

# Notice of meeting and agenda

## **The City of Edinburgh Council**

**10.00 am, Thursday, 28 April 2016**

Council Chamber, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

### **Contact**

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## **1. Order of business**

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- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 The City of Edinburgh Council of 10 March 2016 (circulated) – submitted for approval as a correct record

## **5. Questions**

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- 5.1 By Councillor Corbett – Lothian Pension Fund assets – for answer by the Convener of the Finance and Resources Committee
- 5.2 By Councillor Burgess – Annual Advice Services Budget – for answer by the Convener of the Health, Social Care and Housing Committee
- 5.3 By Councillor Corbett – Parliament house – for answer by the Convener of the Finance and Resources Committee
- 5.4 By Councillor Booth – Webcasting of Council Committee Meetings – for answer by the Council Leader
- 5.5 By Councillor Booth – Recycling from Tenemental Properties – for answer by the Convener of the Transport and Environment Committee
- 5.6 By Councillor Aitken – Future Safety of PPP1 Schools – for answer by the Convener of the Education, Children and Families Committee
- 5.7 By Councillor Rose – Waste Collection – for answer by the Convener of the Transport and Environment Committee
- 5.8 By Councillor Rose – Workforce 3 – for answer by the Convener of the Finance and Resources Committee
- 5.9 By Councillor Rust – School Closures – for answer by the Convener of the Education, Children and Families Committee

- 5.10 By Councillor Mowat – Hunter Square – for answer by the Convener of the Health, Social Care and Housing Committee

## 6. Leader's Report

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- 6.1 Leader's report

## 7. Appointments

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- 7.1 Appointments to Outside Organisations – report by the Chief Executive (circulated)
- 7.2 Appointments of Non-Executive Directors to EDI Group Limited – report by the Chief Executive (circulated)
- 7.3 Appointment to Outside Bodies – Edinburgh BioQuarter – report by the Executive Director of Place (circulated)

## 8. Reports

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- 8.1 Urgent Revisions to Polling Places – report by the Chief Executive (circulated)
- 8.2 Elected Member Remuneration 2016 – report by the Chief Executive (circulated)
- 8.3 Energy Retrofit of Council Buildings – report by the Executive Director of Place (circulated)
- 8.4 PPP1 Schools – referral from the Pentland Neighbourhood Partnership (circulated)
- 8.5 Report of Pre-Determination Hearing – Freelands Road, Ratho (Land 164 metres south of Freelands Farm) – referral from the Development Management Sub-Committee (circulated)

**Note:** letters of representation on the planning application are available for the members to inspect in the group rooms and for the public at the reception in the city chambers; also planning applications can be viewed online by going to [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning) - this includes letters of comments received.

## 9. Motions

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- 9.1 By Councillor Hinds - International Workers' Memorial Day

“Council notes that every year on 28 April trade unions and workplace health and safety campaigners all over the world remember those who have been injured or tragically lost their lives at work This year's theme is **Strong Laws - Strong Enforcement - Strong Unions.**

Council flags will be flown at half mast in remembrance of those who have lost their lives through work.

Council notes its concern that the number of inspections in the UK has fallen dramatically in recent years and in many other countries enforcement is non-existent.

Council acknowledges that unionised workplaces are safer and agrees the importance of allowing the appropriate time and resources for union representatives to carry out the duties that protect the health and safety of their members and the wider workforce.”

#### 9.2 By Councillor Cardownie - Arctic Convoy Commemoration

“Council notes that the Consulate General Of The Russian Federation intends to stage an event on the former Royal Yacht Britannia in August entitled “Arctic Convoy 75<sup>th</sup> Anniversary Commemoration”.

Council further notes that the Arctic Convoys were assembled to provide essential supplies to Russian cities during World War II. Seventy convoys involving 1400 merchant ships sailed the Atlantic, set for Russian ports, mainly Arkhangelsk and Murmansk.

At present there are 162 surviving members of the convoy in Scotland and a special medal has been struck for presentation to them.

Council agrees in principle to support this event and requests that the Lord Provost, or his nominee, will be in attendance to represent the City.”

#### 9.3 By Councillor Work - Commemorating the 100<sup>th</sup> Anniversary of the Battle of the Somme

“Council acknowledges the 100 year anniversary of the Battle of the Somme, where two Edinburgh regiments, the 15<sup>th</sup> and 16<sup>th</sup> Royal Scots, suffered heavy losses.

Council notes that at the Somme, 20,000 died and 40,000 were wounded in the space of an hour on that first morning.

Accordingly, Council requests a representative of the Lord Provost to host an appropriate commemoration at the City Chambers’ war memorial on the 1st of July; acknowledging the enormous sacrifices made by the various communities from the City on that day a century ago.”

#### 9.4 By Councillor Heslop – Ravelrig Riding for the Disabled

“Council

Notes that Ravelrig Riding for the Disabled was established in 1986 by a small group including steadfast Trustee and Group Organiser Barbara Johnstone MBE and that it runs almost entirely on the commitment and dedication of a fantastic team of around 120 volunteers.

Welcomes its provision of riding and equine activities to more than 100 people of all ages, with a diverse range of disabilities.

Notes that horse riding provides many therapeutic benefits both physical and psychological for people with not only disabilities but also able-bodied individuals.

Therefore congratulates Ravelrig RDA on reaching its 30th anniversary and requests the Lord Provost recognise this significant milestone and work undertaken in an appropriate manner.”

### **Kirsty-Louise Campbell**

Interim Head of Strategy and Insight

#### **Information about the City of Edinburgh Council meeting**

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The City of Edinburgh Council consists of 58 Councillors and is elected under proportional representation. The City of Edinburgh Council usually meets once a month and the Lord Provost is the Convener when it meets.

The City of Edinburgh Council usually meets in the Council Chamber in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the Council meeting is open to all members of the public.

#### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Allan McCartney, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4246, e-mail [allan.mccartney@edinburgh.gov.uk](mailto:allan.mccartney@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

## Webcasting of Council meetings

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Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the use and storage of those images and sound recordings and any information pertaining to you contained in them for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by you to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk) .

## The City of Edinburgh Council

Edinburgh, Thursday 10 March 2016

**Present:-**

### **LORD PROVOST**

**The Right Honourable Donald Wilson**

### **COUNCILLORS**

Elaine Aitken  
Robert C Aldridge  
Norma Austin Hart  
Nigel Bagshaw  
Jeremy R Balfour  
Gavin Barrie  
Angela Blacklock  
Chas Booth  
Mike Bridgman  
Steve Burgess  
Andrew Burns  
Ronald Cairns  
Steve Cardownie  
Maureen M Child  
Bill Cook  
Nick Cook  
Gavin Corbett  
Cammy Day  
Denis C Dixon  
Marion Donaldson  
Karen Doran  
Paul G Edie  
Catherine Fullerton  
Nick Gardner  
Paul Godzik  
Joan Griffiths  
Bill Henderson  
Ricky Henderson  
Dominic R C Heslop

Lesley Hinds  
Sandy Howat  
Allan G Jackson  
Karen Keil  
David Key  
Richard Lewis  
Alex Lunn  
Melanie Main  
Mark McInnes  
Adam McVey  
Eric Milligan  
Joanna Mowat  
Gordon J Munro  
Jim Orr  
Lindsay Paterson  
Ian Perry  
Alasdair Rankin  
Vicki Redpath  
Lewis Ritchie  
Keith Robson  
Cameron Rose  
Frank Ross  
Jason G Rust  
Alastair Shields  
Stefan Tymkewycz  
David Walker  
Iain Whyte  
Norman Work

## 1. Minutes

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### Decision

To approve the minute of the Council of 4 February 2016 as a correct record.

## 2. Questions

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The questions put by members to this meeting, written answers and supplementary questions and answers are contained in Appendix 1 to this minute.

## 3. Leader's Report

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The Leader presented his report to the Council. The Leader commented on:

- Welcome Councillor Ross as SNP Group Leader and proposed Deputy Leader
- Appreciation – Councillor Howat
- Best Value Audit – budget savings - gratitude to members, officers and staff

The following questions/comments were made:

- |                      |                                                                            |
|----------------------|----------------------------------------------------------------------------|
| Councillor Rose      | - Congratulations to Councillor Ross                                       |
|                      | - Resources to mitigate the risk to this Council by continued legal action |
|                      | - Meadowbank Project – minimising risks                                    |
| Councillor Burgess   | - Appreciation – Councillor Howat                                          |
|                      | - Congratulations to Councillor Ross                                       |
|                      | - New SNP Council Tax – concern at policy failure                          |
| Councillor Edie      | - Appreciation – Councillor Howat                                          |
|                      | - Congratulations to Councillor Ross                                       |
|                      | - Scottish League Cup – Hibernian Football Club                            |
|                      | - Process of awarding grants from Children and Families                    |
| Councillor Ross      | - Resilience of Capital Coalition                                          |
|                      | - Edinburgh Airport - historic landmark of 100 years of existence          |
| Councillor Griffiths | - Welcome the proposals for a new Meadowbank                               |
| Councillor Balfour   | - Consultation on the proposed cyclepath from Roseburn to Haymarket        |



Councillor Shields	<ul style="list-style-type: none"> <li>- Congratulations to Councillor Ross</li> <li>- Appreciation – Councillor Howat</li> <li>- Foreign Direct Investment business awards</li> <li>- International Womens’ Day</li> </ul>
Councillor Rust	<ul style="list-style-type: none"> <li>- Community Volunteering – welcome Joanna Lumley to Oxfams – Spark Something Good Campaign</li> </ul>
Councillor Rankin	<ul style="list-style-type: none"> <li>- Personal privelege</li> </ul>
Councillor Robson	<ul style="list-style-type: none"> <li>- St James Quarter - Employment and Outreach Programme – unemployment hotspots</li> </ul>
Councillor Munro	<ul style="list-style-type: none"> <li>- Scottish League Cup - Hibernian Football Club</li> <li>- Scottish Defence League and North West Infidels – static protest – parade of prejudice</li> </ul>
Councillor Day	<ul style="list-style-type: none"> <li>- Regeneration projects in Pennywell - congratulations</li> <li>- Total Craigroyston Project - commendation</li> </ul>
Councillor Burns	<ul style="list-style-type: none"> <li>- Castlemills Works project</li> </ul>
Councillor Tymkewycz	<ul style="list-style-type: none"> <li>- Meadowbank Sports Centre</li> <li>- Hibernian Football Club</li> <li>- Council – sounder financial footing</li> </ul>
Councillor Bridgman	<ul style="list-style-type: none"> <li>- Edinburgh to Hampden – Charity Walk by Davy Fulton for Marie Curie</li> </ul>
Councillor Cardownie	<ul style="list-style-type: none"> <li>- Composition of political groups within the Council</li> </ul>
Councillor Jackson	<ul style="list-style-type: none"> <li>- Culture and Sport Committee – Major Events Strategy</li> </ul>
Lord Provost	<ul style="list-style-type: none"> <li>- Royal Edinburgh Military Tattoo – Congratulations for tour of Australia and New Zealand</li> </ul>

#### **4. Appointments to the Board of Smilechildcare**

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Details were provided on an invitation which had been received for Councillor Fullerton to join the Board of Smilechildcare which was an Edinburgh based affordable childcare provider.

## **Motion**

To appoint Councillor Fullerton to the Board of Smilechildcare.

- moved by Councillor Ross, seconded by Councillor Doran

## **Amendment**

To take no action on the invitation.

- moved by Councillor Rust, seconded by Councillor Mowat

## **Voting**

The voting was as follows:

For the motion	-	45 votes
For the amendment	-	11 votes

## **Decision**

To approve the motion by Councillor Ross, and appoint Councillor Fullerton to the Board of Smilechildcare.

(Reference – report by the Acting Executive Director of Children and Families, submitted)

## **5. City of Edinburgh Placing in Schools Appeals Committee - Appointments**

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Details were provided on the appointment of new members and the re-appointment of existing members to the City of Edinburgh Placing in Schools Appeals Committee.

## **Decision**

- 1) To appoint Fred Bell, Stephen Harrold, Lisa Murray and Ron Waddell as independent members of the City of Edinburgh Placing in Schools Appeal Committee for the period to 31 March 2019, subject to satisfactory completion of pre-service training and PVG disclosure checks.
- 2) To re-appoint Brenda Devlin, Neil Clarkson, Pru Irvine and Iain MacGillivray as Appeal Committee Chairs for the period to 31 March 2019.

- 3) To re-appoint Christine MacGillivray, Olivia Ramage, Julie-Ann Sime, Carol Swan, Katherine Taylor and Jennifer Walton as Appeal Committee members for the period to 31 March 2019 (or until each member's youngest child leaves school, whichever is sooner).

(Reference – report by the Chief Executive, submitted)

## **6. Appointment of Depute Leader and to Committees etc**

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The Lord Provost ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency to allow the Council to give early consideration to this matter.

The Council had made appointments to Committees, Boards and Joint Boards for 2015/16. Following the appointment of Councillor Ross as Leader of the SNP Group and a number of resignations by members, changes to Committee membership etc had been proposed.

### **Decision**

- 1) To appoint Councillor Ross as Depute Council Leader.
- 2) To make the appointments to Committees etc as follows:

#### **Corporate Policy and Strategy Committee**

Councillor Ross to replace Councillor Howat as a Committee member and as Vice-Convener

#### **Economy Committee**

Councillor Barrie to replace Councillor Ross as Convener

Councillor Ritchie to replace Councillor Ross as a Committee member

#### **Regulatory Committee/Licensing Sub-Committee**

Councillor Bridgman to replace Councillor Barrie as a Committee member and as Convener

#### **Planning Committee/Development Management Sub-Committee**

Councillor Lunn to replace Councillor Dixon as a member and as Vice-Convener

## **Communities and Neighbourhoods Committee**

Councillor Ritchie to replace Councillor Lunn as Vice-Convener

## **Police and Fire Scrutiny Committee**

Councillor Bill Henderson to replace Councillor Bridgman as a Committee member and as Convener

- 3) To note that appointments to outside organisations by way of office would be adjusted accordingly, and that any further proposed changes would be reported to a future Council meeting.

(References - Act of Council No 2 of 24 May 2012, Act of Council No 9 of 25 June 2015, Act of Council No 5 of 22 October 2015; report by the Chief Executive (circulated))

## **7. Edinburgh Tram – Phase 1b & 1c Land Acquisition**

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The Council had agreed a number of recommendations in relation to proposals for moving the Edinburgh Tram Extension to the next phase.

The Council had not exercised its compulsory purchase powers to acquire land between Roseburn Delta to Granton Square (Phase 1b) or between Granton and Newhaven (Phase 1c). Details were provided on a way forward for land acquisition for Phases 1b and 1c.

### **Motion**

- 1) To note that the Council's existing powers to acquire land for Phases 1b and 1c expired on 7 May 2016.
- 2) To approve exercising the existing powers before 7 May 2016 and serving the necessary General Vesting Declarations (GVDs) in order to protect the Council's position in relation to Phase 1b and 1c.
- 3) To approve the acquisition of land from third party landowners where third party agreements had been entered into and delegate authority to the Acting Executive Director of Resources to complete those acquisitions on terms and conditions approved by him.

- moved by Councillor Hinds, seconded by Councillor McVey

### **Amendment**

- 1) To note that the Council's existing powers to acquire land for Phases 1b and 1c expired on 7 May 2016.

- 2) To agree to apply for new powers to acquire (if appropriate) the land in the future through either a new private bill or Transport and Works Order.

- moved by Councillor Nick Cook, seconded by Councillor McInnes

### **Voting**

The voting was as follows:

For the motion	-	47 votes
For the amendment	-	11 votes

### **Decision**

To approve the motion by Councillor Hinds.

(References – Act of Council No 5 of 10 December 2015; report by the Executive Director of Place, submitted.)

## **8. St James Quarter – Update on Progress**

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The Council had agreed a number of recommendations in regard to the regeneration of the St James Quarter and proposals for a new investment model known as the Regeneration Accelerator Model (RAM).

An update was provided on the working arrangements between the City of Edinburgh Council, the Scottish Government and TH Teal Estate in the delivery of the Edinburgh St James development.

### **Decision**

- 1) To note that Council had committed to the Growth Accelerator Model (“GAM”) Agreement with TH Real Estate under the delegated authority to the Chief Executive, which was approved by Council on 19 November 2015.
- 2) To note that the Council had committed to the funding agreement with the Scottish Government as part of the Scottish Government annual contributions to the GAM agreement, as approved by Council on 1 May 2014 and 19 November 2015.
- 3) To note that up to £61.40 million new potential borrowing for GAM works which would be maintained and repaid over a period of up to 25 years through a combination of public and private sector investment, all as approved by Council on 1 May 2014. To further note that the present GAM works budget had been reduced to £52.40 million.

- 4) To note that TH Real Estate (“THRE”) continued to seek a negotiated agreement to acquiring the remaining interests, in parallel with the Compulsory Purchase Process (CPO) and to note the CPO progress to date.
- 5) To note that the Minute of Agreement (Agency Agreement) with THRE, as approved by Council on 29 May 2014, was varied by the Council’s Chief Executive in March 2016 under paragraph A4 of the Council’s Committee Terms of Reference and Delegated Functions.
- 6) To note the past and future governance of the GAM works programme and the cross-party members oversight of the project as detailed in the report by the Executive Director of Place.

(References –Act of Council No 17 of 1 May 2014; Act of Council No 9 29 May 2014; Act of Council No 10 of 19 November 2015; report by the Executive Director of Place, submitted)

## 9. Energy for Edinburgh

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Details were provided on the progress made to establish an ESCo with draft legal documents completed, including Articles of Association and the Shareholders Agreement. A draft Business Plan had been developed which would require to be approved by the new Board once established.

### **Motion**

- 1) To approve the establishment of an Energy Services Company.
- 2) To approve the Articles of Association.
- 3) To note that the appointment of Directors to the Board would need to be approved by Council at a subsequent meeting.
- 4) To approve the Shareholders Agreement between the Council and the Company.
- 5) To note the draft Business Plan which would need to be approved by the Company Board once established and submitted back to Council for further approval.
- 6) To note that a further report would be submitted to Council on progress within six months.
- 7) To note the amendment from the Conservative group opposing the incorporation of Energy for Edinburgh and therefore agree to replace the Conservative member on the interim Board with Councillor Chas Booth, an

experienced energy professional who supported the aims of the company and improving energy efficiency, driving down climate-changing pollution and tackling fuel poverty, subject to final approval at a future Council meeting.

- moved by Councillor Hinds, seconded by Councillor McVey

### **Amendment 1**

To abandon proposals for the establishment of an Energy Service Company for reasons which included the following:

- The need for Edinburgh Council to focus on better delivery of services to the people of Edinburgh rather than expanding its field of operation incurring the need for further resources and resulting in unacceptable risk
- The changing energy environment, including a significant fall in traditional energy costs, leading to reduced fuel poverty and a reduction in the financial viability of renewable projects
- Changes in UK Government policy in relation subsidies and regulation

- moved by Councillor Rose, seconded by Councillor Whyte

### **Amendment 2**

- 1) To approve the establishment of an Energy Services Company.
- 2) To approve the Articles of Association.
- 3) To note that the appointment of Directors to the Board would need to be approved by Council at a subsequent meeting.
- 4) To approve the Shareholders Agreement between the Council and the Company.
- 5) To note the draft Business Plan which would need to be approved by the Company Board once established and submitted back to Council for further approval.
- 6) To note that a further report would be submitted to Council on progress within six months.

- moved by Councillor Edie, seconded by Councillor Aldridge

## **Voting**

The voting was as follows:

For the Motion	-	45 votes
For Amendment 1	-	11 votes
For Amendment 2	-	2 votes

## **Decision**

To approve the motion by Councillor Hinds.

(Reference –report by the Executive Director of Place, submitted.)

## **10. Best Value Audit Report**

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The Council had presented its Best Value Audits to the Accounts Commission in February 2007 and May 2013 with a progress update presented to the Accounts Commission in December 2014.

Details were provided on the findings of the most recent Best Value Audit progress report which had been presented to the Accounts Commission in February 2016 together with an update on changes to the scrutiny of all local authorities' work programmes by Audit Scotland.

### **Motion**

- 1) To note the findings from the report.
- 2) To note changes to Audit Scotland's work programme.
- 3) To refer the report to the Governance, Risk and Best Value Committee for further scrutiny and information.

- moved by Councillor Burns, seconded by Councillor Ross

### **Amendment**

- 1) To note the findings from the report.
- 2) To note that the exceptional reports from the Accounts Commission reflected concerns about the Council in 2013.
- 3) To note that the focus was not on additional areas of Council service delivery to the people of Edinburgh.
- 4) To note the continuing high level of risk.



- 5) To note the progress reflected in the Accounts Commission report.
- 6) To note that many of the areas of concern addressed in the report flowed from poor decisions taken by the current Administration and that the response had been too little and too late.
- 7) To refer the report to the Governance, Risk and Best Value Committee for further scrutiny and information.

- moved by Councillor Rose, seconded by Councillor Whyte

### **Voting**

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	13 votes

### **Decision**

To approve the motion by Councillor Burns.

(Reference – report by the Executive Director of Place, submitted.)

## **11. Funding Package Proposal for a New Meadowbank**

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The Corporate Policy and Strategy Committee had noted that the estimated overall project cost for a new Meadowbank Sports Centre had reduced and agreed that a report be presented on proposals to address any remaining funding gap.

Details were provided on the estimated total project cost which had reduced further, reducing the funding shortfall to £5.98m. Options to fund this gap were outlined.

### **Decision**

- 1) To note that the estimated total project cost had reduced to £41.1m.
- 2) To note that capital receipts from surplus land sites A and B at Meadowbank were essential for the funding package for a new Sports Centre there.
- 3) To approve the transfer of sites A and B to the Housing Revenue Account, retaining ownership of the land, delivering 10% more affordable housing than was likely in an open market disposal and potentially generating ongoing revenue for the HRA and the General Fund.
- 4) To note that it was the intention to place site C at Meadowbank on the market for student accommodation.

- 5) To agree to ringfence the capital receipt from sites A, B and C for the new Meadowbank's funding package.
- 6) To approve a contribution of £0.7m from planned receipts due to be paid into the Strategic Investment Fund to develop the design to the end of RIBA stage 4.
- 7) To agree that once the detailed design at the end of RIBA stage 4 was ready, the Council would invite, receive and analyse tenders for the construction of the new Meadowbank, to provide certainty on the project cost and any remaining funding gap (currently estimated to be £5.98m).
- 8) To approve the principle of repaying £0.7m to the Strategic Investment Fund and covering the Meadowbank project's remaining gap through a realignment of the Capital Investment Programme using an element of the unallocated funding available in years 2019/20 and 2020/21, taking account of the project's anticipated expenditure and income cash flows.
- 9) To note that the outcome of the tender exercise, analysis of the expenditure and income cash flow, and revised estimates of total project cost would be reported to the Council, at which point the final funding package would be confirmed and a contribution from the Capital Investment Programme would be requested.
- 10) To agree, on the basis of the commitments given above, that the Council might now seek funding support from **sportscotland** towards the project costs.

(References – Corporate Policy and Strategy Committee 29 September 2015 (item 7); report by the Acting Executive Director of Communities and Families, submitted)

### **Declaration of Interests**

Councillors Balfour, Booth, Doran and Lewis declared a non-financial interest in the above item as Board members of Edinburgh Leisure.

## **12. Governance Protocol for Community Council Elections**

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The Council had approved the current Scheme for Community Councils on 22 August 2013.

Details were provided on the protocol developed jointly by the Local Community Planning and Elections Team which provided a framework for community council elections and was complementary to the Scheme for Community Councils.

## **Decision**

- 1) To agree the governance protocol for Community Council elections.
- 2) To refer the report to Communities and Neighbourhoods Committee for information.

(References – Act of Council No 2 of 22 August 2013; report by the Acting Executive Director of Communities and Families, submitted)

## **13. Annual Treasury Strategy 2016/17 – referral from the Finance and Resources Committee**

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The Finance and Resources Committee had referred a report on the proposed Treasury Management Strategy for the Council for 2016/17 which included an Annual Investment Strategy and Debt Management Strategy, for approval.

## **Decision**

- 1) To approve the Treasury Management Strategy for 2016/17.
- 2) To refer the report to the Governance, Risk and Best Value Committee for scrutiny.

(References – Finance and Resources Committee 2 February 2016 (item 9); referral report by the Finance and Resources Committee, submitted.)

## **14. SESPlan Governance Review and 2016/17 Operating Budget – referral from the Planning Committee**

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The Planning Committee had referred a report on changes to SESplan's governance framework which would expedite plan preparation and clarify governance arrangements.

## **Decision**

To agree the changes to SESplan's governance framework.

(References – Planning Committee 25 February 2016 (item 5); referral report by the Planning Committee, submitted.)

## **15. Hibernian Football Club – Scottish League Cup Final – Motion by Councillor Munro**

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The following motion by Councillor Munro was submitted in terms of Standing Order 16:

“Council congratulates all at Hibernian Football Club on achieving a place in this year's Scottish League Cup final.

Council instructs officers to work with the club to ensure that Edinburgh can fully support them on cup final day, Sunday 13th March.”

### **Decision**

To approve the motion by Councillor Munro.

## Appendix 1

(As referred to in Act of Council No 2 of 10 March 2016)

### QUESTION NO 1

**By Councillor Rose for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 10 March 2016**

#### Question

Despite the expensive processes to resolve outstanding statutory notice claims, the Scottish Public Services Ombudsman has, since November 2015, published findings in at least four cases against the City of Edinburgh Council (CEC) on issues of scope enlargement and inadequate communication where there was a formal finding against CEC e.g.

- a. Case 201402088: ‘ . . . we were critical of the quality of their (CEC) communication throughout the project. . . ’
- b. Case 201407198: ‘ . . . we noted there were significant delays in the council issuing the final invoice. . . ’
- c. Case 210403736 ‘ . . . the council had acknowledged carrying out non emergency repairs under the emergency statutory notice
- d. Case 20105881: ‘We were critical of the council’s handling of the sizeable cost increase.’

What has been the Council’s response to these and other adverse findings since April 2015, including any others not yet published by the SPSO?

#### Answer

The Council has in all these cases complied with the SPSO findings and will consider a response to any future findings on a case by case basis.

**Supplementary Question (1)** Despite the expensive processes to resolve outstanding statutory notice claims, the Scottish Public Services Ombudsman has, since September 2015, published findings in at least four cases against the City of Edinburgh Council on issues of scope enlargement and inadequate communication where there was a formal finding against the Council and I listed these four. My question then was what has been the Council's response to these and other adverse findings since April 2015 including any others not yet published by the SPSO.

One of the reasons why I did that was because there was publicity on the 24 February 2016 in the Evening News under a headline "Repair Bill OAP Beats Bullies at the Council" and this indeed was a finding against the Council, in fact there were two in the case and there was a note at the end of that from the Council press office saying that the Council were considering an appeal. So I asked the question as I wanted to scrutinise this and just see what the scope of it was and I'm conscious that the answer which I have been given by the Convener is both incomplete and inaccurate. It does not include the additional one, and it appears to be incomplete or certainly there's not very much information about what the Council's response has been to either the four that I cited, any others that I haven't tracked or the particular one I've just referred to in the media.

Can you tell me why the answer did not include those.

**Supplementary Answer (1)** I'll start with this - I remember when I was a schoolboy I always sat in the front row of class and it wasn't because I was a swot, although I was, it's because I was shortsighted, so from where I'm standing at the moment, I'd like to tell Cameron I can still make him out from here. Mind you when I was at school I did play in the second row.

So the cases that Cameron refers to are for the most part historic, and the reason that that specific case he refers to hasn't been given any details is because it's under appeal and that's the right way to treat it. If Councillor Rose thinks that there are inaccuracies, I'd be happy to discuss that with him and the details of any of the cases which he mentions, which as I say are for the most part historic, and the Council

has acknowledged its failings many times and these historic failings we had done our best to put it right since and my view is that we have done a very good job of that, a very thorough job in combination with Deloitte, we brought in as an independent assessor. An independent assessor I think was absolutely necessary given the nature of the disaster that had befallen the Council with statutory repairs.

So yes, there are things which the Council has to make right and I think we've done that in many cases, quite often we have made assessments and come up with financial agreements which have essentially acknowledged an element of hurt and difficulty and overcharging or doing works which are in excess of that required under the Statutory Notice and I think it's only fair that we should do that, and I think that we need to carry on in that same spirit and I'd be happy to talk to Councillor Rose in that spirit.

**Supplementary Question (2)** I note the response that these cases are historic, I also note there are many owners who feel that these issues which are highlighted in these cases are ongoing and current and I think that is to be regretted. Nonetheless I did specifically ask for details which were not public at that stage, of any further cases and the Convener has not explained why he did not include this particular one or any information about it. I should add that I have asked for further information about it and the full information that's contained in the report given by the SPSO, and it has been declined me, at least been declined except under confidential conditions. It is in fact a public document and in order to scrutinise it properly I feel I should have had access to it. Does he agree?

**Supplementary Answer (2)** Yes I do agree, and as I mentioned before I'm very happy to meet Councillor Rose and to discuss the matters that he raises. I don't think this is the best forum to discuss detail, but I'll be happy to discuss it elsewhere.

**QUESTION NO 2**

**By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 10 March 2016**

**Question** (1) How much money has been allocated by Edinburgh World Heritage for statutory notice repair work to or via the City of Edinburgh Council annually since 2007?

**Answer** (1) Since January 2006, £938,664.55 has been paid by Edinburgh World Heritage to eligible work on statutory notice repairs.

**Question** (2) Which premises (statutory notices issued) were affected?

**Answer** (2) A total of 19 projects across the World Heritage Site were affected.

**Question** (3) How has the money been applied to the payment of the works associated with each statutory notice?

**Answer** (3) The level of grant funding received was based on a percentage of the cost of “eligible work” carried out. The funding received by the Council on behalf of the owners was then deducted from the final invoices.

**Supplementary Question** My question was to ask how much money was allocated by Edinburgh World Heritage for statutory notice repair work to or via the City of Edinburgh Council over a period going back to 2007 and the answer given to that part of my question was just under £1m for which I thank the Convener.

My second question was to ask which premises where statutory notices were issued, which premises were affected. The answer tells me that there were 19 premises but it doesn't tell me which premises. Will you give me a list of the premises or is there any reason why they're not available, and the reason I ask this Lord Provost, is because I have done a trawl back through reports, and the reports and as far as I can see do not give us 19 such premises. So



I'm looking for information again to scrutinise the conduct of the Council over recent years.

**Supplementary  
Answer**

That information is certainly available and I'm happy to provide it. Perhaps we could do that at the same meeting that I've already suggested we might have.

### QUESTION NO 3

**By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 10 March 2016**

**Question** (1) When is the structural engineers' final report due and when will this be released/published?

**Answer** (1) The structural engineers report instructed by, and prepared for, the Edinburgh Schools Partnership (ESP) was provided to the Council for information on a confidential basis on Wednesday 2 March. The findings of the report are being discussed with ESP to inform any required actions.

**Question** (2) What discussions have taken place or are planned with Edinburgh Schools Partnership in relation to accountability?

**Answer** (2) Following the release of the report, meetings are being held with ESP to discuss the findings and agree ESP's associated accountability.

**Question** (3) What are the CEC contingency plans in place where a school has to be closed for a period of time?

**Answer** (3) The Council Resilience Group is in the process of developing a Loss of Premises Plan for council buildings which will include schools, however, in the interim, there are current robust systems in place. There are 3 scenarios

#### **Emergency school closures**

These arrangements are part of school severe weather/infection control resilience plans and Headteachers and Business Managers are briefed annually on requirements and as part of induction for new staff. Risk assessments are in place, which include management and liaison between the Headteacher/Senior Education Manager in making any closure decision.

**Relocation for short period of time:**

Where pupils require to be relocated for a short period of time, for example, if the school had to be evacuated for a number of hours due to a utility problem a “Buddy Map” system is used where we use maps showing available capacity within schools, this is ranked using a Red/Amber/Green system to show availability.

**Closure for a period of time:**

If a school is closed for a period of time we would firstly use asset management information held centrally which provides information on available capacity in local establishments. Senior Education Managers/Corporate Property/the C&F Resilience Co-ordinator then work with Headteachers and Establishment Managers to relocate to suitable alternative accommodation, as was the case in January 2012 when Kaimes Special School relocated to Fort.

In such circumstances, the safety of pupils and staff is paramount and this needs to take account of appropriate temporary transport arrangements where necessary.

**Supplementary Question**

I thank the Convener for his answers and for the briefing by officers. Whilst I welcome the interim measures at point three, I am concerned regarding the reference to the Council resilience group. Back in 2011 there was a report for internal audit in which it was stated that one of the highest risks was that the Council had no loss of penalties plan and given that it still appears to be under development, is the Convener also concerned about the timescale in relation to this.

**Supplementary Answer**

I thank Councillor Rust for his supplementary. Can I firstly thank him for raising this important issue. I think notwithstanding the very severe weather that hit the city that I think we were all shocked at the extent of the damage to Oxfords. As the answer lays out, discussions are well underway with the Edinburgh Schools Partnership but as Councillor Rust does raise an important point, I think there will need to be a report back to this Council to outline the

discussions that have taken place and am happy that the points that Councillor Rust has raised be included within that report.

## **QUESTION NO 4**

**By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 10 March 2016**

### **Question**

To ask what action the Council is taking to improve insulation of homes in the City.

### **Answer**

On 21 January 2016 the Council agreed, with cross party support, the HRA budget strategy which set out to accelerate heating and insulation programmes in support of the objective to reduce tenants' cost of living. The current capital investment programme assumes that 3,700 Council homes will benefit from improved insulation over the next five years. In addition, 3,500 homes will benefit from the installation of modern, efficient heating systems.

At that meeting, the Council also agreed to expand its house-building programme from 3,000 to 8,000 new homes over the next ten years. The building programme has adopted a "fabric first" approach. Homes have a highly insulated building envelope and a high level of air-tightness to minimise heat loss.

93% of Council homes have an Energy Performance Certificate (EPC) rating of D or above, compared to private sector homes where 75% of homes have an EPC rating of D or above.

Working in partnership with Changeworks the Council is bidding for additional resources from the Scottish Government's Home Energy Efficiency Programme to provide loans to homeowners and private landlords for insulation. This programme is focussed on areas of fuel poverty.

### **Supplementary Question**

The question I asked was, what action is the Council taking to improve the insulation of homes in the city and I thank the Convener for his answer. The Convener's answer is mostly about Council housing and to some extent that is right to

prioritise Council tenants because they have among the lowest incomes in the city and therefore need most help with rising energy costs, however, the Convener will be aware that Council housing only makes up about one in eight of homes in the city. In terms of wasted energy and high energy bills and climate changing pollution, most of that is coming from private housing. So would the Convener therefore agree that we will only have an energy efficient well insulated city when energy waste in private housing is tackled. Will the Convener discuss with his coalition colleagues what they are prepared to do to ensure that more privately owned and rented homes across the city are properly insulated and specifically will this Council formally press the Scottish Government to take forward a minimum standard for the insulation and energy efficiency of private housing as is being advanced south of the border

**Supplementary  
Answer**

Can I thank Councillor Burgess both for his original question and the supplementary. I'd like to defer or refer an answer or a fuller answer to Councillor Day who's our acknowledged expert in this area.

**Councillor Day**

Thank you Convener – I'm not an expert. I thank Councillor Burgess for his question. At my regular meetings with the Housing Minister, I do press her to take more action in the private sector. Ideally I'd like to see the private sector meet the same standards as social tenants have to do. Over the last five years, £10m has been levered in from the Scottish Government to support private house improvements and between 2013/14 and 2015/16, 3,000 private homes will have benefitted from insulation schemes. We've just recently secured £2.9m in HEEPS funding which will go towards private sector funding and a bid is currently being put together for the Scottish Energy Efficiency Programme which aims to pilot new and innovative approaches to energy efficiency in the private sector.

Yes I think we should press the Government to increase that standard in the private sector as well.

## Item no 5.1

### QUESTION NO 1

**By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 28 April 2016**

#### **Question**

In light of the revelation that an estimated £128m of Lothian Pension Fund assets are invested in companies which trade in the military or defence sectors, what representations will be made by the council to the review being carried out, in 2016, by the Scheme Advisory Board of the Scottish LGPS into investment criteria of public pension funds; and what account will be taken of members' views in that process?

#### **Answer**

## Item no 5.2

### QUESTION NO 2

**By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 28 April 2016**

#### **Question**

Will the Council confirm the intention to remove £1 million from the annual advice services budget; explain where that savings target has come from; and outline how its impact on the welfare of the city's most disadvantaged residents will be taken into account?

#### **Answer**



## Item no 5.3

### QUESTION NO 3

**By Councillor Corbett for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 28 April 2016**

#### Question

In light of the fact that Parliament House (or Parliament Hall) appears to be registered as belonging to Scottish Ministers, what update is there on what the Scottish Government response has been to the City Council's request to have Parliament House restored to the city as a Common Good asset; when will the council publish correspondence with ministers on the same matter; and when will elected members be given a copy of any legal advice provided to the council.

#### Answer

## Item no 5.4

### QUESTION NO 4

**By Councillor Booth for answer by the Leader of the Council at a meeting of the Council on 28 April 2016**

**Question** (1) To list the regular council committee meetings and other meetings supported by council officers such as Licensing Board, which are currently normally open to the public

**Answer** (1)

**Question** (2) In each case to specify whether the meeting is currently normally webcast

**Answer** (2)

**Question** (3) In each case where the meeting is not currently webcast what are the estimated additional costs of doing so.

**Answer** (3)

## **Item no 5.5**

### **QUESTION NO 5**

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 April 2016**

#### **Question**

What action is the council taking to make recycling easier for residents, in particular residents of tenements?

#### **Answer**

## Item no 5.6

### QUESTION NO 6

**By Councillor Aitken for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 28 April 2016**

#### **Question**

Parents are expressing their concern about the future safety of the 17 school buildings in PPP1. What reassurances will be given to parents to enable them to have confidence in the fabric of the schools when they reopen?

#### **Answer**

## **Item no 5.7**

### **QUESTION NO 7**

**By Councillor Rose for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 28 April 2016**

#### **Question**

Given the ongoing reports of waste collection, and the reorganisation of council staff, is the Convener satisfied that sufficient resources have been committed to a) collecting waste and b) dealing with complaints about uncollected waste.

#### **Answer**

## Item no 5.8

### QUESTION NO 8

By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 28 April 2016

#### VERA/VR DASHBOARD – April 2016

- Question** (1) Reasons for declining VERA (972)
- a) Please show break-down by work area
  - b) Please display break-down as a % of the applications received for each of those areas
- Answer** (1)
- Question** (2) Agency Expenditure ( Feb 16 - £997.2k)
- a) Please explain the reason for the increase in costs and numbers of staff involved
  - b) Please provide a break-down of agency staff numbers per work area and the roles being occupied
- Answer** (2)

## Item no 5.9

### QUESTION NO 9

**By Councillor Rust for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 28 April 2016**

- Question** (1) What discussions have taken place between the Council and the Scottish Qualifications Authority in relation to the PPP1 Schools and pupils from those schools due to sit examinations, and what was the outcome of those discussions?
- Answer** (1)
- Question** (2) Will "In Service" days currently arranged at PPP1 schools for the remainder of the academic year be cancelled?
- Answer** (2)
- Question** (3) Which Councillors and which Councils Officials attended meetings with (a) the Edinburgh Schools Partnership and (b) the Scottish Government in relation to the issues with PPP1 Schools this year?
- Answer** (3)
- Question** (4) Were there any discussions (a) between City of Edinburgh Council and Edinburgh Schools Partnership and (b) between either of those and Glasgow City Council or other body following the discovery of building defects at Lourdes Primary School, Glasgow in November 2012, and if so what action was taken?
- Answer** (4)

## Item no 5.10

### QUESTION NO 10

**By Councillor Mowat for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 28 April 2016**

#### **Question**

To ask why the planned dispersal order for Hunter Square has been abandoned, who was involved in the decision and what evidence was used in making this decision and what plans are in place to deal with the anti-social behaviour regularly occurring in the square that was the reason for seeking the dispersal order?

#### **Answer**





April 2016

### School closures



I share the frustration of families across the city at recent events, which have resulted in the closure of 17 of our schools. Equally, I'm sure they understand the reasons behind the steps we've taken – the safety of our children has to be our number one priority.

This has been an unprecedented logistical challenge for the Council. I want to thank parents for their patience and understanding and teaching staff, head teachers and other Council colleagues who have pulled out all of the stops to ensure our children's education can continue.

Putting in place [alternative arrangements](#) for 7,600 primary and secondary pupils and 740 nursery children in just over one week is a remarkable achievement.

The Edinburgh Schools Partnership (ESP), which operates and manages these schools on our behalf, is continuing to carry out full surveys and, once results are received, they will be assessed and we will update parents on next steps. I want to reiterate that the associated costs will rest squarely with ESP – and not with the Edinburgh taxpayer.

I intend to bring an update report on the issue to the [Corporate Policy and Strategy](#) meeting on 17 May.

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### Satisfaction on the rise

I was really encouraged by the results of the latest [Edinburgh People Survey](#), which showed that 96% of respondents were satisfied with life in the capital, while two thirds of participants said they were happy with the way the Council manages the city.

Feedback like this lets us know just where we're getting it right, with satisfaction in areas like community safety and financial management continuing to increase. That said, the survey also lets us know where improvements need to be made, particularly in services such as refuse collection and roads maintenance.

The Edinburgh People Survey is essential to making the city a better place to live for everyone in an increasingly challenging financial climate. By focusing our resources on the things that matter the most to people, we aim to deliver best value to the Edinburgh taxpayer, at the same time as improving quality of life.

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### Ross Theatre refurb?

The stage is set for a [replacement bandstand](#) in Edinburgh and the curtain will be raised on design ideas in June. The Council has agreed to work with city hotelier Norman Springford on a shared ambition for a new stage to replace the Ross Bandstand, which sits in the shadow of Edinburgh Castle in West Princes Street Gardens.

The open-air venue has hosted scores of famous acts and events over the decades including the city's famous Festival Fireworks and Hogmanay Concert in the Gardens.

There is a lot of work to be done, not least on the feasibility of building a new structure on Common Good Land, but there is no denying the current, 80-year-old structure is nearing the end of its useful life and that we must start thinking about the future of this venue now.

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### Election countdown

We are now less than two weeks away from the Scottish Parliament Election on Thursday, 5 May, when electors across the country will have the opportunity to help decide who represents them at Holyrood for the next four years.

In Edinburgh, we've witnessed a real enthusiasm for participating in the democratic process over recent years, with impressive turnouts in both the UK Parliamentary Election and the Scottish Referendum in 2014, and we really want to see this continue in May. This year will also see 16 and 17-year-olds voting in an election for the first time too, and I look forward to welcoming the city's youngest voters to take part.

While the voter registration deadline has passed, it's still important that residents give thought to their vote and make sure they know when, where and how to cast it. [Full details are available on the Council website.](#)

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### Atria sale

The [sale of Atria](#), our award winning office development to Dekka Immobilien for £105m, was welcome news this month.

It was built using an innovative funding package to develop much needed Grade A office space in the city to attract new, and retain existing businesses. In addition, it cross-subsided the cost of an expansion to the Edinburgh International Conference Centre (EICC).

Our plan to sell Atria once the development was completed and the economic conditions were right, is an excellent example of our sound financial forward planning.

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## Many hands make light work

From 1 April, changes in Scottish Government legislation meant that NHS and Council colleagues across Scotland are now jointly delivering health and social care services.

The Edinburgh Integration Joint Board became responsible for the strategic planning and resourcing of [health and social care services for the City](#). The Edinburgh Health and Social Care Partnership has been formed to deliver these services on behalf of the EIJB and in collaboration with the private and voluntary sectors and community organisations.

These changes are driven by a mixture of legislation and the need for cost savings in both the Council and NHS Lothian. The partnership approach allows for more creative ways to deliver services to meet the needs of Edinburgh's citizens. In Edinburgh, the focus remains on quality of service, clearer pathways for service users, and colleagues working collaboratively to reduce bureaucracy and duplication.

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## Guinness Pro 12 Final

Finally, the Guinness PRO12 Final takes place at Murrayfield on Saturday 28 May 2016. This will be a great event for the city and it is the first time the final is being held outside of Ireland.

While we still do not know which teams will be playing, there is guaranteed to be a wealth of international rugby stars on display. The match kicks off at 5.30pm and you can buy tickets [here](#).

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◆ EDINBURGH ◆  
THE CITY OF EDINBURGH COUNCIL

10.00 am, Thursday, 28 April 2016

## Appointments to Outside Organisations

<b>Item number</b>	7.1
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All

### Executive summary

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At its meeting on 10 March 2016 Council appointed Councillor Ross as Depute Leader, and also made changes to the membership and conveners of some committees. This included the appointment of Councillor Barrie as convener of the Economy Committee.

Council also agreed that appointments to outside organisations which are assigned to office bearers (eg committee conveners) should be adjusted accordingly. Any additional proposed changes would be reported to a future Council meeting.

This report details the Council companies etc which Councillor Barrie will join as Economy Committee convener. Councillor Ross has also resigned as an individual member on a number of other organisations, and in each case the Council is invited to appoint Councillor Barrie in his place. Council is also asked to formally appoint Councillor Barrie to the board of Edinburgh Tourism Action Group.

A vacancy has arisen on the board of Edinburgh and Lothians Greenspace Trust, and the Council is invited to appoint a replacement. Two further requests for appointments are advised, to the Ken Buchanan MBE Foundation, and The Broomhouse Centre.

### Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## Appointments to Outside Organisations

### Recommendations

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- 1.1. To note that, as Economy Committee convener, Councillor Barrie will replace Councillor Ross as a Council appointee to the organisations listed at paragraph 2.3 of this report.
- 1.2 To appoint Councillor Barrie in place of Councillor Ross to the organisations set out at paragraph 2.5, with the Capital City Partnership appointment to rest automatically with the Economy Committee Convener in the future.
- 1.3 To appoint Councillor Barrie to the board of Edinburgh Tourism Action Group Strategy Group.
- 1.4 To appoint Councillor Lunn in place of Councillor Dixon as a Director of Edinburgh and Lothians Greenspace Trust Board.
- 1.5 To consider appointing Councillor Cardownie as a trustee of the Ken Buchanan MBE Foundation.
- 1.6 To consider appointing an elected member from Ward seven Sighthill/Gorgie as an advisor to the Broomhouse Centre Board.

### Main report

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- 2.1 The convener of the Economy Committee is automatically appointed by way of office as a Council representative on the boards of a range of Council companies etc.
- 2.2 At its last meeting, Council agreed that appointments to outside organisations which are assigned to office bearers (eg committee conveners) should be adjusted to reflect changes to committee membership. Any additional proposed changes were to be reported to a future Council meeting.
- 2.3 Council is asked to note that Councillor Barrie will now therefore represent it, in place of Councillor Ross, on the following organisations:-  
EDI (and subsidiaries)  
Business Improvement District Company Boards  
Social Enterprise Strategy Implementation Group.
- 2.4 It is also recommended that Councillor Barrie, as convener of the Economy Committee, formally represents the Council on the board of the Edinburgh Tourism Action Group.
- 2.5 In addition, Councillor Ross has intimated his resignation from a number of other organisations, where his appointment was as an individual member. In each

case, Council is asked to appoint Councillor Barrie to replace him and confirm that the Capital City Partnership appointment should in the future rest automatically with the Economy Committee Convener. The organisations are:-

- East of Scotland Regional Advisory Board (Scottish Enterprise)
- Edinburgh and Lothian Area Tourism Partnership
- Eurocities Network (substitute member)
- Capital City Partnership Limited.

- 2.6 Councillor Dixon has resigned as a director of Edinburgh and Lothians Greenspace Trust Board. Councillor Lunn has been nominated to replace him.
- 2.7 Councillor Cardownie has been approached with a view to becoming a trustee of the Ken Buchanan MBE Foundation (KBF). The KBF has not yet been formed and it is not currently a registered charity. It is proposed that the KBF will take the form of a charitable trust. It should be noted that charity trustees enter into contracts in their personal capacity and are personally jointly and severally liable for debts and other liabilities of the trust, and in respect of any negligence, default or breach of duty committed by them in their capacity as charity trustees.
- 2.8 The Broomhouse Centre, a company limited by guarantee and a charity. The Broomhouse Centre has requested the appointment of an elected member from Ward 7 Sighthill/Gorgie as an “advisory” to the Broomhouse Centre Board. An “advisory” is not understood to be a formally-appointed company director or charity trustee, but it should be noted that:
- (a) individuals who act in the manner of a company director, regardless of any formal appointment as such, will be treated in law as “shadow directors”, and will be subject to the customary duties and responsibilities that attach to directors, including personal liability for acts of wrongful trading; and
  - (b) individuals who have “general control and management” of a charity, regardless of any formal appointment as trustee, will be treated in law as a charity trustee, and will be subject to the customary duties and responsibilities that attach to trustees.
- 2.9 The Broomhouse Centre received a grant from the Health, Social Care and Housing Committee of £45,200 for 2016/17. This is to provide a range of day services, befriending and carer support for older people and people with dementia.

## Measures of success

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- 3.1 The Council has full representation on Council companies etc.

## Financial impact

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- 4.1 Not applicable.

## Risk, policy, compliance and governance impact

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5.1 Appointments allow the Council strategic oversight of a range of Council companies and outside organisations.

## Equalities impact

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6.1 Not applicable.

## Sustainability impact

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7.1 Not applicable.

## Consultation and engagement

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8.1 Not applicable.

## Background reading/external references

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[Council minute of 10 March 2016](#)

### **Andrew Kerr**

Chief Executive

Contact Allan McCartney, Clerking Manager

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## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome**

**Agreement**

**Appendices**

10.00am, Thursday, 28 April 2016

## Appointments of Non-Executive Directors to EDI Group Limited

Item number 7.2  
Report number  
Executive/routine  
Wards

### Executive Summary

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The report seeks Council approval for the re-appointment of two non-executive directors for a period of one month and for one non-executive director for a period of one year to EDI Group Limited.

### Links

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Coalition Pledges  
Council Priorities  
Single Outcome Agreement

## Appointments of Non-Executive Directors to EDI Group Limited

### 1. Recommendations

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- 1.1 To appoint Deborah Benson and John Watt to the Board of EDI Group Limited and its subsidiaries until 31 May 2016.
- 1.2 To appoint Hugh Rutherford to the Board of EDI Group Limited and its subsidiaries until 30 June 2017.

### 2. Background

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- 2.1 The Board of EDI Group Limited (EDI) consists of three non-executive directors from the City of Edinburgh Council, three additional non-executive directors and one executive director. The three directors who are councillors should include the Convener and Vice-Convener of the Council's Economy Committee.
- 2.2 On 1 May 2014 Council approved the appointment of Deborah Benson, Hugh Rutherford and John Watt to the Board of EDI and its subsidiaries for two years. These appointments expire on 5 May 2016.
- 2.3 The Council is required to nominate the Board directors prior to any appointment by EDI.

### 3. Main report

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- 3.1 Hugh Rutherford has indicated his willingness to be considered for re-appointment to the Board of EDI.
- 3.2 It is proposed that the appointment of Hugh Rutherford is for a period of just over a year. This will allow the Council to stage its appointments to EDI to help mitigate the loss of up to three additional non-executive directors at one time. It is proposed that the appointment is to the end of June 2017 to avoid an overlap with the Local Government Elections in May 2017.
- 3.3 The other two additional non-executive directors, Deborah Benson and John Watt, have indicated that they do not wish to be considered for any extension of their period as directors of EDI. However, they have indicated their willingness to remain on the Board for an additional month to allow the existing Board to consider the



annual accounts. This will help ensure a robust and informed scrutiny of EDI's annual accounts.

- 3.4 Further recruitment of non-executive directors to replace Deborah Benson and John Watt will be undertaken as appropriate and any proposals submitted for approval to Council.

#### **4. Measures of success**

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- 4.1 The appointment of an experienced and skilled Board of directors.

#### **5. Financial impact**

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- 5.1 There is no significant financial impact arising from the report as the non-executive director roles are non-remunerated.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 Further appointments will be necessary to ensure that EDI has a full complement of Board directors.

#### **7. Equalities impact**

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- 7.1 There are no equalities issues arising from this report.

#### **8. Sustainability impact**

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- 8.1 There are no sustainability issues arising from this report.

#### **9. Consultation and engagement**

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- 9.1 Discussions took place with the Chair of EDI on the proposals for Council.

#### **10. Background reading/external references**

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- 10.1 [The City of Edinburgh Council minute of 1 May 2014](#)

**Andrew Kerr**

Chief Executive

Contact: Gavin King, Committee Services Manager

## 11. Links

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**Coalition Pledges**

**Council Priorities**

**Single Outcome  
Agreement**

**Appendices**

# The City of Edinburgh Council

10.00am, Thursday, 28 April, 2016

## Appointments to Outside Bodies – Edinburgh BioQuarter

Item number	7.3
Report number	
Executive/routine	
Wards	All

### Executive summary

---

At its meeting on 26 April 2016, the Economy Committee approved the new revised governance arrangements and structure that are being put in place at the Edinburgh BioQuarter. The Council is asked to nominate an Elected Member representative to the Advisory Board of the Edinburgh BioQuarter.

### Links

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Coalition pledges	<a href="#">P28</a>
Council outcomes	<a href="#">CO8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Appointments to Outside Bodies – Edinburgh BioQuarter

### Recommendations

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- 1.1 To appoint one Elected Member to represent the City of Edinburgh Council on the Advisory Board of the Edinburgh BioQuarter.

### Background

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- 2.1 The Economy Committee received a report on 26 April 2016 on the Edinburgh BioQuarter and the Council's partnership role within its new governance arrangements. The Committee agreed officer representation on the Edinburgh BioQuarter Strategy Board as the Chief Executive, the Executive Director of Place and Service Manager, Investment and International Relations.

### Main report

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- 3.1 The Edinburgh BioQuarter is a flagship academic and medical centre of excellence. A review of the BioQuarter partnership in 2014 has initiated a refreshed governance structure.
- 3.2 The collaborative agreement for the Edinburgh BioQuarter between the four partners – the University of Edinburgh (UoE), Scottish Enterprise (SE), the City of Edinburgh Council (CEC) and NHS Lothian (NHSL) recognises the partners' mutual interests in the integrated development and operation of the entire BioQuarter campus, including commercialisation.
- 3.3 Over the last decade, investment of £320m has taken place delivering 100,000m<sup>2</sup> of leading medical, commercial, teaching and research facilities. The site currently hosts a 900 bed teaching hospital, a world famous medical school, two state-of-the-art research buildings and a fully occupied incubator hub. The new Royal Hospital for Sick Children is also currently in development on the adjacent site and is due to open in autumn 2017.
- 3.4 The new governance arrangements will allow the next phase of development to move ahead and allow the partners' vision for the BioQuarter to be fully realised.

- 3.5 An Advisory Board, a Strategy Board and an Executive Function will be established. A diagram of the Governance Structure is contained within Appendix 1. This includes a link to the Council's South East Locality Team. The Advisory Board, chaired at Scottish Ministerial level, is a high level advisory body which will provide external expertise and advice for forward planning and evolution of the BioQuarter strategy.
- 3.6 The Council is required to appoint an Elected Member to the Advisory Board of the Edinburgh BioQuarter.

### **Measures of success**

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- 4.1 Companies investing in Edinburgh and creating new jobs within the city. Raising the profile of Edinburgh's life sciences strengths and global competitiveness.

### **Financial impact**

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- 5.1 There are no financial impacts arising from this report.

### **Risk, policy, compliance and governance impact**

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- 6.1 There are no significant risks associated with this report.

### **Equalities impact**

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- 7.1 There are no equalities impacts arising from this report.

### **Sustainability impact**

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- 8.1 There are no sustainability impacts arising from this report.

### **Consultation and engagement**

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- 9.1 No consultation or engagement is required.

## Background reading/external references

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Edinburgh BioQuarter website [www.edinburghbioquarter.com](http://www.edinburghbioquarter.com)

### Paul Lawrence

Executive Director of Place

Contact: Elaine Ballantyne, Service Manager, Investment and International Relations

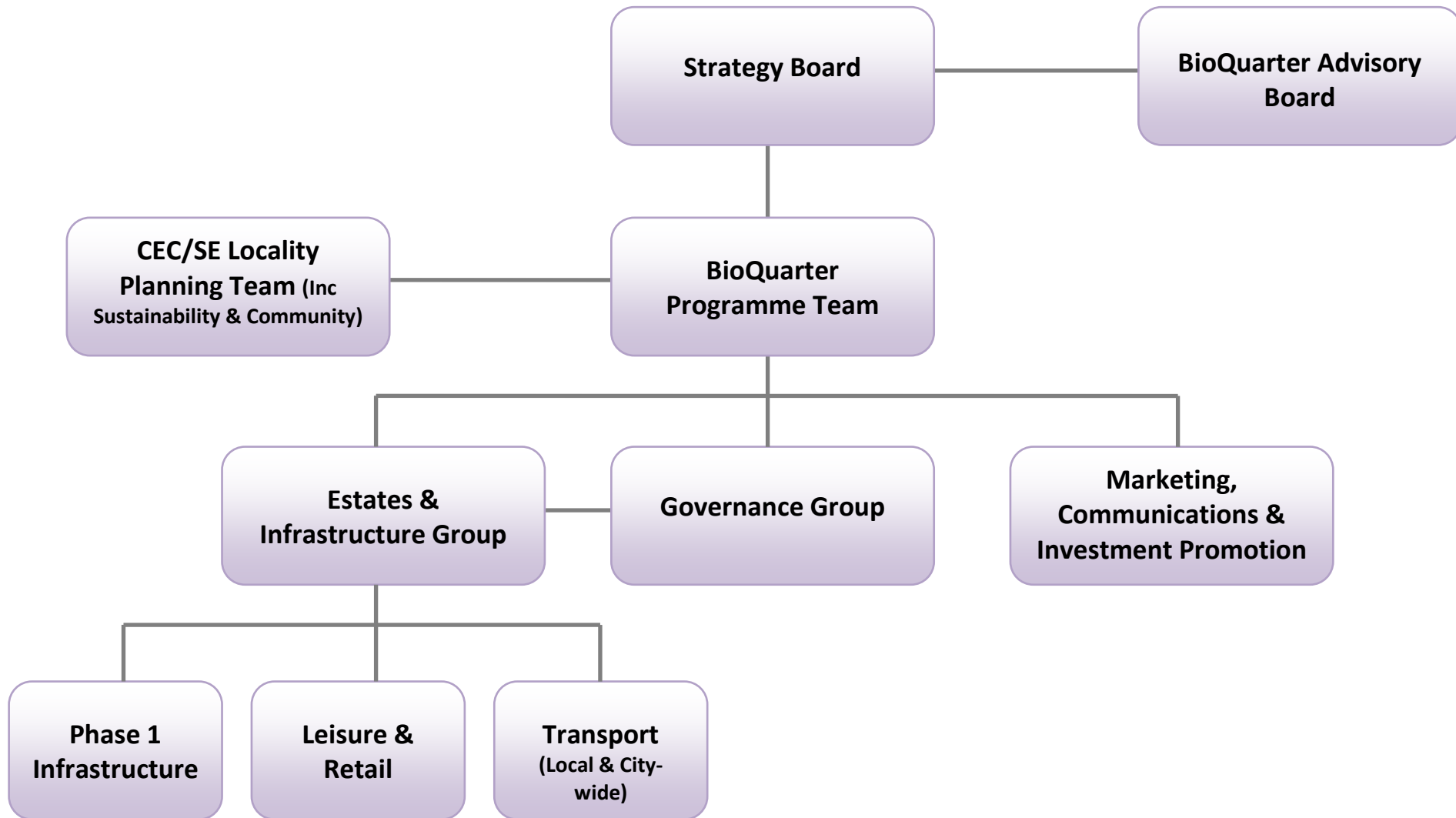
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## Links

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<b>Coalition pledges</b>	<b>P15</b> – Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors.
<b>Council outcomes</b>	<b>CO7</b> – Edinburgh draws new investment in development and regeneration <b>CO8</b> - Edinburgh's economy creates and sustains job opportunities <b>CO9</b> – Edinburgh residents are able to access job opportunities
<b>Single Outcome Agreement</b>	<b>S01</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1 Governance Structure

# BIOQUARTER GOVERNANCE



10am, Thursday, 28 April 2016

## Urgent Revisions to Polling Places

<b>Item number</b>	8.1
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	

### Executive Summary

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Council are asked to note an urgent decision taken under paragraph A4 of the Council's committee terms of reference and delegated functions to designate revised Polling Places for the Polling Districts SWP02E, SWP02G, SE16D and SE17L. The previously identified venues have become unavailable at short notice.

### Links

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<b>Coalition Pledges</b>	P33
<b>Council Priorities</b>	CO24, CO25
<b>Single Outcome Agreement</b>	SO4



## Urgent Revision to Polling Places

### 1. Recommendations

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- 1.1 That Council notes that the Chief Executive in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council, has designated three new Polling Places as a matter of urgency to be used at the Scottish Parliament Election on 5 May 2016 and the EU Referendum on 23 June 2016.

### 2. Background

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- 2.1 The Council has a statutory responsibility under the Representation of the People Act (1983) and the Electoral Registration and Administration Act (2013) to designate a Polling Place for each Polling District in the wards that make up the council area.
- 2.2 Council agreed a set of Polling Districts and Places for the City on 12 December 2013, following a consultation process and review of provision.

### 3. Main report

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- 3.1 Two of the Polling Places designated by Council in the Pentlands Hills Ward / Edinburgh Pentlands constituency have become unavailable for use in the imminent electoral events of 2016 due to building works.
- 3.2 Longstone Community Education Centre, the Polling Place for district SWP02E will be unavailable for both the Scottish Parliament Election on 5 May 2016 and the EU Referendum on 23 June 2016. Currie Youth Club, the Polling Place for district SWP02G will be unavailable for the EU Referendum, although it is free for the Scottish Parliament Election.
- 3.3 Following a review of facilities in the SWP02E District Kingsknowe Golf Club has been identified as an appropriate alternative facility. The venue is within the Polling District, is accessible to disabled voters and the owners are enthusiastic about its use for polling.
- 3.4 Similarly, Currie Library has been identified as an appropriate alternative for the SWP02G District. It is close to the Youth Club, minimising disruption to voters, has good access and library management see the move as an opportunity to promote their services to local residents.
- 3.5 Goodtrees Neighbourhood Centre is designated as the Polling Place for Polling Districts SE16D and SE17L in the Edinburgh Eastern Constituency of the Scottish Parliament. The Centre is currently subject to closure as a precaution following the

structural issues identified in areas of the school estate managed by Edinburgh Schools Partnership.

- 3.6 The structural assessment of the Centre may reveal no safety concerns. However an immediate transfer to an alternative polling venue will remove uncertainty in election planning and allow surveyors to focus attention on the schools, while freeing the Centre and local schools as contingency venues for any decanted pupils. Following a review of local facilities Moredun Library has been identified as a suitable alternative Polling Place.
- 3.7 Designation of Polling Places for these districts was needed as a matter of urgency to facilitate polling arrangements for the Scottish Parliament Election of 5 May and the EU Referendum of 23 June. In each case, Ward councillors have been consulted regarding the proposed new venues and are supportive of the temporary relocation.
- 3.8 Paragraph A4 of the Council's Committee Terms of Reference and Delegated Functions provides that if a decision which would normally be made by the Council requires to be made urgently between meetings of the Council, the Chief Executive, may take action, subject to the matter being reported to the next meeting of the Council.
- 3.9 The Chief Executive in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council, has agreed that:
  - 3.9.1 Kingsknowe Golf Club be designated as the Polling Place for the SWP02E Polling District for the 5 May 2016 Scottish Parliament Election and the 23 June 2016 EU Referendum;
  - 3.9.2 Currie Library be designated as the Polling Place for the SWP02G Polling District for the 23 June 2016 EU Referendum; and
  - 3.9.3 Moredun Library be designated as the Polling Place for the Polling Districts SE16D and SE17L for the 5 May 2016 Scottish Parliament Election and the 23 June 2016 EU Referendum.
- 3.10 All affected electors have been informed of the changes by a notice posted to each household. Signage will also be erected on the former Polling Places directing electors to the new venues.

#### **4. Measures of success**

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- 4.1 The aim in designating Polling Places is to provide optimal facilities to promote turnout in electoral events. The polling arrangements proposed should support participation in the political process. Turnout will be reviewed after these polls to assess any impact of the change in venue.

#### **5. Financial impact**

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- 5.1 Costs associated with these transfers will be included in the overall costs of the electoral events.

- 5.2 The hire of Polling Places for the use at electoral events is a major cost element at each poll. For Parliamentary and Referendum polls these costs are recovered from Government.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 The Council has a statutory responsibility under the Representation of the People Act (1983) and the Electoral Registration and Administration Act (2013) to designate an appropriate Polling Place for each Polling District in the wards that make up the council area.

## **7. Equalities impact**

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- 7.1 The local authority has a duty to review the accessibility of all Polling Places to disabled voters and to ensure that each is accessible to disabled voters as far as is reasonable and practicable.
- 7.2 The Kingsknowe Golf Club, Currie Library and Moredun Library have been assessed to as appropriately accessible either as they are or with minor reasonable adjustments such as access ramps.

## **8. Sustainability impact**

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- 8.1 There is no direct sustainability impact as a result of this report.

## **9. Consultation and engagement**

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- 9.1 Due to the urgency of these changes, opportunities for public consultation have been limited. There has been consultation with elected members and council officers involved in the delivery of elections and local services.
- 9.2 Following these electoral events the experience of using these two venues will be assessed and any lessons learnt will be considered and incorporated into future planning.

## **10. Background reading/external references**

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- 10.1 [Electoral Commission Guidance On Polling Place Reviews](#)

### **Andrew Kerr**

Chief Executive

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Chris Highcock, Senior Depute Returning Officer

E-mail: [chris.highcock@edinburgh.gov.uk](mailto:chris.highcock@edinburgh.gov.uk) | Tel: 0131 469 3126

## 11. Links

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<b>Coalition Pledges</b>	P33
<b>Council Priorities</b>	CO24, CO25
<b>Single Outcome Agreement</b>	SO4
<b>Appendices</b>	None

# The City of Edinburgh Council

10.00am, Thursday, 28 April 2016

## Elected Member Remuneration 2016

Item number 8.2

Report number

Executive/routine

Wards

### Executive Summary

---

The Scottish Parliament has agreed an increase of 1% in remuneration for councillors in 2016/17. The increase applies from 1 April 2016.

### Links

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[Coalition Pledges](#)

[Council Priorities](#)

[Single Outcome Agreement](#)

## Elected Member Remuneration 2016

### 1. Recommendations

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- 1.1 To note the increase in elected member remuneration set out in the appendix to this report.

### 2. Background

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- 2.1 The Regulations set the pay for the Leader of the Council and the Lord Provost. They do not set the specific pay for senior councillors but does set their maximum amount paid to 75% of the pay of the Leader of the Council.

### 3. Main report

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- 3.1 Legislation uplifting councillors' remuneration by 1% for 2016/17 came into effect from 1 April 2016.
- 3.2 The impact on senior councillors is detailed in the appendix.

### 4. Measures of success

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- 4.1 Not applicable.

### 5. Financial impact

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- 5.1 The level of pay award agreed is in line with long-term financial plan assumptions and has been incorporated into the relevant budget.

### 6. Risk, policy, compliance and governance impact

---

- 6.1 The Council is required to set remuneration for senior councillors within the limits set by legislation and this proposal is within the prescribed limits for the City of Edinburgh Council.

## 7. Equalities impact

---

7.1 Not applicable.

## 8. Sustainability impact

---

8.1 Not applicable.

## 9. Consultation and engagement

---

9.1 Not applicable.

## 10. Background reading/external references

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10.1 [The Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2016](#)

### Andrew Kerr

Chief Executive

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## 11. Links

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**Coalition Pledges**

**Council Priorities**

**Single Outcome Agreement**

**Appendices**

Elected Member Remuneration Grading 2016/17

## Elected Members Remuneration Grading 2016-17

Post	%	Remuneration 1% pay rise from 01/04/2016
<b>Leader of the Council</b>		£50,682
<b>Lord Provost</b>		£38,011
<b>Senior Councillors</b>		
Depute Leader of the Council	75%	£38,011
Depute Convener	50%	£25,341
Convener - Culture & Sport	65%	£32,943
Convener - Economy	65%	£32,943
Convener - Education, Children & Families	65%	£32,943
Convener - Finance & Resources	65%	£32,943
Convener - Health, Social Care & Housing Committee	65%	£32,943
Convener - Planning Committee	65%	£32,943
Convener - Regulatory Committee	65%	£32,943
Convener - Transport & Environment	65%	£32,943
Convener - Communities & Neighbourhood	45%	£22,807
Convener - Licensing Board	60%	£30,409
Convener - Governance, Risk & Best Value	50%	£25,341
Convener - Police & Fire Scrutiny	40%	£20,273
Convener - Petitions Committee	0%	
Vice Convener - Finance & Resources	45%	£22,807
Vice Convener - Education, Children & Families	45%	£22,807
Vice Convener - Health, Social Care & Housing Committee	45%	£22,807
Vice Convener - Culture & Sport	45%	£22,807
Vice Convener - Planning Committee	45%	£22,807
Vice Convener - Regulatory Committee	45%	£22,807
Vice Convener - Economy	45%	£22,807
Vice Convener - Transport & Environment	45%	£22,807
Opposition Group Leader (Conservative)	50%	£25,341
Opposition Group Leader (Green)	50%	£25,341
Opposition Group Leader (Lib Dem)	0%	
<b>Joint Boards</b>		
Convener of Lothian Valuation Joint Board		£21,118
<b>Councillors</b>		£16,893



10am, Thursday, 28 April 2016

## Energy Retrofit of Council Buildings

Item number	8.3
Report number	
Executive/routine	
Wards	

### Executive summary

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The Council is looking to embark on a programme of energy retrofitting nine of its largest buildings and has been evaluating the use of the London RE:FIT scheme which is designed to assist the public sector to make significant savings in energy. Matrix Control Solutions were appointed through a RE:FIT mini competition and are currently developing detailed proposals to deliver energy savings. These will be guaranteed to the Council through an Energy Performance Contract. Matrix has identified substantial energy and carbon savings and also significant financial savings in the order of £0.385m per annum. Funding now needs to be approved for the programme to enable the works to be carried out and formal approval given to appoint the contractors.

### Links

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Coalition Pledges	<a href="#">P50</a>
Council Priorities	<a href="#">CP12</a>
Single Outcome Agreement	<a href="#">SO4</a>

## Energy Retrofit of Council Buildings

### Recommendations

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- 1.1 The Council is asked to :
- approve the borrowing of £0.8m from Salix and £0.975m from Spend to Save to fund energy retrofit measures to nine Council buildings;
  - subject to final figures, approve the appointment of the contractor Matrix Control Solutions Ltd (Matrix) to implement the works.
  - delegate authority to the Director of Place to appoint Matrix to deliver any Phase 2 of the RE:FIT programme providing viable financial and sustainable efficiencies are identified; and
  - note that additional works may be carried out under the project, funded through strategic asset management budgets and awarded in line with the Council's Contract Standing Orders and Scheme of Delegation.

### Background

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- 2.1 The Council's current energy costs for its buildings are around £12m per annum with costs incurred under the Carbon Reduction Commitment of approximately £1.2m per annum. The carbon emissions arising from this energy consumption also contribute significantly to the Council's carbon footprint. The Sustainable Energy Action Plan (SEAP) is committed to the reduction of carbon emissions with a key priority the energy retrofitting of non-domestic buildings across the city. The Council is looking to lead by example in this area by retrofitting its own buildings.
- 2.2 One innovative approach is the London RE:FIT scheme, designed to help public sector organisations in the UK achieve substantial financial savings, improve the energy efficiency of their buildings and reduce carbon emissions. This approach has been looked at for the Council's own estate as a means of delivering reductions in both carbon and energy costs.
- 2.3 This report provides an update on the work to date and seeks approval for the funding element and approval that the contractor Matrix Controls Ltd (Matrix) be appointed to progress the work to the delivery stage. The report also provides the costing for the investment, setting out the range of energy conservation measures that can be installed in each building.

- 3.1 The RE:FIT programme uses an OJEU compliant framework available to all public sector organisations in the UK. The framework streamlines the procurement process for energy services by providing pre-negotiated contracts that can be used with a group of pre-qualified energy contractors. These contractors are then responsible for the design and implementation of energy measures in the buildings selected for the programme.
- 3.2 RE:FIT operates through a number of stages. These are detailed in Appendix 1. The Council sought to appoint a contractor in accordance with, and to deliver, stages 4–7 of the programme by issuing a mini competition on 12 June 2015 to the Re:FIT Framework providers.
- 3.3 In the invitation to tender it was stated that the contract would be awarded on the basis of the Most Economically Advantageous Tender with 90% of the overall score being given to quality and 10% given to price. This larger ratio of quality versus cost was determined because the Council was seeking a contractor with the capability, understanding and technical expertise who could develop innovative and creative proposals as well as work in a partnership relationship with the Council.
- 3.4 Three bidders returned tenders on 24 July 2015. The three tender submissions received were evaluated individually by the members of the evaluation team to determine a score for quality. Eight evaluation criteria areas were identified, each having different weightings and being scored between 0 and 10 in accordance with the Evaluation Criteria Scoring Definitions included in the tender instructions issued to the bidders. Further details of the procurement process, including the members of the evaluation team and the eight quality evaluation criteria and their respective weightings, are provided in Appendix 2.
- 3.5 On completion of the individual evaluation process, a consensus meeting was attended by the members of the evaluation team and the contract administrator from Commercial and Procurement Services. Individual evaluation criteria scores were reviewed and debated and a consensus score reached for each bidder. The appropriate weighting was then applied to each of the individual evaluation criteria to arrive at a final quality score.
- 3.6 Following completion of the quality analysis, as all bidders had achieved the minimum threshold score of 50% for quality their pricing bids were opened and subject to a cost analysis. This cost analysis was based on a lump sum cost of producing proposals for energy measures to the nine buildings identified. These proposals, called Investment Grade Proposals (IGP), are the detailed energy proposals for each building setting out:
- the energy measures that will be installed in each building;
  - the reduction in energy consumption; and
  - the financial savings that will be guaranteed.

- 3.7 The lowest priced cost for the provision of the IGPs was received, which was awarded the maximum score of 10 for price. All other bids were then scored on a pro-rata basis against this lowest bid i.e. for each of the other bids the lowest bid price was divided by that bid price and multiplied by the maximum score of 10.
- 3.8 The quality scores were then combined with the scores from the cost analysis to derive an overall score for each bidder out of a maximum of 100. The results are detailed in Table 1 below.

Bidder	Quality Score	Price Score	Fee Bid	Total Score
Matrix	61.65	0.00	£49,303	61.65
Bidder 2	47.70	10.00	£0	57.70
Bidder 3	47.25	0.00	£34,900	47.25

**Table 1: Outcome of RE:FIT Evaluation**

- 3.9 Of the three fee bids, one of the bidders chose to not charge the Council for the creation of the IGPs. This resulted in 0 scores being applied to both other bidders for the pricing score.

### **The Edinburgh Project**

- 3.10 There are two major advantages of the RE:FIT scheme. Firstly it allows a strategic approach to reducing energy consumption. Currently many Councils, including Edinburgh, focus on a small range of energy retrofit measures. RE:FIT draws on specialists across a range of technologies to facilitate a whole building approach to evaluating all the possible energy efficiency measures thus maximising savings and resulting in better more comfortable buildings.
- 3.11 The second major advantage of RE:FIT is that the scheme uses an approach called 'Energy Performance Contracting' (EPC). This is where the contractors guarantee the level of energy savings to an organisation thus offering it a secure financial saving over the period of the agreement. Savings are agreed in advance and the contractor has to show each year whether these savings have been met or not. If a shortfall is indicated, the contractor can either pay this or install further energy conservation measures, at their expense, to make up the shortfall.
- 3.12 The Council signed up to RE:FIT scheme in November 2014 and is the first Scottish local authority to do so. The Scottish Government provided £0.100m of grant funding to the Council allowing it to commission the RE:FIT consultants Turner and Townsend (T&T) to provide project management and technical support.

3.13 Using a combination of Council energy data and their own modelling framework (from actual RE:FIT case studies), T&T was able to benchmark a number of the Council’s largest energy consuming buildings to determine the potential energy savings. This is seen as Phase 1. Table 2 below shows the final selected Council properties along with their size and RE:FIT building type category.

Building	Floor Area (m <sup>2</sup> )	Building Type
Leith Academy	12,349	Schools and seasonal public buildings
Balerno Community High School	9,977	Schools and seasonal public buildings
Usher Hall	8,861	Cultural activities
Wester Hailes Education Centre	16,396	Schools and seasonal public buildings
City Chambers	20,581	Office-General
Sciennes Primary School	4,145	Schools and seasonal public buildings
Trinity Academy	11,741	Schools and seasonal public buildings
Currie High School	12,167	Schools and seasonal public buildings
St Thomas of Aquins	9,168	Schools and seasonal public buildings

**Table 2: List of Selected Properties for Energy Retrofitting**

3.14 These nine buildings have been selected on the basis of their potentially significant energy savings. Schools in particular are a priority, accounting for 50% of all building related energy consumption across the Council estate. Using the T&T benchmarking process, this has suggested minimum energy savings of 17% across all nine buildings.

3.15 Under the RE:FIT scheme, the next phase was to work towards the development of Investment Grade Proposals (IGP). These involve energy audits and site visits across all buildings. The IGPs provide the detailed business plans for each site identifying all the energy measures that can be carried out and the potential savings. These take around three-four months to complete.

3.16 Consequently the IGPs provide the binding price for the contract and become the integral part of the EPC.

3.17 As part of the Edinburgh tender process, performance criteria were set by the Council which all contractors were asked to assess and agree to meet. For the Edinburgh buildings, the criteria was as follows:

	<b>Performance levels that need to be achieved by the selected Service Provider</b>			
Total expenditure approx	Maximum simple payback (yrs)	Minimum guaranteed energy savings (kWh)	Minimum Carbon savings (t CO <sub>2</sub> )	Minimum Guaranteed Energy Savings per Annum (%)
<b>£1,800,000</b>	<b>8 Years</b>	<b>5,375,000</b>	<b>1,430</b>	<b>17.00%</b>

**Table 3: Performance Criteria Set for the Edinburgh Buildings**

- 3.18 The successful bidder Matrix confirmed they would meet the required benchmarks across all nine buildings as seen in Table 3. The costing for this investment has been estimated at £1.8m which is consistent with other similar RE:FIT projects. This would result in savings to the Council of approximately £0.245m per annum.
- 3.19 Matrix began the development of the IGP's in December 2015 and these were completed for the nine Council buildings at the end of March 2016. Across each building a range of energy saving measures has been evaluated and selected. Each measure has been carefully considered against the performance criteria set by the Council, including influence on guaranteed energy savings, the carbon reduction potential and the payback period. It has not been possible to support all measures such as where the capital investment is high or the payback longer than the required eight years. Any implications for Currie High School, which is part of the Community Solar Co-operative, have been taken into account.

#### **Outcomes of the IGP Stage**

- 3.20 These have been very positive. A workshop was held in February 2016 with Property and Facilities Management staff at which Matrix proposed their first list of energy measures in the nine Council buildings (IGP1). All the targets set by the Council were not only met but exceeded. In the course of the workshop there was further discussion around additional measures and the potential to align IGP1 with other works planned by Property and Facilities Management which would maximise the energy and carbon savings and provide additional financial benefits to the overall programme.
- 3.21 Given the longer payback on some of these additional measures, the RE:FIT project would part fund these on a spend to save basis with the remaining balance met from Asset Management Works. Consequently, Matrix then developed an IGP2 to include these additional works.
- 3.22 Table 4 below shows the outcomes of the IGP process. The original targets are shown as compared to IGP1, (the energy measures produced to meet the target) and IGP2, (the additional energy measures plus IGP1). The table shows the favoured option of IGP2 as it results in larger savings to the Council in both carbon emissions and energy savings but still within the required eight year payback.

	<b>Upfront Investment</b>	<b>Guaranteed Energy Savings</b>	<b>Payback (years)</b>	<b>Carbon savings</b>	<b>Energy Saving %</b>
<b>Target</b>	£1,800,000	5,375,000 kWh/yr	8	1430 tonnes	17%
<b>IGP1</b>	£1,795,432	5,847,021 kWh/yr	5.6	1560 tonnes	18.5%
<b>IGP2</b>	£2,513,188	6,247,789 kWh/yr	7	1773 tonnes	19.8%

**Table 4: Outcomes of the IGP Process by Matrix**

- 3.23 The energy saving, in particular from IGP2 is nearly a 20% reduction in consumption. A particular benefit is that the revenue savings which were originally projected at £0.245m per annum have increased significantly through the IGP2 exercise to £0.356m per annum.
- 3.24 While there might be some further refining, the IGP figures above should not significantly change (and certainly not increase) and will become the basis of the EPC contract thus assuring the Council of this level of savings over the duration of the project.

#### **Funding the Programme**

- 3.25 A number of routes for the funding the RE:FIT work has been explored including SALIX and the Central Energy Efficiency Fund (CEEF). SALIX was established in 2004 as an independent, publicly funded company, dedicated to providing the public sector with loans for energy efficiency projects. They deliver 100% interest-free capital to the public sector to improve their energy efficiency and reduce their carbon emissions. CEEF was set up by Scottish Government to provide funding for energy efficiency projects in local government. The Council has been using CEEF funding for a range of projects across the estate but currently there is £0.8m of unallocated funding.
- 3.26 Following the expiry of terms and conditions for the Council's existing CEEF on 31 March 2016, the Council entered into discussions with SALIX with a view to using the £0.8m to create a new combined fund operating under similar terms to CEEF. The Scottish Government, as the funding body for SALIX agreed to match fund the Council's contribution to create a total £1.6m fund for Council use. The fund operates on a recycling basis, with the savings generated through reduced energy consumption used to repay the initial investment and provide for investment in future schemes.
- 3.27 While termed a loan agreement, SALIX has indicated that for as long as the initial investment is recycled in this way, the monies remain available to the

Council to invest in subsequent schemes generating further savings and reductions in the Council's carbon emissions. The loan has, in addition, been provided on an interest-free basis.

- 3.28 The intention is to use this combined funding of £1.6m towards the RE:FIT project investment but it still leaves a shortfall of approximately £1.314m for the overall investment, project support, fees and contingency.
- 3.29 The balance of funding has been identified from two sources. Firstly an allocation of £0.339m from Asset Management Investment has been included within the wider programme of mechanical and engineering upgrades across the corporate and school estate. This is drawn from the £24m of Asset Management investment (2016/17) as approved in the budget motion on 21 January 2016. The remaining required funding of £0.975m will be drawn from the Spend to Save fund, with details of this investment set out in Appendix 4. Council is asked to approve the provision of Spend to Save funding up to this level.

### **The Next Phase**

- 3.30 The relationship with Matrix has been very productive to date. However under the terms of the RE:FIT programme, the final installation stage now requires formal approval from the Council to appoint the preferred contractor. Under the terms of the contract, Matrix would now progress to the delivery phase.
- 3.31 This final stage requires the installation of the energy measures in all the buildings and the approval between Matrix and the Council of an agreed Monitoring and Verification (M&V) Plan. This has been submitted and assessed by Council officers and independent third party M&V assessors. The M&V plan is the basis of the guaranteed energy and financial savings and consequently a crucial document in the programme going forward.
- 3.32 The installation works will commence as soon as the contract is awarded. The timescale is tight but the intention would be to complete the works in all the schools over the summer holidays with final commissioning during the October break. Any disruption will be minimised as far as possible. For the City Chambers, scheduling works can be more flexible, however for the Usher Hall, careful scheduling will be carried out to ensure no disruption for events and concerts and the festival period will be avoided.
- 3.33 There will be a full programme, timescale and risk register produced for the project which will fall under a construction programme. All appropriate construction, health and safety and statutory requirements will be complied with.
- 3.34 Following this, the programme will move to the M&V phase and a financial savings profile plan. In complying with the conditions of the contract, there will be ongoing and regular monitoring with clear governance arrangements in place between the Council and Matrix. A Project Manager will be appointed as part of



the project support funding from Spend to Save to oversee all work and provide the ongoing monitoring for a year after completion.

## **Benefits**

- 3.35 The RE:FIT programme will be the largest energy conservation programme undertaken by the Council and signals a new approach to saving energy and money at a time when the Council is going through a major transformation programme. The benefits of progressing with the programme include:
- significant guaranteed energy savings;
  - sound energy conservation measures installed and leverage with supply chains to ensure these solutions are competitive;
  - the risks passed to the contractor;
  - being able to work in a holistic and strategic way across the estate;
  - the potential to align this work with the Low Carbon Jobs and Investment Framework and evaluate the potential for green jobs;
  - relieving pressure on other property budgets; and
  - better and more comfortable buildings for users.
- 3.36 The programme has a proven track record. At the end of February 2016, RE:FIT London had worked with over 200 organisations and supported the retrofit of over 600 of London's public buildings, generating around £92m in investment, saving around 103,000 tonnes of CO<sub>2</sub> and cutting energy bills by around £6m a year.
- 3.37 Using this programme will offer the Council a new innovative approach to many of the issues and challenges in retrofitting its operational estate. If successful, the programme will be extended across the estate.
- 3.38 In addition, early discussions with other public bodies indicated interest in the RE:FIT approach. There may be opportunities for collaborative approaches with partners in the city to carry out a larger programme of work. This would offer wider economic benefits. Finally the creation of the new Council ESCO offers an opportunity to look at public buildings as well as private sector buildings thus providing a commercial approach to retrofitting non-domestic properties across the city.

## **Measures of success**

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- 4.1 The RE:FIT contract will contain a number of KPIs which will be used as measures of success. These include:
- a 17% reduction in energy consumption across the nine buildings;
  - a minimum carbon reduction target of 1,430tCO<sub>2</sub> across the programme; and

- a maximum 8 year payback.

4.2 As required by the RE:FIT scheme these will be closely monitored.

## Financial impact

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- 5.1 The RE:FIT works for IGP2 are calculated to cost £2.513m. Council fees and contingency are estimated at £0.401m, giving a total cost of £2.914m. This can be funded from the following sources:
- Salix loan - £0.800m
  - Former CEEF fund - £0.800m
  - Spend to Save - £0.975m
  - Asset Management Works £0.339
- Total - £2.914m
- 5.2 The annual savings in Council utility budgets are calculated to be £0.356m. These will be required to repay Salix borrowing and to reimburse the former CEEF and spend to save funding. In addition due to the carbon savings projected, there will be savings on Carbon Reduction Commitment (CRC) costs of £28,550 per annum (for as long as the scheme lasts).
- 5.3 RE:FIT works through an Energy Performance Contract, with financial savings guaranteed to the Council through reduced energy bills for the duration of the contract. The upfront investment from SALIX and the Council will therefore be repaid in accordance with the agreed energy savings profile for the scheme. This will replenish the fund and allow further schemes to be supported. In addition, SALIX has indicated that for as long as the initial investment is recycled in this way, the monies remain available to the Council to invest in subsequent schemes generating further savings and reductions in the Council's carbon emissions.
- 5.4 The savings detailed in Appendix 3 will form the basis of the EPC and these will be guaranteed. However, it should be noted that due to the large difference in unit cost between electricity and gas, and also the inclusion of measures such as combined heat and power plants, there is not a direct correlation between guaranteed energy savings, carbon savings and payback.

## Risk, policy, compliance and governance impact

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- 6.1 The Council has made a number of pledges and commitments to energy and carbon and has approved its Sustainable Energy Action Plan (SEAP). In particular Pledge 50 commits the Council to the reduction of carbon emissions by 42% by 2020. Significant reductions in energy consumption will contribute to this Pledge and the Council SEAP. In addition, by implementing an energy efficiency programme this will assist in mitigating any risks of non compliance

with the Climate Change (Scotland) Act 2009. Mandatory reporting of carbon will also become a requirement for local authorities from October 2016.

- 6.2 Due to the approach of an Energy Performance Contract, most of the risk of delivery of savings and contract is passed to the contractor. A contingency on the total contract sum has been accounted for to cover any unforeseen Council liabilities. In addition, a full risk register is also required under the terms of the contract. This will be developed by the contractors and approved by officers overseeing the programme.
- 6.3 The costs associated with procuring this contract are estimated at up to £10,000.

## **Equalities impact**

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- 7.1 There are no equalities impacts from this report.

## **Sustainability impact**

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- 8.1 The recommendations in this report will lead to reduced energy consumption in a number of properties. This will contribute positively to meeting Council carbon and energy targets, the aims of the Council's Sustainable Energy Action Plan and Sustainable Edinburgh 2020 objectives. Better more efficient buildings can also improve environmental conditions and support better working environments for staff.

## **Consultation and engagement**

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- 9.1 There has been regular consultation and engagement with relevant service areas in Property, Legal and Finance. A RE:FIT Project Team was set up along with a Project Board. Regular updates have been provided to elected members through the Member Officer Working Group on Carbon Climate and Sustainability.
- 9.2 As part of the development of the IGPs, engagement has been carried out with building users for all the buildings included in the programme. Regular communication will be a key element of the programme of work going forward. In addition given the nature of some of the buildings i.e. the Usher Hall where there is a year round public use, careful attention will be given to the scheduling of works. This will also be the case with schools.

## **Background reading / external references**

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N/A

## Paul Lawrence

Director of Place

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## Links

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<b>Coalition pledges</b>	P50 Meet greenhouse gas targets, including the national target of 42% by 2020..
<b>Council Priorities</b>	CP12 A Built Environment to match our ambition
<b>Single Outcome Agreement</b>	SO4 Edinburgh's communities are safer and have improved physical and social fabric.
<b>Appendices</b>	Appendix 1: Background to the RE:FIT Programme Appendix 2 : Procurement Process Appendix 3: Summary of Energy Savings And Measures Under RE:FIT Appendix 4: spend to Save Application <b>(to follow from Finance)</b>

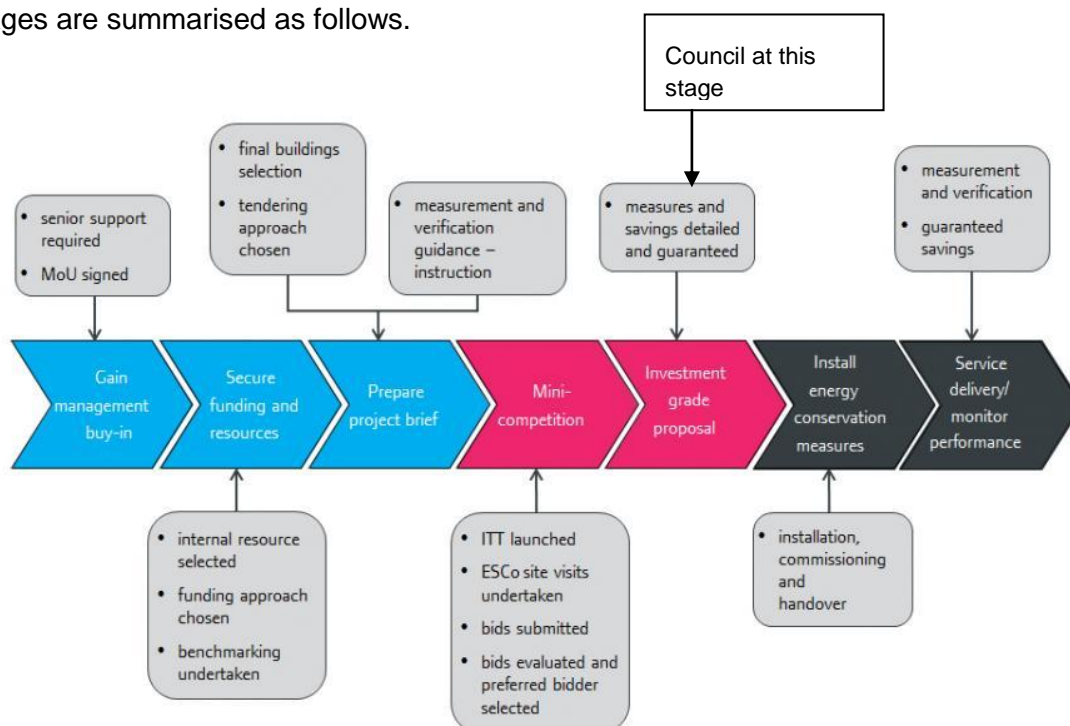
## Appendix 1

### How RE:FIT Works

There are a number of stages in the RE:FIT programme.

- Stage 1 seeks buy in and management approval.
- Stage 2 involves the organisation evaluating sources of funding which can either be internal or external sources. In some cases the contractor can access funding or investment.
- Stage 3 involves benchmarking the properties that will have the energy measures installed. Using a range of energy information, industry standards and other property data, the buildings can be assessed for their optimum energy and financial savings. This sets the project brief and specification, for the buildings, the targets and financial savings and selects the best buildings to be included.
- Stage 4 involves the drafting of an ITT and running a mini competition. A number of contractors will bid, conduct site visits and present their proposals for the energy savings and the guaranteed financial savings. At the end of this stage a preferred bidder will have been selected.
- Stage 5 will appoint the contractor who will now proceed with the detailed business plans called Investment Grade Proposals (IGP). These set out the ECMs to be installed, the tonnes of carbon to be saved per year, the payback period and the monitoring plan for the financial savings. The IGPs involve detailed energy audits.
- Stage 6 appoints the contractor to progress with the installation of measures and at this point work begins on the actual buildings. Close liaison with building users is required.
- The last Stage 7 is the ongoing monitoring and measurement of the energy savings and performance of the building. This is usually carried out through an agreed Monitoring and Verification (M&V) Plan.

These stages are summarised as follows.



## Appendix 2: Summary of Tendering and Tender Evaluation Processes

Contract	RE:FIT Project Mini Competition
Contract period	8 years
Contract value	£1.8m
EU Procedure chosen	Use of OJEU Compliant Framework Agreement
Tenders returned	Three
Tenders fully compliant	Three
Recommended supplier	Matrix
Primary criterion	Most economically advantageous tender to have met the qualitative and technical specification of the client department
Evaluation criteria and weightings	<ol style="list-style-type: none"> <li>1. Relevant Experience – 20%</li> <li>2. Project Delivery Team – 15%</li> <li>3. Implementation Strategy – 20%</li> <li>4. Approach to Measurement and Verification – 10%</li> <li>5. Communication Plan – 10%</li> <li>6. NEC3 Approach – 10%</li> <li>7. Health and Safety – 10%</li> <li>8. Community Benefits – 5%</li> </ol>
Evaluation Team	Sustainable Development Manager Acting Energy & Water Manager Turner & Townsend Technical Advisor

### Appendix 3: Summary of Energy Measures and Savings Proposed Under RE:FIT

SITE	Description of Works	CAPEX	Financial Savings £/yr	Payback	Energy Savings KWh/yr	Carbon Savings in tonnes
Balerno	BEMS Upgrade	£26,516	4,119	6.4	136,070	29
Balerno	CHP Install	£165,582	20,075	8.3	120,200	69.2
Balerno	External Lighting Upgrade	£12,154	1,064	11.4	11,088	5.9
Balerno	Internal Lighting Upgrade	£172,810	4,604	37.5	47,959	25.6
Balerno	Pump Set Replacement	£32,281	1081	29.8	11,265	6
Balerno	CHP Install	£376,282	18,013	20.9	187,638	100
City Chambers	Internal Lighting Upgrade	£157,091	12,834	12.2	138,000	73.6
City Chambers	Pump Set Replacement	£25,965	445	58.4	4,781	2.5
City Chambers	Boiler Replacement	£283,228	18,329	15.5	197,684	105.1
St Thomas	BEMS Upgrade	£32,948	5,262	6.3	188,933	38
St Thomas	Kitchen Canopy Control Upgrade	£3,145	414	7.6	4,456	2.4
St Thomas	External Lighting Upgrade	£13,818	1,192	11.6	12,821	6.8
Currie	BEMS Upgrade	£21,642	7,853	2.8	295,335	57.5
Currie	CHP Install	£165,582	22,512	7.4	206,556	71.7
Currie	External Lighting Upgrade	£33,102	2,366	14.0	24,392	13.0
Leith	BEMS Upgrade	£83,931	15,006	5.6	374,880	98
Leith	CHP Install	£165,582	27,027	6.1	265,025	83.0
Leith	Kitchen Canopy Control Upgrade	£2,953	355	8.3	3,775	2.0
Leith	External Lighting Upgrade	£24,042	2,429	9.9	25,835	13.8
Sciennes	BEMS Upgrade	£8,159	875	9.3	12,876	1
Sciennes	Internal Lighting Upgrade	£57,965	8,905	6.5	86,054	45.9
Sciennes	Voltage Optimiser Install	£8,198	3,097	2.6	29,926	16.0
Usher Hall	Internal Lighting Upgrade	£70,741	10,608	6.7	108,249	57.7
Usher Hall	Voltage Optimiser Install	£36,201	15,504	2.3	158,202	84.3
Usher Hall	BEMS Optimisation	£5,368	9,798	0.5	286,036	66.0
Usher Hall	Internal Lighting Optimisation	£11,309	1,142	9.9	11,648	6.2
Usher Hall	Auditorium Lighting Upgrade	£54,526	6,579	8.3	67,137	35.8
Trinity	LTHW/DHWS De-couple	£81,172	35,107	2.3	1,364,873	251.2
WHEC	BEMS Upgrade	£62,098	17,711	3.5	532,628	121
WHEC	Pool Cover Install	£18,105	12,584	1.4	410,572	88.3
WHEC	CHP Install	£224,509	64,908	3.5	873,612	169.5
WHEC	Kitchen Canopy Control Upgrade	£2,038	255	8.0	2,684	1.4
WHEC	External Lighting Upgrade	£31,368	1,745	18.0	18,371	9.8
WHEC	Install VSD to Pool Circ Pumps	£2,298	2,739	0.8	28,829	15.4
All Sites	M&V - Year 1	£40,479	0	0.0	0	0.0
<b>TOTAL</b>		<b>£2,513,188</b>	<b>£356,537</b>	<b>7</b>	<b>6,247,789</b>	<b>1,773</b>

#### Appendix 4:

#### Spend to Save - Energy Retrofitting of Buildings

Project	Description	Outcome	Coalition Pledges and Council Outcomes	Funding	Risk	Payback Period
Building energy efficiency retro-fitting	Significantly improving the energy efficiency of seven schools, the Usher Hall and City Chambers through installation of tailored building-specific measures	Expected decrease in energy consumption for in-scope buildings of at least 17%, with resulting contractually-committed annual savings of around £0.345m, alongside a reduction of £0.029m in the Council's Carbon Reduction Commitment liability. Improvements in user comfort whilst contributing to statutory reporting requirements.	<b>Pledge 50</b> - meet greenhouse gas targets, including the national target of 42% by 2020 <b>CO18 Green</b> – we reduce the local environmental impact of our consumption and production	Up to £975k	Low	No longer than 7 years



# The City of Edinburgh Council

10.00am, Thursday, 28 April 2016

## PPP1 Schools- referral from the Pentland Neighbourhood Partnership

<b>Item number</b>	8.4
<b>Report number</b>	
<b>Wards</b>	8

### Executive summary

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The Pentland Neighbourhood Partnership on 22 March 2016 considered an emergency motion moved by the Convener Councillor Rust and seconded by Cllr Aitken to note with concern the recent publicised issues around the construction of a number of City of Edinburgh Schools forming part of the PPP1 schools project including Braidburn School, Oxfords Primary School, Firrhill High School and St Peter's RC Primary School.

The Pentland Neighbourhood Partnership agreed to refer the emergency motion to the next full meeting of City of Edinburgh Council for information as to the local communities' concern..

### Links

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<b>Coalition pledges</b>	PO3
<b>Council outcomes</b>	CO1, CO2
<b>Single Outcome Agreement</b>	SO3
<b>Appendices</b>	

# Terms of Referral

## PPP1 - Schools

### Terms of referral

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- 1.1 On 22 March 2016, the Pentland Neighbourhood Partnership considered an emergency motion regarding PPP1 Schools
- 1.2 Pentlands Neighbourhood Partnership (PNP) :-
  - 1.2.1. Notes with concern the recent publicised issues around the construction of a number of City of Edinburgh Schools forming part of the PPP1 schools project including Braidburn School, Oxfangs Primary School, Firrhill High School and St Peter's RC Primary School.
  - 1.2.2. Regrets the inconvenience and disruption caused to parents, staff and pupils by the school closures.
  - 1.2.3. Considers the safety of pupils, staff and visitors to schools to be paramount and supports all efforts to ensure necessary remedial work is undertaken timeously and efficiently with the least disruption possible in the circumstances.
  - 1.2.4. Requests a report to the next PNP meeting regarding those schools with catchments in the PNP area to include (a) communication with parents and local members, (b) functioning of decant arrangements, (c) detail of work undertaken and (d) an update on the wider project /governance issues.
  - 1.2.5. Agrees to refer this motion to the next full meeting of City of Edinburgh Council for information as to the local communities concerns.

### For Decision/Action

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- 2.1 The City of Edinburgh Council is asked to note the contents of the motion.

### Background reading / external references

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Pentland Neighbourhood Partnership 22 March 2016.

### Kirsty-Louise Campbell

Interim Head of Strategy and Insight

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## Links

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<b>Coalition pledges</b>	PO3 - Rebuild Portobello High School and continue progress on all other planned school developments, while providing adequate investment in the fabric of all schools
<b>Council outcomes</b>	CO1- Our children have the best start in life, are able to make and sustain relationships and are ready to succeed.
<b>Single Outcome Agreement</b>	SO3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential
<b>Appendices</b>	

# The City of Edinburgh Council

10:00am Thursday 28 April 2016

## Report of Pre-Determination Hearing – Freelands Road, Ratho (Land 164 metres south of Freelands Farm) – referral from the Development Management Sub-Committee

<b>Item number</b>	8.5
<b>Report number</b>	
<b>Wards</b>	A02 - Pentland Hills

### Executive summary

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To consider the recommendation of the Development Management Sub-Committee on a planning application which was the subject of a pre-determination hearing under the procedures set out in the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008.

### Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

**Appendices**                      Appendix 1 – report by the Head of Planning and Transport

# Terms of Referral

## **Report of Pre-Determination Hearing – Freelands Road, Ratho (Land 164 metres south of Freelands Farm) – referral from the Development Management Sub-Committee**

### **Terms of referral**

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- 1.1 In December 2009, the Council approved procedures for dealing with planning applications requiring to be considered by means of a pre-determination hearing.
- 1.2 On 18 April 2016, the Development Management Sub-Committee conducted a pre-determination hearing in respect of an application for planning permission in principle submitted by Barratt David Wilson Homes for a proposed residential development (approximately 150 units) with associated works on land 164 metres south of Freelands Farm, Freelands Road, Ratho.
- 1.3 The Sub-Committee received:
  - a presentation on the report by the Head of Planning and Transport (appendix 1)
  - a presentation by Ratho and District Community Council outlining their objections to the proposals
  - a presentation by the applicants in support of the proposals.

### **Report by the Head of Planning and Transport**

- 1.4 The Head of Planning and Transport gave details of the application and the planning considerations involved for planning permission in principle.
- 1.5 The Head of Planning and Transport considered that the proposals represented a significant departure from the adopted Rural West Edinburgh Local Plan (as altered in 2011) and in particular Policy E5 – Development in the Green Belt and Countryside Areas. In addition, the development of the site for residential purposes was not supported by the Second Proposed Local Development Plan (ELDP) and was contrary to the provisions of ELDP Policy ENV10 – Development in the Green Belt and Countryside.
- 1.6 As the application site was situated outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESPlan), its development would be inconsistent with the SDP's spatial strategy which sought to prioritise the development of brownfield land and land within identified SDAs.

- 1.7 Using the method described in the Housing Land Audit 2015 report to the Planning Committee meeting of 3 December 2015 to assess unconstrained housing land with support, it had been determined that there was a five year effective housing land supply in the Council's area.
- 1.8 The site location did not support sustainable transport use and clear pedestrian and cycle links to the rest of Ratho Village and the Union Canal towpath were not evidenced. There was also insufficient information provided to assess whether or not the proposals dealt adequately with community facilities, flooding and drainage and cumulative air quality and transport impacts.
- 1.9 The proposals would have an adverse impact on the character and setting of Ratho Village.
- 1.10 In conclusion the Head of Planning and Transport considered that the application was unacceptable in principle in terms of sustainable location, connectivity, impact on village character and setting and in terms of sufficiency of information provided.
- 1.11 The Head of Planning and Transport requested that the Sub-Committee recommend to the Council that the application be refused for the following reasons:
- 1) The granting of planning permission would be premature and would not accord with the provisions of paragraph 34 of Scottish Planning Policy in respect of this.
  - 2) The proposal was contrary to Policy E5 of the Rural West Edinburgh Local Plan in relation to Development in the Green Belt and Countryside Areas as it constituted a non-conforming use within the designated Green Belt.
  - 3) The proposal was contrary to Policy E7 of the Rural West Edinburgh Local Plan in relation to the Protection of Prime Agricultural Land as it would result in the permanent loss of prime agricultural land.
  - 4) The proposal was not supported by the Strategic Development Plan spatial strategy and was contrary to SDP Policy 7.
  - 5) The proposal was contrary to Policy ENV10 in the Second Proposed Local Development Plan as it constituted a non-conforming use within the proposed Green Belt.
  - 6) The proposal would have an adverse impact on Ratho Village character and setting.
  - 7) The proposal was contrary to the Rural West Edinburgh Local Plan Policy TRA1 as it did not encourage sustainable transport use.

### **Presentation by Ratho and District Community Council**

- 1.12 Graham Low and Judy Wightman gave a presentation on behalf of Ratho and District Community Council.

- 1.13 Mr Low advised that Ratho had a distinct identity as a historic village in a rural setting with a Conservation Area at its core. The proposed development would form a significant enlargement of the village to the east remote from its core and essential amenities. The development would weaken the character of the village and undermine its well-defined rural edge. The surrounding roads were narrow and inadequate for current traffic demands.
- 1.14 Public services and shopping facilities at Ratho were already inadequate with only limited capacity available in the pre-school nursery. The bus service was poor in regards to no direct service being available to central Edinburgh. This resulted in significant car dependency which was contrary to Policy E1 of the Rural West Edinburgh Local Plan.
- 1.15 The applicant's transport assessment did not take full account of the rural nature of Ratho. Traffic flows on Ratho Main Street and on the historic bridge over the Union Canal operated on a one way system and congestion regularly existed during peak hours.
- 1.16 In summary, the Community Council asked the Development Management Sub-Committee to recommend to the Council that the application be refused for the following reasons:
- Contrary to planning policy
  - Adverse impact on Ratho village character
  - Lack of sustainable infrastructure
  - Inadequate road, pedestrian and cycle facilities

### **Presentation by Barratt David Wilson Homes**

- 1.17 Alex Forsyth (Barratt David Wilson Homes), Robin Matthew (PPCA Ltd, Planning Consultants) and Duncan Birrell (Transport Solutions) gave a presentation on behalf of the applicants.
- 1.18 The applicants outlined the economic and employment benefits the proposed development would bring to Ratho Village and the surrounding area. They confirmed that if the application was granted, the financial contribution of up to £1.5m towards mitigation of the impact on education facilities could be supported by this development.
- 1.19 In the report to the Planning Committee in December 2015 in terms of the Housing Land Audit 2015, it was stated that the City of Edinburgh did not have an effective 5 year housing land supply based on the method of calculation. It also detailed the level of shortfall to be around 4,723 units. The report presented to the Sub-Committee on 18 April presented an alternative method of calculation based on a theoretical maximum to conclude that the effective five year land supply in Edinburgh was in surplus. The applicants contested that current Scottish Government planning advice did not lend support to the current method of calculating the land supply as proposed by the Council. Scottish Planning Policy also supported consideration of such developments where there was a five year shortage of housing land supply.

- 1.20 The applicants stated that a presumption in favour of sustainable development would be a significant material consideration in the determination of this application. Analysis of the sustainability principles in relation to the development were outlined in their planning supporting statement.
- 1.21 The applicants did not believe that the proposals were premature and would address a pressing need for family housing in Edinburgh. The scale of the proposal would not undermine the development of the emerging Local Development Plan.
- 1.22 The proposals would not impact adversely on Ratho Village Conservation Area and would be in keeping with the recent development at Freelands Road to the west of the site.
- 1.23 In conclusion, the applicants asked the Development Management Sub-Committee to recommend to the Council that planning permission in principle be granted for the proposed development.

### **Deliberation by Sub-Committee Members**

- 1.24 Copies of representations received during the consultation period had been made available to members of the Sub-Committee for inspection.
- 1.25 Both parties were questioned on their presentations by members of the Sub-Committee.

### **Decision**

- 1.26 To recommend that the Council refuse planning permission in principle for the reasons:
- 1) The granting of planning permission would be premature and would not accord with the provisions of paragraph 34 of Scottish Planning Policy in respect of this.
  - 2) The proposal was contrary to Policy E5 of the Rural West Edinburgh Local Plan in relation to Development in the Green Belt and Countryside Areas as it constituted a non-conforming use within the designated Green Belt.
  - 3) The proposal was contrary to Policy E7 of the Rural West Edinburgh Local Plan in relation to the Protection of Prime Agricultural Land as it would result in the permanent loss of prime agricultural land.
  - 4) The proposal was not supported by the Strategic Development Plan spatial strategy and was contrary to SDP Policy 7.
  - 5) The proposal was contrary to Policy ENV10 in the Second Proposed Local Development Plan as it constituted a non-conforming use within the proposed Green Belt.
  - 6) The proposal would have an adverse impact on Ratho Village character and setting.
  - 7) The proposal was contrary to the Rural West Edinburgh Local Plan Policy TRA1 as it did not encourage sustainable transport use.



## For Decision/Action

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- 2.1 The Council is asked to consider the recommendation of the Development Management Sub-Committee to refuse planning permission in principle for the reasons outlined in paragraph 1.26 above.

## Background reading/external references

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Development Management Sub-Committee 18 April 2016

### **Kirsty-Louise Campbell**

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## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

**Appendices**                      Appendix 1 – report by the Head of Planning and Transport

# Development Management Sub Committee

**Wednesday 18 April 2016**

## **Application for Planning Permission in Principle 15/05224/PPP**

**At Land 164 Metres South Of Freelands Farm, Freelands  
Road, Ratho**

**Proposed residential development (approximately 150 units)  
with associated works.**

<b>Item number</b>	3.2(b)
<b>Report number</b>	
<b>Wards</b>	A02 - Pentland Hills

## **Summary**

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The proposed development represents a significant departure to the adopted Rural West Edinburgh Local Plan (as Altered 2011), in particular policy E5: Development in the Green Belt and Countryside Areas. The development of the site for residential purposes is not supported by the Second Proposed Local Development Plan (ELDP) and is contrary to the provisions of ELDP Policy ENV 10: Development in the Green Belt and Countryside.

The application site lies outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESplan). As such, its development would be inconsistent with the SDP's spatial strategy which seeks to prioritise, in the first instance, the development of brownfield land and land within identified SDAs. Using the method described in the Housing Land Audit 2015 report to the Planning Committee meeting of 3 December to assess unconstrained housing land with support, there is a five-year effective housing land supply in the Council's area.

The site location does not support sustainable transport use and clear pedestrian and cycle links to the rest of the village and the Union Canal towpath are not evidenced. The proposal will have an adverse impact on Ratho village character and setting. Insufficient information has been provided to assess whether or not the proposal deals adequately with community facilities, flooding and drainage, and cumulative air quality and transport impacts.

In summary, the application is unacceptable in principle, in terms of sustainable location, connectivity, impact on village character and setting and in terms of sufficiency of information. It is recommended that planning permission is refused.

## Links

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**[Policies and guidance for this application](#)**

SDP, SDP07, LPRW, RWE1, RWE4, RWE5, RWE6, RWE7, RWE14, RWE15, RWE16, RWE17, RWE18, RWE20, RWE22, RWE26, RWE28, RWE31, RWE41, RWE42, RWE45, RWE46, RWE52, RWH2, RWH5, RWH7D, RWTRA1, RWTRA2, RWTRA3, RWTRA5, RWTRA6, NSG, NSGCGB, NSGD02, NSP, NSART, DEVECS,

# Report

## **Application for Planning Permission in Principle 15/05224/PPP**

### **At Land 164 Metres South Of Freelands Farm, Freelands Road, Ratho**

### **Proposed residential development (approximately 150 units) with associated works.**

## **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site is 9.8 hectares in area. It is bounded on the north by Freelands Road and Freelands Farm. Farmland sits to the east and the Union Canal with its towpath, together forming a scheduled ancient monument, are on the south. A residential development site lies to the west.

The application site is undulating, cultivated agricultural land which is classified as 'Prime Agricultural Land, Class 2' by the James Hutton Institute. The canal embankment drops steeply into the site from the canal towpath. There is hedging on the west, north and south boundaries, with some mature trees. A culverted watercourse runs through the site. Vehicular and pedestrian access is from Freelands Road.

The site is within the Edinburgh Green Belt. The canal is a site of importance for nature conservation.

#### **2.2 Site History**

There is no relevant planning history for the site. There is relevant planning history for nearby sites.

Site to the west of proposal site

2 July 2010 - planning permission granted for residential development of 119 units including 19 affordable houses, an 84 bed residential care home and a new canal basin with associated changing block at land adjacent to Freelands Road, Edinburgh (application number 09/01067/FUL). The development is build out, except for the care home.

4 January 2013 - planning permission granted for proposed residential development of 14 dwellinghouses on land formerly consented for care home use (09/01067/FUL) at land adjacent to Freelands Road, Ratho (application number 12/02322/FUL).

Site to the south of proposal site, on opposite side of Union Canal

3 September 2014 - application for planning permission for residential development of 85 units, comprising 1- 5 bedroom detached, semi detached and terraced houses, landscaping, SUDs and ancillary works (application number 13/05165/FUL) refused at appeal (appeal reference: PPA-230-2124).

## **Main report**

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### **3.1 Description Of The Proposal**

This application seeks planning permission in principle for a residential development and is accompanied by a proposed masterplan. The masterplan and supporting documentation submitted are based on a development of approximately 150 residential units. Subsequent applications for the approval of matters specified in condition would include details of the number of units, design and layout, scale and massing, access, landscaping, open spaces and parking.

#### Supporting Statements

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Service:

- Air Quality Impact Assessment;
- Archaeology desk-based assessment;
- Design and Access Statement;
- Ecological Survey;
- Education Capacity Appraisal;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Phase 1 Habitat Survey;
- Planning Assessment;
- Pre-application Consultation Report;
- Transport Assessment and Addendum; and,
- Visual Amenity Study.

### **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, the Committee needs to consider whether:

- a) the principle of the proposed development is acceptable including whether there is an effective housing land supply;
- b) the proposed development is premature;
- c) the landscape impacts and design are acceptable;
- d) the proposal preserves or enhances the historic environment, with reference to the adjacent scheduled ancient monument;
- e) the proposal is detrimental to resident or future occupier amenity;
- f) the proposal raises air quality issues;
- g) the proposal raises issues in terms of traffic or road safety;
- h) the proposal will affect local biodiversity;
- i) the proposal raises any flooding and drainage issues;
- j) other material issues have been addressed;
- k) the proposal meets sustainability criteria;
- l) any impacts on equalities or human rights are acceptable; and,
- m) the comments raised have been addressed.

#### **a) Principle**

In considering the acceptability of the proposal, regard has to be had to the development plan and other material considerations. The development plan for the area comprises the approved Strategic Development Plan for South East Scotland (SESplan) (June 2013), including Supplementary Guidance on Housing Land (2014), and the adopted Rural West Edinburgh Local Plan (RWELP) (Altered 2011). In this instance, other material considerations include the emerging Edinburgh Local Development Plan and Scottish Planning Policy.

## Rural West Edinburgh Local Plan (RWELP) (Alteration 2011)

The RWELP Proposals Map, as Altered, identifies the application site in its entirety as forming part of the Green Belt. Policy E5 describes the range of uses acceptable in principle within the Green Belt, including those relating to agriculture, horticulture, forestry, countryside recreation and other uses appropriate to the area's rural character. RWELP Policy E7 seeks to protect prime agricultural land. The land is classed by the James Hutton Institute, formerly the Macaulay Land Use Research Institute, as being 'prime agricultural land - class 2'.

The proposal does not comply with the policies of the Rural West Edinburgh Local Plan on Green Belt and protection of Prime Agricultural Land.

The situation with regard to housing land supply has moved on following the adoption of the Strategic Development Plan and its supplementary guidance. This position is outlined below.

## Strategic Development Plan (SDP 2013) (SESplan) and its Supplementary Guidance

Strategic Development Plan Policy 1A: The Spatial Strategy: Development Locations, outlines the spatial strategy for the SDP area and identifies four Strategic Development Areas (SDA) in Edinburgh. The spatial strategy set out in SESplan's Housing Land Supplementary Guidance prioritises development on brownfield land and in designated SDAs in the first instance.

The application site is outwith all the SDAs as defined by the Second Proposed Local Development Plan and is contrary to the SDP's spatial strategy. It is not in the SDA shown on page 16 of the SDP and on page 51 of the proposed Local Development Plan.

The SDP allows new housing development to be granted planning permission on greenfield land outwith strategic development areas (SDAs), either when allocating land in Local Development Plans or in granting planning permission in order to maintain a five year effective housing land supply. SDP Policy 7 describes the circumstances in which this may be acceptable, namely, that development should ensure protection of the character of the existing settlement, that it should not undermine Green Belt objectives and should avoid diverting investment in infrastructure from other priorities.

Section 3 and Table 3.2 of the SDP Supplementary Guidance (SG) describes the housing land requirement throughout the SESplan area. The SG notes that the housing land requirement must be consistent with the approved SDP, and in particular the spatial strategy, by prioritising brownfield land and locating additional development within the defined strategic development areas (SDAs) in the first instance. As noted above, the site is not in a SDA, nor is it brownfield.

In the West Edinburgh SDA, an additional allowance to accommodate a further 2,700 units is identified. Outwith SDAs, an additional allowance to accommodate 2,500 units is identified.

Strategic Development Plan (SDP) Policy 6 states the requirement to maintain five years' effective housing land supply at all times. The supply of land should be sufficient to meet the requirement set out in supplementary guidance. The policy allows the grant of planning permission for the early release of sites which are either allocated or phased for delivery for a later period in the local development plan.

Consideration must therefore be given to whether the proposed LDP allocates sufficient land for housing and whether there is an effective housing land supply. These matters are assessed below.

### Second Proposed Edinburgh Local Development Plan (LDP)

The Second Proposed Local Development Plan (LDP) and the Council's response to representations made to the LDP were approved by the Planning Committee in May 2015 and submitted by Scottish Ministers for Examination. The Second Proposed LDP allocates land to meet strategic housing land requirements described in the SDP Supplementary Guidance on Housing Land. This land, which is sufficient to meet those needs, does not include the application site. In relation to sites outwith the SDA, the LDP promotes other sites, including sites at South Queensferry and Currie.

A representation to the LDP promoting inclusion of the application site as a housing site was received but not supported by the Planning Committee.

The Planning Committee noted, in May 2015, that the outcomes of the examination are largely binding on the Council and that the examination will determine the content of the LDP.

The examination Reporter will come to a view on how best to take forward development in West Edinburgh, taking account of all the representations, including the Council's response to the LDP process. It is anticipated that the examination report will be published at the end of May 2016.

The Second Proposed LDP Proposals Map identifies the application site as forming part of the Green Belt. Accordingly, development of the site for residential purposes would be contrary to Policy Env 10: Development in the Green Belt and Countryside.

In summary, the LDP allocates sufficient land to meet the land supply set out in the SDP and the SG.

### Five Year Effective Housing Land Supply

There are a number of documents, reports and decisions which are relevant when considering whether there is a five year effective housing land supply. These include PAN 2/2010, the Housing Land Audit 2015 reported to the Planning Committee on 3 December 2015, the 14 December decision by SESplan Joint Committee and the Draft Planning Delivery Advice on housing and Infrastructure (February 2016). These are considered below.



## Planning Advice Note (PAN) 2/2010

The PAN 2/2010 provides guidance to planning authorities on Affordable Housing and Housing Land Audits (HLA). With regard to HLAs, the PAN notes that in order that a five-year ongoing effective land supply is available to meet the identified housing land requirements, planning authorities should carry out regular monitoring of housing completions and the progress of sites through the planning process. This, the PAN advises, can be achieved through the preparation of a housing land audit, carried out annually by the planning authority in conjunction with housing and infrastructure providers. Furthermore, an annual audit is considered important so that it reflects the changing nature of housing markets and market conditions and that the forecasts for estimated house completions over the five year period remain robust and realistic. This guidance is under review and revised guidance was published in February 2016, in draft for consultation purposes.

## CEC Housing Land Audit 2015: Report to 3 December 2015 Planning Committee

On 3 December 2015, Planning Committee considered a report on the Housing Land Audit (HLA) 2015. For the first time, the HLA was presented with a housing land supply commentary. This showed how programmed completions and consequently the 5-year effective land supply fell sharply during the recession even though the overall stock of effective land remained broadly constant.

Within the Council's area, there is land with planning support (allocated in plans and/or with planning permission) and free of planning constraints for around 30,000 homes. This includes the sites in the proposed LDP but not the application site. This compares with a housing land requirement for the period 2009 to 2024 of just over 20,000 units, net of completions since 2009. This large amount of 'effective' housing land is varied in type, size and location. It includes brownfield and greenfield sites and is spread over a range of locations and different tenures and formats of housing.

HLA Table 5 presents a more appropriate way of measuring the effective five-year land supply. It estimates the potential of the land supply based on previously achieved higher completion rates, rather than developers' programmed completions. Levels of up to 200 annual completions per site have been achieved pre-recession, but a figure of 100 is considered a more realistic and reasonable figure. This is the rate of completions on which the audit is based. HLA Table 5 shows that if all sites were developed using this 'theoretical maximum' measure, i.e. a rate of 100 annual completions, there is sufficient land free of planning and physical constraints for a five-year effective housing land supply.

HLA Table 5 also shows that, on this basis, the effective land supply for the five years to 2020 is 15,601 compared with a requirement of 14,476. The 5-year effective land supply on this measure is 108%. On this basis there is no shortfall in the five-year housing land supply. The theoretical maximum measure is considered appropriate to Edinburgh today - it is not unduly influenced by lower than expected completions rates due in large part to factors unrelated to the availability of unconstrained land, such as marketability.

Assessing the adequacy of the effective land supply using lower levels of completions, based on developer-programmed completions achieved during and emerging from a recession, artificially reduces the supply and increases the scale of additional housing land required. Where there is high availability of unconstrained housing land and completions are driven primarily by wider economic and market factors, the response of releasing additional land is considered inappropriate. On this basis, SDP Policy 6: Housing Land Flexibility is met and Policy 7: Maintaining a Five Year Housing Land Supply does not apply as there is a five-year effective housing land supply in the Council's area.

#### 14 December 2015 decision by SESplan Joint Committee

On 14 December 2015, the SESplan Joint Committee considered this Council's HLA report, schedules and commentary. It noted that "the difficulty in maintaining the 5-year effective supply in Edinburgh is not related to a shortage of unconstrained land in that area."

#### SDP period(s) used to calculate requirement

Previously, the Council has suggested that the 15 year period of the SDP, in relation to housing land supply, should be considered as one period. However, having regard to recent appeal decisions in south east Edinburgh and Balerno, the Council accepts that a five-year effective land supply is needed taking into account the two time periods set out in the SDP. The calculations of the five-year effective land supply, as set out above, are based on the two time periods.

#### Draft Planning Delivery Advice on housing and Infrastructure (February 2016)

The Scottish Government issued the Draft Planning Delivery Advice for consultation in February 2016. The advice is intended to supersede that in Pan 2/2010. The Planning Committee considered the new advice at its meeting of 25 February 2016 and agreed the Council's response to the draft advice. This includes changes to how effective housing land is measured. These changes are generally compatible with the Council's approach as described above. The draft advice therefore provides a greater degree of support for the Council's position that there is now a five year effective housing supply of 108%

The draft advice also sets out new guidance emphasising how infrastructure investment to support housing delivery should be co-ordinated through the development plan process.

#### Summary of housing land supply position

In summary, low housing completion rates during and emerging from a major economic recession are an inappropriate measure of whether additional housing land needs to be released. In Edinburgh, in recent years, build rates have been pushed down by factors unrelated to the availability of unconstrained land. In these circumstances, the response of allocating or releasing more land cannot address the underlying problems. It does, however, undermine the city's plan-led development strategy and increase the difficulty of planning for and delivering necessary infrastructure.

The 'theoretical maximum' measure is a much more appropriate way of assessing the potential of unconstrained housing land with planning support. Using this method, there is a five-year effective housing land supply in the Council's area.

As there is an effective housing land supply, the application site is not required to meet the need for housing land.

### Scottish Planning Policy (SPP)

The requirement of SDP Policy 6 that there shall be a five years' effective housing land supply, at all times, is also a requirement of Scottish Planning Policy.

SPP requires planning authorities to ensure a generous supply of land for house building is maintained and that there is always enough effective land for at least five years. Importantly, where a shortfall in the five year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date. In such circumstances SPP, paragraphs 32-35: Development Management, are relevant and introduce a presumption in favour of development that contributes to sustainable development as a significant material consideration. In doing so, the SPP notes that decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. The same principles apply where a development plan is more than five years old.

As set out above, there is a five year effective housing land supply.

The strategic component of the development plan is up-to-date and the RWELP Alteration was adopted less than five years ago (June 2011). However, the LDP component of the development plan has not yet been adopted. It is therefore appropriate to have regard to SPP including paragraph 33 as described above and the considerations set out in paragraph 29.

SPP states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means decisions should be guided by the following principles, among others:

- giving due weight to net economic benefit;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure, including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing;
- supporting delivery of infrastructure, e.g. transport, education, energy, digital and water;
- supporting climate change mitigation and adaption including taking account of flood risk;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;

- protecting, enhancing and promoting access to cultural heritage, including the historic environment; and protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

It is acknowledged that the development of the site for residential purposes could make a small to medium contribution to the housing land supply. The potential development of the site however must be considered against the principles referred to above and these are addressed in the assessment below. The development would not contribute to sustainable development in relation to its impact on Green Belt however.

#### Conclusion on whether the development is acceptable in principle.

The proposal is not supported by the adopted Altered Rural West Edinburgh Local Plan in that it contravenes policies on Green Belt and Prime Agricultural Land.

While the SPD and its supplementary guidance have updated the requirements for housing land in the west of Edinburgh, the site has remained in Green Belt in the proposed LDP. There is an effective housing land supply. This means that the land is not required for housing. As such, the proposal contravenes LDP policies on Green Belt as well as the overarching policies of the SPD and SPP in respect of housing land supply as there is no requirement to release the land for housing.

#### b) Prematurity of development

At paragraph 34 the SPP states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity, the SPP notes will be more relevant as a consideration the closer the plan is to adoption.

The issue of prematurity has been a feature in two recent appeal decisions in west Edinburgh which are material to the consideration of this application, namely those at Cammo Walk and Craigs Road.

Scottish Ministers dismissed an appeal against the non-determination of planning application 14/01776/PPP and refused planning permission for up to 670 dwellings at Cammo Walk in June 2015. In dismissing the appeal Scottish Ministers took the view that in the circumstances of the case there was sufficient prejudice to the proposed Local Development Plan (LDP) that consent should be refused at that time. Scottish Ministers considered that the wider transport infrastructure implications of the proposed LDP, including the cumulative effects of the application proposals and other proposed allocations on transport infrastructure in the West Edinburgh area, had yet to be considered through the LDP examination process.

At that time, the commencement of the LDP examination was imminent and the Scottish Ministers did not accept the reporter's overall conclusion that the harm to the emerging LDP was outweighed by the advantages of the scheme (appeal reference: PPA-230-2134). The decision is the subject of judicial review in the Court of Session.

In a second case, an appeal against the refusal of planning application 14/03502/PPP for up to 250 dwellings at Craigs Road (part of LDP Housing Proposal HSG19: Maybury) was dismissed in December 2015, on the grounds that granting planning permission in principle for a small part of one of the sites which may be allocated in the plan would be premature. The Reporter, in arriving at her decision, noted that the issue of infrastructure provision, including that required to serve sites in West Edinburgh, was discussed at the LDP examination hearing sessions [18 & 19 November 2015] and that, even though site HSG 19 is identified in the proposed plan, the Council's Planning Committee had subsequently stated that it sees merit in the representations seeking a reduction in the capacity of this site and also that there is merit in the representation promoting another site (East of Millburn Tower) as a housing allocation. Consequently, she observed, Reporters appointed to examine the LDP proposals and representations might not confirm the allocation of site in the Plan. The Reporter opined that she was mindful of the interconnected nature of the sites in this part of Edinburgh and, in particular, of their infrastructure requirements. Furthermore, she noted that these issues are an important part of the discussions which have taken place at the LDP hearing sessions and will be covered in the report of the examination and concluded that prejudging the issue and granting planning permission in principle for the proposed development at the appeal site at this stage would undermine the plan-making process.

#### *Conclusion in relation to prematurity*

The application is for approximately 150 dwellings. This is smaller in terms of housing numbers than the two sites previously mentioned. However, it is likely to have an impact on cumulative infrastructure requirements, particularly regarding transport. Therefore it may prejudice the emerging local development plan. Also, the Scottish Ministers' examination of the LDP is nearing completion and their report is imminent. These circumstances add weight to the conclusion that this application is premature.

#### c) Landscape and Design

##### **Landscape**

The application is supported by a Landscape and Visual Assessment (LVA) and masterplan. The LVA seeks to show how the visual impacts of the proposed development on the local landscape can be addressed and mitigated if required. Ratho is a relatively small settlement with the Union Canal running through it. Farmland plays an important role in the character of Ratho. The site is outside the settlement boundary. Concerns have been raised by Ratho and District Community Council and in representations about the impact of the proposal on the character and setting of the village and the site's rural setting. The proposed development would significantly increase the development at the eastern edge of Ratho. It would therefore have an impact on the character of this settlement and the relationship with its rural hinterland.

Development on the ridge to the south of Freelands Road would extend the recent pattern of development in Freelands Road. The full impact of development on the ridge needs assessment. A further 150 units would weaken Ratho's village character and create an eastward expansion that is increasingly remote from the village core. The additional height of the development on the north ridge line would obscure much of the backdrop of hills to the north in views from the canal. The gaps in the development would include new views from within the proposed townscape. The impacts could be mitigated over time through this layout by set-back from the canal and landscape design of the parkland edge.

## **Design**

The amount and position of land needed for flooding and SUDS measures is unclear. The proposed buildings on the east of the site are very close to the boundary planting and an area of open landscape would be more appropriate. The land required may affect the amount of public open space, the development layout and the achievement of an appropriate housing density. The proposal's relationship with the steading on the north east is also unclear.

Connections with the rest of the village are particularly important. These should include wheelchair - accessible pedestrian and cycle paths. The existing level changes will present challenges to delivering effective access for all. The proposal includes the construction of a footpath on one side of Freelands Road. Information supporting the application mentions potential links with the adjacent housing site on the west and with the canal towpath. The proposal does not show that the links are achievable or indicate that adjacent landowners would be likely to agree. The proposed development is at risk of being a ribbon development along Freelands Road without being tied in to the existing village.

In summary, the masterplan drawing (02) has not been fully tested to show that it is achievable and would relate well to the village and landscape setting and character. If Committee wishes to consider transport matters in more detail, it is suggested that the application should be continued to allow the applicant to supply evidence that appropriate pedestrian and cycle links can be achieved. Also, in addition to requiring site-wide landscape proposals for approval prior to works commencing on site, a specific condition is recommended to require delivery of parkland proposals. This should be tied to the phasing of residential occupation to protect the amenity of future residents.

### **d) Historic Environment**

The site has low to moderate potential for prehistoric remains, and artefacts. Before submission of any detailed planning application, a programme of archaeological works would be required to protect, record and analyse the archaeology on the site. A condition to that effect is recommended should Committee be minded to grant the application. The scheme does not propose alterations to the Union Canal. However, the proposal would restrict views to and from the canal. This would affect its setting. The impacts would be local and insufficiently adverse to justify refusal. Historic Environment Scotland was consulted and has not raised objection to the proposal.

The character and setting of the Ratho Conservation Area would not be adversely affected given existing development, the distance of the conservation area from the proposal site and the provision of suitable planning conditions on the design and layout of the proposal.

Subject to condition, the impact on the historic environment is acceptable.

e) Amenity

The proposed residential development of the site is unlikely to have a detrimental impact on neighbouring residential amenity. The masterplan includes areas of public open space and should be capable of providing sufficient play and green space for prospective residents. There would be no adverse noise impacts on neighbours resulting from the development. Should Committee be minded to approve the application, the assessment of details in respect of privacy, daylight and sunlight provision and amenity space will be reserved matters and also assessed at detailed application stage.

In summary, the amenity of present residents and future occupiers of the development is likely to be acceptable subject to condition.

f) Air Quality

The Air Quality Impact Assessment submitted by the applicant shows that there would be no adverse impacts if the proposal was built out. However, Environmental Assessment has concerns that, as the site is not in the Local Development Plan and there are concerns about the applicant's Transport Assessment, the cumulative impacts on air quality have not been fully assessed. While the site is not in an Air Quality Management Area, there is insufficient information submitted to assess cumulative air quality impact in the wider area. Environmental Assessment recommends refusal.

Should Committee wish to consider air quality matters in more detail, continuation is recommended to allow full assessment of these.

g) Traffic and Road Safety

Objections to the application have been received in relation to transport issues. The objections relate mainly to pedestrian and cyclist issues, road safety, parking, the impact of traffic generated by the development on surrounding roads, and the quality of the applicant's Transport Assessment.

Transport Scotland was consulted and did not raise an objection.

The Transport Assessment submitted by the applicant concludes that site is well located in relation to existing walking, cycling and public transport facilities and is in close proximity to local amenities, shops and schools. This is not the case. The site is not well located for sustainable transport use. The nearest bus stops to the site are between 600m and 900 metres. The recommended maximum distance in terms of the PAN 75 is 400 metres. The Council's Bus-friendly Design Guidance recommends 300 metres. The site is not near tram or rail stations.

There is local bus service from Ratho to Slateford. It is the number 20 and is provided by Lothian Buses. Service frequency varies from approximately once to twice per hour depending on the day and time. It does not run through the night. The bus service number 40 - X40 runs from St John's Hospital in Livingston to the Royal Infirmary of Edinburgh, taking in Ratho. The bus runs four times a day each way.

The application proposes a link to the walking and cycling provisions in the adjacent development to the west and a new pedestrian footway, with lighting, along the southern side of Freelands Road. The Transport Assessment also suggests the potential for a cycle and/or pedestrian link to the canal towpath. All of these would be positive moves which would encourage the use of sustainable transport. Evidence is not provided of the nature and feasibility of the links and footway. The applicant would need to consult Scottish Canals and refer to the Edinburgh Canal Strategy - December 2011, for works involving the canal. If Committee is minded to approve the application, full details of the links and footway should be provided as a reserved matter.

In line with the approach set out in SPP, the transport infrastructure enhancement needs arising from the planned growth set out in the LDP have been assessed by a transport appraisal which accompanies the LDP and informs its Action Programme. The Transport Infrastructure Appraisal (June 2013) provides a cumulative assessment of the additional transport infrastructure required to support the new housing development identified within the LDP. Where cumulative impacts have been identified, transport infrastructure to mitigate the impact of the development is established. Contribution Zones are used to collect developer contributions equitably towards these actions.

This site is not proposed within the LDP. Therefore, its transport impact on the strategic road network has not been assessed cumulatively. In addition, the applicant has not assessed the cumulative impact of this site in combination with other developments. SPP outlines that this should include existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process. Therefore, the applicant's approach to transport is not supported.

To summarise, the site is not in a sustainable location in relation to public transport. In addition, a full assessment of cumulative impacts is needed. Should Committee wish to consider transport matters in more detail, continuation is recommended to allow full assessment of the cumulative transport impacts.

#### h) Biodiversity

The site is adjacent to the Union Canal which is a Site of Importance for Nature Conservation (SINC). The proposal shows a landscape strip beside the canal. A Phase 1 Habitat Survey submitted in support of the application was carried out in August 2015. It surveyed for notable habitats and protected species. Except for bats, no evidence was found of suitable habitats for or use of the site by protected species.



## **Bats**

While no bat sightings or confirmed roosts were recorded there are potential bat habitats on site. Bats are a European Protected Species and bat surveys must be undertaken before the grant of planning permission in order to ensure that development will not disturb bats and, if necessary, mitigation measures are included in detailed proposals. A Habitat survey should be updated after 12 months as the situation on site may have changed.

## **Other**

Due to the habitats present on the site, it is recommended that clearance of vegetation/trees from the proposed construction areas should be carried out outwith 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. A condition regarding this is recommended for addition to any planning permission given. The Habitat Survey notes that there are mature trees along the site's southern boundary. Conditions requiring a tree and constraints survey and tree protection are recommended if Committee is minded to approve the application. Opportunities exist for biodiversity maintenance and enhancement. For example, enhancement of boundary features, additional planting and provision of artificial structures such as bird and bat boxes and consideration of appropriate lighting. It is recommended that this is detailed in a Habitat Management Plan in accordance with RWELP policy E20 and a condition to this effect would be appropriate.

In summary, subject to suitable conditions, the proposal is acceptable in terms of biodiversity.

### **i) Flooding and Drainage**

SEPA has not raised any objection to the proposal. The applicant submitted a Flood Risk Assessment. Further information was requested from the applicant, including surface water flow path analysis and additional drainage information. This has not been supplied. It is recommended that, should approval be granted, it should be on the condition that the proposed construction of an open channel to replace the existing culvert is considered further. This is outlined in the applicant's Flood Risk Assessment in Section 6. Consideration of de-culverting watercourses is also recommended in the Edinburgh Design Guidance.

Should the Committee be minded to approve this application it is recommended that surface water management, SUDS, flood prevention and consideration of de-culverting of the watercourse should remain as reserved matters, and form part of any detailed design to be assessed fully as part of a further detailed application for approval of matters specified in conditions. The surface water management plan/SUDS and flood risk assessment should include impacts on the wider area. The precise line and condition of the watercourse running through the site will need to be determined and taken account of in the development design.

## j) Other Material Considerations

### **Affordable Housing**

The application seeks planning permission in principle for residential development of up to 150 dwellings. Twenty five percent of these should be of approved affordable housing tenures as required by the Altered RWELP Policy H7: Affordable Housing. Should the Committee be minded to grant planning permission to the application, it is recommended that the developer be required to enter into a suitable legal agreement to secure the delivery of the required affordable dwellings.

### **Education**

Where additional or improved infrastructure is needed to cope with new development, the developer is expected to make a contribution. Following approval of the Developer Contribution and Affordable Housing guidance by the Planning Committee in December 2015, the re-assessment of the South-West Edinburgh Education Contribution Zone is not yet complete. The site falls within this zone. However, early indications suggest that there would be a requirement for additional education infrastructure in the area to cope with new development expected to come forward.

As this application is being assessed prior to completion of the Contribution Zone re-assessment, a potential developer contribution for new education infrastructure has been calculated by considering the potential impact of this development on its own merits. Exact housing numbers and types will not be known until the developer submits an AMC (detailed application for matters conditioned).

For present purposes, Communities and Families calculates the developer contribution for 150 flats as £509,525 and as £1,694,363 for 150 houses. On a split of 80% housing and 20% flats, Communities and Families would require the developer to contribute £705,308 for a two class extension to Ratho Primary School and £797,625 to provide additional capacity for 25 secondary school pupils at Balerno High. The total amount required would therefore be £1,502,933 (index linked to Quarter 1 2015).

If the appropriate contribution is provided by the developer, Communities and Families does not object to the application in principle. If Committee wishes to consider further the detailed impacts on education and other infrastructure, the application would need to be continued. If Committee is minded to grant, it is recommended that the developer is required to enter into a suitable legal agreement to secure the contribution specified.

### **Local Services**

Concern has been expressed in representations about increased demand on healthcare and other local services, should the development be granted planning permission. The impact of the proposed development of this site on local health care capacity has not been assessed. It is not known whether additional healthcare capacity is needed. Therefore it is not known whether SPP policy 7, criteria c. or LDP policy Hou10 are satisfied.

## **Contaminated Land**

Environmental Assessment recommends that, if Committee is minded to grant the application, a site survey and, where necessary, a detailed schedule of any remedial and/or protective measures required, should be provided by the applicant at the detailed application stage. This could be secured by condition.

An Environmental Impact Assessment (EIA) screening has been done and an Environmental Statement is not required.

## **Airport**

Edinburgh Airport does not object to the proposal, subject to conditions relating to bird management, building height restriction and SUDS (Sustainable Urban Drainage Systems).

### **k) Sustainability**

The application proposals are not at a detailed stage in terms of building design and consequently a 'sustainability form' has not been submitted with the application. Should Committee be minded to grant planning permission to the application, it is recommended that it is subject to a suitable condition to ensure that sustainability measures are considered at the detailed application stage.

### **l) Equalities and Human Rights**

Subject to appropriate planning conditions the proposed development could create an environment where public spaces can be used safely and securely. Should Committee be minded to approve this application a range of living accommodation will be required to support different users. The site is relatively far from most village amenities and from the nearest bus stop and public transport. Links to the adjacent housing development and canal towpath would help access to amenities. Any significant air quality impacts generated by the proposal which would adversely affect human health would need to be clarified and mitigated as appropriate. The proposal will need to include an element of affordable housing to assist those who cannot access traditional housing markets.

In summary, the proposal would have an overall neutral impact in respect of equalities and human rights.

### **m) Representations**

This application was advertised on 4 December 2015. Following the submission of additional information by the applicant, the application was re-notified on 11 March 2016. A total of 150 letters of objection, one letter of support and two neutral letters were received. The objections included those of a Ward Councillor and a cycling body. Ratho & District Community Council, as a statutory consultee, also objected.

## Material Representations: Objection

- Principle of developing on the Green Belt, contrary to current and proposed development plan - addressed in section 3.3 a);
- Development should be plan-led - addressed in section 3.3 a);
- Public good more important in planning decision-making than economic benefit to individual company - noted;
- Local Plan limits housing numbers - addressed in section 3.3 a);
- Other sites, including derelict brown field sites should be developed instead - addressed in section 3.3 a);
- Lack of mixed use element - proposed use addressed in section 3.3a);
- Proposal not well- designed - addressed in section 3.3 c);
- Loss of neighbouring residential privacy - would be addressed in subsequent detailed application.
- Contrary to Canal Strategy (regarding over-development, suburbanisation) - addressed in section 3.3 c), d);
- Coalescence, including with Ratho Byres - addressed in section 3.3c));
- Housing too dense for area- addressed in section 3.3 c);
- Adverse impact (including cumulative) on village character, ridge setting and quality of life - addressed in sections 3.3 c) and d)
- Detrimental effect on conservation area (including buildings) - addressed in section 3.3 d);
- Some proposal document illustrations are out of date and misleading - sufficient information has been submitted to assess the application;
- Does not respect natural and landscaped boundaries of village - addressed in section 3.3 c);
- Detrimental to the site's rural setting, including view to north and from towpath - addressed in section 3.3 c);
- Irreversible loss of prime agricultural land - addressed in section 3.3 a)
- Affordable Housing- addressed in section 3.3 i);
- Impact on archaeology - addressed in section 3.3 d);
- Increased local air pollution and noise pollution - addressed in section 3.3 f, f);
- Adverse local environmental effect- addressed in section 3.3 e);
- Adverse impact on local traffic flow, local parking and road safety (including routes to school) - addressed in section 3.3 g);
- Predicted car numbers unrealistic - addressed in section 3.3 g);
- Poor site access and unclear connections with village and roads - addressed in section 3.3 g);
- Detrimental effects on local ecology and biodiversity - addressed in section 3.3 h);
- Unsustainable location in terms of traffic generation, public transport access and access to local facilities and shopping- addressed in section 3.3 g);
- Transport Assessment inadequate and inaccurate (eg no direct bus service to Edinburgh, no trains from Ratho Station, lack of pavements, lack of lighting, distance from strategic arterial routes, no data on existing vehicle traffic-flows across canal bridge, no peak-travel time data for pedestrian traffic, journey to work times and destinations) - addressed in section 3.3 g);
- Existing flooding risk on roads - addressed in section 3.3 i);

- Impact on local school roles, school capacity insufficient (including nursery) - addressed in section 3.3 j);
- Impact on local health care provision - addressed in section 3.3 j);
- Inadequate infrastructure (including new bridge) and amenities (such as playgrounds) to support proposal - addressed in section 3.3 j);
- Flooding (including from canal) not fully assessed - addressed in section 3.3 i);
- Local sewage system insufficient now, impact on drainage of adjacent site addressed in section 3.3 i);
- Towpath too narrow for commuter route - addressed in section 3.3 g);
- Local cul de sac may become thoroughfare - addressed in section 3.3 g);
- Lack of suitable link to towpath discriminates against disabled people, cyclists and buggy users - addressed in sections 3.3 c), g), and l); and,
- Co-ordinated housing plan and developer contribution plan needed for roads, amenities and services - contributions are assessed in accordance with Planning policy and guidance.

### **Material Representations: Support**

- Village has room to grow and proposal would benefit Ratho - addressed in sections 3.3 a) to c).

### **Material Representations: Neutral**

- Should be appropriate developer contributions if approved - contributions are assessed in accordance with Planning policy and guidance.

### **Non-Material Representations**

- Construction impacts - not controlled by Planning;
- Other areas probably more in need of investment - not pertinent to current application;
- Loss of private view - not protected;
- Telecommunications infrastructure inadequate - addressed under other regulatory framework;
- Gas supply not evidenced - developer would be responsible for establishing connection;
- Additional traffic will worsen poorly maintained roads; - road maintenance controlled under other regulation;
- Maintenance of canal towpath - Scottish Canals responsible for this;
- Developers' motives, conduct and pricing structure - not Planning matters;
- Existing bad driving - matter for Police Scotland; and,
- Knock-on impacts for hospital A & E - not Planning matter.

### **Ratho and District Community Council**

#### **Material points of objection**

- Contrary to RWELP and second proposed LDP - addressed in section 3.3 a);

- Principle of developing on the green belt and prime agricultural land- addressed in sections 3.3 a);
- No appropriate pedestrian or cycle link to towpath - addressed in sections 3.3 c), g) and l);
- Fails to encourage sustainable transport use - addressed in section 3.3 g);
- Impact on traffic flow, local parking, road safety - addressed in section 3.3 g);
- Existing roads and footpaths inadequate - addressed in section 3.3 g);
- Quality of Transport Assessment - addressed in section 3.3 g);
- Worsening of stretched infrastructure - addressed in section 3.3 h);
- Insufficient bus service- addressed in section 3.3 g);
- Loss of Ratho identity, loss of clear settlement edge, weakening of village character - addressed in section 3.3 c);
- Impact on setting of existing steadings unclear - addressed in section 3.3.c ); and,
- Insufficient drainage information - addressed in section 3.3.i).

### Conclusion

The proposed development represents a significant departure to the adopted Rural West Edinburgh Local Plan (as Altered 2011), in particular policy E5: Development in the Green Belt and Countryside Areas.

The application site lies outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP) (SESplan). As such, its development would be inconsistent with the SDP's spatial strategy which seeks to prioritise, in the first instance, the development of brownfield land and land within identified SDAs. Using the method described in the Housing Land Audit 2015 report to the Planning Committee meeting of 3 December to assess unconstrained housing land with support, Planning considers that there is a five-year effective housing land supply in the Council's area. The development of the site for residential purposes is not supported by the Second Proposed Local Development Plan and is contrary to the provisions of Policy ENV 10: Development in the Green Belt and Countryside.

The site location does not support sustainable transport use and clear pedestrian and cycle links to the rest of the village and the Union Canal towpath are not evidenced. The proposal will have an adverse impact on Ratho village character and setting. Insufficient information has been provided to assess whether or not the proposal deals adequately with community facilities, flooding and drainage, and cumulative air quality and transport impacts.

In summary, the application is unacceptable in principle, in terms of sustainable location, connectivity, impact on village character and setting and in terms of sufficiency of information.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

## **Reasons:-**

1. The granting of planning permission would be premature and would not accord with the provisions of paragraph 34 of Scottish Planning Policy in respect of this.
2. The proposal is contrary to Policy E5 of the Rural West Edinburgh Local Plan in relation to Development in the Green Belt and Countryside Areas, as it constitutes a non-conforming use within the designated Green Belt.
3. The proposal is contrary to Policy E7 of the Rural West Edinburgh Local Plan in relation to the Protection of Prime Agricultural Land, as it would result in the permanent loss of prime agricultural land.
4. The proposal is not supported by the Strategic Development Plan spatial strategy and is contrary to SDP Policy 7.
5. The proposal is contrary to Policy ENV 10 in the Second Proposed LDP as it constitutes a non conforming use within the proposed Green Belt.
6. The proposal has an adverse impact on Ratho Village character and setting.
7. The proposal is contrary to RWELP Policy TRA 1 as it does not encourage sustainable transport use.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications for the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

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## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

This application was advertised on 4 December 2015 and 150 letters of objection, one letters of support and two neutral letters were received. The letters of objection included that of the Ratho and District Community Council.

A full assessment of the issues raised in the representations can be found in section 3.3 of the main report.

### **Background reading/external references**

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To view details of the application go to:

- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)



## **Statutory Development Plan Provision**

### Relevant Development Plans

The current Development Plan for this site, comprises the Strategic Development Plan for South East Scotland (June 2013) and the Rural West Edinburgh Local Plan (RWELP).

#### Rural West Edinburgh Local Plan

The application site is identified as an area of Green Belt, in the Rural West Edinburgh Local Plan. Policy E5 sets out the range of uses supported in the Green Belt, including those relating to agriculture, horticulture, forestry, countryside recreation and other uses appropriate to the area's rural character.

#### Strategic Development Plan

The site is located within the Green Belt. Strategic Development Policy 7 provides that sites within and outwith Strategic Development Areas may be allocated in local development plans, in order to maintain an effective 5 year housing land supply subject to a number of provisions. (The site is not included within a Strategic Development Area.).

Scottish Planning Policy (SPP) also provides that a five year effective land supply for housing should be maintained by the Local Authority.

The SPP further provides that investment in infrastructure, required as a result of planned growth should be addressed through the Development Plan process and not left to be resolved through the development management process.

#### Other Material Considerations

##### Second Proposed Local Development Plan

The second Proposed LDP identifies the site as an area of Green Belt. The current adopted RWELP will remain

in force until replaced by the adopted LDP.

**Date registered** 13 November 2015

**Drawing numbers/Scheme** 01, 02.,

Scheme 1

## **John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Eileen McCormack, Planning Officer  
E-mail: eileen.mccormack@edinburgh.gov.uk Tel: 0131 529 3609

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant Policies of the Strategic Development Plan**

Policy 7 requires that a 5 year housing land supply is maintained. Sites within or outwith Strategic Development Areas may be allocated in LDPs or granted consent subject to the development; being in accord with the character of the settlement or area, not undermining green belt objectives and any additional infrastructure required is either committed or to be funded by the developer.

#### **Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E1 seeks to prevent development which would be inconsistent with local plan objectives for sustainable development.

Policy E4 states that development proposals should fully take into account the likely effects on the environment and include measures to mitigate any adverse effects.

Policy E5 states that in order to protect the landscape quality, rural character and amenity of the Green Belt and countryside areas, development will be restricted.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or countryside must meet the criteria which aim to achieve high standards of design and landscaping.

Policy E7 states that permission will not be given for development which would result in irreversible damage to, or the permanent loss of, prime quality agricultural land.

Policy E14 says that proposed development which would adversely affect Designed Landscapes or their setting will only be permitted where it assists restoration and would not adversely affect other landscape features.

Policy E15 seeks to ensure the survival and retention of healthy mature trees as part of development proposals. Where the loss of woodland, trees or hedgerows is unavoidable, the developer will be required to undertake equivalent replacement planting.

Policy E16 promotes the protection of significant individual trees, tree groups and shelter belts through Tree Preservation Orders. No new development shall be sited within 20 metres of the trunk of a protected tree or within 10 metres of its canopy, whichever is the greater. Through its Urban Forestry Strategy, the Council will promote and support additional woodland planting, promote the enhancement of existing woodland and to ensure the sympathetic integration of new trees in woodlands, particularly in Areas of Great Landscape Value where there will be a presumption against large scale coniferous afforestation.

Policy E17 says that development that would affect a Special Protection Area, Ramsar Site or SSSI will only be permitted in certain circumstances.

Policy E18 protects identified sites of local nature conservation interest. Development within or affecting Sites of Interest for Nature Conservation will not be permitted unless there are appropriate mitigation measures to enhance or safeguard the nature conservation interest of the site.

Policy E20 says that outwith the area identified in policies E17 and E18, the Council will seek to maintain and improve the nature conservation and biodiversity value of the countryside when considering development proposals.

Policy E22 says that development proposals which have the potential to harm a protected plant or animal species or its habitat will not be permitted unless the protection of species can be secured through the appropriate design and construction methods.

Policy E26 aims to protect and, where appropriate, improve existing rights of way and will seek to create a network of linked walkways/cycle/horse riding routes throughout the local plan area.

Policy E28 supports the protection and enhancement of the Union Canal through a number of measures.

Policy E31 says that the Council will seek to negotiate management agreements with landowners of archaeological sites to provide for their future preservation and where appropriate for access and interpretative facilities.

Policy E41 encourages high standards of design for all development and its careful integration with its surroundings in terms of scale, form, siting, alignment and materials. New development should improve energy efficiency and reduce noise pollution.

Policy E42 requires new buildings to make a positive contribution to the overall quality of the environment and the street scene, making provision for high quality landscaping and, where appropriate, new open spaces.

Policy E45 says that as a general principle all new residential and business development should be designed to avoid or manage any threat to susceptible properties from a 200 year flood.

Policy E46 states that planning applications should demonstrate that proposals will not result in a significant increase in surface water run-off relative to the capacity of the receiving water course in flood risk areas.

Policy E52 encourages proposals to improve the quantity and quality of open space provision. Where appropriate, the Council will work with the relevant landowner and interested parties to secure the implementation of Proposals (ENV1 - 7).

Policy H2 says that housing development will be supported on sites HSP1 to HSP8.

Policy H5 states that all new housing should harmonise with and reflect the character of its surroundings and should adhere to the criteria set out in the policy.

Policy H7 states that new residential development in the local plan shall include affordable units in the proportions set out in the plan.

Policy TRA1 says that development with the potential to generate significant levels of personal travel should be located on sites which minimise the need to travel and are easily accessible by foot, cycle or public transport.

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling.

Policy TRA3 says that a transport assessment will normally be required for significant development proposals.

Policy TRA5 says that the Council will support traffic management measures which seek to create a safe and attractive environment, particularly in towns and village centres and residential areas.

Policy TRA6 says that the Council will support the development of a comprehensive network of cycle and pedestrian routes, including on-road provision and off-road cycleways and footpaths.

## **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

**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.

**Non-statutory guidelines** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

**Non-statutory guidelines** 'ART IN PUBLIC PLACES' set out good practice to ensure that contemporary art works match the quality of the past, and enhance and contribute to the environment.

The Edinburgh Union Canal Strategy sets out planning and design principles on which development opportunities and improvements on and alongside the canal should be based.

# Appendix 1

## Application for Planning Permission in Principle

15/05224/PPP

At Land 164 Metres South Of Freelands Farm, Freelands Road, Ratho

Proposed residential development (approximately 150 units) with associated works.

### Consultations

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#### Affordable Housing comment

##### 1. Introduction

*Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

##### 2. Affordable Housing Provision

*This application is for a development consisting of 150 homes and as such the AHP will apply. In terms of the AHP there will be a requirement for a minimum of 25% (37) homes of approved affordable tenures. For a development of this size, these homes have to be provided at a (minimum) across two locations on the site. It is essential that the developer enters an early dialogue with this department as well as RSLs in order to deliver a well integrated and representative mix of affordable housing on site which is tenure blind.*

*The applicant has stated that the affordable housing will account for 25% of the new homes on site. This is welcome by the department and we would request that the affordable housing will incorporate a mix of housing types and sizes. The affordable housing will also have to be fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.*

*We would also request the following:*

- 25% of affordable housing is delivered onsite, across at least two locations, which will guard against any concentration of affordable housing being delivered
- the developer enters into early dialogue with this department and RSLs to negotiate the delivery of the affordable housing requirement
- There will be a representative mix of houses and apartments of approved affordable tenures
- The affordable housing will include an integrated variety of house sizes to reflect the provision across the wider site of approved affordable tenures
- The applicant enters into a Section 75 legal agreement to secure the affordable housing element of this proposal.

### 3. Summary

*The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department.*

*These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed and integrated community.*

#### **Archeology comment**

*The site lies on the north-eastern edge of the Ratho village bounded to the south by Union Canal (scheduled under the 1979 Ancient Monuments and Archaeological Monuments Areas Act) and to the North-east by the historic Freelands Farm. The historic village of Ratho is first recorded in the mid-13th century though the nearby parish church dates from a century earlier, with Freelands Farm dating to the beginning of the period of Agricultural Improvement in the late 18th/early 19th centuries.*

*This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Rural West Edinburgh Local Plan (2010) policy E30. 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.*

*Having assessed the Archaeological potential of the site location as summarised in AOC's Desk-based Assessment which accompanies this application, I have concluded that any development of this site would be regarded as having a potential low-moderate archaeological impact, with ground-breaking works having the potential for disturbing unknown prehistoric remains. In addition development on this site may disturb remains and artefacts associated with the development of the adjacent Freelands Farm and the medieval village of Ratho.*

*It is therefore recommended that phased programme of archaeological work is undertaken prior to submission of any subsequent detailed (AMC) applications and for the site if approved and before development, to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains.. In*

essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site and metal detecting survey. The evaluation should be focused on the northern 2/3 of the site encapsulating the area from Freeland's road to the northern edge of high ground running across the centre of the site.

The results of the evaluation (phase 1) will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains prior to construction.

It is recommended that the following condition is attached to consent, if granted, to ensure that this programme of archaeological works is undertaken prior to construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication) 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.

### **Children + Families comment**

The application is for planning permission in principle for a residential development. The site is within the Ratho Primary School catchment area. It is also served by Fox Covert RC Primary School, Balerno High and St Augustine's RC High.

An indicative layout suggests 150 homes could be built on the site. For the purposes of this assessment it is assumed that 120 will be houses and 30 will be flats. This would generate 38 non-denominational primary school pupils and 25 non-denominational secondary school pupils. No pupils are expected to attend a denominational school.

In line with the new Developers Contributions and Affordable Housing Guidance approved by the Planning Committee on 3 December 2015, a city-wide cumulative assessment of housing land capacity and education infrastructure is currently being prepared. Following the completion of this study, education actions required to mitigate the impact of planned and anticipated housing development, including land safeguards, will be established. The collection of developer contributions towards these actions is through a Contribution Zones approach.

This site falls within the South West Edinburgh Education Contribution Zone where the assessment still requires to be completed. Once it is complete a contribution rate per unit would be applicable to this development if planning permission is to be granted. The assessment is scheduled to be completed during the first quarter of 2016 and it is therefore recommended that any negotiation of developer contributions is delayed until this time.



*If the site was to be assessed on its own merits, without following the new processes outlined in the new Developers Contributions and Affordable Housing Guidance, then Communities and Families would require the developer to contribute £705,308 (index linked to Quarter 1 2015) for a 2 class extension to Ratho Primary School and £797,625 (index linked to Quarter 1 2015) to provide additional capacity for the 25 secondary school pupils. The total amount required would therefore be £1,502,933 (index linked to Quarter 1 2015).*

### **Children + Families further comment**

*If the application was assessed on its own merits:*

*150 flats*

- 11 primary school pupils.*
- 5 secondary school pupils.*

*One class extension : £350,000 (Q1 2015)*

*Increase secondary capacity to accommodate an extra 5 pupils: £159,525 (Q1 2015)*

*150 houses*

- 45 primary school pupils*
- 31 secondary school pupils.*

*Two class extension: £705,308 (Q1 2015)*

*Increase secondary capacity to accommodate an extra 31 pupils: £989,055 (Q1 2015)*

*The increased capacity would be delivered at Ratho Primary School and Balerno High.*

*The applicant only calculates on the basis of the non-denominational pupil generation rate (33 and 21). We base our assessment on the denominational pupil generation as well (33 + 5 = 38, 21 + 4 = 25). Due to the distance to the RC primary school (Fox Covert) we would expect all pupils to attend Ratho Primary School. In terms of secondary pupils, the approach that we now use is to combine the individual figures.*

*I note that the applicant suggests that Ratho Primary School has capacity for 391 pupils in their Education Assessment. Ratho Primary School has capacity for 294 pupils.*

*In terms of trigger points for payment - we are ok for payments to be made in instalments (and we would prefer these to be as early as possible) and instalments should be based on completions rather than occupation.*

### **Children + Families further comment**

*Some points below which will hopefully help to clarify matters about Ratho Primary School.*

- Ratho Primary School was a 7 class school in 2014-2015. It had an estimated working capacity of 210 pupils (see Appendix 2 of the Edinburgh LDP Revised Education Appraisal (June 2014) for the estimated working capacities of different primary school organisations within Edinburgh which were used at that time).*

- *A four room extension has been delivered for 2015-2016 which allowed for three extra classrooms and one additional general purpose space to be provided. This produced a 10 class school with a working capacity for 259 pupils.*
- *The extended school has been reviewed taking into account the GP requirements in the new Scottish Government guidance (Determining Primary School Capacity - October 2014). This allows the current school to operate as an 11 class organisation with an estimated working capacity of 294.*

### **Edinburgh Airport comment**

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:*

#### *Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

*monitoring of any standing water within the site temporary or permanent*

- *sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- *management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached*
- *reinstatement of grass areas*
- *maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- *which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- *monitoring of waste imports (although this may be covered by the site licence)*
- *physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- *signs deterring people from feeding the birds.*

*The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.*

*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licenses where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

#### *Height Limitation on Buildings and Structures*

*No building or structure of the development hereby permitted shall exceed 74 m AOD.*

*Reason: Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Edinburgh Airport and endanger aircraft movements and the safe operation of the aerodrome.*

*See Advice Note 1 'Safeguarding an Overview' for further information (available at <http://www.aoa.org.uk/operations-safety/>).*

#### *Submission of Landscaping Scheme*

*No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:*

- any earthworks*
- grassed areas*
- the species, number and spacing of trees and shrubs*
- details of any water features*
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].*

*No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.*

*Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.*

#### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:*

- Attenuation times*
- Profiles & dimensions of water bodies*
- Details of marginal planting*

*No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.*

*Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).*

*We would also make the following observations:*

#### *Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>)*

#### *Lighting*

*The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.*

*We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.*

*As the application is for planning permission in principle, it is important that Edinburgh Airport is consulted on all reserved matters relating to siting and design, external appearance (including lighting) and landscaping.*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*

## **Environmental Assessment comment**

*Environmental Assessment has previously provided comments for a PAN application for this site (13/04218/PAN). Environmental Assessment raised no objection to this proposal. However, further information was requested in regards to contaminated land and air quality. The applicant was encouraged to keep car parking numbers down to a minimum.*

*The applicant has submitted a supporting air quality impact assessment which has shown that there will be no adverse impacts if this proposal was developed out. There are no AQMA within 1.5km of the proposed development site. It is understood that Transport Planning has concerns regarding this proposal as it is not included in the Local Development Plan. Transport Planning have also highlighted that cumulative impacts from other nearby developments have not been fully assessed in the transport assessment. Reliable estimates of traffic flows are essential to enable realistic modelling of vehicle exhaust emissions. The traffic flows used in the air quality impact assessment are based on the transport assessment conducted by the applicant. Any doubt in the information provided by the transport assessment adversely impacts the reliability of the air quality impact assessment.*

*Taking into account Transport Planning's concerns with the proposal Environmental Assessment need to echo their concerns and recommend that the application is refused. If consent is granted Environmental Assessment recommends the following being included as a condition;*

*Prior to the commencement of construction works on site:*

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

## **Ratho + District Community Council**

*On Thursday 17th December 2015, Ratho & District Community Council arranged a well-attended public meeting in the Ratho Community Centre to discuss the above planning application. Those who attended the meeting were opposed to the proposed development and are unanimously of the view that planning permission should not be granted. This is entirely consistent with the public feedback provided at the time of Proposal of Application Notice (PAN) public consultation/exhibition in December 2013 (see Public Consultation Event Report submitted by applicant).*

*Ratho & District Community Council objects to planning permission being granted to this development on the following grounds:*

### *1. Planning Policy*

- The development proposal is contrary to the provisions of the Rural West Edinburgh Local Plan and the Second Local Development Plan;*
- The site is located in the Edinburgh Green Belt where Policy E5 of the Rural West Edinburgh Local Plan opposes development;*
- The field in question comprises mostly prime agricultural land which is protected by Policy E7 of the Rural West Edinburgh Local Plan as an important natural resource for food production.*

### *2. Transportation*

- The primary road and footpath networks in and around Ratho are already inadequate;*
- In the developer's submissions there are several misrepresentations about the rural location of Ratho within the wider area. For example there is no railway station at Ratho Station and the village, which lies nearly 2 miles from strategic arterial routes, is badly connected via narrow and unlit footpaths and winding, narrow country roads which are already heavily trafficked during peak hours;*
- Freeland's Road, Ratho, where access is shown to be taken to the proposed development, for the most part, is narrow, winding and substandard (subject to regular surface water flooding) and includes a narrow low railway bridge. This road is unsafe for pedestrians and cyclists.*
- The proposal is a direct contradiction of TRA 1 of the Rural West Edinburgh Local Plan. The site is located some considerable walking distance from existing village services including bus stops and public transport provision and does not comply with the Council's bus friendly requirements. It therefore fails to encourage use of public transport as an alternative to the car;*
- Traffic flow on Ratho Main Street and Baird Road (which are both residential streets) and on the listed bridge over the Union Canal is commonly congested during peak hours. Furthermore, pedestrian facilities on the bridge are restricted and potentially unsafe for children, the disabled and other general users;*

- *No detail is provided by the applicant about arrangements to facilitate access from their site to the canal towpath for cyclists and walkers. The topographical relationship between the development site and the canal will make it difficult to achieve safe connection at the locations shown on the developer's indicative plan.*

### **3. Infrastructure**

- *Public services in Ratho are already inadequate and further major residential development (potential increase of 19%) in the village would exacerbate this situation;*
- *Only limited capacity is currently available in the Ratho pre-school nursery;*
- *The Ratho bus service is poor and linkage to Edinburgh by public transport, which is indirect and time-consuming, is considered unsatisfactory by most current residents. Indeed Ratho & District Community Council's lengthy and ongoing efforts to seek improvements in the bus service have been thwarted because of viability and cost constraints.*

### **4. Village Amenity**

- *Some 250 houses (originally proposed in the Rural West Edinburgh Local Plan as 180 houses) have already been approved to be built in Ratho (150 built to date) and construction will continue in the village for the next few years;*
- *Ratho has a distinct identity as a historic village in a rural setting and the proposed development, if approved, would form a significant eastwards extension of the village, enlarging it and removing part of the rural setting.*

*In summary, this development proposal is contrary to planning policy and Local Plans, is proposed on the Green Belt and on mostly prime agricultural land, and will, in the opinion of Ratho & District Council, have significant detrimental effects on Ratho, a village community already poorly served by public services. The Community Council therefore implores the City of Edinburgh Council to reject the application.*

### **Ratho + District Community Council further comment**

*Ratho and District Community Council has examined the applicant's Transport Assessment Addendum and the applicant's response to your Department of Natural Environment's comments about the proposals and we offer the following observations:*

#### **1. Transport Assessment Addendum**

*The report concludes that the impact on the A71 and A8 and the wider road networks would be minimal. No account appears to be taken, however, of this large development's impact on the already congested rural roads and streets in and around the village of Ratho. Vehicle access from the applicant's site to the village amenities, including school, shops and bus stops, is via Main Street, Baird Road and the bridge over the Union Canal, all of which are narrow and restricted to single file traffic. This route into the village, which is already congested at peak traffic hours, is also potentially unsafe for children, the disabled and cyclists.*

*Rural roads from the site to Gogarbank, Hermiston, Ratho Station and other connector routes to the A71 and A8 are also narrow and winding, incorporating three single file bridges, and they lack facilities for cyclists and pedestrians.*

*The report also suggests that the site is ideally located to support walking, cycling and public transport trips made by residents. Ratho & District Community Council disputes this assessment. In fact the site is located some considerable walking distance from the existing village amenities, including public transport services and it does not comply with the City of Edinburgh Council's bus friendly requirements. See also below (Para. 2.4) concerns shared about the feasibility of achieving safe and effective linkage with the Union Canal towpath for pedestrians and cyclists.*

## *2. Applicant's response to the City of Edinburgh Council's Natural Environment Department*

### *2.1 Character of Ratho*

*Ratho & District Community Council agrees that the proposed development "would weaken Ratho's village character". Ratho has a distinct identity as a historic village in a rural setting and the proposed development would form a significant eastwards enlargement of the village, remote from its core and essential amenities, undermining its well defined rural edge.*

### *2.2 Robust Green Belt Boundary*

*The proposed development site is located within the Edinburgh Green Belt and, in accordance with Policy E5 of RWELP, it should be refused.*

### *2.3 Existing Settlement Edge*

*Ratho has a clearly defined settlement edge to the east of the village demarked by the existing steep bank created by the historical landfill operations. Consistent with the Rural West Edinburgh Local Plan and the Second Local Development Plan the Community Council fully supports the principle that no development should be permitted in the foreseeable future beyond this strongly defined boundary.*

### *2.4 Tow Path to Site Level Change*

*Bearing in mind the remoteness of the proposed development from the village amenities and the importance of a user-friendly communication link between the site and the canal towpath for cyclists and pedestrians at the south-west of the site (i.e. the boundary location nearest the village), the Community Council shares the concerns about the viability of providing a safe and effective access for all path users taking into account the 12metres level difference between the towpath and site. The applicant's assertion that the full detail of this level change would be presented once permission in principle is granted is not helpful in addressing this matter.*

*The more realistic option of providing a pedestrian connection with the canal towpath at the furthestmost south-east boundary, where only a 1 metre level difference exists, would likely discourage linkage to the village community due to the excessive distance involved.*



## 2.5 Integration with converted steadings residences

*The said steadings have recently been converted into attractive dwelling-houses in a manner befitting their rural setting. The proposed development would impact considerably on the steadings and, whilst the developer acknowledges that "some degree of setting to the converted steadings is important", no explanation is given as to how this might be achieved.*

## 2.6 Sustainable Urban Drainage Systems (SUDs)

*The Scottish Environment Protection Agency (SEPA) has stated that the discharge of surface water from the development to the water environment should be in accordance with the principles of publically adoptable SUDs. It is interesting to note also that SEPA has stated that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map and may therefore be at a medium to high risk of flooding. The potential sources of flooding are identified as (a) surface water flooding, (b) surcharges from an uncharted 600mm diameter culverted drain which runs through the site and (c) from breaching of the Union Canal which sits at a higher elevation than the whole site. Indeed the applicant's Flood Risk Assessment comments on the above sources of flood risk and concludes that the risk of flooding on the proposed site can be reduced but not totally eliminated. Mindful of the foregoing, Ratho & District Community Council shares the concern expressed about effective surface water drainage on this site and is of the view that the applicant has failed to demonstrate that sustainable urban drainage systems can be delivered and successfully maintained over the whole site.*

*In conclusion, Ratho & District Community Council, in representing a local community universally opposed to this planning application, is of the view that the applicant's documents lack substantive detail about local transport impacts and particular design and layout matters raised by your Council. The Community Council therefore remains firmly of the view that the application should be refused.*

### **Scottish Canals comment**

*Scottish Canals have listed the commentary below with regard to the planning submission for the residential development in Ratho as identified above. These comments are made on the merits of the submission material alone, and not on planning policy for development of this scale in this greenfield location. Should the Council be minded to recommend this site for housing we would welcome discussion with the developer on the interface with the canal structure.*

- 1. The canal offers the site a unique waterside setting which we are keen to see celebrated and enhanced with treatment appropriate to its heritage and character. This will help to ensure that the Union Canal, a Scheduled Ancient Monument, continues to thrive and be enjoyed by future generations to come.*
- 2. All interfaces with the canal, including construction methodology adjacent to the canal structure will require Scottish Canals Third Party Works approval. We have a formal third party works process that needs to be followed to ensure that the canal structure, canal operation and environment is respected.*

The Code of Practice and customer enquiry pack can be found here: Code of Practice for works affecting Scottish Canals <https://www.scottishcanals.co.uk/corporate/customer-hub/our-estate-information-for-third-parties-and-tenants/third-party-works/>

3. *Please ensure that Scottish Canals are consulted as part of developer contributions agreements and that this relates to our wider comments on a co-ordinated vision for Ratho as a whole. It is critical that we agree the designation of S75 provision and delivery of improvements to the towpath and canalside environment so that a consistent quality appropriate to the heritage asset is achieved. We recommend that the developer makes reference to the Edinburgh Canal Strategy, December 2011, and that the principles of this are discussed with the Council, including new mooring opportunities, access and towpath improvements, lighting provision, etc.*
4. *The proposals indicates new access points and landscape treatment to the towpath, however, this is outwith the red line of the application and as such the delivery and interface of the canalside landscape as indicated in the drawings is unclear. We would advocate the interface of the towpath with the development proposals to create a cohesive public realm treatment. It would be essential to transport considerations to enable a direct route to the canal towpath and cycle network from the proposed housing. This will reduce reliance on road vehicles thus supporting a green travel plan and associated environmental benefit. Access should be for all abilities, not just pedestrian. This should be fully discussed with Scottish Canals in advance of developing the detailed proposals.*
5. *Water Management- the assessment of surface water discharge to the canal network as part of the water management strategy must be explored with Scottish Canals.*
6. *The canal is designated as a Scheduled Ancient Monument. Works that interface with this designation will require Scheduled Ancient Monument Consent by Historic Environment Scotland.*
7. *There is no reference to treatment and activation of the canal as identified in the Edinburgh Canal Strategy. We are willing to meet the applicant and City Council to take this forward.*

### **SEPA comment**

*We have no objection to this planning application. Please note the advice provided below.*

*Advice for the planning authority*

## 1. *Foul Drainage*

1.1 *Foul drainage from the site should be discharged to the public sewerage network. Section 7.14 of the planning statement refers to the fact that there is limited capacity in the waste water. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows. We would be unlikely to allow a private sewage treatment system for a proposal of this size in this location.*

## 2. *Surface Water Drainage*

2.1 *The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C753) published by CIRIA. Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.*

2.2 *Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.*

## 3. *De-culverting opportunity*

3.1 *We would encourage the deculverting of the watercourse which runs through the site. We recommend that the applicant contacts a member of the SEPA Edinburgh operations team (contact details below) to discuss the licensing process associated with the Water Environment (Controlled Activities) (Scotland) Regulations - the applicant should note that any fee for an application would be waived due to the improvement being made.*

## 4. *Flood Risk*

4.1 *We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

## *Technical Report*

4.2 *We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. The risk identified is from surface water flooding which follows a low point through the site. Also, the Union Canal flows along the southern boundary of the site and poses an additional risk.*

- 4.3 *The Flood Risk Assessment (FRA) has established a further risk from a culverted drain which flows along the western perimeter of the site and is believed to then flow through the site following the low point before exiting the eastern perimeter of the site. We have reviewed historic maps and cannot find any evidence of a watercourse flowing through the site. We do not have any additional flood risk information for this drain.*
- 4.4 *Although the risk from the Union Canal cannot be quantified, we do have records of a breach occurring in Edinburgh city centre which caused extensive flooding to nearby property. Local topography sourced from LiDAR indicates that the land slopes down from the Union Canal towards the surface water drain before rising again in the middle of the site. The middle of the site is raised up in comparison to the rest of the site. The masterplans provided indicate that the low area near the Union Canal will be allocated as green space. Also, any residential development will be set back from the surface water drain. We would strongly support this site design as it mitigates the risk from the surface water drain blocking/ capacity being exceeded, any groundwater risk, and the residual risk from the Union Canal.*
- 4.5 *We would recommend that we are re-consulted at the detailed stage to confirm the site layout is as shown and located away from the low areas on site. It should be demonstrated that no development will be built on top or immediately adjacent to any culverted field drains. This principle should also be applied to the locating of any SUDs ponds on-site. Should the drain be opened up, we would require additional details on its location and size. Further information on finished floor levels should also be provided. In addition to the finished floor level recommendations provided in the FRA, to mitigate the risk from overland flow we would recommend that all dwellings are elevated above proposed ground levels. Should the design differ from what has been indicated in the FRA or masterplan we maintain the right to object at the detailed stage.*

#### *Caveats & Additional Information for Applicant*

- 4.6 *The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>*
- 4.7 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*
- 4.8 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis*

of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

## 5. Air quality

- 5.1 *The proposed development will be in an area that is currently not affected by poor air quality. An air quality modelling assessment has been undertaken and the findings are reported. We note and welcome the decision to use ADMS Roads to assess the impact of traffic on local air quality. The modelling assessment has shown that the completed development is unlikely to have a significant impact on local air quality.*

## Greenhouse gas emissions

- 5.2 *We note that the development is located some distance from local amenities, therefore there is likely to be an increase in the number of journeys made by car. Whilst this figure may appear to be insignificant, when considered alongside other developments across Scotland, the cumulative increase in the distance travelled by car - and subsequent emissions of carbon dioxide - could undermine the Scottish Government's commitment to reduce emissions of greenhouse gases.*
- 5.3 *Scottish Planning Policy sets out an approach to integrating transport and land use planning by supporting a pattern of development and redevelopment that "reduces the need to travel and as a consequence reduce emissions from transport sources". It also states that "Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements."*
- 5.4 *Greenhouse gas emissions from road traffic are expressed as grams of carbon dioxide emitted per kilometre travelled (g/km), therefore every additional km travelled will increase the emissions of greenhouse gases. Road transport emissions account for 72.4% of all transport emissions of greenhouse gases and cars account for over half road emissions. "The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation". Section 5 of the Scottish Government's Climate Delivery Plan describes the issue in detail.*

## Cumulative effects of development

- 5.5 *When considered in isolation, a single development will appear to have a negligible impact on local air quality. However, when the same development is considered alongside other developments in the area, the cumulative impact could be more significant - particularly along main commuter routes. SEStran has warned "the allocation of extensive new land for development underlines the importance of integrating land-use and transport planning in the SEStran area, building these links into the forthcoming City Region plan and other development*

*plans. Failure to do so will lead to further significant increases in car use", and " It has been demonstrated that the SEStran area faces particular challenges in catering for the travel volumes and patterns resulting from the anticipated growth in population and employment in the area. In addition to the forecast increase in the number of jobs, the trend of dispersal of jobs, services and homes will, if it continues, bring further pressure to bear on the transport network." Transport Scotland advise: "With several proposals in close proximity, a more detailed Transport Assessment of the cumulative impact of the proposals may be more appropriate than one for each proposal in isolation".*

- 5.6 *It is therefore important that the Council is satisfied that the assessment has considered the cumulative impact of all development that will add traffic to the road network- particularly along main commuter routes. 'Land-Use Planning and Development Control: Planning for Air Quality' (Produced by Environmental Protection UK and Institute of Air Quality Management, 2015) explains how a cumulative impact should be undertaken..*

### **Transport comment**

*It is recommended that the application is refused.*

*Reasons:*

*In line with the approach set out in SPP, the transport Infrastructure enhancement needs arising from the planned growth set out in the LDP have been assessed by a transport appraisal which accompanies the LDP and inform its Action Programme. The Transport Infrastructure Appraisal (June 2013) provides a cumulative assessment of the additional transport infrastructure required to support the new housing development identified within the LDP. Where cumulative impacts have been identified, transport infrastructure to mitigate the impact of the development are established. Contribution Zones are used to collect developer contributions equitably towards these actions.*

*This site is not proposed within the LDP. Therefore, its transport impact on the strategic road network has not been assessed cumulatively. In addition, the applicant has not assessed the cumulative impact of this site in combination with other developments. SPP outlines that this should includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process. Therefore, the applicants approach to transport is not supported.*

### **Transport further comment**

*We refer to our memorandum of 10 February 2016 and to the Transport Assessment Addendum dated February 2016.*

The Addendum addresses the issue regarding impact on the wider road network but does not assess the cumulative impact of the development. In addition, there is no assessment of the cumulative impact of this site in combination with other developments. Whilst this is obviously a more onerous undertaking, it is critical to understanding the overall impact of the planned (and unplanned) development in the area.

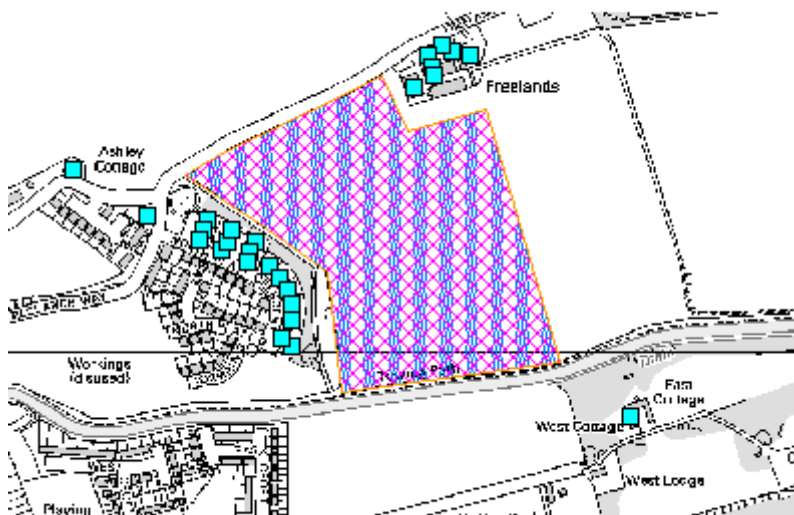
As matters stand at present, We do not believe that I am in a position to amend the earlier recommendation to refuse the application.

### Transport Scotland comment

The Director does not propose to advise against the granting of permission.

## Location Plan

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**END**