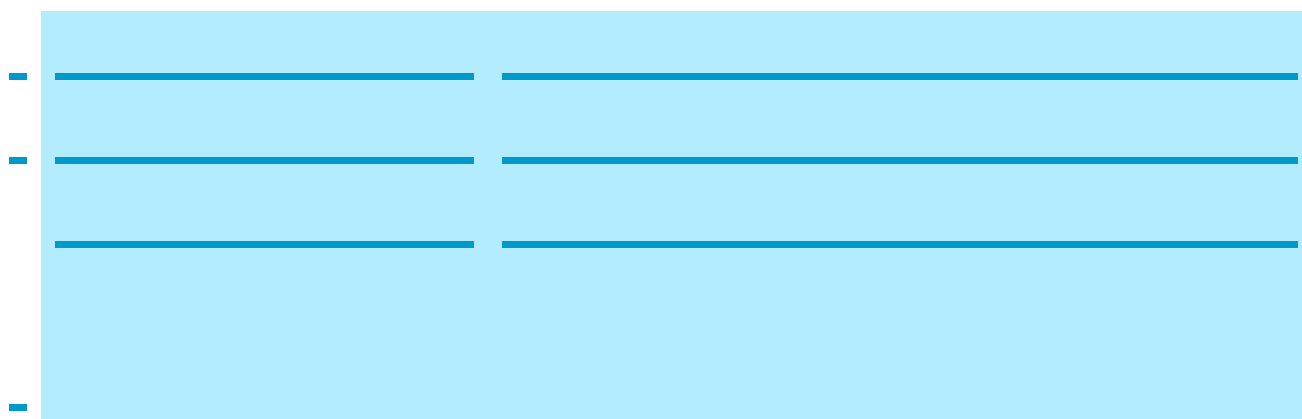


**Application for Planning Permission 15/00557/FUL
At Land 25 Metres North Of Heriot Mount, St Leonard's Hill,
Edinburgh**

Create open access gravel-surfaced MTB trails (for beginners to intermediate level riders), and an asphalt-surfaced pump track within existing self-seeded amenity woodland.



Summary

The amended proposals comply with the development plan and the relevant Non-Statutory Guidance. The proposals are acceptable. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

CITOS1, CITE7, CITE8, CITE12, CITD3, CITD8, CITE14, CITE16, NSG, NSGD02, LPC,

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site comprises of a narrow strip of semi-mature woodland located between a public path and the boundary wall of Holyrood Park. The highpoint of the site lies at its southern end, with the ground falling at first gradually and then steeply to the north. Within the wood, the ground slopes gently to the west and includes several rocky outcrops. The remains of demolished houses are evident in the southern part of the site.

The woodland is not actively managed.

The site is designated Open Space (Dumbiedykes).

2.2 Site History

29 January 2015 - Planning application withdrawn for a Certificate of lawfulness to create open access gravel-surfaced MTB trails (for beginners to intermediate level riders), and an asphalt-surfaced pump track within existing self-seeded amenity woodland in Edinburgh's city centre. (Reference 14/05077/CLP)

Main report

3.1 Description Of The Proposal

Scheme Two

The application proposes to construct a bike skills park comprising a pump track, mountain biking trails and a re-routed walking path within the existing woodland.

The pump track would be centrally located within the site, immediately north of the Heriot Mount Steps which lead to Holyrood Park. The pump track consists of a circuit of rolling bumps, table-top jumps, and bermed corners designed to be ridden continuously without pedalling by using weight shifts (pumping) and gravity. The proposed surface is asphalt. A new tarmac path would be routed around the southern edge of the pump track.

The mountain biking trails would be 1.2 metre wide aggregate surfaced trails threading through the trees. The trails consist of three connected loops, often following the contours in a looped arrangement. The trails cater for beginners, younger kids, cycle proficiency classes, etc.

70 trees would be removed from the application site. Screen planting in the form of fruit trees will be planted at the north and south ends of the site.

Scheme One

The original proposal included a 'trials area' located in the south-east corner of the site and consisted of a variety of boulders and/or precast concrete structures to practice trials biking techniques and manoeuvres. No screen planting was included in the proposal.

Supporting Statements

The following documents have been submitted in support of the application:

- Woodland and Tree Impact Assessment;
- Archaeology Written Scheme of Investigation;
- Landscape and Visual Impact Assessment;
- Ecological Constraints Survey;
- Canongate Youth/Comas Study on Development;
- Extract from The City of Edinburgh Council Meeting Report on 22.11.12.
- Feasibility Study;
- Generic Details of the MTB Trail and Pump Track Construction;
- Further Information on the Site, Proposals & Public Consultation;
- Overall Summary of Project; and
- Summary Results of 2014 Online Public Consultation for Project.

These documents are available to view on the Planning and Building Standards online services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) the principle of the proposals are acceptable in this location;
- b) the development will have an adverse impact on the landscape setting;
- c) the scale, design and materials of the proposed development are acceptable and will

not have an adverse impact on the character of the area;

- d) the development will have any adverse impact on any archaeological remains or the adjacent Scheduled Ancient Monument;
- e) the proposal will affect local biodiversity or ecology;
- f) the proposals will result in an unreasonable loss of neighbouring amenity; and
- g) comments raised have been addressed.

a) The Acceptability of the Proposal in this Location

The site is identified as 'Open Space' within the Edinburgh City Local Plan (ECLP). Policy Os 1 (Open Space Protection) provides that, *"proposals involving the loss of open space will not be permitted unless it is demonstrated that:*

- a) there will be no significant impact on the quality or character of the local environment;*
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and*
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value;*
and either
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space, or*
- e) the development is for a community purpose and the benefits to the local community outweigh the loss."*

Criterion a) is discussed further at section 3.3c) below.

With regards to criterion b), the application site forms approximately 0.85ha of an area of open space which is identified as 1.86ha of Residential Amenity space (AM 130) in the Council's Open Space Audit.

The site is of limited leisure value in its current state with the site scoring 55% which is categorised as 'Fair' quality.

The Open Space Audit 2009 identifies the South Central Edinburgh Neighbourhood Partnership Area as having 413 hectares of significant open space of which 242 hectares are accessible. 77% of houses and flats are within 400 metres of significant accessible open space in the area and 60% of public parks and gardens meet the city wide quality average 'good'. Whilst it is acknowledged that the Open Space Audit states residential amenity greenspaces are limited in number and vary in terms of quality, the application site is immediately adjacent to an additional 1.0 ha of Residential Amenity space (AM 129) and Holyrood Park (NAT 8) which is 215 ha. The proposals therefore would not lead to a deficiency in green space provision within the wider area.

Criterion c) is discussed further at section 3.3e) below.

With regards to criterion e), the existing woodland is not well utilised, has no clear purpose, is not actively managed and subject to anti-social behaviour. The amended proposal would introduce a compatible use to the woodland and the resulting woodland would be of a better quality and usefulness. The bike skills park is a suitable community purpose and the benefits to the local community outweigh the loss of part of the woodland, which would have a limited impact on the availability of open space within the wider area and complies with part (e) of Policy Os1.

Accordingly, the proposal complies with Policy Os 1 (Open Space Protection) and is acceptable in this location subject to compliance with other detailed provisions of the ECLP.

b) Impact on the Landscape

Loss of Trees:

The proposal will result in the loss of 70 trees, 50 to accommodate the pump track, 18 to accommodate the mountain bike trails and two to facilitate the realigned path. This is approximately 13% of the trees in the woodland. A Woodland and Tree Impact Assessment has been submitted in support of the application.

The Assessment confirms that of the trees to be removed 58 are category C trees, (low quality and value) and 12 are category U (trees with serious defects, are dead, in irreversible decline, are unsafe, or are of very low quality). Conditions will be included requiring the submission of a comprehensive landscaping scheme. Consequently, the loss of the trees and the intended mitigation through replacement planting within the application site complies with Policy Env 12 (Trees) of the ECLP.

Landscape Setting:

The application site abuts the Green Belt and forms part of a larger, heavily wooded and pronounced ridge running along the western boundary of Holyrood Park from Pollock Halls in the south to Dynamic Earth in the north. A Landscape and Visual Impact Assessment has been submitted in support of the application. This confirms that the total area of woodland to be removed to facilitate the pump track is approximately 500 square metres, which is 17% of the wooded area. The application site is visible from the areas of Arthur's Seat around Radical Road and the Salisbury Crags. However, given the relative heights and the extent of tree cover along the wider ridge, the visibility of the site is almost entirely restricted to the upper canopy of the trees. The east-facing flank of the ridge within the Park is also more visually prominent.

The Assessment confirms that the majority of the clearing to accommodate the pump track will be hidden from view by the trees within the Park on the east flank of the ridge. Overall the corridor of trees running along the edge of Holyrood Park will remain unbroken and envelope of the woodland will remain as existing. The amended proposal will have a minor, acceptable impact on the Green Belt boundary given the improvements to amenity and enhancements to biodiversity (which are discussed further at section 3.3e).

There will be no loss of woodland cover as a result of the mountain bike trail construction.

The amended proposal complies with Policy Des 3(i) (Development Design) and Policy Des 8 (Urban Edge Development) of the ECLP.

c) Character - Scale, Design and Materials

The pump track would be centrally located within the site. The track will be finished in asphalt and of a low height consisting of a circuit of rolling bumps, table-top jumps, and bermed corners. The pump track will be appropriately landscaped and is acceptable.

The mountain biking trails would be 1.2 metre wide aggregate surfaced trails threading through the trees and are appropriate for this woodland setting.

The amended proposal complies with Policy Des 3 (Development Design) of the ECLP and the Edinburgh Design Guidance.

d) Archaeology and Adjacent Scheduled Ancient Monument

The City Archaeologist has advised that the site is located within an area of archaeological significance. The proposed development will have ground breaking works with the potential for low-moderate significant archaeology impact. Consequently, a condition is recommended to ensure that a programme of archaeological work is undertaken prior to construction. Subject to the inclusion of this condition, there are no overriding concerns in relation to archaeology.

The amended proposal complies with Policy Env 7 (Historic Gardens and Designed Landscapes) and Policy Env 8 (Protection of Important Remains) of the ECLP.

e) Biodiversity and Ecology

The Ecology report submitted in support of the application concluded that the overall ecological value of the woodland is limited by the woodland's lack of maturity and there will be no impact on the Site of Special Scientific Interest (Arthurs Seat) as result of the development. The amended proposal is in accordance with Policy Env 14 (Sites of National Importance) of the ECLP.

In terms of species, the report concentrated on badgers and no evidence of badgers was found on site. In addition, no trees were of an age or condition to support bats. The site has limited potential to support birds. However, any clearance of vegetation should take place outwith the bird breeding season (March to August inclusive). Subject to the inclusion of conditions/informatives, the proposal is in accordance with Policy Env 16 (Species Protection) of the ECLP.

f) Neighbouring Amenity

Privacy:

The pump track is in excess of 18 metres to the nearest residential property. Sections of the All parts of the mountain bike trails are in excess of nine metres to residential properties and are located further from residential properties than the existing public footpath. There will be no overlooking or reduction in privacy as a result of the amended proposal.

Noise:

As noted above, the amended proposal is located further from residential properties than the existing public footpath. No lighting is proposed and the bike park will be used during the hours of daylight.

At present the woodland is not actively managed. As a result of the secluded location and overgrown nature of the woodland the site is currently the subject of anti-social behaviour, noise and disturbance outside the hours of daylight. The overgrown nature of the woodland coupled with the anti-social behaviour has resulted in the woodland being an under-used resource for local residents.

The amended proposal will result in the active management of the woodland and the use of the site during the hours of daylight, thereby reducing anti-social behaviour in this location. It is considered that noise from anti-social behaviour will be reduced.

On this basis, it is not considered that the amenity of residents will be affected in any greater a degree than the existing situation and it would not be proportionate to request a Noise Impact Assessment be submitted in this instance.

There will be no impact on daylighting to existing buildings or sunlight to existing spaces.

The amended proposal complies with Policy Des 3 (i) (Development Design) of the ECLP and the Edinburgh Design Guidance.

g) Public Comments

Material Representations - Support:

- Principle of the use.

Material Representations - Objection:

- Privacy - assessed in section 3.3(f) and found there is no adverse impact on amenity.
- Noise - assessed in section 3.3(f) and found there is no adverse impact on amenity.
- Loss of trees - assessed in section 3.3(b) and found that the loss of trees is acceptable.
- Lighting/hours of opening - no lighting is proposed and the bike park will operate during hours of daylight.

Non-Material Representations:

- Anti-social behaviour - not relevant to Planning process.
- Litter - not relevant to Planning.
- Use of private car parks - this is a matter for control under a separate legal regime.
- Security of private property - not relevant to Planning process.

CONCLUSION

In conclusion, the amended proposals comply with the development plan and the relevant Non-Statutory Guidance.

The proposals are acceptable.

There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting,) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
2. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the date of this consent
3. All trees existing on site at the date of this report except those identified for felling as outlined in the submitted Tree Survey shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with the Planning Authority.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
3. In the interests of visual amenity; to ensure that all trees to be retained are satisfactorily protected before and during construction works.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. A method statement and programme for eradication for Japanese's knotweed (*Fallopia japonica*) for the site, is provided to the satisfaction of the Head of Planning and Transport.

5. Clearance of vegetation/trees has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

6. A clear zone of at least 1200mm is required around the wall and railings marking the boundary of Holyrood Park in order to facilitate maintenance works. We note that the application does not propose any planting or other development in this area. We would wish to ensure that there should be no planting or development, including fixtures to the wall, within this zone in future.

7. The existing access at Heriot Mount Steps is not suitable for cyclists. We would wish the development to incorporate measures to ensure this is made clear to Bike Skills Park users from within the Skills park area.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

Neighbours were notified on 23 February 2015 and 2 letters of representations were received: 2 objecting.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)



John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Eilidh Shaw, Planning officer
E-mail: eilidh.shaw@edinburgh.gov.uk Tel: 0131 529 3903

Links - Policies

Relevant Policies:

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

Policy Env 14 (Sites of National Importance) identifies the circumstances in which development likely to affect Sites of National Importance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Relevant policies of the Edinburgh City Local Plan.

Consultations

Archaeology

Land 25m North of Heriot Mount St Leonards Hill

Further to your consultation request I would like to make the following comments and recommendations concerning this application to create open access gravel-surfaced MTB trails and an asphalt surfaced pump track within existing self seeded amenity woodland.

Occurring out with the medieval burgh and on the edge of the Royal Park, this site formed part of the lands belonging to the medieval Almshouse and Chapel of St Leonards which stood to the immediate south of the application area. From the 18th century the site was gradually developed with individual Georgian houses making way, by third quarter of the 19th century, to tenement streets (St Leonards Hill, Heriot Mount & Victoria Place). Accordingly this site has been identified as occurring within an area of archaeological significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

It is considered that the potential impact of this proposal would be on the whole low, however potentially locally significant where construction works may disturb significant remains associated with the former historic Georgian & Victorian which occupied the site. It is recommended therefore that a suitable programme of archaeological work (watching brief) is undertaken where ground breaking-works (e.g. track construction) exceed or equal 350mm in depth from the current ground surface. This in order to record and excavate any significant archaeological deposits uncovered which may survive below modern deposits. Foundation designs showing depths must be supplied to CECAS prior to the start of development in order to ensure compliance and determine if archaeological monitoring is required to be undertaken by an archaeological company.

Accordingly it is recommended that the following condition be attached consent, if granted, to ensure that this programme of archaeological works is undertaken either prior to or during construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting,) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Please contact me if you require any further information.

Yours sincerely

John A Lawson

Historic Environment Scotland

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Land 25m North of Heriot Mount , St Leonards Hill, Edinburgh - Create open access gravel-surfaced MTB trails (for beginners to intermediate level riders), and an asphalt-surfaced pump track within existing self-seeded amenity woodland

Thank you for your consultation which we received on 13 January.

You have consulted us because you believe the development may affect:

- Holyrood Park (SM Index No: 13032)

Historic Environment Scotland have reviewed your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do not object.

While we do not object in our role as a statutory consultee under the DMPR regulations, Historic Environment Scotland also has an interest in this application as a neighbour. In this capacity, we have the following comments -

- A clear zone of at least 1200mm is required around the wall and railings marking the boundary of Holyrood Park in order to facilitate maintenance works. We note that the application does not propose any planting or other development in this area. We would wish to ensure that there should be no planting or development, including fixtures to the wall, within this zone in future.

- The existing access at Heriot Mount Steps is not suitable for cyclists. We would wish the development to incorporate measures to ensure this is made clear to Bike Skills Park users from within the Skills park area.

If you require any further information relating to our comments above as neighbours to the proposed development, please contact my colleague, Ms Karen Williamson (Karen.williamson@gov.scot). For any other issues relating to the DMPR consultation please contact me.

Yours faithfully

Deirdre Cameron

Senior Heritage Management Officer, AM

END