensate for the harm that would be caused to the setting of these buildings in the event of the subject site being developed as proposed in the Main Issues Report.

#### ***Gas Pipe Line***

- 3.5 As noted previously the subject site is bisected by the Fairmilehead/Pathhead Scotland Gas Network operated gas pipeline which represents a very significant constraint preventing its appropriate development for residential use. As a result of the risks posed by the gas pipeline to any future occupiers of residential properties within its vicinity a

very significant part of the site is undevelopable and will have to be retained as open space.



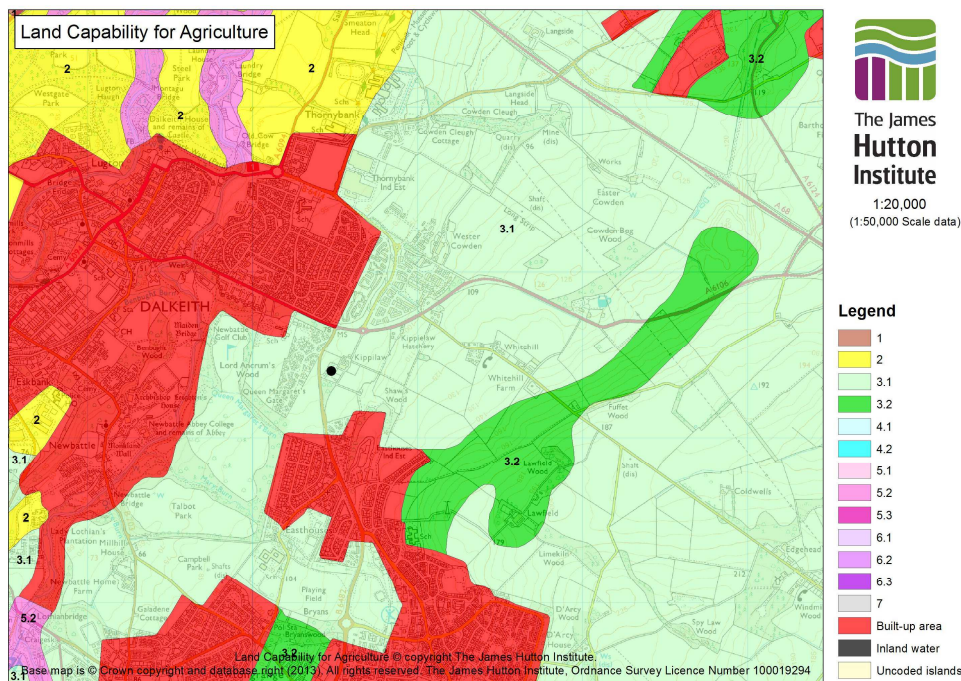
*Gas Pipeline Bisecting Site*

- 3.6 Using the PADHI+ (Planning Advice for Developments near Hazardous Installations) model devised by the Health and Safety Executive Council Officials have calculated that some 2.16 hectares of the 5.95 hectares subject site (36%) cannot be developed due to the existence of the pipeline described. As the position of the pipeline bisects the site it sterilises large areas of it; areas that had there been no pipeline in existence, would have expected to have been readily built upon as part of a scheme for the site. Any design solution for the site will now have to accommodate a very significant ‘*no development zone*’ on either side of the pipeline resulting in a wholly unnatural and inappropriate layout wholly out of character with the appearance of the wider area.

#### ***Prime Quality Agricultural Land***

- 3.7 The subject site is categorised as Prime Quality Agricultural Land (Class 3.1) by the James Hutton Institute. Scottish Planning Policy as published by the Scottish Government in 2010 contains a very strong presumption against the development of such prime quality agricultural land. Paragraph 97 of the SPP states the following on the subject:

*‘Prime quality agricultural land is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available. Small scale development directly linked to rural businesses, including housing, may also be permitted. Renewable energy generation development or minerals extraction may be acceptable where restoration proposals will return the land to its former status. When forming the settlement strategy, planning authorities should consider the impact of the various options on prime quality agricultural land and seek to minimise its loss.’*



**Map showing land around Kippilaw as Prime Quality Agricultural Land**

- 3.8 We are particularly alarmed to note that the Main Issues Report has made no reference to either the subject site constituting prime quality agricultural land or the fact that the Scottish Government discourages the development of such land except in limited and very exceptional circumstances.

### **Ground Conditions**

- 3.9 It is understood that the Kippilaw site lies within the likely zone of influence from the workings of three seams of coal at depths of 40 -210 metres. There is also known to be a disused mine entry along the south eastern boundary of the site. We have been unable to establish if the promoters of the site have submitted any evidence to the Council which



conclusively demonstrates that the site can be viably developed for the 60-70 units suggested as a consequence of the area's mining legacy.

### *Comments on Preferred Strategy*

- 3.10 The Main Issues Report identifies a total of nine sites for housing development within the A7/A68/Borders Rail Corridor which are stated on Page 27 of the Report (see below) as having a potential capacity for between 1340 and 1420 housing units (with further capacity for 200 houses at Redheugh West (G1) and 120 houses/flats at Rosslynlee Hospital (VRN)).

#### *Preferred strategy*

Site Ref. No.	Site Name	Indicative Capacity	Longer Term Potential
G1	Redheugh West	400 houses	Further capacity for 200 houses
G9	Greenhall Centre	30 - 50 houses	
BG1	Broomieknowe, Bonnyrigg	50 - 60 houses	
BG2	Dalhousie Mains, Bonnyrigg	240 houses	
BG3	Dalhousie South, Bonnyrigg	290 houses	
D8	Larkfield West, Eskbank	60 houses	
E1	Kippielaw, Easthouses	60 - 70 houses	
R1	Rosewell North	60 - 100 houses	
R3+R5	Thornton Road North & South, Rosewell	150 houses	
D1a	Salter's Park Extension, Dalkeith	12 hectares	Extension to allocated employment site
Potential for 1340-1420 houses (with further capacity for 200 houses) and 12 hectares of economic development land			

#### *Preferred Strategy Sites as identified in Main Issues Report*

- 3.11 Setting aside the supplementary planning guidance currently under preparation by the SESPlan Authority required as a result of the modifications made to SESPlan by the Scottish Ministers, the Main Issues Report has been prepared in the context of a requirement for 1250 houses in the 2009-2024 period (350 – 2009/2019 and 900 – 2019/2024) for the A7/A68/Borders Rail Corridor Strategic Development Area. This raises a number of issues. Firstly the sites, and their capacities, as identified within the Preferred Strategy, have the potential to generate significantly more units than those identified as being required in this Strategic Development Area. If the Rosslyn Hospital site is added to those in the Preferred Strategy, which it should be, it creates a potential for the delivery of between 1460 and 1540 units (with further potential for 200 houses at Redheugh). Setting aside those additional 200 houses at Redheugh this equates to a capacity for between 210-290 units above the actual 1250 house requirement. Secondly,

the capacity of the sites identified in the Preferred Strategy have been significantly underestimated and have the potential to deliver 200-300 more units than those identified on Page 27 of the Main Issues Report. In part support of this position we would wish to draw specific attention to the capacities of the Preferred Strategy Sites as identified in the Development Sites Assessment Report. These are significantly greater than those identified in the Main Issues Report and are a more accurate reflection of the site's development potentials.

- 3.12 In light of the considerations described in the paragraphs above it is evidently clear that the site at Kippielaw, Easthouses (E1) should not be allocated for housing development; firstly for reasons of complete unsuitability but secondly and very significantly because the site is simply not required to meet the housing requirements of the A7/A68/Borders Rail Corridor Strategic Development Area.

***Midlothian Local Plan***

- 3.13 Whilst we are aware that the Kippielaw site was recommended for identification as a housing site by a Reporter from the Scottish Government during the consideration of objections to the extant Midlothian Local Plan this does not provide sufficient grounds or justification for supporting its allocation in the emerging local development plan. Using a quote from Reporters in their consideration of objections to the City of Edinburgh Local Plan it is a well established principle that *'a cautious approach should be taken in transposing conclusions made in a different policy context, with a different set and mix of comparative sites elsewhere and a different range of evidence.'*



## **4. SUMMARY AND CONCLUSIONS**

4.1 In view of the above considerations our clients wish to object to the identification of the Kippielaw (E1) site as a Preferred Strategy Site in the Midlothian Local Development Plan Main Issues Report and respectfully request that it be retained as ‘countryside’ and included within the proposed Strategic Greenspace Area (as referred to in Paragraph 7.10 of the Main Issues Report) in the Proposed Plan. The following points are put forward in support of this position:

- **The development of the site for housing will lead to the coalescence of Easthouses and Mayfield with Dalkeith removing, in the process, their separate characteristics and identities.**
- **The development of the site for housing would result in the loss of a treasured area of open space thus restricting the informal recreational uses to which it is currently put and the pleasure, exercise and well being that locals from across the wider area derive from it.**
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Derek Scott

Date 30<sup>th</sup> August 2013

