Rural Planning and Environmental Impact Assessment: Destination Hillend

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1. **An introduction:**

“Destination Hillend”, a new name for the rebranding and redevelopment of the dated Midlothian Snow Sports Centre. Midlothian Council the current owners and proprietors of the Midlothian Snowsports centre wish to redevelop the current site to a new standard which they believe will not only attract tourism but also improve the council independent income revenue thus mitigating the restraints of public sector funding (Midlothian Council, 2019). An official application for planning permission in principle was filed by representatives of Midlothian council in December of 2019. The Proposal includes the development of new leisure facilities including a Zipline intended to be the UK’s highest and an Alpine coaster intended to be the longest in UK, accommodation in the form of a hotel and glamping sites, supporting restaurant and retail, function suite, offices, access road and car parking. The application was filled in accordance to planning legislation The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 in which it is designated a Schedule II development and therefore must be accompanied by an Environmental impact assessment (EIA), the purpose of which is to minimalize the environmental cost or “impacts” of development.

The site is located just south of Edinburgh and sits within the designation of Hillend Country park, and the greater encompassing Pentland Hills Regional Park, both of with fall into the Pentland Hills Special Landscape Areas (SLA).

The proposal to redevelop Midlothian Snow Sports Centre supports the desired outcomes of the national Scottish Planning Policy (SPP) i.e. Outcome 1: “*A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.*”, the development supports the aims of the National Planning Framework (NPF3) “*NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and inland areas*”. Both the Strategic Development Plan for Edinburgh and South East Scotland **(SESplan)** and Midlothian’s local development plan target sustainable economic growth and rural development. At each level of the planning hierarchy sustainable economic growth and rural development is championed as a main aim or outcome and so there is support behind the proposal for “Destination Hillend”.

1. **A review of EIA in the planning process:**

In order to comply with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations Midlothian council had to produce a comprehensive Environmental impact assessment (EIA) accessing the possible environmental, social and economic impacts that the development of this proposal could have.

The EIA was produced on behalf of Midlothian Council by SWECO an architectural, environmental and engineering consultancy based in Sweden and delivered to Midlothian councils planning authority alongside the application for Planning Permission in Principle (PPiP) on December 10th 2019 (Midlothian Council, 2020).

Midlothian’s Local Development Plan (LDP) adopted in 2017 sets the basic framework for the redevelopment of Midlothian Snow Sports Centre. Sections 4.7.6 to 4.7.7 of the development plan directly state that Midlothian council are looking for proposals to redeveloped the snow sports center and that “proposals might include accommodation, related retail, and restaurant facilities in support of the Snowsport Centre.”. In 2019 Midlothian Council announced that they had £13.8 million approved in capital investment for “Destination Hillend” (Midlothian Council, 2019). It is clear that there is much underlying support in the council for planning approval. Regardless of support for the redevelopment the LDP clearly states that when it comes to the redevelopment of Midlothian Snow Sports Centre proposals deemed to have an adverse impact on the local environmental will not be accepted, nor will any proposal deemed to negatively impact landscape character (Midlothian Development Plan,2017). With the support and backing this redevelopment has it is important not only for efficiency of process but for the proposals success that a comprehensive EIA is carried out. An EIA not only identifies environmental impacts and their significances but compliments planning in ensuring development not only considers the natural and built environment but the underlying character of the landscape also.

Before an EIA can be properly undertook a scoping report must be carried out to assess what environmental aspects the EIA report will cover based on the nature of the proposal. Scoping involves consultation with statutory and non-saltatory bodies in order to assess what is required of the EIA and to help identify environmental assists that might be sensitive to development. Midlothian council accepted the scope of the “Destination Hillends” EIA based on consultation with SEPA, SNH and HES.

The EIA report produced for “Destination Hillend” was delivered alongside the application for PPiP and consisted of 11 Chapters covering a range of environmental impacts that could affect the environmental assists identified in the scoping report. Chapter 11 of the EIA regards the issue of Cultural Heritage, this chapter will be used as a case example to discuss how the EIA works in practice within the planning system.

Chapter 11 of the EIA was prepared by Headland Archaeology (UK) Ltd an archaeological consultancy working on behalf of SWECO. The Environment Impact Assessment Handbook created by Historic Environment Scotland and Scottish Natural Heritage identifies the importance of sourcing specialist knowledge in the creation of an EIA report (HES,2019), the sourcing of a specialist consultancy suggests due-diligence. The Scottish Planning Policy (SPP) plays particular attention to the protection of Scotland’s historic environment. Policy states that Planning authorities should “*promote the care and protection of the designated and non-designated historic environment*”. Within the scope of the EIA and the boundaries of the EIA study area lies Caerketton Hill fort (SM4067) a scheduled monument that sits atop Hillend Hill. Protected under the Ancient Monuments and Archaeological Areas Act 1979 it is important to identify the impacts that the redevelopment of Midlothian Snow Sports Centre might have on the hill fort.

Following the advice set out in the Environmental Impact Assessment Handbook an EIA must identify the current condition of the environmental factor or assets being assessed, this helps establish a baseline in with all impacts both negative and positive will be based on. Headland Archaeology used a combination of historical record and site visits to establish the baseline conditions of Caerketton Hill fort and it surround area. Historical records of Caerketton consists of three Royal commissioned surveys conducted in 1956,1970 and 1975. Two site visits were conducted by archaeologists from Headland Archaeology to assess the site. During these site visits photographs were taken from various viewpoints both from the location of the hillfort and of the hillfort from position across the hill range. Photographic records help record the sites current condition in the context of it surrounding environment. By understanding the current baseline, the possible impacts of redeveloping the snow sports centre could be assessed. The EIA assessment identified possible factors that could impact Caerketton and the cultural heritage of the site. The first possible impact identified was related directly to construction, topsoil slippage caused by construction excavation or accident damage from plant movement, the proposed mitigation of this is a 25meter fenced buffer zone around the scheduled monument. The second impact identified was the possibility of unrecorded archaeology within the construction area. Test trenching before ground-breaking has been proposed to mitigate any effect construction could have on unrecorded archaeology. The final impact identified was that on the aesthetics of the view from the hillfort. Both the alpine coaster and zipline proposed in the redevelopment proposal would become prominent landscape features in most view points from Caerketton hillfort. There has been no mitigation proposed for the identified impact on Caerkettons view of the surrounding area. Overall the redevelopment proposal was deemed to have no significant effects on cultural heritage assets neither through construction or operation. The impacts on the view from Caerketton of were deemed of “negligible magnitude” and “negligible significance” by Headland Archaeology (EIAR: Chapter 11).

Historic Environment Scotland (HES) are the statutory consultees on planning works affecting scheduled monuments and the historic environment, they are also a major consultation body for planning projects that require an Environmental Impact Assessment. HES were contacted during the scoping stage of the investigation, it was advised by HES that the EIA report pay particular attention to any impact that redevelopment might have on the setting of Caerkettons hill fort. HES also requested further specific information on the exact size and location of the redevelopment. Despite specific information being requested by HES during the scoping report the EIA failed to provide the exact dimensions of proposed building location as only a broad site of construction was referenced throughout the EIA. HES in reply to the EIA report stated that the lack of specific information on site dimensions underlines the effectiveness of the EIA, they also disagreed with the conclusion drawn that the impacts of redevelopment on Caerketton were of ‘negligible’ significance and that impacts to the setting of the hillfort had not been properly considered as requested. HES stated that impacts to the setting of Caerketton hillfort had been underestimated and that the construction of both the alpine coaster and zipline would be a “*considerable distraction*” that would affect the visitor experience of the fort and its setting, both visually and through noise (Correspondence HES, 2019). Regardless of this HES stated that they could not object to the proposal on principle and were happy that enough information had been provided to support the conclusions drawn in the EIA and that the mitigation actions identified were appropriate.

A similar criticism of the EIA was delivered by the archaeological office of Midlothian Council. The Archaeology office (AO) responded to the EIA by stating that although no significant impact on Caerketton hillfort had been identified by the EIA they would still require further information in order to accurately assess these claims (Correspondence AO, 2019). The AO highlighted the fact that the EIA lacked specific information on site size and building dimensions. The AO also highlighted the need for illustrated visualisations of the view from Caerketton hillfort after construction in order to fully appreciated the impact redevelopment could have on its setting.

Overall the AO could not oppose the proposal “in principle” although they believed the EIA failed to fully consider the impacts redevelopment could have on Cultural Heritage especially Caerkettons “setting”.

There is good reason for both Historic Environment Scotland and Midlothian Councils Archaeology office to highlight the impact that redevelopment could have on the “setting” of Caerketton hillfort.

The application for PPiP (Planning permission in principle) for the redevelopment of Midlothian Snow Sports Centre is still “awaiting decision”. Applying for PPiP works in two stages. The first stage establishes stability in-principle. The second stage consists of assessing the technical details of the proposal (Ministry of Housing, communities & local government 2017). As the “Destination Hillend” proposal is still in its early design stages no specific details could be provided. If PPiP is accepted the technical details of the proposal will still need to be approved before construction. Both Historic Environment Scotland and Midlothian Councils Archaeology office will continue to monitor the proposal and consult on any final design specification before they are accepted. Both Consultees request impact assessments be recalibrated to the final design specifications of the proposal.

1. **EIA and sustainability:**

The NPF3 summarises sustainable development as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*.” Sustainable development a concept championed by the Brundtland Commissions report entitled “Our Common Future” published in 1987 and institutionalised during the 1992 Rio Earth Summit is based on a system supported by three pillars, these pillars being environmental, social and economic (Burton, 1987, Purvis et al, 2019). Sustainability is achieved when all three pillars are regarded equally. If one pillar is prioritised over the others the system is unsustainable, the development of one pillar should not be at the detriment of the others. In the context of development and planning a proposal that meets economic and social needs yet, has a detrimental effect on the environment could not be seen as sustainable. It was the need for sustainable development that acted as a key driver in the creation of the EU’s EIA Directive (2014/52/EU) (amended) in which the British and Scottish EIA legalisation mirrors. In the working world it can be difficult to fully balance the pillars of sustainability however, the Environmental Impact Assessment (EIA) is a vital tool in assessing the environmental, social and economic impacts a development could have. The EIA not only identifies potential impacts but also put into place mitigation actions that will minimalize the severity or the potential for them.

A case example of a nationally important proposal and how it’s EIA effected the proposals development and contributed to its sustainability is that of the Forth Replacement Crossing (FRC) now known post-construction as the new “Queensferry Crossing”. The proposal to replace the Forth road bridge was proposed by Transport Scotland to improve and secure Scotland’s transport network, the proposal at the time was deemed one of the four main priorities that would most effectively contribute towards the Scottish Government’s goals of increasing sustainable economic growth (Auditor General for Scotland, 2018). Given the scale and nature of the development proposal not only a Strategic Environmental Assessment (SEA) was needed during the development of the strategic plan to construct a new Forth crossing but also an EIA was necessary during the specific technical development of the proposal. Both the SEA and the EIA were mandatory under Environmental Impact Assessment (Scotland) Regulations (Transport Scotland, 2009). The Firth of Forth in itself is sensitive to development as areas of the Forth are designated Special Protections Areas (SPAs) and Special Areas of Conservation (SACs) both protected under the Birds and Habitats Directives of the EU, there are also other designated site across the Forth such as SSSI sites and various scheduled monuments including shipwreaks (Transport Scotland, 2009). During the SEA various crossing “corridors” and crossing methods including tunnels were assessed from economic, environmental and engineering viewpoints to determine the most appropriate crossing site and type. Once the site and method of crossing had been selected an EIA was carried out to determine the possibility and severity of any environmental impacts’ development could cause. Some of the major impacts identified in the EIA were to the natural environment, chapters 10 and 11 of the EIA focus on the impacts to Terrestrial, Freshwater and **Estuarine ecology. In terms of impacts to estuarine ecology noise pollution from construction was identified as having a probable impact on marine mammals (**Transport Scotland, 2009)**. In order to mitigate any impacts to marine mammals, specialist** Marine Mammal Observer (MMO) were recommend to be used to spot **marine mammals entering a** mammal mitigation zone used as a buffer around construction zones. If **marine mammals were identified in the buffer zones then heavy noise polluting construction works such as** blasting and piling activities would be signifyingly reduced or halted until the mammal had left the mitigation zone (Transport Scotland, 2009). Another Ecological impact identified in the EIA was that of habitat loss and wildlife disturbance. Two protect species in particular were identified as being at risk to the impacts of FRC development, the first being Meles meles(European badger) a nationally protected species under The Protection of Badgers Act 1992 (Nature. Scot, 2020), the second species identified was *Lutra lutra* (Common Otter) a European Protected Species protected under the Habitats directive (Nature. Scot, 2020). In order for the FRC proposal to be sustainable and avoid detrimental impacts to the populations of these two protected species mitigations had to appropriately address the impacts faced by these species whilst considering their legal protection. Badger proof fencing and the creation of a replacement sett to replace an old sett lost through construction and the planting of broadleaved woodland are all example of impact mitigation presented for Meles meles in the EIA. As for Lutra lutra the creation of an artificial holt at Niddry Burn was suggested as mitigation for otter habitat loss, mammal-proof fencing and the creation of riparian woodland were also recommended in the EIA.

Other impacts identified in Chapter 14 of the EIA revolved around Cultural Heritage. The disturbance to unknown arachnological artefacts and shipwrecks during construction and the impact on site “setting” through noise pollution and visual impacts on the landscape featured as some of the main impacts to Cultural Heritages. Mitigation actions suggested in the EIA included a pre-construction archaeological investigation in construction areas that had particular archaeological value (Transport Scotland, 2009). These pre-construction investigations ensure archaeological remains in the area have the opportunity to be identified, excavated and fully recorded prior to any proposed construction works. Detailed surveying and geo-referencing were suggested as mitigation to assess, monitor and protect any shipwrecks in the construction area from damage. As for the impacts on site “setting” mitigation actions suggested included landscaping, design integrations with natural topography, and the planting mixed and scrub woodland, hedges and trees to reflex boundaries and add screening. The installation of noise barrier where also suggested to mitigate noise pollution which may affect site “setting” (Transport Scotland, 2009).

The environmental impacts of the Forth replacement crossing were clearly identified through the EIA. Although there were significant impacts identified the mitigation measures’ put forward though the EIA were accepted by the statutory consultants. Following construction, the new “Queensferry crossing” opened in 2017. If the design and construction of the crossing failed to identify the environmental impacts that where identified in the EIA and put into place mitigation for them then the sustainability of the proposal would have been questionable. In the real word it is near impossible to develop a perfectly sustainable proposal however the EIA is a vital tool in ensuring development avoids unnecessary and unacceptable environmental impacts.

*Word Count: 2950 (Including in text references)*

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