

Notice of meeting and agenda

The City of Edinburgh Council

10.00 am, Thursday, 2 June 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

- 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

- 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

- 3.1 If any

4. Minutes

- 4.1 The City of Edinburgh Council of 28 April 2016 – submitted for approval as a correct record

5. Questions

- 5.1 By Councillor Burgess – Transient Visitor Levy - for answer by the Convener of the Finance and Resources Committee
- 5.2 By Councillor Bagshaw – Council's Active Travel Team - for answer by the Convener of the Transport and Environment Committee
- 5.3 By Councillor Booth – Open Space Strategy and Action Plans - for answer by the Convener of the Transport and Environment Committee
- 5.4 By Councillor Mowat – Stair Lighting - for answer by the Vice-Convener of the Health, Social Care and Housing Committee
- 5.5 By Councillor Rust – Lothian Chambers - for answer by the Convener of the Finance and Resources Committee

6. Leader's Report

- 6.1 Leader's report

7. Appointments

- 7.1 Review of Appointments to Committees, Boards and Joint Boards for 2016/2017 – report by the Chief Executive (circulated)

8. Reports

- 8.1 Mortonhall Action Plan - Update – report by the Chief Executive (circulated)
- 8.2 City of Edinburgh Council Officer Representation on the Edinburgh Integration Joint Board Strategic Planning Group – report by the Chief Officer, Edinburgh Health and Social Care Partnership (circulated)
- 8.3 Rolling Actions Log – report by the Chief Executive (circulated)
- 8.4 Outside Bodies – report by the Chief Executive (circulated)
- 8.5 Operational Governance: Review of Contract Standing Orders and Guidance on the Appointment of Consultants – report by the Acting Executive Director of Resources (circulated)
- 8.6 Common Good Asset Register– report by the Acting Executive Director of Resources (circulated)
- 8.7 Report of Pre-determination Hearing – Gogar Station Road, Edinburgh – referral from the Development Management Sub-Committee (circulated)

Note: letters of representation on the above 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 - this includes letters of comments received.

9. Motions

- 9.1 By Councillor Corbett – Edinburgh Remakery

“Council congratulates social enterprise Remade in Edinburgh on the launch of the Edinburgh Remakery at the foot of Leith Walk, Scotland’s first repair and re-use hub; welcomes the role of the Remakery in waste prevention, with a target of diverting 240 tonnes from landfill, and in demonstrating that repair and re-use can sustain business, jobs and training; notes further opportunities for the City Council to complement the work of the Remakery; and highlights the leadership of Remade Director Sophie Unwin and all the staff and volunteers at Remade for bringing the project to this stage.”

- 9.2 By Councillors Munro and Tymkewycz – Hibernian Football Club – Scottish Cup

“Council congratulates Hibernian Football Club on their historic cup win. Council thanks the management, staff and of course the players on this fantastic achievement.

Council commends the fans and supporters, the Council staff, emergency service staff and other parties involved in the highly successful street celebrations and procession which was enjoyed throughout Edinburgh and Leith on Sunday.”

9.3 By Councillor Rankin – Royal Botanic Gardens Cottage

“Council welcomes the reopening to the public on 10 May 2016, of the Botanic Cottage at the Royal Botanic Gardens Edinburgh (RBGE).

This makes the cottage now both the RBGE’s oldest and newest building and acknowledges that it was originally completed on 10 May 1766 and previously stood at the entrance to the former site on Leith Walk.

Council is proud to report that the historic building was rescued from demolition in 2008, meticulously dismantled stone by stone and rebuilt at the new RBGE site in Inverleith using traditional techniques and historically accurate materials.

Council also should note that it was saved following a community campaign, led by the Botanic Cottage Trust, and with support from individual donors and funding bodies, including the Heritage Lottery Fund.

Lastly, Council welcomes that, as part of RBGE’s community education programme, the cottage will be used as a state-of-the-art centre for community and education initiatives, and further welcomes that groups of all ages will be able to use the facility as a space for classes, workshops, demonstrations, talks and meetings.”

9.3 By Councillor Heslop - Chief Executive Election Remuneration

“Council notes the fact that returning officers, Council Chief Executives, responsible for organising elections are paid considerably extra on top of what many would consider to be extremely generous salaries, especially in a period of budgetary restraint;

Further notes reports that, following the 2016 Scottish Parliament election and the EU referendum in June, returning officers across the country could benefit to the sum of almost £500,000 between them;

Recognises that returning officers who are Chief Executives of local authorities have an extremely important role, but one which should not be regarded as more important than the many people who spend time between 7am and 10 pm in halls and schools on election days explaining to the public the various details of voting papers;

Agrees with the reported comments of Malcolm Burr, the chair of the Society of Local Authority Chief Executives Scotland, that "the outdated system of remuneration requires a review" and of Willie Sullivan, the director of the

Electoral Reform Society Scotland, that the running of elections should be "added to the job descriptions of local authority Chief Executives as an integral part of their role";

Therefore requests a review of this expenditure and asks the Council Leader to write to the Cabinet Office and other appropriate bodies in terms of this motion to add Edinburgh's voice to calls for such a review."

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

Information about the City of Edinburgh Council meeting

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

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.

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.

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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 .

The City of Edinburgh Council

Edinburgh, Thursday 28 April 2016

Present:-

LORD PROVOST

The Right Honourable Donald Wilson

COUNCILLORS

Elaine Aitken
Robert C Aldridge
Norma Austin Hart
Nigel Bagshaw
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
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
Stefan Tymkewycz
Iain Whyte
Norman Work

1. Minutes

Decision

To approve the minute of the Council of 10 March 2016 as a correct record.

2. Questions

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

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

- School closure issues

The following questions/comments were made:

Councillor Rose	<ul style="list-style-type: none">- School closures- Congratulations to the Lord Provost for completing the London Marathon- Thanks to the Lord Provost for leading the events to celebrate the 90th birthday of the Queen- Thanks to members for their good wishes to Councillor Balfour- Transformation Programmes – increase in workforce – quality of services
Councillor Burgess	<ul style="list-style-type: none">- Appreciation to staff and parents during school closures- Schools independent inquiry
Councillor Edie	<ul style="list-style-type: none">- Congratulations to the Lord Provost for completing the London Marathon- Best wishes to Councillor Balfour- Schools independent inquiry- Local Community Galas
Councillor Cardownie	<ul style="list-style-type: none">- Arctic Convoy- Hibernian Football Club – Scottish Cup – celebratory route
Councillor Aldridge	<ul style="list-style-type: none">- School Closures – Craigmount High

Councillor Nick Cook	- Poor condition of Inch House
Councillor Work	- Congratulations to the Lord Provost for completing the London Marathon - School closures – thanks to staff and students – Royal High School
Councillor Keil	- School Closures – Craigmount High School – thanks to staff
Councillor Robson	- School closures - Gracemount High School
Councillor Tymkewycz	- Local businesses
Councillor Ritchie	- Sporting Triumph – Edinburgh Run – congratulations to organisers
Councillor Child	- Congratulations to those involved in challenges – Thistle Foundation – abseiling down the Forth Rail Bridge
Councillor Fullerton	- School closures – thanks to staff in relocating pupils due to safety issues

4. Appointments to Outside Organisations

The Council had agreed the appointment of Councillor Ross as Depute Leader and that appointments to outside organisations which had been affected by this change be reported to a future Council meeting.

Details were provided on the organisations which were affected by this change and of vacancies which had arisen and required appointments.

The Council were invited to appoint replacement members to the various organisations.

Decision

- 1) To note that, as Economy Committee Convener, Councillor Barrie would replace Councillor Ross as a Council appointee to the following organisations;
 - EDI (and subsidiaries)
 - Business Improvement District Company Boards
 - Social Enterprise Strategy Implementation Group.

- 2) To appoint Councillor Barrie in place of Councillor Ross to the following organisations, with the Capital City Partnership appointment to rest automatically with the Economy Committee Convener in the future:

East of Scotland Regional Advisory Board (Scottish Enterprise)

Edinburgh and Lothian Area Tourism Partnership

Eurocities Network (substitute member)

Capital City Partnership Limited.
- 3) To appoint Councillor Barrie to the board of Edinburgh Tourism Action Group Strategy Group.
- 4) To appoint Councillor Lunn in place of Councillor Dixon as a Director of Edinburgh and Lothians Greenspace Trust Board.
- 5) To agree, in principle, to the appointment of Councillor Cardownie as a Trustee of the Ken Buchanan MBE Foundation on an interim basis subject to a further report being submitted to a future meeting of the Council once the Foundation had been formally constituted as an organisation.
- 6) That the further report requested include information on whether it was appropriate for the Council to appoint members:
 - i) to unincorporated organisations or organisations in an advisory capacity only; and
 - ii) to the Ken Buchanan MBE Foundation once it was formally constituted.
- 7) To appoint Councillor Fullerton as an adviser to the Broomhouse Centre Board.

(References – Act of Council No 6 of 10 March 2016; report by the Chief Executive, submitted)

5 Appointment of Non-Executive Directors to EDI Group Ltd

The Council had appointed two non-executive directors to EDI Group Limited and its subsidiaries, for a period of two years.

Details were provided on the proposed 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.

Decision

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

(References – Act of Council No 12 of 1 May 2014; report by the Chief Executive, submitted.)

6. Appointment to Outside Bodies – Edinburgh Bioquarter

The Economy Committee had approved the new revised governance arrangements and structure being put in place at the Edinburgh BioQuarter.

The Council were asked to nominate an Elected Member representative to the Advisory Board of the Edinburgh BioQuarter.

Decision

To appoint Councillor Ross to the Advisory Board of the Edinburgh BioQuarter.

(Reference – Economy Committee of 26 April 2016 (item 15); report by the Chief Executive, submitted.)

7. Urgent Revisions to Polling Places

Details were provided on a 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 as the previously identified venues had become unavailable at short notice.

Decision

To note that the Chief Executive in consultation with the Lord Provost, as the Convener of the City of Edinburgh Council, had 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.

(Reference – report by the Chief Executive, submitted.)

8 Elected Member Remuneration

Details were provided on the Scottish Parliament's agreement for an increase of 1% in remuneration for Councillors in 2016/17.

Decision

To note the increase in elected member remuneration as set out in the appendix to the report by the Chief Executive.

(Reference – report by the Chief Executive, submitted.)

9. Energy Retrofit of Council Buildings

Details were provided on a proposed programme by the Council of energy retrofitting of nine of its largest buildings and the evaluation of the use of the London RE:FIT scheme which had been designed to assist the public sector to make significant savings in energy.

Motion

- 1) 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.
- 2) To approve the appointment of the contractor Matrix Control Solutions Ltd (Matrix) to implement the works.
- 3) To 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 were identified.
- 4) To note that additional works might 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.

- moved by Councillor Hinds, seconded by Councillor McVey

Amendment

- 1) To note the report by the Executive Director of Place and that the overall cost of the scheme would give a payback of 8.2 years (greater than the target payback) when fees and contingencies were included.
- 2) To further note that the additional measures described as IGP2 additions were the boiler and pump set replacements at Balerno and City Chambers and that these measures were 29% of the total cost of IGP2 whilst only providing 11% of annual savings, 6% of energy savings and 12% of carbon savings. The payback period for these measures combined was 19 years and that these projected outcomes cast considerable doubt on the incremental value of moving from implementing the IGP1 to the IGP2 measures.

- 3) To therefore agree the recommendations as detailed in the motion by Councillor Hinds, subject to:
- the implementation of IGP1 measures only, bringing the scheme cost back within the target of £1.8m;
 - the scheme being taken forward without the use of spend to save funds as the use of these funds entirely related to the addition of IGP2 measures and associated contingency;
 - no individual measure being progressed with a payback of more than 12 years (i.e. double the average payback for the IGP1 measures).

- moved by Councillor Whyte, seconded by Councillor Rose

Voting

The voting was as follows:

For the motion	-	44 votes
For the amendment	-	9 votes

Decision

To approve the motion by Councillor Hinds.

10. PPP1 Schools – referral from the Pentlands Neighbourhood Partnership

The Pentlands Neighbourhood Partnership had referred a report on the their concern of 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, Oxbgangs Primary School, Firrhill High School and St Peter's RC Primary School.

Decision

To note the report by the Pentland's Neighbourhood Council.

(References – referral report from the Pentlands Neighbourhood Partnership, submitted)

11 Report of Pre-Determination Hearing – Freelands Road, Ratho

The Development Management Sub-Committee had referred a report on 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, 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, for decision.

Decision

To refuse planning permission in principle 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.

(References – Development Management Sub-Committee 18 April 2016 (item); referral report from the Development Management Sub-Committee, submitted.)

Declaration of Interests

Councillors Bill Henderson declared a non-financial interest as an objector to the application and left the meeting during the Council's consideration of the above item.

Councillor Ricky Henderson declared a non-financial interest as he had expressed his views publicly on the application and left the meeting during the Council's consideration of the above item.

12 International Workers' Memorial Day – Motion by Councillor Hinds

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

“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.”

Decision

To approve the motion by Councillor Hinds.

13 Arctic Convoy Commemoration – Motion by Councillor Cardownie

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

“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 75th 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.”

Decision

To approve the following adjusted motion by Councillor Cardownie:-

“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 75th Anniversary Commemoration”.

Council further notes that the Arctic Convoys were assembled to provide essential supplies to Russian cities during World War II. Seventy eight 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.”

14 Commemorating thw 100th Anniversary of the Battle of the Somme – Motion by Councillor Work

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

“Council acknowledges the 100 year anniversary of the Battle of the Somme, where two Edinburgh regiments, the 15th and 16th 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.”

Decision

To approve the motion by Councillor Work.

15 Ravelrig Riding for the Disabled – Motion by Councillor Heslop

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

“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.”

Decision

To approve the motion by Councillor Heslop.

16 Hibernian Football Club – Motion by Councillor Edie

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

“Council congratulates Hibernian FC for their achievement in reaching the Scottish Cup Final for the third time in five years and wishes Hibs the very best of luck in the Cup Final against Rangers.

In the event of Hibernian winning the Cup Final, for what will be the first time since 1902, Council agrees that officers and the Lord Provost will arrange the appropriate civic celebrations to mark their success.”

Decision

To approve the motion by Councillor Edie.

Appendix 1

(As referred to in Act of Council No 2 of 28 April 2016)

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

The Scheme Advisory Board of the Scottish LGPS, of which I am a member, is taking legal opinion of the fiduciary duty and considering providing advice based on that opinion to the LGPS funds on such matters. We understand that the review aims to clarify the extent to which the situation in Scotland is different from that in England and Wales. It is hoped this will be available this calendar year.

Supplementary Question

Lord Provost, for the benefit of the webcast I asked about the £120m of Lothian Pension Fund money which is invested in companies which deal in military equipment including companies like Lochhead Martin, the world's largest arms dealer and I asked about opportunities to review that investment. I thank the Convener for his answer and look forward to Scottish policy and practice keeping pace with legal shifts in England and Wales, shifts that open the door to public pension funds discharging their fiduciary duty towards pension holders without compromising ethical principles. However, I'd like to press the Convener a little further in the second part of my question which is, what opportunities will be there for those thousands of people who have a stake in Lothian Pension Fund to give their views on whether their pension money should be invested in companies whose core business is the manufacture of weapons.

**Supplementary
Answer**

I thank Councillor Corbett for his question. I'm not aware of any formal route that's available to members of the pension scheme to make these sorts of representations, but I'm sure that that can be done and if there's sufficient body of opinion then I'm sure that can be taken into account. Of course, as you mentioned, there is the matter of fiduciary duty which is something which the Scheme Advisory Board which advises the Finance Secretary is taking into consideration and is seeking legal advice on, and there'll be another meeting of that Board of which I'm a member on the 25 May 2016 and we'll consider legal opinion on fiduciary duty at that point. Another point I'd like to make is that it's not simply the Council as the administering authority which has a locus on this matter. Other members of the Scheme Advisory Board include other members of Lothian Pensions Fund many organisations and the Trade Unions and they have a voice in this as well, and they all need to be taken into consideration when we come to review because as you know, as things stand at the moment the overriding requirement on any pension fund is to secure the best return for its members. Now of course it's possible to take into consideration various ethical considerations and to an extent they are – the question is how far can that go and that's what we hope to get resolved by the legal opinion next month

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

As part of the transformation of services within the Council and to deliver the significant savings required over the next four years, a comprehensive programme of service reviews has been developed. Part of the as yet unspecified savings assigned to Safer and Stronger Communities is a Council approved target of £1.242m for 2017/2018 (savings reference CF/ST10).

A review of advice services, inclusive of in-house and commissioned provision across the city is planned for this year to contribute towards this savings target.

Planning for this review is in the early stages, but its aim is to design a more joined up, cohesive service, improving and simplifying access routes for members of the public who need advice, making sure that those in need can access advice in the most efficient and effective way.

The savings that can be achieved from this service will emerge as the review progresses and will contribute to the £1.242m target.

**Supplementary
Question**

Lord Provost, my written question in advance of this meeting to the Convener of the Health and Housing Committee was about whether the Council Coalition actually has an intention to reduce the budget for welfare advice services in the City by £1m. The answer is that there's an overall target for cuts of £1.24m in an area of Council spending including welfare advice services and that they are under review. I'd like to ask the Convener of the Health, Social Care and Housing Committee, at a time when our most disadvantaged residents are bearing the brunt of massive Conservative government cuts to welfare to the tune of over £200m in our city alone, would he agree with me that now is not the time to be cutting back so drastically on welfare advice, advice that can greatly help people and not having to go to food banks, not being able to heat their homes?

**Supplementary
Answer**

Can I thank Councillor Burgess for both his original question and his supplementary. I share his concerns about the impact on the people in the city from the impact on the welfare reform agenda. It would be the intention of any review not to reduce front line services but we do have savings targets across the Council as Councillor Burgess is aware and part of that will need to make a contribution to the £1.24m savings for Safer and Stronger Communities as outlined in the answer.

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

The Council and the Scottish Government corresponded regarding this matter, which culminated in a meeting between Council officers and the Cabinet Secretary. The outcome of this was that the Council should discuss the matter with the Scottish Courts and Tribunal Service which is the party with the right to the registered title. Council officers met and corresponded with the Scottish Courts and Tribunal Service. They were subsequently advised that the Scottish Courts and Tribunal Service would not transfer title to the Council.

Elected members who have sought a copy of the advice have been offered a face to face briefing to review the advice and discuss it with officers from legal services.

Supplementary Question

Again for the benefit of the webcasts I asked in the written question for an update on the scandal which has unfolded over Parliament House just across the Royal Mile from here which was home to the Scottish Parliament in the 17th Century which appears, through an administrative error, an administrative error, to have had its title transferred from being a common good asset of the people of Edinburgh to being a property registered to Scottish Ministers and now the Scottish Courts and Tribunal Service and the answer,

again for the benefit of the webcast, to paraphrase that Scottish Ministers declined to recognise that claim and in fact seemed disinterested in pursuing it further. Lord Provost, I don't believe that we as a Council can let it go at that, that such a massively important historical building should slip away so lightly. So I want to press the Convener for his assurance that, with a new Scottish Government due to be elected in a week's time and perhaps a refreshed Ministerial team, he will reopen discussions with the Scottish Government with a view to agreeing at least two points:

- the first, that since it's a matter of repeated public record that the City Council had responsibility for Parliament House almost certainly as a common good asset that the City Council should have pre-emption rights, in other words first call on future use if and when the Scottish Courts and Tribunal Service ever move.
- secondly that a schedule of civic events accessible to the people of Edinburgh should be agreed in Parliament Hall in what is a genuinely stunning and unique and historical building.

Lord Provost, if the Convener can agree to raise those two points with the Scottish Government, I believe we can have some glimmer of light on the horizon.

**Supplementary
Answer**

I do sympathise with the question and the general line you are taking. I think there certainly was a major, a genuine, blunder back in 2005 when the Council informed the Land Registers that we had no interest in title to that building and of course as you say when you look at our own Council archives and other historical records it's quite clear to me and I think to many others who would have looked at these matters that we did indeed have a title at the time but unfortunately we seem effectively by that decision to have surrendered it and there is legal advice which we have now which tells us that if we try to pursue it now the Scottish Government has secured legal title through legislation to that building, that our prospects of legal success are extremely slim and therefore we would be spending money

to no practical purpose. So as I say, it's a highly regrettable situation and I don't think it reflects very well on the Council at the time that such a blunder should have been made, but as to pre-emption rights, that's something we can certainly look into but I suspect that legally we may well have difficulties in securing that and there's also the question of how far the Scottish Government would be prepared to co-operate on that point – so far there's been very little indication of a willingness to co-operate or discuss this matter with the Council, but as you say, with a new Government, a new Cabinet, then we may be in a position to pursue the point you make about pre-emption rights and I'd be happy to do that if it seemed like it had any prospect of success.

On the schedule of civic events which you mentioned I think that's open to anybody to pursue that but I don't think we should artificially manufacture civic events in order to try to demonstrate that or make the point that we had a previous right to the building which we now have extreme difficulty in trying to secure, but if there is a good case for civic events then the building is open to be used for those purposes anyway. If there is a worthwhile series of civic events that can be organised then I can't see there'd be any difficulty with that.

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) By law, all formal meetings of the Council must be open to the public, unless the meeting decides the matter contains private or exempt information. This applies to the Council, its Committees and Sub-Committees. Some meetings, mostly appeals, contain exclusively private information, and are therefore never held in public.

The requirement to hold meetings in public does not apply to informal meetings, such as working groups, which have their own governance arrangements.

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

Answer (2) The table below lists the Council's main Committees, and Boards, indicating when they are held in public, and also webcast. A number of Sub-Committees are also appointed by the Executive Committees. In the main these are held in public, but are not webcast.

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

Answer (3) An additional cost of £40.69 per hour would be incurred for any meeting not currently webcast.

COUNCIL/EXECUTIVE COMMITTEES		
	IN PUBLIC	WEBCAST
COUNCIL/EXECUTIVE COMMITTEES		
Full Council	Yes	Yes
Corporate Policy and Strategy	Yes	Yes
Communities and Neighbourhoods	Yes	Yes
Culture and Sport	Yes	Yes
Economy	Yes	Yes
Education, Children and Families	Yes	Yes
Finance and Resources	Yes	Yes
Health, Social Care and Housing	Yes	Yes
Transport and Environment	Yes	Yes
OTHER COMMITTEES		
Governance, Risk and Best Value	Yes	Yes
Police and Fire Scrutiny Committee	Yes	No
Leadership Advisory Panel	Yes	No
Petitions	Yes	Yes
Pensions	Yes	No
Planning/Development Management Sub	Yes	Yes
Regulatory/Licensing Sub	Yes (but with "B" agendas)	Regulatory Committee only
Committee on the Jean F Watson Bequest	Yes	No
Neighbourhood Partnerships	Yes	No
APPEALS		
Committee on Discretionary Rating Appeals	No	No
Personnel Appeals Committee	No	No
Committee on Pupil/Student Support	No	No
Placing in Schools Appeals	No	No
Social Work Complaints Review Committee	No	No
RECRUITMENT		
Recruitment Committee	No	No
JOINT BOARDS etc		
Lothian Valuation Joint Board	Yes	No
Licensing Board	Yes	No
SEStran	Yes	No
Lothian and Borders Community Justice Authority	Yes	No
Integration Joint Board	Yes	No

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

The introduction of the new kerbside recycling service to over 140,000 householders over the past 18 months has resulted in a significant improvement in recycling performance from householders with individual recycling and landfill bins. This has been achieved by:

- Simplifying the service with same day collections and more materials collected in the one bin.
- Increasing the amount of recycling bin capacity.
- Decreasing the amount of landfill bin capacity.

With regards to making it easier for residents who live in tenements to recycle, the following actions have taken place in the past 6 months:

- There are 941 new Dry Mixed Recycling (DMR) bins for cans, plastics, paper and cardboard, which replicate the same materials collected in the kerbside wheelie bins.
- There are 617 new glass bins.
- There is a new online communal bin map – find my nearest communal recycling and landfill bin. The internal testing phase is live and it is due for public launch 2 May 2016.

<https://edinburghcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=c4ceb8650c5d4b6cb9ca642a4cceeccf>

- We completed an audit of 60,000 communal properties in March 2016 to identify where upgraded recycling provision is required.
- We have accessed funding from Zero Waste Scotland to provide 100,000 free rolls of biobags and food waste leaflets to householders using communal food waste bins.

Throughout 2016/2017 the following improvements to on-street recycling facilities are planned:

- Complete the audit of the remaining 40,000 properties.
- Rollout new DMR/Glass service citywide.
- Rollout increased recycling provision and reduced landfill provision (subject to approval at June T&E committee).
- Aim to 'group' on-street recycling and landfill bins to make it easier to recycle.
- Comprehensive communications plan targeting residents in high density housing areas.

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

We will not take risks with the safety of our school children. Schools won't reopen until Edinburgh Schools Partnership can assure us of their safety. This assurance will be subject to scrutiny by independent structural engineers separately provided by the City of Edinburgh Council.

Supplementary Question

I thank the Convener for his answer which like my question was brief but I'm rather reassured that we were given a bit more information by officials at a meeting of Oxfords Parent Council this week and I absolutely agree that safety is paramount but the parents at Oxfords have been given that reassurance before so they just need to be absolutely sure this time that they are given the right information. Re-occupation was covered at the meeting and we were told that yes P Amey and the risk register will be involved in assessing the buildings prior to the schools going back, but we were also told again about the structural engineer and I think that's a very very welcome move for the parents.

So can I ask the Convener that he will make sure the parents in all of the schools involved have this reassurance, have this information so that they will have the absolute confidence for their children and for the staff to go back and will the Convener also agree that the peer review can be shared with the parents – we have some very well informed parents as we found out on Tuesday night and if requested that that peer review will be available to them.

**Supplementary
Answer**

Can I firstly thank Councillor Aitken for her question and can I thank her for her contribution throughout this situation. I think as the answer states, Lord Provost, the safety of pupils is our absolute top priority and has always been a top priority and can I add to the answer, before any school is opened we all have to have absolute confidence and that that building is safe. But before we do so, before we release appropriate information we do need the full survey results. I recognise there is a real frustration not just within this chamber, Lord Provost, but right across the city with regard to the lack of that information. When we do receive it we will have to publish appropriate information and make it accessible to parents but there is a commitment to do so.

Lord Provost, can I finally say that the Chief Executive has been leading the discussions with ESP and continues to do so, we are pushing them as hard as possible to release information, as I said when we get information we will publish appropriate information for parents.

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

I am acutely aware of the importance of our waste collection service to residents.

There are several proposed savings that are allocated to our waste collection service, which have the potential to impact on service delivery. To mitigate this, the service will be subject to continual assessment to ensure that the quality of our service to residents is not reduced.

Complaints were at an unacceptable level, particularly in December and January but the level of complaints continues to drop as a result of improvements made by management and implemented by frontline staff within the service, with the most recent data showing a 64% decrease in complaints compared to the high point in January.

Members will be aware of a presentation that was recently given to the Transport and Environment Committee on planned improvements for waste collection. I am confident that the implementation of these improvements will allow us to move our waste collection service to the standard which we all want.

With regards to the comment about having resources in place to handle complaints about uncollected waste, this has been considered as part of the new structure for Waste and Cleansing services and we will ensure that residents do get their complaints answered in a timely and professional manner. Ultimately though, the aim will be to substantially reduce the level of complaints across the Service.

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)** VERA declines now sit at 1,070. The breakdown of current VERA declines is as follows:

Department	Accepted	Withdrawn	Declined	OVERALL TOTAL	Percentage Declined
City Strategy and Economy	10	7	2	19	10.53%
Resources	107	31	38	176	21.59%
Communities and Families	72	33	196	301	65.12%
Health and Social Care	92	14	296	402	73.63%
Place	243	88	538	869	61.91%
Total	524	173	1070	1767	60.55%

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) a)** In some instances, service areas are using agency workers to backfill vacancies in areas that are under review. It is envisaged that once the transformation programme is concluded agency spend will reduce significantly. In other instances, agency staff are required to fill difficult to fill roles, cover staff absences or for certain highly paid specialists on a short term basis.

All agency hire is authorised by a Head of Service and Executive Director unless the post is pre-authorised for recruitment purposes. Agency spend is also regularly reviewed and challenged at the Corporate Leadership Team (CLT).

March agency spend with the Adecco, the Council's contracted provider of temporary agency staff is detailed below. The data is broken down by Service Area and by Job Class.

b) March agency spend by Role

Row Labels	Values Sum of Spend
Manual Labour	£259,625.44
Admin & Clerical	£206,577.89
Trade & Operatives	£138,009.52
Engineering & Surveying	£105,064.54
Social & Health Care (qualified)	£86,122.83
Facilities & Environmental Services	£44,221.04
Housing, Benefits & Planning	£35,227.40
Procurement	£30,178.12
Management	£22,073.82
Information Systems	£20,637.95
Social & Health Care (non-qualified)	£11,281.92
Marketing	£10,926.97
Financial	£9,296.47
Human Resources	£8,847.20
Grand Total	£988,091.11

Agency posts at end of March by service area

Service Area	Job Title	Equivalent FTE
Children and Families	Administrator GR3	3.9
	Administrator GR4	3.2
	Business Manager - GR7	0.7
	Catering, Hospitality and Domestic Grade 1 - 3	0.8
	Cook GR3	0.4
	Facilities Assistant GR3	1.2
	Facilities Manager GR7	0.8
	Librarian GR6	0.6
	Residential Care Officer GR6	0.2
	Residential Childcare Officer	1.9
	SEEMIS Administrator - GR7	0.4
	Senior Social Worker GR8	0.6
	Social Worker GR7	1.0
Children and Families Total		15.7
Corporate Governance	Administrator GR3	2.5
	Administrator GR4	8.9
	Administrator GR5	1.0
	Benefits Assessor GR5	6.7
	Catering, Hospitality and Domestic Grade 1 - 3	0.5
	Commercial Manager GR11	0.1
	Commercial Operations Officer GR6	0.6
	Contract Manager GR8	0.8
	Customer Service Advisor GR 4	23.5
	Customer Support Officer GR3	0.3
	Data Analyst GR5	0.8
	Finance Officer GR5/6	1.5
	Implementation Advisor	0.1
	Marketing Officer GR7	0.8
	Procurement Specialist GR7	0.8
	Revenues Officer GR4	1.0
	Senior Organisational Development Leader	0.9
Corporate Governance Total		50.8
Economic Development	Economic Development Assistant - Gr 6	1.6
Economic Development Total		1.6
Health and Social Care	Administrator GR3	4.0
	Administrator GR4	1.5
	Catering, Hospitality and	19.2

	Domestic Grade 1 - 3	
	Community Equipment Technician GR4	1.7
	Cook GR3	1.7
	Cook GR4	1.5
	Customer Service Advisor GR 4	1.0
	Equipment Cleaner GR3	3.1
	Mobile Telecare Support Officer GR4	1.8
	Occupational Therapist Gr 7	1.1
	Programme Manager	0.2
	Recruitment Coordinator GR5	1.0
	Residential Care Officer GR6	6.4
	Residential Care Officer GR6 CRANE	1.1
	Senior Social Worker GR8	0.9
	Social Worker GR7	4.9
	Store Assistant GR3	0.4
	Health and Social Care Total	51.5
Services for Communities	Accommodation Planner GR7	0.8
	Administrator GR3	11.4
	Administrator GR4	4.4
	Architect GR8	2.3
	Architectural Assistant GR6	1.6
	Asbestos Officer - Grade 7	0.8
	Asbestos Technical Admin Officer - GR5	0.8
	Asset Officer GR8	0.8
	Assistant MOT Assessor	0.8
	BEMS Engineer GR7/8	0.9
	BEMS Project Manager GR9	0.8
	Blacksmith GR6	1.7
	Building Services Team Leader GR7	1.9
	Bus Station Operational Assistant – GR4	4.9
	C1 Driver GR4	0.6
	C2 Driver - Refuse GR4	14.6
	CAD Engineer GR5	0.8
	Catering, Hospitality and Domestic Grade 1 - 3	5.1
	CDM Coordinator GR7	1.5
	Civil Engineer GR7/8	1.8
	Clerk of Works GR6	0.8
	Cook GR3	1.1
	Cook GR4	0.3

	Customer Service Advisor - GR3	2.5
	Customer Service Advisor GR 4	0.6
	Customer Service Manager GR8	0.6
	D1 Driver GR3	27.2
	Edinburgh Fringe Street Cleaner	3.3
	Electrical Engineer GR7	2.6
	Electrical Team Leader GR7	0.9
	Energy Surveyor GR8	0.9
	Environment Services Development Officer	0.8
	Escort GR2	6.1
	Estates Surveyor GR7 - 8	0.8
	Facilities Assistant GR3	1.8
	Facilities Manager GR7	1.1
	Finance Assistant GR4	5.0
	Finance Officer GR5/6	1.6
	Gardener GR3	0.9
	Interim Fleet & Travel Manager	0.8
	Labourer GR4	1.5
	Library Assistant GR3	1.3
	Mechanical Engineer GR7	1.8
	MOT Assessor	0.8
	Painter / Decorator GR5	0.0
	Painter Roads GR6	0.4
	Passenger Operations Manager - GR7	1.3
	Personal Assistant GR5/6	1.6
	Project Manager	0.1
	Quantity Surveyor GR8	1.0
	Recycling Advisor - GR4	1.8
	Refuse Collector GR3	50.3
	Road Inspector GR6	0.8
	Road Sweeper GR3	2.9
	Road Technician GR6	3.4
	Road Worker GR4	2.5
	Site Manager GR5	1.0
	Store Assistant GR3	1.3
	Transport Supervisor - GR5	0.9
	Travel Co-ordinator GR5	1.0
Services for Communities Total		193.7
Grand Total		313.3

**Supplementary
Question**

I thank the Convener for his response about the voluntary redundancies and the breakdown of them. The second part of my question, and I do have a supplementary to and that is about the agency staff numbers and the breakdown that I requested. I'm grateful for what has been supplied to me but I just want to make a follow up question. The response confines the reply to agency spend with Adecco and I would just like to query whether there are any other agency organisations or agency staff who are implied beyond that and who if the Convener is not aware would be in touch with me and clarify.

**Supplementary
Answer**

I thank Councillor Rose for his question. As to non Adecco temporary staff, I can't answer that definitively at the moment. I suspect it may be true in a small number of consultants for example but I'd be happy to get back in touch with you and give you the detail on anything outside the contract we have with Adecco.

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) The SQA Director of Operations has been in regular contact with the Council. An officer has been identified as the dedicated lead for SQA issues for the Council. The officer has been working closely with the SQA Operations Manager and they are currently carrying out a series of visits to each of the schools to identify issues regarding verification and assessment of practical exams, evidence retrieval and secure storage for course work awards and special arrangements for examinations. The necessary paperwork is being delivered to the correct locations and arrangements in place for secure storage of exam papers prior to the actual diet of exams. Arrangements are now in place as to where pupils will sit their exams. This will be in the schools that they are currently attending. Drummond, Firrhill and The Royal High in situ. Gracemount pupils in Liberton and Craigmount pupils in Tynecastle.

The Council will ensure that the SQA have a full understanding of the arrangements in place and the issues facing all pupils affected who are sitting examinations.

Question (2) Will “In Service” days currently arranged at PPP1 schools for the remainder of the academic year be cancelled?

Answer (2) No. The only remaining in-service day this session is on 5 May 2016. This has meant that pupils will not be in schools on that day and that has been a great support in our planning for the SQA exams as the Nat 5 and Higher English exam take place that day and they involve many pupils who will now all be able to be accommodated in their

host schools or partially open schools.

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)** Since the event occurred on 29 January 2016 there have been numerous meetings with ESP and their representatives attended by Council Officials at appropriate levels. These discussions have been led and coordinated by the Chief Executive of the Council.

These have ranged from day to day operational matters through to technical, contractual and progress issues.

While the majority of operational and technical meetings have been attended by the current PPP Contract Management Team there have been numerous meetings attended by Principals from both the Council and ESP. These meetings are typically chaired by the Chief Executive with appropriate Executive Director and Head of Service attendance. ESP are represented on these occasions by their Board representatives and their Operational Manager.

There have been no direct meetings with the Scottish Government, however senior politicians and Scottish Government officials have been in regular contact with the Council, including telephone conferences with the Scottish Government's resilience meeting.

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)** This incident took place four years ago and there is no documentary evidence that anyone in the City of Edinburgh Council was aware of this event at the time. When the City of Edinburgh Council became aware of the significance of the issues in our PPP1 estate a communication was sent to alert Scottish Government and also other Local Authorities.

**Supplementary
Question**

Firstly just before I ask the supplementary a general point on behalf of parents from P7 at Oxfords who have contacted me very much welcome the swift action taken by Council Leader and Chief Executive over last weekend and on Monday in terms of sourcing alternative accommodation to that which was offered at Wester Hailes. I know that the children from P7 were welcomed with Welcome Oxfords and Niddrie Mill/Oxfords signs yesterday morning and have settled in to the temporary accommodation and certainly the efforts which have been made there are very much welcome.

In terms of supplementary, two points:

- firstly I assume from the response to Question 3 that the Convener has himself not met with Edinburgh Schools Partnership
- and the second point or question really. There is obviously a report coming to the Corporate Policy and Strategy Committee on 17 May 2016 on which the Convener sits. There has since the last meeting though been reference in the media I think by the Council Leader, Convener to an inquiry, there's been speculation as to the form it would take. Will the Convener confirm that the terms of any inquiry; whether it be the Administration motion or otherwise; will be available to members in advance of that meeting on 17 May 2016?

**Supplementary
Answer**

I again thank Councillor Rose for his question and supplementary. Firstly before answering Councillor Rose's supplementary can I put on record my huge appreciation to the staff effort with regards to dealing with this matter. I think there has been a huge effort put in and I think everybody who has taken part in that does have to be congratulated. There's a huge challenge and I think as Councillor Rust stated changes have had to be made and the situation is constantly under review. A truly tremendous challenge and a huge effort that was put in and notwithstanding the unacceptable circumstances facing the Council everyone involved in that does need recognition for the role that they played.

Secondly as I said to Councillor Aitken, I think there is a growing frustration within the City and I think that is understandable. We want to have an understanding of the state of these schools and we want to ensure that we can fix them as quickly as possible and the situation has taken far too long to resolve. An update is being prepared for publication and we hope to have that out very soon.

With regards to the meetings with ESP I can confirm to Councillor Rust that that has been led and co-ordinated by the Chief Executive and I think it is right and proper that he does lead the discussions with ESP. I think with regards to any inquiry, we do need to look at the terms of reference for that and make a decision and that will be published in due course.

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

Police Scotland had developed a proposal for a Dispersal Order to operate in a designated area of the city centre, namely North Bridge, Hunter Square and immediate surrounding areas for a short time.

The proposal was discussed with Council officials and partners, as is standard procedure for joint working, and the outcome was that Police Scotland decided not to pursue the Order at this time, given the emphasis on this issue from a range of initiatives – either underway or in development.

These involve the Council, Police Scotland and voluntary sector partners working collaboratively to address the challenges posed by homelessness, begging and drug and alcohol-related problems across the city, including the city centre (Inclusive Edinburgh, Community Improvement Partnerships for hate crime, begging, Community in Motion project, etc.).

Council-funded police officers have also been requested to increase their focus on the area and engage with those responsible for causing a nuisance or displaying anti-social behaviour.

**Supplementary
Question**

I thank the Convener for his partial answer, I still don't feel that I have a complete answer about why a method of dealing with the anti-social behaviour in Hunter Square which has been used before has not been used in this time. No evidence has been presented for this so I'd be grateful if the Convener could tell me what the timescale for improvements in dealing with the verbal threats, swearing, filth, unusable public toilets, drug taking paraphernalia, excrement in Steven Laws Close, as well as the stabbings that have taken place in the last two months – how this situation will be managed and what the timetable for improvements is meant to be and what evidence was used to abandon the Dispersal Order which is a method that has been used before successfully to tackle anti-social behaviour? It is not a golden bullet we all appreciate that, but it is a tool in the armoury which is much needed in this pressured area of the city at this time.

**Supplementary
Answer**

I thank Councillor Mowat for her question. A number of these issues are for Police Scotland to answer. I don't have the answers to why Police Scotland decided to not progress with their Dispersal Order, only the police can authorise that. I suppose the briefing that came out to members in the city centre on 4 April 2016 clearly showed that we have commenced a street begging community improvement partnership and that will bring all the partners together, there's a multi-agency approach to try and deal with this including targeting this particular area with the Community Council funded police officers and with Streetwork. I accept your point it's not a golden bullet. The idea of a Dispersal Order's not off the table but there are a number of other steps we need to take before we consider that. It should also be noted that the Order that was presented by the police did not include any of the Closes which you mentioned.

Item no 5.1

QUESTION NO 1

By Councillor Burgess for answer by the Convener of the Finance and Resources Committee at a meeting of the Council on 2 June 2016

Question

Given the recent changes to Scottish Government Ministerial portfolios, whether the Council will redouble its efforts to secure enabling powers for the introduction of a Transient Visitor Levy (hotel bed tax).

Answer

Item no 5.2

QUESTION NO 2

**By Councillor Bagshaw for answer
by the Convener of the Transport and
Environment Committee at a meeting
of the Council on 2 June 2016**

Question **(1)** How many full-time equivalent posts have there been in the Council's Active Travel team prior to the transformation process and how many will there be in the same team after that process is completed?

Answer **(1)**

Question **(2)** What impact are any changes likely to have on the delivery of cycling and walking projects at neighbourhood and central level?

Answer **(2)**

Item no 5.3

QUESTION NO 3

By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 2 June 2016

In relation to the Council's Open Space Strategy and Action Plans

Question **(1)** When was this strategy originally approved by council committee?

Answer **(1)**

Question **(2)** When were the strategy and action plans last reviewed and updated by Council Committee?

Answer **(2)**

Question **(3)** When was the last progress report on delivery of the strategy and action plans received by Council Committee?

Answer **(3)**

Question **(4)** When will the strategy and action plans next be reviewed by Council Committee?

Answer **(4)**

Question **(5)** When will the next progress report on delivery of the strategy and action plans be received by Council Committee?

Answer **(5)**

Item no 5.4

QUESTION NO 4

By Councillor Mowat for answer by the Vice-Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 2 June 2016

Stair Lighting

- | | | |
|-----------------|------------|---|
| Question | (1) | What consideration was given to the serious concerns raised by the Equality Impact Assessment which stated that the proposed changes will have a serious impact on a number of groups with protected characteristics? |
| Answer | (1) | |
| Question | (2) | Who owns the stair lighting infrastructure – it was installed by the Council and will now be maintained by private individuals – does this expose the Council to any risk or liability? |
| Answer | (2) | |
| Question | (3) | Should the Council require there to be competent management arrangements in place?

If so, how will this be enforced and has the Council made residents aware of this requirement? |
| Answer | (3) | |
| Question | (4) | Will the Council have any liability if there is an accident from poorly maintained stair lights?

Has the Council taken legal advice on these issues? |
| Answer | (4) | |
| Question | (5) | Stair lighting was commonly considered an extension of the street lighting outside – hence its provision by the Council - is this the legal position and has this been considered as part of the changes implemented? |
| Answer | (5) | |
| Question | (6) | Can residents upgrade their own stair lighting? |
| Answer | (6) | |

Question	(7)	Who is going to be responsible for changing the timer from summer time to winter time to reduce electricity use in the summer when the days are longer?
Answer	(7)	
Question	(8)	What is to stop people tapping into the Council's electricity supply and increasing the costs to the Council?
Answer	(8)	
Question	(9)	Is the Council exposed to any liability given that they have ceased to maintain the stair lighting with less than 8 weeks' notice should someone fall on a dark stair – 8 weeks is not a long time if tenants are dealing with multiple landlords in a stair – some of whom may be living abroad.
Answer	(9)	
Question	(10)	<p>Please provide a breakdown of the costs of providing this service with a breakdown of provision and maintenance costs to</p> <ul style="list-style-type: none"> a) All households b) To private stairs only c) detailed savings expected
Answer	(10)	

Item no 5.5

QUESTION NO 5

**By Councillor Rust for answer by the
Convener of the Finance and
Resources Committee at a meeting
of the Council on 2 June 2016**

Question **(1)** Has there been any discussions by the Council and Council Officers in relation to the future of Lothian Chambers?

Answer **(1)**

Question **(2)** Are there any current plans to dispose of Lothian Chambers through sale, lease or otherwise?

Answer **(2)**

Question **(3)** What viewings of Lothian Chambers have taken place by interested parties?

Answer **(3)**



May 2016

Scottish Cup success for Hibs



It's something that fans have dreamed about for decades – even generations – and Hibs' prayers were finally answered on Saturday 21 May with a dramatic 3–2 victory over Rangers in the Scottish Cup final.

After such a long wait, this was surely one of the most exhilarating occasions in the Easter Road club's history and the joy and jubilation that greeted the team's victory bus as it journeyed down to Leith the following day will live long in the memory.

Huge congratulations to everyone at the club for bringing the Scottish Cup home to the Capital and bringing their 114 year wait to an end.

Congratulations also to Edina Hibs Community Football Club Under 15's, who won the Scottish Cup against Hutchison Vale in an all Edinburgh final. Edina didn't have to wait quite as long for their victory as their older counterparts, having won twice in the past three years.

Make your vote count

It may feel like the Scottish Parliament Election is just behind us, but we're already counting down to the next big vote – the EU Referendum. It is thanks to our excellent team of elections staff that the vote on 5 May went so smoothly, and I'd like to pay tribute to their hard work and dedication throughout the build-up and on polling day.

Now the team is gearing up again, with a matter of weeks until the EU Referendum, and I hope you are thinking about your own part. You must be registered to vote, and the deadline to do this is 7 June. Anyone who has moved house or changed name since last registering should update their details, and can find out how to do this, and [where and when to vote](#), on our website.

Of course, one outcome from that long May night in Ingliston was particularly successful for one of my council colleagues, Jeremy Balfour, who was elected on to the Lothian List as a Conservative MSP. Congratulations, Jeremy.

School closures

Three of our schools – Oxbgangs, St Peters and Braidburn – welcomed back pupils this week, which is obviously a great relief to affected parents and staff.

Our priority has always been the safety of pupils and staff, which is why we have [published letters from ESP and their contractors](#) on our website confirming the schools are ready to reopen. I am sure parents will take comfort from the level of rigour which we have applied and insisted upon throughout.

We will continue to keep parents informed about the remaining programme of works.

Tram satisfaction on the up

The latest survey of UK tram services has revealed that [Edinburgh Trams' customers are 'very satisfied'](#) with the operator – great news for the service, which is clearly going from strength to strength.

This result, which showed satisfaction with Edinburgh Trams as 5% higher than the UK tram operator average, is testament to the hard work of Edinburgh Trams' staff, who should be proud to have achieved such impressive passenger satisfaction ratings each year.

There is no doubt the public have taken to the tram service since its launch in 2014, with well over 5 million customers boarding in the last calendar year.

Summertime and the browsing is easy

Look out for free WiFi in the city centre this summer. We have just agreed to a 10-year concession contract with intechologyWiFi, which includes improved mobile coverage. Residents and visitors will be able to enjoy free, high-speed internet connectivity, 24/7.

This contract is central to our plans for growing the city's economy and encouraging residents and visitors to stay longer and increase their spend. Users will also benefit from savings to their mobile data plans, by being able to access the internet at no cost, and without restrictions on time, while on the go.

intechologyWiFi is installing and operating the WiFi network at no cost to the council, and has been granted exclusive use of our street furniture and properties to help with his process. A [map of the planned coverage area and FAQs about the service](#) is available from our website.

Paving the way for 20mph

Edinburgh is the first city in Scotland implementing a citywide 20mph network. Residents have expressed support for the new limit, which aims to reduce the risk and severity of road collisions, encourage travel on foot and by bike and help make the city's streets more people-friendly.

Approximately 50% of Edinburgh's residential streets are already in 20mph zones. The project extends the 20mph speed limit to the city centre, main shopping streets and residential areas while retaining a strategic network of roads at 30mph and 40mph.

The phased roll out of the 20mph network is planned over 18 months. Phase one covers the city centre and rural west Edinburgh, with the installation of signs and lines commencing at the beginning of June. The new speed limit for this first phase becomes effective on 31 July. A map of the [20mph network and implementation timetable](#) is available from our website.

Battle of Jutland commemorations

Almost a century ago, close to 9,000 British and German lives were lost at sea during the biggest maritime clash of WW1 – the Battle of Jutland.

Edinburgh and Fife will tomorrow (28 May) come together to mark the centenary of this tragic chapter in Scottish history. The Lord Provost will join HRH The Princess Royal, the First Minister, veterans and sea cadets at a remembrance service in South Queensferry Scottish War Graves Commission's Cemetery where 40 casualties from the battle are commemorated or buried.

While it will certainly be a time for reflection, the communities will ensure the day is also a celebration of the people of Queensferry and Rosyth. You can head along to the Hawes Pier to take in a naval parade, beat the retreat and to see a brightly painted dazzle ship anchored in the Forth. Find out more at ww100.com.

Stay in the picture

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The City of Edinburgh Council

10.00am, Thursday 2 June 2016

Review of Appointments to Committees, Boards and Joint Boards for 2016/2017

Item number	7.1
Report number	
Executive/routine	
Wards	None

Executive summary

Standing Order 3.2 requires the Council to make various appointments at its first ordinary meeting in May. The Council is invited to review its appointments to Committees, Boards and Joint Boards for 2016/2017.

Links

Coalition pledges
Council outcomes
Single Outcome Agreement

Review of Appointments to Committees, Boards and Joint Boards for 2016/2017

Recommendations

- 1.1 It is recommended that the Council specifies its appointments to the following positions for 2016/2017:
 - (a) The Leader and Depute Leader of the Council;
 - (b) Conveners and Vice Conveners of the Corporate Policy and Strategy Committee, Executive Committees and other Committees of the Council
 - (c) Members of the Corporate Policy and Strategy Committee, Executive Committees and other Committees of the Council;
 - (d) Members of the Neighbourhood Partnerships;
 - (e) Members of the Integration Joint Board and Joint Committees.
 - (f) The Vice Convener of the Integration Joint Board
- 1.2 The Council is also asked to note the membership of the Lothian Valuation Joint Board and Licensing Board.

Background

- 2.1 On 28 May 2015 the Council made appointments to Committees, Boards and Joint Boards for 2015/2016.
- 2.2 Some adjustments to Committee memberships and Conveners were also agreed at Council meetings on 25 June, May, 17 September and 22 October 2015, and 4 February and 10 March 2016.
- 2.3 In making these adjustments, Council expressly agreed that the membership of some Committees need not be proportionate to party representation. The appendices reflect this adjusted membership.

Main report

- 3.1 Standing Order 3.2 requires the Council to make various appointments at its first ordinary meeting in May. The Council is invited to specify its appointments to the following positions for 2016/2017:
 - The Leader and Depute Leader of the Council;

- Conveners and Vice Conveners of the Corporate Policy and Strategy Committee, Executive Committees and other Committees of the Council (Appendix 1 details current Conveners and Vice Conveners and the Council's previous decision on Group allocations);
- Members of the Corporate Policy and Strategy Committee, Executive Committees and other Committees of the Council (Appendix 2 details current membership);
- Members of Neighbourhood Partnerships (Appendix 3 details current membership);
- Members of the Licensing Board, Joint Committees and Joint Boards that the Council should appoint (see paragraphs 3.2 - 3.6 below) (Appendix 4 details current membership)

Joint Boards

- 3.2 Standing Order 3.2 requires the appointment of members of Joint Boards, and the Council is asked to determine its representation on the Integration Joint Board.
- 3.3 The legislation relating to the Lothian Valuation Joint Board provides for the members first appointed to it to hold office for the life of the Council.
- 3.4 If there is to be any change in the Council's membership of this Joint Board, the co-operation of existing members is required by their resigning from the Board. New appointments cannot be made until a letter of resignation is received.
- 3.5 The Council is therefore invited to note the current membership of this Joint Board, detailed at Appendix 4.
- 3.6 In terms of the Integration Scheme, the Council and NHS Lothian share the appointments of Convener and Vice-Convener of the Integration Joint Board. The Council currently holds the Vice-Convener position and is asked to appoint to this.

Licensing Board

- 3.7 Similar provisions to the Lothian Valuation Joint Board apply to the membership of the Licensing Board. Section 5 and Schedule 1 of the Licensing (Scotland) Act 2005 require that a vacancy on the Licensing Board must formally exist. In this connection, any member intending to resign from the Licensing Board must do so in writing to the Clerk and ensure that their letter is received before 1 May 2015.
- 3.8 The Council is asked to note the membership of the Licensing Board, also set out in Appendix 4.

- 3.9 The Act also states that any member appointed to the Licensing Board cannot take their place on the Board until they have completed an external training course and passed an examination.
- 3.10 A councillor who is a premises licence holder, or the employee of a premises licence holder and works as such in licensed premises, whether alone or in partnership with another person engaged in the business of producing or selling alcohol, or a director or other officer of a company so engaged or an employee of any person so engaged and working as such in that business, shall not act as a member of a Licensing Board for any purpose under the Act.

Senior Councillor Allowances

- 3.11 When specifying appointments, the Council can appoint 24 Senior Councillors within maximum budget set out in the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2013. The Council on 28 April 2016 agreed elected member remuneration for 2016-17, including payments to designated Senior Councillors.

Measures of success

Not applicable.

Financial impact

Not applicable.

Risk, policy, compliance and governance impact

Not applicable.

Equalities impact

Not applicable.

Sustainability impact

Not applicable.

Consultation and engagement

Not applicable.

Background reading / external references

Elected Member Remuneration report to 28 April 2016 Council Elected Members Remuneration

Andrew Kerr

Chief Executive

Contact: Louise Williamson, Assistant Committee Clerk, Committee Services

E-mail: louise.p.williamson@edinburgh.gov.uk | Tel: 0131 529 4264

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Appendices

Appendix 1 – Conveners and Vice Conveners of Committees

Appendix 2 – Membership of Committees

Appendix 3 – Members of Neighbourhood Partnerships

Appendix 4 – Joint Committees and Boards, The Licensing Board and Lothian and Borders Community Justice Authority

APPENDIX 1

APPOINTMENTS FOR 2015/2016

CONVENERS AND VICE CONVENERS OF COMMITTEES

EXECUTIVE COMMITTEES		
Corporate Policy and Strategy (Leader and Deputy Leader of the Council as Convener and Vice Convener)	Convener: Vice-Convener:	Councillor Burns Councillor Ross
Communities and Neighbourhoods (Capital Coalition members)	Convener: Vice-Convener:	Councillor Child Councillor Ritchie
Culture and Sport (Capital Coalition members)	Convener: Vice-Convener:	Councillor Lewis Councillor Austin Hart
Economy (Capital Coalition members)	Convener: Vice-Convener:	Councillor Barrie Councillor Munro
Education, Children and Families (Capital Coalition members)	Convener: Vice-Convener:	Councillor Godzik Councillor Fullerton
Finance and Resources (Capital Coalition members)	Convener: Vice Convener:	Councillor Rankin Councillor Bill Cook
Health, Social Care and Housing (Capital Coalition members)	Convener: Vice-Convener:	Councillor Ricky Henderson Councillor Day
Transport and Environment (Capital Coalition members)	Convener: Vice-Convener:	Councillor Hinds Councillor McVey
OTHER COMMITTEES		
Governance, Risk and Best Value (Conservative Group member as Convener)	Convener:	Councillor Balfour
Police and Fire Scrutiny Committee	Convener: Vice-Convener:	Councillor Bill Henderson Councillor Redpath
Leadership Advisory Panel (Leader of the Council as Convener)	Convener:	Councillor Burns

Petitions (Green Group member as Convener)	Convener:	Councillor Booth
Pensions (Capital Coalition member as Convener)	Convener:	Councillor Rankin
Planning/Development Management Sub	Convener: Vice-Convener:	Councillor Perry Councillor Lunn
Regulatory/Licensing Sub	Convener: Vice Convener:	Councillor Bridgman Councillor Blacklock
Committee on the Jean F Watson Bequest	Convener:	To be appointed from agreed Committee membership
APPEALS		
Committee on Discretionary Rating Appeals	Convener:	To be appointed from agreed Committee membership
Personnel Appeals Committee	Convener:	Councillor Austin Hart
Committee on Pupil/Student Support	Convener:	Councillor Godzik
Placing in Schools Appeals		Independent Chairperson
Social Work Complaints Review Committee		Independent Chairperson
RECRUITMENT		
Recruitment Committee	Convener:	Council Leader

APPENDIX 2

APPOINTMENTS 2015/16

MEMBERSHIP OF COMMITTEES

Corporate Policy and Strategy Committee – 15 members – 5 Labour, 4 Scottish National Party, 3 Conservative, 2 Green, 1 Scottish Liberal Democrat

Leader of the Council (Councillor Burns) (Convener)	Convener of the Health, Social Care and Housing Committee (Councillor Ricky Henderson)
Deputy Leader of the Council (Councillor Ross) (Deputy Convener)	Convener of the Transport and Environment Committee (Councillor Hinds)
Convener of the Communities and Neighbourhood Committee (Councillor Child)	Councillor Rose
Convener of the Culture and Sport Committee (Councillor Lewis)	Councillor Mowat
Convener of the Economy Committee (Councillor Barrie)	Councillor Rust
Convener of the Education, Children and Families Committee (Councillor Godzik)	Councillor Burgess
Convener of the Finance and Resources Committee (Councillor Rankin)	Councillor Main
	Councillor Edie

EXECUTIVE COMMITTEES

Communities and Neighbourhoods Committee – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Child (Convener)	Councillor Ritchie(Vice Convener)
Councillor Gardner	Councillor Jackson
Councillor Keil	Councillor McInnes
Councillor Griffiths	Councillor Bagshaw
Councillor Walker	Councillor Edie
Councillor Bridgman	Leader (ex officio)
Councillor Cairns	Deputy Leader (ex officio)
Councillor Lunn	

Culture and Sport Committee – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Austin Hart (Vice Convener)	Councillor Lewis (Convener)
Councillor Donaldson	Councillor Heslop
Councillor Doran	Councillor Paterson
Councillor Milligan	Councillor Booth
Councillor Munro	Councillor Shields
Councillor Cairns	Leader (ex officio)
Councillor Cardownie	Deputy Leader (ex officio)
Councillor Fullerton	

Economy Committee – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Blacklock	Councillor Ritchie
Councillor Gardner	Councillor Paterson
Councillor Milligan	Councillor Mowat
Councillor Munro (Vice Convener)	Councillor Corbett
Councillor Robson	Councillor Edie
Councillor Barrie (Convener)	Leader (ex officio)
Councillor McVey	Deputy Leader (ex officio)
Councillor Rankin	

Education, Children and Families Committee – 20 members – 7 Labour, 6 Scottish National Party, 4 Conservative, 2 Green, 1 Scottish Liberal Democrat

Councillor Austin-Hart	Councillor Lewis
Councillor Child	Councillor Tymkewycz
Councillor Day	Councillor Aitken
Councillor Godzik (Convener)	Councillor Nick Cook
Councillor Milligan	Councillor Jackson
Councillor Redpath	Councillor Rust
Councillor Robson	Councillor Corbett
Councillor Bridgman	Councillor Main
Councillor Fullerton (Vice-Convener)	Councillor Aldridge
Councillor Lunn	Leader (ex officio)
Councillor Key	Deputy Leader (ex officio)

Added Members for Education Matters

A Craig Duncan (Church of Scotland)	John Swinburne (Teacher Representative)
Ms Marie Allan (Roman Catholic)	Alexander Ramage (Parent representative)
Rev Thomas Coupar (The Robin Chapel)	
Allan Crosbie (Teacher Representative)	

Finance and Resources Committee – 13 members – 5 Labour, 4 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Bill Cook (Vice Convener)	Councillor Rankin (Convener)
Councillor Griffiths	Councillor Jackson
Councillor Godzik	Councillor Whyte
Councillor Ricky Henderson	Councillor Corbett
Councillor Walker	Councillor Edie
Councillor Dixon	Leader (ex officio)
Councillor Bill Henderson	Deputy Leader (ex officio)
Councillor McVey	

Health, Social Care and Housing Committee – 15 members – 5 Labour, 4 Scottish National Party, 3 Conservative, 2 Green, 1 Scottish Liberal Democrat

Councillor Day (Vice Convener)	Councillor Aitken
Councillor Doran	Councillor Heslop
Councillor Gardner	Councillor Rust
Councillor Griffiths	Councillor Booth
Councillor Ricky Henderson (Convener)	Councillor Burgess
Councillor Bridgman	Councillor Shields
Councillor Key	Leader (ex officio)
Councillor Lunn	Deputy Leader (ex officio)
Councillor Work	

Transport and Environment Committee – 15 members – 5 Labour, 4 Scottish National Party, 3 Conservative, 2 Green, 1 Scottish Liberal Democrat

Councillor Donaldson	Councillor Jackson
Councillor Doran	Councillor McInnes
Councillor Gardner	Councillor Nick Cook
Councillor Hinds (Convener)	Councillor Bagshaw
Councillor Keil	Councillor Booth
Councillor Barrie	Councillor Aldridge
Councillor Cardownie	Leader (ex officio)
Councillor Bill Henderson	Deputy Leader (ex officio)
Councillor McVey (Vice-Convener)	

OTHER COMMITTEES

Governance, Risk and Best Value Committee – 13 members – 5 Labour, 3 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat, 1 Independent

Councillor Child	Councillor Tymkewycz
Councillor Gardner	Councillor Balfour (Convener)
Councillor Keil	Councillor Mowat
Councillor Munro	Councillor Main
Councillor Redpath	Councillor Shields
Councillor Dixon	Councillor Orr
Councillor Ritchie	

Police and Fire Scrutiny Committee – 10 members – 3 Labour, 3 Scottish National Party, 2, Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Child	Councillor Tymkewycz
Councillor Redpath (Vice-Convener)	Councillor Aitken
Councillor Walker	Councillor Mowat
Councillor Barrie	Councillor Main
Councillor Bill Henderson (Convener)	Councillor Edie

Petitions Committee – 10 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green, 1 Scottish Liberal Democrat

Councillor Donaldson	Councillor Lunn
Councillor Gardner	Councillor Balfour
Councillor Keil	Councillor Paterson
Councillor Dixon	Councillor Booth (Convener)
Councillor Key	Councillor Edie

Pensions Committee – 5 members – 2 Labour, 1 Scottish National Party, 1 Conservative, 1 Independent (plus 2 external members)

Councillor Child	Councillor Rose
Councillor Bill Cook	Councillor Orr
Councillor Rankin (Convener)	

External Members

John Anzani
Richard Lamont

Planning Committee/Development Management Sub-Committee

15 members – 6 Labour, 5 Scottish National Party, 3 Conservative, 1 Green

Councillor Blacklock	Councillor Lunn(Vice Convener)
Councillor Child	Councillor McVey
Councillor Keil	Councillor Ritchie
Councillor Milligan	Councillor Balfour
Councillor Perry (Convener)	Councillor Heslop
Councillor Robson	Councillor Mowat
Councillor Cairns	Councillor Bagshaw
Councillor Howat	

Planning Local Review Body – All members of the Planning Committee comprising three panels as follows:

Panel 1

Councillor Milligan	Councillor Ritchie
Councillor Robson	Councillor Mowat
Councillor Howat	

Panel 2

Councillor Blacklock	Councillor McVey
Councillor Perry	Councillor Balfour
Councillor Cairns	

Panel 3

Councillor Child	Councillor Heslop
Councillor Keil	Councillor Bagshaw
Councillor Lunn	

Regulatory Committee/Licensing Sub-Committee – 9 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Blacklock (Vice-Convener)	Councillor Lunn
Councillor Gardner	Councillor Aitken
Councillor Redpath	Councillor Heslop
Councillor Bridgman (Convener)	Councillor Burgess
Councillor Cairns	

Leadership Advisory Panel – 5 members of the Council plus 3 statutory representatives, appointed by the Education, Children and Families Committee when considering education business

Leader of the Council (Convener)	Green Group Leader
Deputy Leader of the Council	Scottish Liberal Democrat Group Leader
Conservative Group Leader	

Administration of Trust Funds

Committee on the Jean F Watson Bequest – 8 members plus one nominee of Friends of the City Arts Centre and two nominees of Director of Corporate Governance – 3 Labour, 2 Scottish National Party, 2 Conservative, 1 Green

Councillor Doran
Councillor Keil
Councillor Redpath
Councillor Lewis

Councillor Fullerton
Councillor Aitken
Councillor Paterson
Councillor Burgess

Reviews and Appeals

Committee on Discretionary Rating Relief Appeals – 5 members – 2 Labour, 2 Scottish National Party, 1 Conservative

Councillor Day
Councillor Griffiths
Councillor Tymkewycz

Councillor Work
Councillor Whyte

Personnel Appeals Committee – 9 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Austin Hart (Convener)
Councillor Redpath
Councillor Walker
Councillor Barrie
Councillor Howat

Councillor Key
Councillor Aitken
Councillor Balfour
Councillor Booth

Committee on Pupil and Student Support – 5 members and one religious representative – 2 Labour, 2 Scottish National Party, 1 Conservative

Councillor Godzik (Convener)
Councillor Keil
Councillor Fullerton

Councillor Key
Councillor Rust
One religious representative

Placing in Schools Appeals Committee – 3 persons drawn from three Panels as described in Committee Terms of Reference and Delegated Functions number 17

Panel 1 – All members of Council and religious and teacher representatives on the Education, Children and Families Committee

Social Work Complaints Review Committee – 3 persons drawn from a panel approved by the Council (including all Councillors who are not members of the Education, Children and Families or Health, Social Care and Housing Committees)

Recruitment

Recruitment Committee

Leader of Council (Convener), Deputy Leader of the Council, Convener of the Finance and Resources Committee and the appropriate Executive Committee Convener and relevant opposition spokespersons (or nominees)

APPENDIX 3

APPOINTMENTS 2015/16

MEMBERS OF NEIGHBOURHOOD PARTNERSHIPS

ALMOND

Councillor Paterson
Councillor Shields

Councillor Work

CITY CENTRE

Councillor Doran
Councillor Mowat

Councillor Rankin

CRAIGENTINNY/DUDDINGSTON

Councillor Griffiths
Councillor Lunn

Councillor Tymkewycz

FORTH

Councillor Cardownie
Councillor Day

Councillor Jackson
Councillor Redpath

INVERLEITH

Councillor Bagshaw
Councillor Barrie

Councillor Hinds
Councillor Whyte

PENTLANDS

Councillor Aitken
Councillor Bill Henderson
Councillor Ricky Henderson

Councillor Heslop
Councillor Lewis
Councillor Rust

LEITH

Councillor Blacklock
Councillor Booth
Councillor Donaldson
Councillor Gardner

Councillor McVey
Councillor Munro
Councillor Ritchie

LIBERTON/GILMERTON

Councillor Austin Hart
Councillor Bill Cook

Councillor Nick Cook
Councillor Robson

PORTOBELLO/CRAIGMILLAR

Councillor Bridgman
Councillor Child

Councillor Walker

SOUTH CENTRAL

Councillor Burgess
Councillor Godzik
Councillor Howat
Councillor Main

Councillor McInnes
Councillor Orr
Councillor Perry
Councillor Rose

SOUTH WEST

Councillor Burns
Councillor Corbett
Councillor Dixon
Councillor Fullerton

Councillor Key
Councillor Milligan
Councillor Wilson

WESTERN EDINBURGH

Councillor Aldridge
Councillor Balfour
Councillor Cairns

Councillor Edie
Councillor Keil
Councillor Ross

APPENDIX 4

APPOINTMENTS 2015/16

JOINT COMMITTEES AND BOARDS, THE LICENSING BOARD AND LoTHIAN AND BORDERS COMMUNITY JUSTICE AUTHORITY

Lothian Valuation Joint Board/Lothian Electoral Joint Committee – 9 members – 3 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Ricky Henderson
Councillor Doran
Councillor Keil
Councillor McVey
Councillor Lunn

Councillor Work
Councillor McInnes
Councillor Rust
Councillor Bagshaw

Licensing Board – up to 10 members – 4 Labour, 3 Scottish National Party, 2 Conservative, 1 Green

Councillor Day
Councillor Milligan
Councillor Redpath
Councillor Walker
Councillor Barrie

Councillor Bridgman
Councillor Work
Councillor Balfour
Councillor Nick Cook
Councillor Booth

SEStran (South East of Scotland Regional Transport Partnership) – 5 members – 2 Labour, 2 Scottish National Party, 1 Conservative

Councillor Gardner
Councillor Hinds
Councillor Bill Henderson
Councillor McVey
Councillor Nick Cook

Lothian and Borders Community Justice Authority – 1 member

Substantive member

Convener of Health, Social Care and Housing Committee

Substitute member

Councillor Bill Cook

Integration Joint Board – 5 elected members – 2 Labour, 2 SNP, 1 Opposition Group

Councillor Griffiths
Councillor Ricky Henderson (Vice Convener)
Councillor Howat

Councillor Work
Councillor Aitken

**Shadow Joint Committee for
Collaborative Road Services
Substantive Member**
Councillor Hinds

Substitute Member
Councillor McVey

10am, Thursday, 02 June 2016

Mortonhall Action Plan – Update

Item number	8.1
Report number	
Executive/routine	
Wards	All

Executive summary

This report provides the Council with an update on progress made on recommendations from Dame Elish Angiolini's Mortonhall Investigation Report, and actions from the Chief Executive's Multi-Agency Working Group Action Plan. This report outlines the good progress that has been made across all recommendations and actions, with many of these fully complete or well underway.

The report also provides an update on the refurbishment programme for the crematorium building, equipment and public facilities due for completion in November 2016.

Links

Coalition pledges:	P27 ; P51
Council priorities:	CP3 ; CP5 ; CP9 ; CP13
Single Outcome Agreement:	SOA2 ; SOA4

Mortonhall Action Plan - Update

Recommendations

The Council is asked to:

- 1.1 note the update on actions from Dame Elish Angiolini's Mortonhall Investigation Report and Chief Executive's Multi-Agency Working Group Action Plan, and the positive progress that continues to be made against all recommendations two years after the Action Plan was originally approved by Council, and one year after the presentation of an interim update report in June 2015;
- 1.2 note thanks to all affected parents, staff, partners and contributors in enabling the successful progress on actions;
- 1.3 note the successful completion of a memorial at Mortonhall;
- 1.4 agree to move to consult with all affected parents on design options for the Princes Street Gardens memorial in Summer 2016;
- 1.5 agree the revised City of Edinburgh Council Cremation Policy document;
- 1.6 note the continuing positive work of the Chief Executive's Multi-Agency Working Group in providing oversight of actions;
- 1.7 agree the revised policy position on disposal and recycling of metals recovered following cremation, with the intention that an equitable donation of monies received be gifted to SANDS Lothians and SiMBA;
- 1.8 note that the formal inspection of Mortonhall by HM Inspector of Crematoria took place on 5 May 2016, with no non-conformities identified and a compliant service report;
- 1.9 approve an additional capital expenditure of £200,000 for the mercury abatement works required as part of the refurbishment programme to ensure continued compliance with SEPA environmental regulations; and
- 1.10 agree to the adoption of the Scottish Government Code of Practice and guidelines formally published in December 2015.

Background

- 2.1 Following receipt of Dame Elish Angiolini's Mortonhall Investigation Report into historical practices at Mortonhall Crematorium, it was agreed at the City of Edinburgh Council's meeting of 26 June 2014 that the 22 specific recommendations contained in the report would be taken forward by the Council and other relevant agencies.

- 2.2 An Action Plan was developed through discussions at the Chief Executive's Multi-Agency Working Group and enabled ongoing focus on the key elements required to ensure successful programme delivery.
- 2.3 An implementation team, led by a Senior Manager in Place, officers seconded to support the delivery of the action plan and staff at Mortonhall has continued to work collaboratively implementing ongoing culture change at Mortonhall Crematorium. This work has also involved working with partners and stakeholders to ensure an informed and supportive approach from the range of service providers who meet directly with the bereaved.
- 2.4 As originally required by the Council, the majority of recommendations were successfully implemented within a period of one year, at which time an update report was submitted to the City of Edinburgh Council at its meeting on 25 June 2015.
- 2.5 The City of Edinburgh Council acknowledged the good progress made to date, while recognising that further work remained to be carried out, particularly in regard to national legislative changes being introduced by the Scottish Government, implementation of ongoing cultural change at Mortonhall, and the completion of suitable memorials for affected parents in Edinburgh.
- 2.6 With this in mind, a further update report was requested for the Council meeting in June 2016, as part of the agreed bi-annual reporting cycle.

Main report

Management of Mortonhall Crematorium

Team involvement and input

- 3.1 The Mortonhall Crematorium staff team and the Mortonhall Action Team have continued to work closely and positively together to ensure the continued delivery of required improvements. Managers have been encouraged to play a key role in local implementation of changes to working practices arising from the investigation and actions. Regular updates have been shared between teams, and benchmarking visits undertaken to other locations.
- 3.2 To support the Bereavement Service managers with the implementation of the Action Plan a Cremation Services Change Manager was appointed on a seconded basis in November 2015. However there have been two notable departures from the management team with the retirement of the Bereavement Services Manager and the resignation of the Crematorium Team Leader leading to significant operational management challenges.
- 3.3 The Senior and Change Manager and local staff team have continued to work together to ensure continuity of cremation services at Mortonhall in the ensuing period, with the Change Manager assuming operational responsibility for day-to-day service delivery. Additional professional support has been sought from the Federation of Burial and Cremation Authorities (FBCA) and Institute of Crematorium and Cemetery Management (ICCM) to ensure compliant operation and support delivery of on-site improvements. This has been supplemented

during March-April 2016 by some short-term consultancy to review and strengthen operational and health and safety procedures and working practices, which will be implemented in late 2016 following re-opening of the crematorium after refurbishment. A copy of the report is attached as Appendix 1.

- 3.4 An exercise to recruit a new Crematorium Team Leader was unsuccessful as it failed to attract candidates with the required skills and qualifications. The job role has since been re-designed as part of the Transformation Programme's Environment Service Review and a new job description and person specification has been produced (see section 3.5 below). A further recruitment exercise will take place as part of the implementation of the service structure.
- 3.5 In order to strengthen management resilience at the Crematorium moving forward, the new structure proposed under the Transformation Programme review proposes replacing the former Team Leader post with the creation of two new posts within the Crematorium team. A Senior Cremation Technician post (GR7) will support the day to day management and supervision of the technician team, ensuring operational compliance and awareness of current and emerging legislation and good practice. At the same time, a Bereavement Services Improvement Officer post (GR7) will support managers to ensure that the service is fully compliant with changes in legislation and regulatory requirements, the adoption of best practice developing policy and reviewing and updating procedures and engagement with stakeholders both locally and nationally. Additionally, the Senior Manager permanent appointment has now been made and the successful candidate will be responsible for overseeing the refurbishment and future development of the service.

Enhancing the customer experience

- 3.6 With the support of the Council's Business Improvement Team and the active participation of the staff team, the existing customer focussed approach continues to be strengthened at Mortonhall using the guiding principles of the CSE framework as a model. Led by the Senior and Crematorium Change Manager and incorporating active participation by the team, the service successfully achieved CSE compliance in November 2015. During the course of this visit the assessor recognised the work completed and planned to improve the customer journey, and indicated an intention to carry out a further visit in November 2016 to review progress.
- 3.7 A performance framework is being developed based on extensive desktop research and benchmarking with other cremation authorities and the ICCM and FBCA. This has helped identify potential key performance criteria which will be adopted for this service moving forward. Relevant examples have been considered for adoption by the Council to demonstrate a robust and responsive approach to performance measurement, to establish parity of approach with other service areas within the Council, and to enable early identification and resolution of emerging issues.

- 3.8 Customer survey sheets have been available online and in the Mortonhall Crematorium office, Chapel of Remembrance and Waiting Room since September 2015. These surveys seek to measure customer satisfaction with the environment of the Crematorium and its grounds, the quality of information provided, and the level of customer care received from staff. Results from these are regularly analysed by managers and suggested areas for improvement discussed by the staff team. Whilst feedback received from service users generally suggests a high level of satisfaction with the service provided, individual concerns and suggestions are now discussed by the team and where feasible, solutions identified to enhance the customer journey. Once a statistically meaningful set of data has been gathered, responses to feedback will also be used to inform the implementation of an agreed performance framework which will provide robust evidence of customer satisfaction with the crematorium.
- 3.9 A number of improvements have been carried out to the crematorium waiting room with a view to improving the customer experience. These have included:
- improvements to public toilets including the installation of a disabled toilet;
 - installation of a new roof;
 - installation of an automatic door;
 - external repainting; and
 - enhanced cleaning regime with cleaning carried out three times per day.
- 3.10 Further work to improve the waiting room will take place in summer 2016, including new more comfortable seating, and a feature wooden site map designed from reclaimed natural wood as an attractive centrepiece.
- 3.11 A number of affected parents have also raised concerns about the condition and maintenance of the Rose Garden at Mortonhall which is currently used as a location for interring babies' remains, and provides a focal point for affected parents to remember their loved ones. Previous rose planting on the site had historically been badly affected by rose blight, and the area is in need of development to ensure it is restored to a condition in keeping with the expectations of affected parents.
- 3.12 An outline improvement plan has been developed to refurbish and enhance the condition of the Rose Garden. Parents with an interest in this area were invited by way of notices placed adjacent to the Rose Garden to register any interest they had in working with the Crematorium Team in taking forward an improvement plan for this area.
- 3.13 A number of parents and stakeholders have come forward as a result of this work and have attended several meetings with Council staff to discuss their concerns and identify potential ways forward. The sensitivity of this area is recognised by all participants, including the need to ensure that consultation and discussion with parents takes accounts of a range of views.

- 3.14 Staff have also made contact with other local authorities who have recently carried out work to similar areas in their own crematoria and cemeteries, to learn from the experience and ensure the most sensitive and effective approach. With active input from stakeholders and parents, the focus group have recently completed an initial design specification document to inform the development of landscape improvement proposals. These designs will then form the basis of further dialogue and consultation with parents.
- 3.15 By working with parents, residents, partners and Council staff, these improvements will ensure that the Rose Garden is more visually appealing and a fitting area for families of babies who are buried there.

Training and qualifications

- 3.16 The FBCA and Institute of Crematorium and Cemetery Management (ICCM) have agreed to adopt recommendations of Lord Bony's report and have developed updated training and guidance. The FBCA's Training and Examination Scheme for Cremation Technicians now incorporates specific elements dealing with baby, infant and foetus cremations.
- 3.17 Mortonhall Crematorium staff are among the first in Scotland to have successfully completed updated modules in infant cremations. Currently these modules have been completed by four members of staff, with the remaining staff due to complete these during summer 2016. The assessments are carried out at an external centre of excellence identified by the FBCA, and have the additional benefit of enabling staff attending to experience best practice elsewhere and to network with colleagues in other locations.

Transformation Programme

- 3.18 As part of the Environment Service Review, a review of Crematorium Team Services structure took place in Spring 2016 with good engagement from staff. The review includes an appraisal of service functions and delivery, organisational structures, revised job descriptions and staffing levels in order to ensure enhanced service management, including the creation of two new posts designed to ensure operational compliance, good customer care and effective stakeholder engagement. The outcomes of this review will support delivery of a culture of continuous improvement and customer focus as per the original recommendations.

Quality management

- 3.19 A British Standards Institute (BSI) review session of Bereavement Services took place in March 2016 and resulted in a fully compliant report with no new non-conformities identified (Appendix 1). A further visit was scheduled for July 2016 to focus on Quality Management Systems, customer satisfaction and complaints, and burial processes. This is being rescheduled given the closure of the Crematorium.

- 3.20 Following on from Dame Elish Angiolini's recommendations, agreement has been reached around the process for recording the location of ashes when interred in the Crematorium grounds. The electronic Burial and Cremation Administration System (BACAS) has been upgraded to enable the accurate recording of the process, and therefore to support any requests made by relatives for this information.
- 3.21 A programme of visits to other crematoria involving staff and managers is ongoing. A visit to Kirkcaldy Crematorium took place in June 2015 to explore further benchmarking opportunities with other cremation authorities in Scotland, and team members attended training sessions in Inverclyde Crematorium in April 2016, with a further visit scheduled for Summer 2016.
- 3.22 Senior Manager and Mortonhall Action Team input to the Scottish Government's National Committee on Infant Cremation, and its various sub groups, has enabled the City of Edinburgh Council to maintain a proactive role in the review and development of good practice and the new legislation across Scotland.
- 3.23 Senior and Service Managers are attending regular meetings with NHS Lothian and representatives of the funeral industry to develop a greater shared clarity of understanding around the choices available to parents when faced with the loss of a child. This clarity will ensure that all practitioners are aware of operational practices at Mortonhall Crematorium, and therefore enable them to provide informed support to parents at a difficult time.
- 3.24 Managers have maximised networking opportunities with the National Benchmarking Group, and representatives from FBCA and ICCM, to enhance opportunities for shared good practice.
- 3.25 Ongoing discussions with multi faith communities and other equalities groups across the city, at service planning and as part of continuous feedback, will ensure the cremation service continues to be relevant and responsive to all beliefs and cultures, and fully adheres to the Council's view on equality and diversity.

Communications

- 3.26 A Communications Plan includes a commitment to ensuring that information on progress against the key actions is widely and publicly available across a range of platforms. The communications plan acknowledges the need to provide clear and open information on progress in plain English. Support from the Communications Team has also ensured that ongoing positive progress is regularly reported through the media.
- 3.27 The communications plan encompasses affected parents, all key stakeholders, staff and partners, and recognises the need for the wider public to be aware of positive progress. The plan also ensures that continuous engagement with the onsite staff team is maintained.

- 3.28 The team has continued to provide regular written and telephone support in responding to individual queries from affected parents, in particular respecting the approach of those parents who have not come forward until after the initial investigation was concluded. These have ensured that parents contacting the Council are updated on progress, while at the same time providing a sympathetic response to those parents who require additional reassurance and emotional support.
- 3.29 The communications plan recognises the need to ensure that key partners, such as NHS Lothian, Funeral Directors and support organisations, are kept fully informed on any changes to operational practice at Mortonhall that would impact on services to customers, and are able to share this information confidently and accurately with members of the public.
- 3.30 Ongoing dialogue has been held with NHS Lothian, with a view to developing a stakeholder workshop aimed at providing opportunities for all those involved in working with bereaved parents to understand the totality of the customer journey in these circumstances, and to ensure that the information provided to those affected is accurate and understood by those affected.
- 3.31 The Council [web page](#) on the Mortonhall Investigation has been regularly updated to incorporate the latest information on progress to date.
- Information has also been provided to partner charities SANDS Lothians and SiMBA for sharing via their social media pages and networks.

Ensuring effective and compliant service delivery

Policy statements

- 3.32 Following the Corporate Policy and Strategy Committee's approval in November 2014 of the definition of ashes, as recommended by Lord Boney, this was incorporated into a wider Cremation Services Policy Document which was approved by the Council on 5 February 2015. This Policy Document has been made available to members of the public, industry and healthcare professionals and key elements of this document will be incorporated into wider service information which is currently under development. This document was revised in March 2016 to incorporate emerging legislative and practice changes as recommended by the Scottish Government. This is included as Appendix 3.
- 3.33 In line with the majority of crematoria nationally, a revised approach to the recycling of metals recovered following cremation is being developed, with the intention that this be implemented the reopening of Mortonhall after its refurbishment subject to Council approval.
- 3.34 The current approach involves the sensitive recovery of metals remaining after the cremation process including coffin parts and artificial medical implants, and the subsequent burial of these metals in the Garden of Remembrance, an approach of which applicants are made fully aware at the point of authorisation.

- 3.35 The revised approach being recommended involves the sensitive collection of these metals by agreed companies for recycling, with income received being donated to SANDS Lothians and SiMBA in recognition of their work in supporting those affected by the loss of a child.
- 3.36 It is intended that this approach be in place for an initial period of 3 years, and reviewed in partnership with these charities.

Process mapping

- 3.37 In response to recommendations from Dame Angiolini's report, a clearly defined process map for handling of all remains was developed with the active involvement of the Mortonhall staff team. This incorporates the recent legislative changes around Death Certification which were introduced in May 2015, and will ensure clarity and consistency of processes for local staff around this sensitive work. Process mapping is regularly reviewed as part of scheduled audits for BSI accreditation and also revised and clarified in response to feedback.
- 3.38 This documentation is incorporated in records required for BSI assessment. This will also enable the cremation service to provide clear information to partners, such as Funeral Directors and NHS Lothian, on its approach to the sensitive handling of remains which can in turn be communicated to the bereaved. The process map was also available for the Inspector of Crematoria during his initial introductory visit in late 2015, and the documentation was made available for his formal Inspection in May 2016.

Refurbishment

- 3.39 Following on from the significant fire in March 2015, work has been carried out to develop a £2 million programme of improvements and investment to ensure legal compliance, and to develop a modern and customer focussed facility moving forward. These improvements are being supported through the Asset Management Capital programme.
- 3.40 Key drivers for change are as follows:
- Delivery of the actions set out in the Dame Elish Angiolini and Lord Bonomy reports;
 - Building the trust and confidence of affected parents and the wider public;
 - Legal compliance (health and fire safety, environmental and cremation legislation requirements are fulfilled); and
 - Desire for a modern and fit for purpose facility, which is customer focussed.
- 3.41 This work commenced on 6 June 2016, and the building will be closed for all memorial services and cremations, until November 2016 when the building will be returned to the Council by the main contractor, Keir Construction. The Chapel and Garden of Remembrance and the burial grounds on site will be open to customers, and affected parents will be able to visit the memorial garden during this time. It is likely there will be some guided walkways in place to support these visits whilst construction is underway.

- 3.42 During the course of this work, which requires complete closure of the Crematorium Building and administration offices, temporary administration accommodation was established onsite to enable the service to retain a public-facing office facility. This high-quality accommodation incorporated reception area, private meeting room for the bereaved, staff administration area and storage for onsite records, and ensures that members of the public will continue to receive a high quality service in a welcoming environment.
- 3.43 The refurbishment work will comprise of a schedule of customer facing improvements including:
- additional furnishings and fittings in the waiting room improve the appearance and comfort of the waiting room;
 - a reconfiguration and refurbishment of the main office, using design principles applied in Maggie's Centres in Scotland, to create a welcoming and comfortable environment for the bereaved; and
 - refurbishment work of benches, carpets, lighting and curtains in the Main and Pentland Chapels.
- 3.44 In addition, there will be a range of technical and structural improvements, including:
- replacement of a previously fire damaged cremator;
 - complete removal of the timber framed roof, and replacement with a custom designed concrete roof above the cremator area;
 - reinstatement and improvements of the Mercury Abatement Plant;
 - relocation of the small scale infant cremator into the main building affording ease of supervision when commissioned;
 - major repairs to Main Chapel roof and window;
 - private meeting space and welfare facilities for the bereaved;
 - workstyle office based staff area allowing for greater flexibility and supervision;
 - introduction of a disabled access customer and staff toilet; and
 - a range of electrical and plant improvements.
- 3.45 The Council will maintain delivery of the statutory duties to carry out burials and to support customers who wish to access remembrance or memorials by continuing an office based presence on site. In addition, the Council requires to discharge the legal requirement for indigent dead (those without the means to pay) and has procured appropriate support for the cremation of those deceased at an alternative establishment within the city.
- 3.46 Stakeholder briefings, including members of the Chief Executive's Working Group, have taken place led by the Senior Manager to support awareness of the above changes. Liaison with the NHS has allowed agreement regarding specific services (collective cremations) which will no longer be carried out at Mortonhall. The Inspector of Crematoria, Scottish Government and SEPA are being briefed regularly on this project.

Environmental compliance

- 3.47 To support ongoing permit compliance, and to develop understanding of proposed works, meetings have taken place with the Scottish Environmental Protection Agency (SEPA) in February 2016 to outline the proposed refurbishment in detail. This work will incorporate refurbished mercury abatement equipment that will ensure the Council can successfully implement 100% abatement of flue gases. It is anticipated this position will also be much improved with the introduction of the new cremator.
- 3.48 Improved reporting has also been implemented in relation to emission testing and root cause analysis for any minor emissions breaches

Legislative documentation

- 3.49 Positive progress in revising statutory cremation application documents is being made by the National Committee sub groups, which City of Edinburgh Council managers attend on a regular basis. The draft work to the Form A – Application for Cremation -carried out internally by City of Edinburgh Council staff has also been passed to the Scottish Government for consideration and inclusion in ongoing dialogue around the design of the national statutory form. This work has been incorporated in statutory processes supporting the introduction of revised Burial and Cremation legislation.

Memorial

- 3.50 The Council continued to work with affected parents and collaboratively with SANDS Lothians and SiMBA in regards to the design and location of a fitting memorial to babies affected by historical practices at Mortonhall.
- 3.51 Following a number of consultations and meetings involving affected parents around the potential location, style and design of any memorial options, it was agreed by parents that a memorial should be developed at Mortonhall recognising the significant feedback received in support of this. It was also agreed that, in acknowledgement of feedback received from parents who would find it difficult to return to Mortonhall, that a second memorial be developed in an alternative location. Positive progress in this regard enabled this important piece of work to be completed in November 2015.
- 3.52 Following discussion with the Chief Executive's Working Group, it was agreed that an initial informal viewing opportunity be provided for key stakeholders and media in the morning of 4 December 2015, followed by a formal opening, to which all affected parents were invited, in the afternoon.
- 3.53 As previously reported an offer of dedication was received from the Church of Scotland Social and Community Interests Committee to rededicate land, should this be desired. Two sensitively worded dedications were offered at the stakeholder viewing and parents events on this day, allowing for quiet reflection and contemplation on a very emotional occasion for many.

Alternative memorial

- 3.54 Parents who did not wish to return to Mortonhall also requested that a further memorial location be identified from one of the alternative range of options they had suggested. A range of options for the alternative memorial location were suggested and following meetings with, and feedback from parents Princes Street Gardens was selected as the preferred location.
- 3.55 The location of the memorial within the Princes Street Gardens has subsequently been discussed through the Chief Executive Working Group and with parent representatives and Parks and Green-space staff. Design options are under final development and will be presented directly to affected parents through a consultation programme in summer 2016. This will enable them to select a fitting and appropriate design which reflects their feelings and views.
- 3.56 Given the nature of the location and to ensure the area remains welcoming to all users of the Gardens, it is intended that the memorial site will be managed on a daily basis. A policy for the management of the memorial has been implemented for the Garden at Mortonhall, with an intention to apply this to the Princes Street Gardens memorial. This policy explains that wreaths, flowers or mementos will be removed from the location and sets out how the memorial will be appropriately maintained.

Working with partner organisations

Scottish Government

- 3.57 The establishment of a standing National Committee on Infant Cremation was a key recommendation of the Rt Hon. Lord Bonython's Report of the Infant Cremation Commission, published on June 17, 2014.
- 3.58 The National Committee is chaired by Scottish Government, overseen by the Minister for Public Health, and has more than 20 members from multiple organisations and sectors including: clinical and neonatal experts; cremator manufacturers; crematoria and funeral directors representative organisations; bereavement organisations; private and local authority cremation authorities and policy officials from England and Wales, and Northern Ireland. The City of Edinburgh Council was invited to sit on this committee as a local authority representative. There are also parent representatives on the Committee to ensure that those who have been most affected by issues in the past have a real say in improvements to policy, practice and law now and in the future.
- 3.59 Good progress is continuing to be made on recommendations, including the publication of updated guidance from the Chief Medical Officer on the disposal of pregnancy loss, which was issued to the NHS in April 2014. As of November 2015, the Committee, its Sub-Groups and its member organisations have completed a substantial proportion the recommendations. Further recommendations will be completed by the coming into force of the Burial and Cremation (Scotland) Act, and associated regulations.

- 3.60 The National Committee drafted and agreed a Level 1 Code of Cremation Practice on Infant Cremations in June 2015. The agreed structure of the Code of Practice is for an overarching 'Level 1' Code of key principles that are applicable to all, supported by six sets of sectoral and information 'Level 2' Guidelines. Underneath these sit new or pre-existing organisational operational procedures, policies etc (a national 'Level 3') that organisations will ensure are aligned with and reflect the Level 1 and Level 2 Codes of Practice. The Code of Practice have now been published by the Scottish Government, and are presented in Appendix 5 of this report for formal adoption by City of Edinburgh Council.

Burial and Cremation Legislation

- 3.61 In recognition that previous Burial and Cremation legislation was very dated, and that a lack of clarity had contributed to historical poor practice in Mortonhall and other crematoria, the Scottish Government, following extensive stakeholder consultation, introduced a Bill to:
- restate and amend the law relating to burial and cremation;
 - make provision about exhumation of human remains; and
 - make provision in relation to the inspection and licensing of funeral directors.
- 3.62 The Burial and Cremation (Scotland) Bill was introduced by the Cabinet Secretary for Health, Wellbeing and Sport, Shona Robinson MSP, on 8 October 2015 and was passed by the Scottish Parliament on 22 March 2016.
- 3.63 The Scottish Government is in the process of arranging a number of stakeholder seminars which will explain what the new legislation will mean for specific sectors, as well as setting out an implementation timetable based on close interagency working.
- 3.64 The Act aims to ensure that a legal framework is developed which ensures that appropriate dignity and respect is shown when carrying out burials and cremations. These recommendations cover a wide range of issues, including the general management of graveyards, proposals to ease pressure on burial land and modernising the legal framework for burial and cremation. Collectively, these recommendations represent the most significant overhaul of burial and cremation practices for well over 100 years, and aims to provide a modern, fit for purpose legal framework.

Inspector of Crematoria

- 3.65 In March 2015, the Scottish Government appointed an Inspector of Crematoria. This appointment will fulfil one of the recommendations from the Infant Cremation Commission led by Lord Bonomy. The Inspector of Crematoria will:
- ensure Cremation Authorities in Scotland are adhering to current legislation and best practice;
 - respond to complaints or queries from the public about cremations;

- inspect cremation registers and other statutory documentation to ensure they are being properly completed and maintained;
 - provide direction to crematoria managers and staff to ensure they are operating in line with the recommendations of the Infant Cremation Commission; and
 - support the development of future primary legislation on burials and cremations.
- 3.66 The Inspector of Crematoria, Robert Swanson, QPM undertook informal initial visits to Mortonhall during 2015, allowing for familiarisation and positive relationship building with managers and the team.
- 3.67 The Inspector carried out his formal Inspection at Mortonhall on 5 May 2016, resulting in a fully compliant assessment with no non-conformities identified. A copy of this report is attached as Appendix 6.

Infant Cremation: National Investigation

- 3.68 In June 2014 the Minister for Public Health announced in the Scottish Parliament the establishment of a National Investigation into infant cremations in Scotland. Dame Elish Angiolini's Mortonhall Investigation Report, published by the City of Edinburgh Council on April 30, 2014, provided specific answers to affected families in the Edinburgh area, as well as some wider recommendations. Lord Bonomy's Infant Cremation Commission Report, published by the Scottish Government on June 17, 2014, then provided national recommendations for future improvements.
- 3.69 The National Investigation provides every parent whose baby was cremated in Scotland with the same opportunity to have their concerns regarding their cases investigated.
- 3.70 The Investigation has now completed all interviews and gathered many hundreds of files and documents from the 14 crematoria involved. The extensive evidence review of files, documents and statements from witnesses and expert witnesses has been analysed, and Dame Elish Angiolini's formal national report is due to be published in summer 2016.

NHS Lothian

- 3.71 Ongoing dialogue continues with NHS Lothian and other partners to develop and refine training and guidance for those taking parents through the process of arranging their baby's funeral and supporting them to make the choices that are right for them.

Key achievements and moving forward

- 3.72 The Mortonhall team has continued to work hard in the continued delivery of all the recommendations. This is set against the wider national context of emerging legislative changes and Codes of Practice which are expected to be implemented in the course of the next 18 months, and against significant line management changes and preparation for a major refurbishment during 2016.

3.73 These actions have included:

- revised practices for infant cremation, with improved record keeping;
- continued collaborative engagement and input from all partners in response to the recommendations;
- strengthened approach to customer care using customer feedback and incorporating CSE as a delivery model, with successful compliance achieved in November 2015;
- strengthened benchmarking approach including regular site visits to other crematoria;
- training and qualifications progressed for technical and managerial staff;
- Transformation Programme successfully initiated and in progress, with active input from team members;
- strengthened quality assurance approach with successful BSI compliance achieved in March 2016;
- ongoing support provided to the National Cremation Investigation;
- strong continued communication and engagement approach with all parents, the bereaved and stakeholders;
- positive and proactive response to service non-compliance, including self-referral to Inspector of Crematoria and immediate resolution of issues;
- completion of memorial at Mortonhall, which opened in December 2015;
- continued strong partnership work with the Scottish Government as part of the National Committee on Infant Cremation; and
- Scottish Government published Code of Practice on Infant Cremation adopted by City of Edinburgh Council.

3.74 Similarly good progress has been made and is on-going on the following:

- A major refurbishment of the Crematorium building, plant and facilities;
- development of a performance framework;
- developing full environmental compliance in partnership with SEPA;
- design options and consultation development for a memorial at Princes Street Gardens; and
- implementation of a new staffing structure as part of the Transformation Programme, to ensure culture change continues to be embedded and delivered.

3.75 As forthcoming legislative changes are agreed and implemented over the course of the next couple of years, strong support will remain in place to ensure that these are adopted by the relevant service teams within timescales and to the required standards.

3.76 The Scottish Government's Inspector of Crematoria will continue to work with managers, staff and cremation authorities to ensure that all required changes are delivered in accordance to statutory and ethical requirements.

Ongoing support for affected parents

- 3.77 The Council has continued to receive a number of enquiries from affected parents, many of whom were not part of the original investigation. The Council has continued to work closely and collaboratively with the National Investigation team, the Council's Legal Services, NHS Lothian and other agencies in supporting parents to access historical records pertaining to their loss, and where necessary directing them to further sources of support and advice.

Measures of success

- 4.1 Successful delivery of Action Plan. If the measures taken are successful, no bereaved parent in future will suffer the same experience as the parents involved in the investigation.
- 4.2 Affected parents feel reassured that actions have been delivered to respond to the recommendations highlighted in Dame Elish Angiolini's report, and that they have had an opportunity to influence the outcomes on behalf of the baby lost to them and their families.
- 4.3 A Policy Document will clearly outline the framework and standard to which cremation services has been delivered. Reviewed practices and record keeping now in place.
- 4.4 The Mortonhall team will meet the required standard on an internal self-assessment against CSE criteria, including the adoption of required culture change, by November 2016.
- 4.5 Robust performance measurement against identified performance criteria will provide management information on ongoing performance.
- 4.6 Delivery of a suitable and sensitively designed memorial within Princes Street Gardens within an agreed timescale with affected parents.

Financial impact

- 5.1 The financial resources required to deliver the completed actions to date have been contained within existing Council budgets.
- 5.2 A capital budget of £1.8 million for the refurbishment work at Mortonhall has been identified as part of the Asset Management Programme. However a further detailed technical assessment of the mercury abatement plant has identified that in order to fully abate flue gases, and to future proof the plant, a further £200,000 is required to procure the most effective solution. It is proposed that this is funded through a realignment of budgets within the core capital programme. A further report on capital programme pressures together with details of how these can be managed will be subject of a separate report to Council in the autumn of this year.
- 5.3 The report outlines total capital expenditure plans of £2.0 million. If this expenditure were to be funded fully by borrowing, the overall loan charges associated with this expenditure over a 20 year period would be a principal

amount of £2.0 million and interest of £1.33 million, resulting in a total cost of £3.33 million. Based on a loans fund interest rate of 5.1%, the annual loan charges would be £0.17 million.

- 5.4 It should be noted that the Council's Capital Investment Programme is funded through a combination of General Capital Grant from the Scottish Government, developers and third party contributions, capital receipts and borrowing. The borrowing required is carried out in line with the Council's approved Treasury Management Strategy and is provided for on an overall programme basis rather than for individual capital projects. Following instruction from Members, notional loan charge estimates have been provided above, which it should be noted are based on the assumption of borrowing in full for this capital project.
- 5.5 An element of the capital expenditure outlined in this report (£1.8 million) forms part of the approved capital investment programme. Provision for funding the £1.8 million will be met from the revenue loan charges budget earmarked to meet overall capital investment programme borrowing costs.
- 5.6 The costs of the memorial at Princes Street Gardens have yet to be finalised, both the estimated cost and a funding proposal will be provided in the next update report.

Risk, policy, compliance and governance impact

- 6.1 Risks and issues of non compliance were identified at Mortonhall by Dame Elish Angiolini, DBE, QC during her original investigation, and nationally by Lord Bony, and have been addressed in recommendations and subsequent Chief Executive's Multi-Agency Working Group Action Plan. The suite of improvement actions has been delivered with clear oversight from the Council's Chief Executive, and within a strong governance framework and action plan incorporating clearly delineated milestones and responsible parties identified. The appointment of HM Inspector of Crematoria in March 2015, to include annual inspections of all crematoria nationally, will ensure a clear framework of compliant operation for these services.

Equalities impact

- 7.1 The activities listed in this report will contribute to a significant enhancement of rights, particularly in relation to Health, Individual, Family and Social Life, Participation, Influence and Voice, and Productive and Valued Activities.

Sustainability impact

- 8.1 Any change to process and equipment at Mortonhall will be fully discussed and agreed with the Scottish Environmental Protection Agency, to ensure compliance with all relevant environmental legislation. The refurbishment at Mortonhall taking place during 2016 will enable the Council to achieve 100% abatement of flue gases.

Consultation and engagement

- 9.1 Ongoing consultation and engagement has continued with a wide range of stakeholders, including affected parents, parent representative bodies (SANDS Lothians and SiMBA), NHS Lothian, Scottish Government, Funeral Directors and Edinburgh Crematorium Ltd (Seafield and Warriston crematoria); Mortonhall staff team, and taking account of guidance produced by industry professional bodies FBCA and ICCM.

Background reading/external references

Report from Mortonhall Investigation and Action Plan, City of Edinburgh Council 26 June 2014

Report of Infant Cremation Commission June 2014

[Scottish Government National Committee on Infant Cremation](#)

[Infant Cremations: National Investigation](#)

Andrew Kerr

Chief Executive

Contact: Natalie McKail, Senior Manager, Place

E-mail: Natalie.mckail@edinburgh.gov.uk | Tel: 07717 224843

Contact: Ewan McCormick, Mortonhall Change Manager, Place

E-mail: Ewan.mccormick@edinburgh.gov.uk | Tel: 0131 664 4314

Coalition Pledges	P27 - Seek to work in full partnership with council staff and their representatives
Council Priorities	CP3: Right care, right place, right time CP5: Business growth and investment CP9: An attractive city CP13: Transformation; Workforce; Citizen & partner engagement; Budget
Single Outcome Agreement	SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health SO4 – Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1: ICCM Report, May 2016 Appendix 2: BSI Report, March 2016 Appendix 3: Cremation Policy Statement, updated 2016 Appendix 4: Scottish Government Code of Practice, December 2015 Appendix 5: Inspector of Crematoria's report

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1st April 2016

Interim Report

Mortonhall Crematorium

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Bill Stanley
PADCONSULTING

Mortonhall Interim Consultation Report

During my meeting with Natalie McKail in Edinburgh's City Council's main offices on 9th March 2016, the areas of support and associated tasks were discussed and agreed

Based on these areas, I have attended Mortonhall Crematorium on five occasions, namely the 15th 16th 23rd 24th and 30th March 2016.

After initially meeting with staff members and touring the crematorium, I had a long conversation with Ewan McCormick, the Crematorium Change Manager who provided me with an insight into the current situation as well as ongoing changes, proposed refurbishment within the crematorium and other proposed changes within Bereavement Services structure.

The staff are diligently getting on with their duties albeit reduced to some degree for some staff members based on the reduction of cremations currently being taken and the forthcoming refurbishment of the crematorium, while admin staff continue to provide a very detailed and concise service to the customer, particularly with the imminent changes to bereavement charges whilst focusing on their temporary move to a porto cabin where they can continue carrying out their essential functions.

So far I have looked at:

Policies and Procedures

Viewing all of the services current Policies and Procedures and have suggested several changes relating to working practices, signing in paperwork in etc., contact details and current legislative requirements and these have now been incorporated within the said documents etc. bringing them up to date.

Operations Guide

Again this document covers all of Bereavement Services, i.e. cemeteries, crematorium, mortuary, administration etc., and several changes require to be made to this which will be completed during April, based on the proposed service changes.

Administration Forms

The current crematorium forms in use are correct but will require changing when new forms for cremation are issued by the Scottish Government and I will advise on this in due course.

Staff

I have interviewed staff collectively as well as in groups of 2 to 3 and the general consensus is that they all enjoy working within the crematorium and the bereavement industry, they enjoy their working relationships with fellow employees, and this includes the temporary management team brought in to oversee the daily running of the service. A team they feel are fully supportive of them.

The staff feel that they are doing a worthwhile job assisting the bereaved but they have a slight uncertainty about what the next few months may bring with regard to the major refurbishments taking place from May onwards.

The general consensus from them is that they just want to put everything behind them and focus on the future.

Comments were made on staff training and it was acknowledged that training is being provided with regard to "Infant Cremation" as recommended by Lord Bony's Infant Cremation Commission Report of June 2014.

Equipment

I noted that the cremulator and cremated remains transfer unit were placed in an area where access was limited due to the installation of a large steel girder which is supporting the crematorium roof. It was suggested that these units could be moved further into the room therefore allowing additional safe access and egress for employees and omitting manual handling problems. This work was carried out the day after suggesting it by the external engineer working on the cremation equipment.

Workplace Inspection/Assessment

Several of these have been carried out in the crematorium building and also the external buildings of the Chapel of Remembrance and Waiting Room/Toilets. Issues of concern have been noted and reported to the Crematorium Change Manager who is compiling a report of these with the intent that these issues can be rectified during the crematorium closure.

Safe Systems of Work

After speaking to staff members, I have commenced the production of Safe Systems of Work for staff working within the crematorium and will draft copies to them for comments. These will range from accepting a coffin, charging a coffin, cremulating, to playing music as well as general housekeeping duties.

Traffic Management Plan

I observed the attendance of mourners at a large funeral and noted that mourners parked wherever they could due to no lining of bays etc.

In the event of a very large funeral, including those with coaches, I propose to produce a plan, which if accepted and implemented, should reduce these problems enabling mourners to arrive, park safely attend a funeral and leave with the minimum of anxiety.

Future Direction of Service

It became quite clear after discussions with Natalie, Ewan and other staff members that they want to focus on change. By asking what they wanted and what their aspirations were, and where they envisaged seeing the service in the future, they all agree with the same aim – **“to be the best.”**

This says a lot about them, considering what they and the service has been through and may still go through for some period of time.

I therefore intend to focus on areas where additional Policy, Procedures and Guidelines will enable them and the service to compete at a higher level and achieve a best service award for the staff and the crematorium.

Workplace Assessments and Inspections

These have been carried out with the assistance of Ewan and Lynne Smith (Project Officer) and included all areas of the crematorium, rooms, storage areas etc. as well as the Waiting Room, Toilets and the Chapel of Remembrance, all of which are located outside the crematorium.

Areas of concern have been noted and several of these will be picked up during the refurbishment programme.

Bill Stanley
PADconsulting

Assessment Report.

Edinburgh City Council

Service For Communities

Bereavement Service

Introduction.

This report has been compiled by Chris Hargrove and relates to the assessment activity detailed below:

Visit ref/Type/Date/Duration	Certificate/Standard	Site address
8259946 Continuing Assessment (Surveillance) 21/03/2016 1 day(s) Effective no. of employees : 55 Total no. of employees : 55	FS 67790 ISO 9001:2008	The City of Edinburgh Services for Communities Bereavement Services Mortonhall Crematorium 30B Howden Hall Road Edinburgh EH16 6TX United Kingdom

The objective of the assessment is to determine the effectiveness of the quality management system for Edinburgh Council Bereavement Services in relation to the requirements of the organisations management system and requirements of ISO9001:2008. Add value to the assessment process through constructive discussion and the identification of opportunities for improvement.

Management Summary.

Overall Conclusion

The audit objectives have been achieved and the certificate scope remains appropriate. Based on the results of this audit that Edinburgh Council Bereavement Services Mortonhall fulfils the requirement of the standard 9001 : 2008 and audit criteria identified within the audit report confirms that the management system continues to achieve its intended outcomes with many positive examples of performance and process controls identified, well done. Observations raised should be considered as part of continual improvement.

I would like to thank all the audit participants for their assistance and co-operation which enabled the audit to run smoothly and to schedule.

There were no outstanding nonconformities to review from previous assessments.

No new nonconformities were identified during the assessment. Enhanced detail relating to the overall assessment findings is contained within subsequent sections of the report.

Areas Assessed & Findings.

QMS Update - Changes - Improvements - Service Action Plans :

The Senior Manager, Community Safety; gave an update on the Transformation programme including possible outcome related to the service. A decision has been made to split Crematorium from Mortuary and Burial. The new re-structuring of the service is under review including affected resources and how the new service set up will be supported. It is anticipated by the next bsi assessment on the 21st July if not before, a clear expectation of the service including registration requirements will be established to enable a decision of future registration and scope to be confirmed.

Significant amount of work has been completed as part of the Dame Eilish recommendations with the action team formulating and implementing many positive changes including liaising with the newly appointed Inspection of Crematorium.

A draft policy statement revised March 2015 has been put forward to committee for approval, the excellent document comprehensively explains the policy intent, scope, content, reference to babies and infants, documents and records, resource, responsibilities, related documented references will support the direction and identification of the service requirements.

National committee dialogue has resulted in adoption of a new code of practice, change in procedures, refresher training and awareness. Current Burial & Cremation Legislation is under full review with plans to go to parliament this month.

A visit to the memorial garden for the parents affected by the cremation of the babies resulting in the Dame Eilish report was conducted. The impressive and sensitive design was concluded with full parent involvement as has been all aspects of the case.

Management Review - Customer Satisfaction - Service Objectives - Monitoring of Performance :

Several review meetings have been held including; Mortonhall Crematorium Management Meetings Dec, Jan, Feb March to review Actions and plans including progress. BSI audit management review meeting. Additional meetings include discussions on the restructuring of the service including significant investment to the facility planned from May to Nov in excess of 1.9mil.

Customer feedback was highlighted as a positive method to gain feedback including positive comments and identification of areas for improvement with feedback cards demonstrated.

Complaints are managed through Capture, positive evidence was demonstrated for the recording of 26 complaints from 2014 with discussions centred on method to fully close the complaints as not all complaints identified if the remedial / corrective actions had actually been closed meeting customer requirements

See Observation.

As part of the significant changes to the service, a review of performance measures will be included

See Observation.

Three incidents (two deemed as occurrences by the Inspector of Crematoria) were reported by the service. The documents information clearly and effectively includes the incidents, what occurred, full investigation by all parties, full correspondence with the bereaved parties. An open transparent approach is very evident from the discussions and documented evidence with on-going communication to determine closure to the satisfaction for the bereaved.

Observations.

Type	Area/Process	Clause
Observations	Management Review - Customer Satisfaction - Service Objectives - Monitoring of Performance	
Scope	FS 67790	
Details:	<p>- It was agreed by the next bsi visit, new key performance measures including objectives will be established.</p> <p>- For complaints 908318 - 828648 - 780 387 consideration should be given to how the loop of ensuring completion is recorded to effectively identify customer satisfaction.</p>	

Internal Audits - Corrective Action :

Audit plan covers 2015 to 2017. the audits have been planned to ensure all specific service areas including procedures are sampled. The audits sampled comprehensively identified conformance with some opportunities for improvement. Additional audits are completed if an area of concern / complaint indicates a review of the process would be advantageous.

Crematorium - Process Controls - Documentation :

The process was comprehensively and effectively explained and demonstrated through sampling several deceased records. Use of BACAS including the cremated remains log book, application of disposal, certificate of cremation, use of Form 14 were all sampled and controlled including records.

The process of cremation and cremulation was sampled and effectively demonstrated for two identified jobs.

The process included identifying ashes to be collected to the information on the deceased contained within BACAS and identification cards used to trace the deceased throughout the process; 109268 - 109265 - 109258 - 109259. All documented information was available, correctly completed and effectively controlled, well done.

Indigent Dead - Process Controls - Documentation :

The process was comprehensively and effectively explained and demonstrated through sampling several deceased records.

The process included notice to the council, place of death, establishing capability to pay, registration of the death, criteria what is covered by the service, a checklist to ensure all process areas are completed satisfactorily. Several completed records were sampled along with ashes awaiting collection; 109231 - 109225 - 109208. All records and areas of control were identified as being effectively controlled, well done.

During the course of the visit logos were found to be used correctly.

Assessment Participants.

On behalf of the organisation:

Name	Position
Natalie McKail	Senior Manager, Community Safety
Ewan McCormick	Crematorium Change Manager
Stephen Straiton	Project Officer - Performance & Quality
Alan Thomson	Crematorium Technician
Lesley Webster	Crematorium Technician
Danielle Gartland-Quinn	Support Assistant

The assessment was conducted on behalf of BSI by:

Name	Position
Chris Hargrove	Team Leader

Continuing Assessment.

The programme of continuing assessment is detailed below.

Site Address	Certificate Reference/Visit Cycle	
The City of Edinburgh Services for Communities Bereavement Services Mortonhall Crematorium 30B Howden Hall Road Edinburgh EH16 6TX United Kingdom	FS 67790	
	Visit interval:	6 months
	Visit duration:	1 Days
	Next re-certification:	01/01/2018

Re-certification by Strategic Review will be conducted on completion of the cycle, or sooner as required. The review will focus on the strengths and weaknesses of your Management System.

Certification Assessment Plan.

CITY O-0047119351-001|FS 67790

		Visit1	Visit2	Visit3	Visit4	Visit5	Visit6
Business area/Location	Date (mm/yy):	07/15	01/16	07/16	01/17	07/17	01/18
	Duration (days):	1.0	1.0	1.0	1.0	1.0	1.0
Management Systems - Service Update - Changes - Responsibilities - Preventive Action - Improvements		X	X	X	X	X	X
Management Review - Service Plans - Customer Focus - Performance Monitoring - Improvement Actions			X		X		X
Customer Satisfaction & Complaints		X	X	X	X	X	X
Internal Audit - Corrective Action			X		X		X
Resource - Training - Competency		X			X		X
Crematorium Facility Process Controls			X		X		
Memorials Process Controls							
Burials Facility Process Controls		X		X		X	
Mortuary Facility Process Controls							X
Indigent Dead Facility Process Controls			X				
Re-Certification by Strategic Review - Senior Management Interview							X

Next Visit Plan.

Visit objectives:

The objective of the assessment is to conduct a surveillance assessment and look for positive evidence to ensure the elements of the scope of certification and the requirements of the management standard are effectively addressed by the organisation's management system and that the system is demonstrating the ability to support the achievement of statutory, regulatory and contractual requirements and the organisations specified objectives, as applicable with regard to the scope of the management standard, and to confirm the on-going achievement and applicability of the forward strategic plan.

Due to significant transformation changes that include re-structuring of the service including resource, the CAV will be used as a planning day to ascertain what the scope of registration will look like creating a new plan.

Date	Assessor	Time	Area/Process	Clause
21/07/16	Assessor 1	0900	Opening Meeting	
			Management Systems - Service Update - Changes - Responsibilities - Preventive Action - Improvements	
			Management Review - Service Plans - Customer Focus - Performance Monitoring - Improvement Actions	
			Internal Audit - Corrective Action	
			Customer Satisfaction & Complaints	
			To be determined on the day or prior to visit due to reorganisation including possible change to scope of registration.	
		1500	Report Preparation	
		1600	Closing Meeting	

Please note that BSI reserves the right to apply a charge equivalent to the full daily rate for cancellation of the visit by the organisation within 30 days of an agreed visit date. It is a condition of Registration that a deputy management representative be nominated. It is expected that the deputy would stand in should the management representative find themselves unavailable to attend an agreed visit within 30 days of its conduct.

Scope of Certificate FS 67790 (ISO 9001:2008).

Main Scope

The provision of the facilities for mortuary, cremation and burial services.

The scope has been confirmed as correct.

Location	Scope
The City of Edinburgh Services for Communities Bereavement Services Mortonhall Crematorium 30B Howden Hall Road Edinburgh EH16 6TX United Kingdom CITY O-0047119351-001	Main Certificate Scope applies.

Notes.

The assessment was based on sampling and therefore nonconformities may exist which have not been identified.

If you wish to distribute copies of this report external to your organisation, then all pages must be included.

BSI, its staff and agents shall keep confidential all information relating to your organisation and shall not disclose any such information to any third party, except that in the public domain or required by law or relevant accreditation bodies. BSI staff, agents and accreditation bodies have signed individual confidentiality undertakings and will only receive confidential information on a 'need to know' basis.

'Just for Customers' is the website that we are pleased to offer our clients following successful registration, designed to support you in maximising the benefits of your BSI registration - please go to www.bsigroup.com/j4c to register. When registering for the first time you will need your client reference number and your certificate number (47119351/FS 67790).

This report and related documents is prepared for and only for BSI's client and for no other purpose. As such, BSI does not accept or assume any responsibility (legal or otherwise) or accept any liability for or in connection with any other purpose for which the Report may be used, or to any other person to whom the Report is shown or in to whose hands it may come, and no other persons shall be entitled to rely on the Report.

Should you wish to speak with BSI in relation to your registration, please contact our Customer Engagement and Planning:

Customer Services
BSI
Kitemark Court,
Davy Avenue, Knowlhill
Milton Keynes
MK5 8PP
Tel: +44 (0)845 080 9000

Email: MK.Customerservices@bsigroup.com

Regulatory Compliance.

BSI conditions of contract for this visit require that BSI be informed of all relevant regulatory non-compliance or incidents that require notification to any regulatory authority. Acceptance of this report by the client signifies that all such issues have been disclosed as part of the assessment process and agreement that any such non-compliance or incidents occurring after this visit will be notified to the BSI client manager as soon as practical after the event.

Expected Outcomes for Accredited Certification.

What accredited certification means:

The accredited certification process provides confidence that the organization has a management system that conforms to the applicable requirements of the certified standards covered within this assessment and scope of certification.

What accredited certification does not mean:

It is important to recognize that certification defines the requirements for an organization's management system, not for its products or services. It does not imply that the organization is providing a superior product or service, or that the product, service or performance itself is certified as meeting the requirements of an ISO standard or specification or that the organisation can guarantee 100% product, service or performance conformity, though this should of course be a permanent goal.

Mortonhall Crematorium

Policy Statement (Revised March 2016)

Policy statement

- 1.1 This Policy Statement sets out the range and quality of service that the bereaved can expect from services delivered at Mortonhall Crematorium, and outlines a commitment from the City of Edinburgh Council to deliver cremation services to the specified standards.
- 1.2 This Policy Statement takes into account good practice guidance and legislative requirements as set out in law and by regulation, produced by the Scottish Government National Committee on Infant Cremation, Institute of Crematorium and Cemetery Management (ICCM) and the Federation of Burial and Cremation Authorities (FBCA). The City of Edinburgh Council has corporate membership, and its staff individual membership, of these organisations.
- 1.3 This Policy Statement sets out key principles to achieve these aims, and details the Council's corporate and employee responsibilities required to ensure compliance.
- 1.4 This Policy Statement will be revised annually to reflect legislative changes and on the publication of the National Investigation report.

Scope

- 2.1 This Policy applies to Cremation Services currently delivered at Mortonhall Crematorium.
- 2.2 This Policy will be implemented by staff at Mortonhall Crematorium, supported by managers and industry partners, within a legislative framework and developing internal performance monitoring framework.
- 2.3 In working with third parties, we will promote the adoption of practices and arrangements consistent with the principles set out in this policy.

Definitions

- 3.1 **Cremation records** include all statutory documentation supplied to the crematorium, mainly but not solely by Funeral Directors, which ensure that the cremation can legally take place. These also include electronic and hard copy records maintained by crematorium staff of each cremation.
- 3.2 The **Cremation Authority** means the local authority with responsibility for the maintenance, operation and upkeep of Council-run crematoria in that area, in this case the City of Edinburgh Council. For the purposes of this document, this excludes privately operated crematoria.
- 3.3 **Ashes** mean “all remains that are left in the cremator at the end of each cremation process and following the removal of any metal”. **Recovered ashes from any cremation may include remains of the coffin and other materials from within the coffin.** There might be a small number of cases where there are no ashes remaining at the end of the cremation process. If this is the case our staff will contact the Applicant for Cremation, together with the HM Inspector of Crematoria, and advise them of this.
- 3.4 The **Cremation (Scotland) Regulations 1935**, and subsequent amendments, provide the legislative framework for the cremation process in Scotland.

As of March 2016, the legislative framework in Scotland is under review by the Scottish Government as part of the suite of recommendations arising from Lord Bonython's Report of the Infant Cremation Commission (June 2014). This work is being progressed by the National Committee on Infant Cremation and its various subgroups, and has currently reached Stage 2 of Bill process with final parliamentary submission expected in March 2016. The National Committee recognised the distressing impact historical cremation practice has had on many families in Scotland, and that a key Committee objective is to ensure that future policy, practice and law provide sufficient clarity to prevent any re-occurrence of such distress.

Recommendations which are legislative will be subject to consultation and Bill timescales.

- 3.5 The **Federation of Burial and Cremation Authorities (FBCA)** represents approximately 90% of all cremation authorities in the United Kingdom. Membership of the Federation is open to all burial and cremation authorities and is the sole organisation dedicated to representing and furthering the interests of burial and cremation authorities.

- 3.6 The **Institute of Cemeteries and Crematorium Managers (ICCM)** has represented professionals working in burial and cremation authorities and companies throughout the UK since 1913. Their aim is to improve standards of services to the bereaved by providing professionals, authorities and companies with Policy and Best Practice Guidance and Educational and Training programmes.
- 3.7 The **Garden of Remembrance** is a tranquil, grassed area within the Crematorium grounds.
- 3.8 The national **Code of Cremation Practice** was first produced in 1945 and has been revised following multi-agency input by the Scottish Government through the work of the National Committee, and is essential in the maintenance of standards at crematoria. Observance of the Code is an obligation of membership of the Federation.

Policy content

4.1 Service Commitment statement

- 4.1.1 The City of Edinburgh Council recognises that the cremation of a human body is a highly emotional occasion. Our team will provide a professional and dignified cremation service supported by competent, caring staff, to meet all religious, secular, ethnic and cultural needs.
- 4.1.2 Our staff will support members of the public in a sympathetic, courteous and helpful manner, in line with professional industry guidelines, national and local Codes of Practice and the City of Edinburgh Council's policies.
- 4.1.3 Our staff recognise that this is the final service that the City of Edinburgh Council will provide for the deceased, and we will carry this out in such a way as to demonstrate our respect for the wishes of the deceased and their family.
- 4.1.4 The City of Edinburgh Council will ensure that complete and accurate records are maintained for all cremations carried out at Mortonhall Crematorium within legislative requirements, including the recording of final location of ashes when these have been buried in the Crematorium grounds.
- 4.1.5 The City of Edinburgh Council will ensure accurate and current information on the services we provide are available to members of the public, Funeral Directors, NHS and other partners, and on the City of Edinburgh Council website. This can also be provided in a variety of languages if requested.

- 4.1.6 Our staff will work closely with members of the public and all relevant health services, Funeral Directors and support groups in order to create a culture of continuous improvement in the services we offer and an understanding of the experience of the bereaved.
- 4.1.7 In line with the City of Edinburgh Council's policies, we will provide a clear complaints and suggestions procedure to enable us to improve our service based on feedback received from users.
- 4.1.8 We will measure customer feedback and our performance against agreed targets to ensure we continue to deliver a high quality, responsive service
- 4.1.9 We will ensure that in developing and delivering cremation services we will take the needs of ethnic and other minority groups into consideration.
- 4.1.10 We will regularly compare our quality of service with that of other crematoria to ensure that we deliver the best possible quality of service.

4.2 Cremations

- 4.2.1 All cremations **shall** be carried out according to the provisions of the Cremation (Scotland) Regulations 1935, and any amendments thereof. No cremation can take place without receipt of required legislative documentation and the written authority of designated Senior Cremation Authority staff.
- 4.2.2 **No** cremation shall take place unless clear, signed, instructions regarding the disposal of ashes have been received from the next of kin of the deceased.
- 4.2.3 All cremations in Mortonhall are carried out in accordance with all relevant Codes of Practice (including those produced by the Scottish Government and FBCA) and guidelines produced by the FBCA and ICCM as nationally recommended standards of best practice. A copy of relevant Codes of Practice will be publicly displayed in the Crematorium.
- 4.2.4 Each coffin given to the care of the Cremation Authority shall be cremated separately.
- 4.2.5 Families can witness the committal of their loved one to the cremator, by prior arrangement, if they desire to do so.

4.3 Policy Statement on Ashes

4.3.1 Whilst our employees might use the terms 'ashes' and 'cremated remains' we deem these to be one and the same and defined as '*all that is left in the cremator at the end of the cremation process and following the removal of any metal*'. There might be a small number of cases where there are no ashes remaining at the end of the cremation process. If this is the case our staff will contact the Applicant for Cremation and advise them of this. We will also notify the Inspector of Crematoria of this situation as outlined in 4.3.6 below.

4.3.2 We will offer relatives of the deceased a choice on what they would like to happen to the ashes of their loved ones. These are:

(a) To be taken away in a Casket within 28 days by the applicant or their designated representative

(b) Buried in the Garden of Remembrance at Crematorium; or

(c) Retained to await instruction (Period 28 days).

If, at the end of 28 days, no instructions have been received as to the disposal of these ashes, we will write to relatives giving them a further 14 days notice. If no clear instructions have been received after this time, the ashes will be respectfully buried in the Garden of Remembrance.

4.3.3 If ashes are scattered or buried within the grounds of the crematorium the final resting place will be registered along with any details of any person authorised by the applicant to remove/collect the ashes.

4.3.4 If applicants have indicated they wish to collect ashes the details of any person authorised by the applicant to remove/collect the ashes will likewise be recorded.

4.3.5 The policy of this Cremation Authority is designed to provide an audit trail from the receipt of initial funeral instructions to the final disposal of ashes, either by collection from the crematorium or by burying within the Gardens of Remembrance at Mortonhall.

4.3.6 In the event that ashes have not been recovered for any reason from a cremation, we will inform the applicant and their representative of this circumstance, together with referring the matter to the HM Inspector of Crematoria to enable a full independent investigation to take place. Affected families also have the right to request that the Inspector investigate specific cases. The City of Edinburgh Council will co-operate fully with any investigation carried out by the Inspector.

4.4 Babies and infants

- 4.4.1 In distressing situations where a baby has died, our staff will do everything possible to assist bereaved parents and families to support them in the decisions they have made.
- 4.4.2 As with adult cremations, the City of Edinburgh Council will ensure that our staff approach the cremation of a baby with sensitivity, and will take account of, and respect the wishes and needs of parents and families at this very difficult time.
- 4.4.3 The City of Edinburgh Council, in conjunction with industry representatives, has developed an approach to the cremation of babies and infants that is designed to maximise the recovery of ashes. This includes the use of a cremation tray designed to retain ashes, and the maintenance of operational conditions that will maximise the recovery of any ashes during the process of cremation.
- 4.4.4 Our staff will be vigilant during the cremation process and adjust operational conditions when necessary in order to protect the ashes of babies and infants and maximise the recovery of ashes. We will adhere to our identification procedure that guarantees that the ashes resulting from individual cremations returned to parents are those of their baby.
- 4.4.5 Where a shared cremation has been chosen by parents, and hence ashes are not individually identifiable, we will take the same care throughout the cremation process and will scatter/bury the ashes within the designated area. The location will be recorded for future reference.
- 4.4.6 In the case where a memorial service has been arranged for a shared cremation, we will work with partners to ensure that wherever possible, and if requested, affected parents are given the opportunity to attend.
- 4.4.7 In relation to the disposal of ashes in the case of a private cremation, this Cremation Authority will only act upon the written instruction of the parent who is acting as the "Applicant for Cremation". In the case of shared cremations we will only act on the written instruction of the designated person at the relevant hospital, who is acting as the "Applicant".
- 4.4.8 All cremations of babies and infants will be registered at the crematorium, with all forms and documents being retained according to agreed legislative and regulatory requirements and the City of Edinburgh Council's Document Retention Policies.
- 4.4.9 All City of Edinburgh Council staff responsible for carrying out cremations of babies and infants will be trained to ensure they have the relevant skills for this highly sensitive process.

4.5 Paperwork

- 4.5.1 The City of Edinburgh Council will work with partners to ensure that all forms and paperwork are clearly explained to applicants and that they understand what choices they are being asked to make. Those who have suffered loss will be given time to consider what is best for them and their family. They will also be provided with information on support agencies that can help them at this difficult time.

4.6 Environmental statement

- 4.6.1 As required by law we will work to minimise the impact of bereavement upon the environment. We will comply with statutory and legislative requirements including control of crematorium emissions, and support the deceased and their families should they wish to choose earth friendly materials (e.g. coffin materials) and environmentally friendly practices, in the cremation process.
- 4.6.2 To ensure operational efficiencies in line with environmental requirements, there may be occasions when a cremation is not carried out on the same day as the funeral. In line with guidance produced by the ICCM, and except in exceptional circumstances, all cremations will be carried out within 24 hours of the service taking place. If it is required that a cremation is carried out on the same day as the funeral, then a written request to this effect should be provided. This can be indicated on the Application for Cremation form.

4.7 Equipment

- 4.7.1 Cremators and all other equipment used in the Crematorium shall be kept in good repair, and regularly maintained and cleaned to ensure they are kept in good working order.

Implementation

- 5.1 This policy will be implemented through Bereavement Services Annual Service Plan, and adopted through discussion and engagement with partners, stakeholders and public.

Roles and responsibilities

- 6.1 The Director of Place has a general responsibility to ensure that the terms of above policy are managed according to statutory responsibilities and Council policies. The Director must do this by ensuring that:
 - 6.1.1 relevant Service Managers ensure that the policy is disseminated and adopted within Mortonhall Crematorium; and
 - 6.1.2 the terms of the above policy are clearly disseminated among partner organisations, public and stakeholders to ensure clarity of understanding
- 6.2 Designated Managers must:
 - 6.2.1 ensure that the terms of this policy and all associated procedures, policies, practice and guidance are understood by all staff and managers within the crematorium and that these are incorporated in routine practices;
 - 6.2.2 ensure that successful implementation of the Policy is supported by following agreed City of Edinburgh Council approaches to record keeping, customer care, correspondence management, maintenance and reporting of performance data and active participation in quality standard measurement tools such as Customer Service Excellence and ISO9000.
 - 6.2.3 ensure that emerging changes in legislation or professional industry guidance are communicated to staff teams and embedded in ongoing team practices, pending their inclusion in future reviews of this Policy.
- 6.3 Employees must:
 - 6.3.1 Read, understand and follow this policy and any associated procedures and guidance that are relevant to their work;
 - 6.3.2 Read, understand and follow any manuals or guidance that are relevant to their work;
 - 6.3.3 Complete and follow any training that is relevant to their work that will support them in the successful delivery of this Policy;
 - 6.3.4 Identify and report any risks to Council to their line manager.

Related documents

7.1 Council Policy

- 7.1.1 Information Governance Strategy
- 7.1.2 Information Governance Policy
- 7.1.3 Employee Code of Conduct
- 7.1.4 Data Protection
- 7.1.5 Managing Work Performance

7.2 Legislation & Statutory Codes of Practice

- 7.2.1 Cremation (Scotland) Regulations 1935
- 7.2.2 Cremation (Scotland) Regulations 1952
- 7.2.3 Cremation (Scotland) Amendment Regulations 1967
- 7.2.4 Cremation (Scotland) Amendment Regulations 1985
- 7.2.5 Cremation (Scotland) Amendment Regulations 2003

7.3 Non-statutory Guidance and Practice

- 7.3.1 [Code of Cremation Practice \(FBCA\)](#)
- 7.3.2 [Sensitive Disposal of Fetal remains \(ICCM\)](#)
- 7.3.3 [Baby and Infant Funerals Policy and Guidance \(ICCM\)](#)
- 7.3.4 [Baby and Infant Cremations - Policy Statement - Working Group Scotland](#)
- 7.3.5 [Baby and Infant Cremations -Practice Guidance -Working Group Scotland](#)

Equalities impact

- 8.1 The activities listed in this report will contribute to a significant enhancement of rights, particularly in relation to Health, Individual, Family and Social Life, Participation, Influence and Voice, and Productive and Valued Activities.

Sustainability impact

- 9.1 Any change to process and equipment at Mortonhall will be fully discussed and agreed with the Scottish Environmental Protection Agency, to ensure compliance with all relevant environmental legislation.

Risk assessment

- 10.1 Risks and issues of non compliance were identified by Dame Elish Angiolini, QC during her original investigation and have been addressed in her recommendations and subsequent Chief Executive's Multi-Agency Working Group action plan. The suite of improvement actions will be delivered with clear oversight from the Chief Executive, and within a strong governance framework and action plan incorporating clearly delineated milestones and responsible parties identified.

Review

- 11.1 In line with the Council's Policy Framework, this policy will be reviewed annually or when required by significant changes to legislation, regulation or business practice.

National Committee on Infant Cremation

Code of Practice

November 2015

NATIONAL COMMITTEE ON INFANT CREMATION

CODE OF PRACTICE

This document sets out the key principles and minimum standards for all organisations conducting infant cremations, as agreed by the National Committee on Infant Cremation.

The Code will be reviewed on an annual basis.

It is expected that all relevant organisations will adhere to this Code of Practice, ensuring that their applicable policies, procedures, practice, and both internal and public facing documentation are fully aligned with its requirements.

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CODE OF PRACTICE - LEVEL 1

- 1.** The deceased infant*, their family and their friends must be treated with respect, dignity and sensitivity at all times.
- 2.** The nearest relative* must be the main signatory or applicant on all relevant documents, unless exceptional circumstances apply.
- 3.** The principle of informed choice for next of kin* must apply to all decision-making discussions and documentation. This must include transparency as to alternative options and applicable costs, and provide clarity over who may hold future decision-making powers.
- 4.** Communication with, and the information available to, family and friends of the deceased must be consistent across all involved organisations and institutions.
- 5.** Next of kin must be allowed some time to reflect and, if necessary, make changes to their initial decisions.
- 6.** Next of kin must be provided with a copy of any documentation signed by them.
- 7.** 'Ashes' is defined as "all that is left in the cremator at the end of the cremation process and following the removal of any metal"*, irrespective of their composition.
- 8.** All organisations and institutions involved in infant cremations* must adhere to the principle of maximising the recovery of ashes when agreeing contracts, arranging and/or conducting infant cremations.
- 9.** Arrangements relating to any hospital-arranged infant cremations must be set out in a contract / be agreed in writing between NHS, funeral director, cremation authority and/or burial authority, as applicable.
- 10.** All organisations and institutions involved in infant cremations must regularly review their own procedures and policies to ensure best practice is maintained.
- 11.** All organisations and institutions involved in infant cremations must establish regular sharing and learning of multi-agency and cross-country best practice.
- 12.** All relevant staff must successfully complete relevant, available training before their involvement in discussing, organising or conducting infant cremations.
- 13.** Records must be accurate, clear, accessible and maintained electronically where possible.
- 14.** All organisations and institutions involved in infant cremations must allow and assist with regular inspection of their premises, personnel, policies, procedures and/or records etc by the individuals or bodies designated by statute for this purpose.
- 15.** All organisations involved in infant cremations must ensure that all their existing or new infant cremation policies, codes of practice, guidance, procedures and processes adhere to this national Code of Practice, including its supplementary Level 2 Guidelines and any accompanying Explanatory Notes.
- 16.** All organisations involved in infant cremations must ensure they are and continue to be fully compliant with the law in Scotland.

* See 'Definitions' Annex

CODE OF PRACTICE LEVEL 2 – COMMUNICATION

Introduction

1. This Code sets out minimum standards in both written and verbal communication with those who have experienced the loss of a pregnancy or infant. It is extrapolated from the overarching Level 1 Code of Practice, and takes account of existing good practice across all the sectors and organisations involved in infant cremation.

Code of Practice

2. Verbal or written communication with those who have been bereaved, will be:

- 2.1 Sensitive to their feelings at such a difficult time and seek to minimise any additional distress
- 2.2 Tailored to individual needs and circumstances
- 2.3 Respectful of their right to privacy
- 2.4 Clear and straightforward
- 2.5 Consistent and aligned with local partners' current practices and procedures
- 2.6 Transparent as to all relevant options, practices and procedures, including costs, timeframes, outcomes and any current and future obligations or restrictions on the signatory
- 2.7 Clear on what to do, and who to contact and when, if they have a change of mind
- 2.8 Accurate in regards to the definition of ashes as 'all that remains in the cremator at the end of the cremation process and following the removal of any metal', irrespective of the composition of the ashes.
- 2.9 Clear as to the probability of recovery and return of ashes following cremation, in order to inform decision-making on, for example, whether to have a shared or individual cremation (for a pre 24 week pregnancy loss); whether to bury or cremate, and choice of coffin.

3. Verbal communication with those who have been bereaved, must additionally be:

- 3.1 Free of assumptions about their abilities, views or wishes,
- 3.2 In language that can be well understood by all of the bereaved involved in decision-making, with the offer of interpretation services.
- 3.2 Take place in a location that protects the bereaved family's privacy

4. Written communication with those who have been bereaved, must additionally be:

- 4.1 Consistent with, and where appropriate include relevant extracts from, local partners' leaflets, guidance and policy statements
- 4.2 Available in different languages that are used in the local community.
- 4.3 All written records will be stored and shared in a manner that protects confidentiality
- 4.4 Available to them to take away and keep, whether a signed document or a general information leaflet.

CODE OF PRACTICE LEVEL 2 – TRAINING

Introduction

This Code sets out minimum standards for initial and on-going, and formal and informal, training requirements for those whose professional role includes direct contact with, and assistance to, those who have experienced the loss of a child and are considering the option of cremation (or burial). It is extrapolated from the overarching Level 1 Code of Practice, and takes account of existing training programmes and networks, as well as those still to be developed and established.

Code of Practice

Initial Training

1. All staff, at all levels, should complete their organisation's relevant operational training prior to their involvement in discussing, arranging or conducting infant cremations.
2. Both formal and informal training programmes should place the needs of the bereaved at their centre.

Continuing Professional Development Training

3. All staff, at all levels, have a responsibility to maintain their own skills, through:
 - 3.1 completing any designated continuing professional development training programmes, linked to annual appraisals, where available
 - 3.2 ensuring their individual compliance with the requirements of current law and relevant regulatory bodies.
 - 3.3 participating in joint learning and sharing of information opportunities with local partners and/or other eg branches or institutions of their own organisation.

Company / Institutional Training Responsibilities

4. Time and resources should be set aside for the purpose of staff training
5. There should be a designated lead person responsible for supporting / developing training in the area of infant cremations
6. Staff training should be monitored and a record kept of training undertaken and completed.
7. Leads should establish a network or group with their other local partners, for joint multi-agency learning and information sharing opportunities.
8. Leads / networks should establish regular opportunities for the learning and sharing of good practice and the reviewing, learning and sharing of current or any new laws, practices, policies and procedures.

CODE OF PRACTICE LEVEL 2 – RECORD-KEEPING

Introduction

1. This Code sets out the minimum standards and general principles that should apply to all forms, records and registers associated with the decisions about, and the conduct of, infant cremations.

Code of Practice

Sensitivity

3. Documents requiring the signature of next of kin should be worded in such a way as to minimise the risk of additional distress to them.

Security & Privacy

4. Records must be stored and secured in such a way as to ensure any legal right to privacy of the signatory / next of kin.

Accuracy

5. Information pertaining to policies and procedures must be regularly checked to ensure it is accurate and up-to-date.

6. Information pertaining to the policies and procedures of local partners, where applicable, must be regularly checked with them to ensure it is accurate and up-to-date.

Transparency and Accessibility

7. Options available to next of kin, including in relation to ashes recovery and return, must be clearly set out alongside the point in the document that requires their signature.

8. The decisions required and who they are required from should be clearly set out in documentation for next of kin.

9. A copy of any form or record signed by next of kin should be offered them at the time of signing, for their own personal records.

10. A copy of any form or record signed by another party on behalf of the next of kin should be available to next of kin, where possible and where the law allows.

Format

11. All records should be maintained electronically, wherever possible.

12. Forms and documents signed by next of kin should be kept in such a way that the entirety of the form's content and the signature are available.

Retention

13. The formal retention period for records and documents, and how to access them in the future, should be advised to next of kin.

Monitoring, Audit and Assurance

14. All organisations and institutions involved in infant cremations must allow and assist with regular inspection of their premises, personnel, policies, procedures and/or records etc by the individuals or bodies designated by statute for this purpose.

CODE OF PRACTICE LEVEL 2 - FUNERAL DIRECTORS

Introduction

1. This Code of Practice contains the professional standards that funeral directors must uphold in respect to arrangements for infant and child cremation. Funeral directors must act in line with the requirements of the Code, whether they are communicating directly with parents or allied organisations, to ensure consistency of approach.
2. The Code's series of statements aim to set out best practice that puts the needs of parents and families first. Following the Code will provide additional assurance to parents and families that they can place their trust and confidence in the hands of funeral directors.
3. This Code relates primarily to individual infant cremations, but includes where information relevant to shared cremations should be borne in mind. Funeral directors who have an arrangement (eg transportation) with an NHS Health Board regarding shared cremation or burial services should ensure they are adhering to that Health Board's designated required standards.

Code of Practice

Parents

8. Parents must be treated as individuals and the dignity of the deceased must be maintained. To achieve this, funeral directors must:

- 8.1 treat parents with sensitivity, kindness, respect and compassion.
- 8.2 ensure trained funeral service staff communicate sensitively with, meet with, listen to and follow the wishes of the parents, allowing time for decision-making based on a clear understanding of eg the choice between burial and cremation and other funeral options, without undue haste or pressure.
- 8.3 ensure the fundamentals of care of the deceased and the arrangements for the funeral are carried out in accordance with the needs of the parents (clients), within the parameters of the law.
- 8.4 avoid making any assumptions, check understanding and recognise diversity and individual choice.
- 8.5 respect the dignity and care of the deceased.
- 8.6 discuss options (where applicable) with parents for shared cremation.
- 8.7 organise and personalise the funeral to reflect the wishes of the parents within the parameters of the law.
- 8.8 offer parents the choice of a private family funeral or the option to open the funeral service to all.
- 8.9 respect a parent's right to privacy in all aspects of the care of their baby, infant or child.

Ashes

9. A family's decision on whether to cremate or bury can be affected by whether ashes can be retrieved and returned to them afterwards. For this reason, funeral directors must:

9.1 be aware, and advise the family if applicable, that the accepted definition of 'ashes' is now 'all that is left in the cremator at the end of the cremation process and following the removal of any metal' irrespective of their composition.

9.2 make clear to the family, if there is contact with them, that ashes from shared cremations are scattered together and therefore it is not possible to return ashes in this instance.

9.3 make clear to the family that whilst crematoria will make every effort to maximise the recovery and return of ashes from individual cremations, this cannot be absolutely guaranteed.

9.4 openly communicate all scenarios surrounding the retention and ultimate sensitive disposition of any retained ashes.

9.5 ensure the decision as to whether ashes are returned (if recovered) is made by the parents.

Allied Organisations

10. Funeral directors are recognised as the vital link between other allied organisations and with the parents, therefore it is vital that funeral directors are well-versed and familiar with their procedures following loss of a baby, infant or child. To achieve this, funeral directors must:

10.1 ensure local processes are in place to enable regular contact and discussion with all allied organisations i.e. crematoria, health trusts and boards, NHS and children's hospices.

10.2 regularly meet with partner crematoria to ensure staff are fully aware of any differing equipment or processes which could affect the possibility of recovery of ashes.

10.3 seek collaboration and communication to ensure clients receive transparent information in order to reach an informed decision eg inclusion of appropriate extracts from cremation authority published policy statements in public facing leaflets.

10.4 care should always be taken if organ retention or further testing is required and factored into the timing of the service.

Training and Administration

11. Funeral directors must:

11.1 have the knowledge of how the selected crematorium carries out pre and post 24 week gestation, stillbirth and infant cremations.

11.2 ensure staff are trained according to the requirements of the Code of Practice.

11.3 ensure a full copy of all signed documentation is given to parents.

11.4 ensure that parents (the client/applicant) review and sign the appropriate cremation documentation accordingly.

11.5 ensure accurate records are maintained and retained.

11.6 not dispose of ashes until 14 days have passed after instructions have been received, unless otherwise instructed.

CODE OF PRACTICE LEVEL 2 - CREMATORIA

Introduction

1. This guidance relates to the single cremation of infants and babies (i.e. not shared cremations). This guidance forms part of the overarching Code of Practice for infant cremation in Scotland.
2. All Cremation Authorities will ensure that they have published, and are compliant with, the agreed policy statement on infant cremation, issued to them by the National Committee on Infant Cremation.
3. The purpose of this guidance is to set down recommendations on approaches cremation authorities should use to maximise the recovery of any ashes in the cremation of an infant or child, where 'ashes' is defined as 'all that is left in the cremator at the end of the cremation process and following the removal of any metal.'

Practices for maximising the recovery of ashes:

4. All crematoria in Scotland should use baby trays, wherever practically possible, to maximise the recovery of ashes when cremating an infant or baby. Baby trays should be of robust construction to minimise buckling and scaling in the course of use, and should enable easy collection and removal of ashes. Cremation authorities must conduct a risk assessment on the use of baby trays, and ensure staff involved in the handling of baby trays have been appropriately trained and are aware of best practice.
5. In instances where a baby tray cannot be used eg a coffin is too large to fit into the tray, the technician must apply additional care and vigilance in order to maximise the recovery of any ash.
6. Baby trays should be used in conjunction with other methods for maximising the recovery of ashes, including:
 - 6.1 Manufacturer pre-programmed infant settings, or equivalent manual settings, must be used to restrict or eliminate the introduction of turbulent air into the primary chamber. There should also be minimal use of the primary chamber burner in order to create the best conditions possible for the recovery of ashes. Vigilance must be maintained, with manual adjustments of air and burner made when necessary in order to maximise the recovery of ash. Advice should be sought from manufacturers/suppliers on the use of settings, and the age/weight/size of babies and infants where such settings should no longer be used.
 - 6.2 Cremation of infants and babies at the end of the day, and cooling the tray containing ashes outside of the cremator overnight is acceptable, provided a risk assessment is conducted. Cremation authorities are advised to refer to their manufacturer for operational information before leaving ashes to cool within the cremator overnight, as in many instances the automatic introduction of turbulent cooling air during the close down process could result in fragile ash being lost.
 - 6.3 The coffin and baby tray should be placed just inside the cremator at the charge door end. Where possible the coffin and baby tray should be in view throughout cremation, so the process can be monitored.
 - 6.4 In order to maximise the recovery of ashes, any ash resulting from cremation of an infant or baby should be appropriately processed, but not using a standard, adult cremulator.
 - 6.5 Where the above approaches are adopted it is expected that the recovery of ashes will be maximised.
 - 6.6 Baby cremators are not considered necessary to maximise the recovery of ashes, provided the other approaches recommended above are followed. Cremation Authorities are however free to use baby cremators if they so wish.

Monitoring and Assurance

7. Cremation Authorities will be expected to follow the above practices for all infant and baby cremations.

8. In any rare instance of non-recovery of ashes, Cremation Authorities will have management plans in place that ensure a review of the cremation process is undertaken to understand why this was the case. The management plan will include notifying the Inspector of Crematoria within 48 hours of the situation occurring. The outcome of the review will be documented and will be available to next of kin and to the Inspector of Crematoria.

9. No crematoria can conduct infant cremations unless crematoria staff have been specifically trained and certificated by either the Institute of Cemetery and Crematorium Management (ICCM) or the Federation of Burial and Cremation Authorities (FBCA).

10. In addition, all crematoria must adhere to the requirements of SEPA permits, and all crematoria will be inspected by SEPA at regular intervals.

11. Professional guidance and training from professional membership bodies, including the Federation of Burial and Cremation Authorities (FBCA) and the Institute of Cemetery and Crematorium Management (ICCM) reflects the above guidance.

12. The Inspector of Crematoria will, in the course of inspections of crematoria, assess compliance against these above recommendations and requirements.

References

ICCM Crematorium Technicians Training Scheme information can be found at: <http://www.iccm-uk.com/iccm/index.php?pagename=training>

ICCM Policy and Guidance on the Sensitive Disposal of Fetal Remains can be found at: <http://www.iccm-uk.com/iccm/library/FetalRemainsPolicyNOV2014ReviewFINAL.pdf>

ICCM Baby & Infant Funerals Policy can be found at: <http://www.iccm-uk.com/iccm/library/BabyandInfantFuneralsNovember%202014.pdf>

FBCA “TEST” Training and Examination Scheme for Crematorium Technicians, revised July 2015 – Available to all current and future trainees registered under the FBCA training scheme.

FBCA “A Guide to Cremation and Crematoria” Instructions to Funeral Directors.

FBCA “A Guide to Cremation and Crematoria” Questions People Ask About Cremation.

CODE OF PRACTICE LEVEL 2 - NHS

These Guidelines form part of, and align with, the content and structure of the national Code of Practice documents developed and maintained by the National Committee on Infant Cremation: <http://www.gov.scot/Topics/Health/Policy/BurialsCremation/NCIC/CoP>

These Guidelines are applicable to:

- *all pregnancy losses < 24 weeks occurring in hospital, stillbirths and infant deaths (to circa 1 year of age).*
- *situations where the loss / death and the cremation occurs in Scotland*
- *all NHS Scotland staff and premises*
- *all cremation options arranged or supported by NHS Scotland (eg shared cremations individual cremation without funeral service; individual cremation with funeral service; advice and support on privately arranged funerals).*

These Guidelines are not applicable to:

- *the clinical measures and procedures involved in pregnancy losses, stillbirths and infant deaths.*
- *options other than a) cremation and b) pre-24 week gestation shared burial, although it is recommended any such other options are recognised in relevant documentation.*

1. Sensitivity

- The pregnancy loss / deceased infant, their family and their friends must be treated with respect, dignity and sensitivity at all times
- All documentation and discussions on cremation must be tailored to the different circumstances in which, in particular, a pregnancy loss may occur.
- Patients, parents and next of kin must be able to make fully-informed decisions on the cremation options available to them, although additional steps aligned with person-centred care may be required to minimise any additional distress this may cause, acknowledging that these will be difficult conversations.

2. Contracts

- Arrangements between NHS, funeral director and/or crematorium must be set out within a formal written agreement that should be made available to anyone on request. At a minimum, the agreement must include:
 - confirmation that all parties adhere to National Committee Code of Practice documentation (Levels 1 and 2) and CMO/CNO guidance
 - any / all applicable costs to all parties
 - timescales in relation to transportation and cremation
 - for shared cremations, maximum number of pregnancy losses per container and per cremation
 - Suggested good practice would be to have the following representation on groups which develop the written agreement:
 - NHS clinical lead for early pregnancy care
 - Contract/procurement representative
 - Mortuary representative
 - Funeral Director representative
 - Crematorium representative
 - Spiritual advisor /bereavement / SANDs/miscarriage association representative or similar

3. Cremation-related documentation for patients / parents

- All documentation must reflect the new 'ashes' definition of "all that is left in the cremator at the end of the cremation process and following the removal of any metal", irrespective of the composition of the ashes
- All documentation must make clear that the policy of cremation authorities is to maximise the recovery of ashes, whilst noting that in exceptional circumstances ashes may not be available and parents may therefore wish to make their own private burial arrangements
- All documentation should include any other appropriate extracts from the applicable Cremation Authority's policy statement, in order to support and maintain consistency of information available to patients / families.
- A copy of any such documentation must be offered / provided to the patient / parent to take away with them, particularly any signed documentation.

4. Record Keeping

- Whilst the official record of the cremation is the responsibility of the cremation authority, patient records in respect of shared cremation must be maintained in accordance with the CMO & CNO Guidance on the Disposal of Pregnancy Loss Up To and Including 23 Weeks and 6 Days Gestation, issued 17 April 2015.
- Records must be managed in accordance with the National Committee's Code of Practice Level 2 Guidelines on Record-Keeping.

5. Training, Monitoring and Continuing Professional Development

- Every Health Board must designate a lead officer to work with other Health Boards to support, promote and review the regular sharing, learning and implementation of best practice in the area of infant cremation and sensitive disposal of pregnancy loss
- Designated leads must report back to the National Committee on Infant Cremations, on request, regarding their Health Board's progress
- All staff must undertake relevant training to ensure their own knowledge and skills remain up-to-date.
- All Health Boards and staff must ensure they adhere to the National Committee's Code of Practice Level 2 Guidelines on Training and Communication.

CODE OF PRACTICE - DEFINITIONS

For the purposes of this document, the following definitions apply:

Signatory / Applicant

Application forms and other documentation must be signed by the person who has the legal right to do so. In most instances, this will be the nearest relative, although the law may recognise other persons, depending on the particular form or documentation.

Nearest relative

The 'nearest relative' is a legal definition, set out within Sections 46 and 47 of the Burial and Cremation (Scotland) Bill. This sets out a list of people who can be regarded as the nearest relative in different situations.

Next of kin

The Code recognises that, regardless of who may be the official signatory or nearest relative, decisions will often be the result of discussions between several or many relatives of the child (see 'child' definition below). The term 'next of kin' is used to generally refer to the relatives involved in these discussions.

Ashes

Lord Bonomy defined ashes as 'all that is left in the cremator at the end of the cremation process and following the removal of any metal'. This definition has been retained throughout the Code. To note that this differs substantively in wording, but not in its meaning or effect, from the legal definition set out in Section 36 of the Burial and Cremation (Scotland) Bill, as follows:

'(1) In this Act, "cremation" means the reduction to ashes of human remains by the burning of the remains and the application to the burnt human remains of grinding or other processes.

(2) In this section—

*"ashes" does not include metal,
"coffin" includes any type of receptacle,
"human remains" includes, where remains are clothed, in a coffin or with any
other thing, the clothing, coffin or other thing.'*

Shared cremation

Shared cremations are only for the cremation of pre 24 week pregnancy losses, and must be conducted as set out within Section 50 to 55 of the Burial and Cremation (Scotland) Bill and in accordance with relevant Guidance from the Chief Medical Officer and Chief Nursing Officer for Scotland. Whilst the general standards and principles within these Code of Practice documents do encompass shared cremations, the restricted provision of this type of cremation means there are some sections of the Code where they are explicitly excluded.

Infant cremation

For reasons of clarity and brevity, the term 'infant cremation' is used at points within the document to encompass cremations relating to all of the below circumstances.

Child / infant

For reasons of brevity and of sensitivity, the term 'child' or 'infant' is used at points within the document to encompass all of the below circumstances.

Pregnancy loss

A pregnancy loss is delivered at less than 24 weeks' gestation, and has shown no signs of life on delivery.

Stillbirth

A still-born is delivered at 24 weeks' gestation or more, and has shown no signs of life on delivery.

Neo-natal death

A death which occurs after the birth and within the first 28 days of life.

Infant death

A death which occurs after 28 days and before the end of the first year of life.



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Inspector of Crematoria Scotland

Robert Swanson QPM

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Inspection of Crematoria

Name and Address of Crematorium: Mortonhall Crematorium Edinburgh	
Name of Cremation Authority: City of Edinburgh Council	Date of Inspection: Thursday 5 th May 2016
Undertaken by: Robert Swanson QPM HM Inspector of Crematoria Scotland	In the presence of: Natalie McKail Senior Manager Place Ewan McCormick Crematorium Change Manager

1. Operational Hours / Time Between services

Opening Hours:

Monday to Thursday: 0900hrs to 1645hrs

Friday: 0900hrs to 1545hrs

Saturday: 0900hrs to 1200hrs

Time between services:

1 hour (duration of service can be extended on request)

2. Staffing levels and structure

Staff certificated to carry out infant cremations:

4 members of staff qualified to carry out infant cremations with a further 2 scheduled to undergo training in July 2016

Training programme:

Staff have ready access to hard copy and computer held guidance and legislative documents, and receive in-house training on a regular basis. This is enhanced by training and guidance from the FBCA and ICCM. Being a Local Authority Cremation Authority staff are also subject to statutory requirements and risk assessments etc.

3. Office Management

Administration Procedure:

The administration procedure and process was examined from point of first intimation to disposal of the ashes, with checks carried out on paperwork and computer records. All were found to be of a good standard with much emphasis placed on ensuring the process minimised the risk of human error.

Computer System:

BACAS

4. Total Number of Cremations Carried Out

Breakdown by category	2014:	2015:
Adult:	2393	2107
Baby / Infant / Child:	3	10
Stillbirth:	7	5
Pregnancy Loss:	949	1618
Body Parts:	0	1
Anatomical Body Parts:	0	1

5. Cremation / Identity Card Process

The process and all related documentation examined from the point of arrival of the coffin, throughout all stages including cremulation, storage, dispersal of the ashes, subsequent updating of computer records and storage of documentation.

All were found to be a high standard with great attention to detail, and with a number of safeguards to minimise the risk of human error resulting in mislabelling ashes.

6. Recovery of Ashes

Instances where ashes were NOT recovered (2015)

Not applicable – all recovered

7. Ashes Policy (retain / scatter / inter / storage)

Details of Process:

There is no provision for ashes to be scattered at Mortonhall Crematorium. There is a separate garden for the interment of the ashes of babies. A check of the disposal instructions on documentation was found to accurately reflect the disposal outcome.

Ashes awaiting disposal are stored in a secure location with clear identification and instruction labels affixed. Ashes awaiting collection are stored separately from those to be interred.

8. Cremators
Number of cremators: Currently 2 operational (to be increased to 3 plus 1 for infants)
Make (s): Mathews
Size (s): 1 standard and 1 large

9. Sample of Cremation Register	
<p>Category: NVF (shared-total of 28)</p> <p>Cremation number: 6403</p> <p>Result: All documentation and records examined and found to be in order. The cremation was carried out on 19th April 2016 with the ashes interred by staff in the designated Garden of Remembrance the following day.</p>	<p>Category: NVF(Individual)</p> <p>Cremation number: 6431</p> <p>Result: All documentation and records examined and found to be in order. The cremation was carried out on 20th April 2016 with the ashes interred in the designated Garden of Remembrance on 22nd April 2016.</p>
<p>Category: Adult</p> <p>Cremation number: 109060</p> <p>Result: All documentation and records examined and found to be in order. The cremation was carried on 1st February 2016 with the ashes collected by the funeral director on 17th February 2016.</p>	<p>Category: Adult</p> <p>Cremation number: 109226</p> <p>Result: All documentation and records, including the PF Form E1, examined and found to be in order. The cremation was carried out on 9th March 2016 with the ashes collected by the funeral director on 14th March 2016.</p>
<p>Category: Adult</p> <p>Cremation number: 109440</p> <p>Result: All documentation and records examined and found to be in order. The cremation was carried out on 2nd May 2016 with the ashes collected by the funeral director on 3rd May 2016.</p>	

10. Use of Baby Tray

Number / Source: 1 supplied by Teleshore

When introduced: Latest Tray new (purchased 2016)

11. Pregnancy Loss Policy / Procedure

NHS / Shared:

Arrangement (no contract) with NHS Lothian (Royal Infirmary of Edinburgh) for weekly cremation every Tuesday with delivery to the Crematorium by funeral director. There is no maximum on the number of NVFs in each coffin. The cremation is usually carried out at the end of that day with the ashes thereafter interred by staff in the designated Garden of Remembrance.

There is no provision for attendance by family members.

Other shared cremation can be carried out in special circumstances on application.

Individual: The policy and procedure for individual pregnancy loss cremation does not differ from that of an infant.

12. Metal Extraction

Policy: Large metal parts are extracted before ashes are placed in the cremulator, small parts are extracted by magnet before / after cremulation.

Mortonhall currently does not have a metal extraction re-cycle programme, although this is being considered. Metal extracts are interred within the Garden of Remembrance unless otherwise instructed by the applicant.

13. Code of Practice, Cremation Practice Guidance and Policy Statement

A check of the Cremation Authority website confirmed that the Policy Statement on Infant Cremations is publically available. The inspection confirmed that the Crematorium's procedures are fully in accordance with it.

Staff are fully aware of the most up-to-date Code of Practice and Cremation Practice Guidelines with easy access provided by way of hard copy held within the Crematorium and computer access to the website of the Cremation Authority and other relevant organisations.

14. General Observations
Buildings: Extensive refurbishment soon to commence with closure for estimated 6 months.
Car park: Car park space considered to be adequate with no problems encountered. No plans to extend.
Grounds / Gardens of Remembrance: The Crematorium grounds provides a variety of options for interment with additional facilities available in the adjoining Cemetery grounds. These and associated costs are publically available on the Cremation Authority website.
Access for the disabled: As part of the planned refurbishment a dedicated toilet for the disabled and infirm is to be built within the administration block. All other areas seen during the inspection had unrestricted access for the disabled and infirm.
Security: Good quality CCTV is installed covering key areas, with security and fire alarms throughout. The main gates are locked at night. The premises and grounds are monitored by the Council Security Team.
Health and Safety: All staff have a good awareness of Health and safety with risk assessments undertaken of specific duties. This is further enhanced by guidance and training provided by the Cremation Authority. One member of staff is qualified in first aid.

15. Issues highlighted by staff
<p>No major issues highlighted, management have indicated that staff have adapted well to recent changes regarding Certification of Death (Scotland) Act 2011, and the findings of Lord Bonomy. Like a number of other Crematoria staff have intimated they consider there to be room for improvement in the content of the Application Form, and would welcome greater consultation during planning of the revised form currently being considered. It was also raised that there is considered scope to improve partner working and a centralised dissemination system.</p> <p>These points will be addressed by the Inspector.</p>

,

16. Overall Assessment
<p>This inspection has addressed the current position within Mortonhall Crematorium, taking cognisance of what was been recorded in the past.</p>

Staff have undergone a number of changes at managerial level in recent times, but hopefully by the time the Crematorium re-opens after the major refurbishment, these positions will be cemented and will allow for a greater period of stability.

As regards the findings of the Inspection, staff will need to address the requirement for a formal contract to be implemented with NHS Lothian, as per the Code of Practice, and will give consideration to offering, via NHS, family members the opportunity to be present during the cremation of shared NVFs if they so wish.

Overall, staff having taken on board all the shortcomings which have been highlighted in recent reports can now move forward from what clearly has been a very difficult period for them.

Signed: Robert Swanson QPM

Date: Friday 13th May 2016

10 am, Thursday, 2 June 2016

City of Edinburgh Council officer representation on the Edinburgh Integration Joint Board Strategic Planning Group

Item number	8.2
Report number	
Executive/routine	
Wards	All

Executive summary

The Public Bodies (Joint Working) (Scotland) Act 2014 requires integration authorities to establish a Strategic Planning Group as a means of ensuring that key stakeholders are consulted at each stage of the preparation of the strategic plan. The legislation also sets out those groups that must be represented on the Strategic Planning Group as a minimum and includes the requirement for the local authority to nominate a representative. Under the current Scheme of Delegation nomination of the Council's representative must be approved by Full Council.

This report recommends that the Chief Social Work Officer represents the Council on the Strategic Planning Group. It is also proposed that the Scheme of Delegation should be amended so that the Chief Executive is authorised to nominate the Council's officer representative on the Strategic Planning Group.

Links

Coalition pledges	P36
Council priorities	CP2 , CP3 , CP4
Single Outcome Agreement	SO2 , SO4

Report

City of Edinburgh Council officer representation on the Edinburgh Integration Joint Board Strategic Planning Group

Recommendations

- 1.1 It is recommended that the Council :
- i. approves the nomination of the Chief Social Work Officer as the Council's officer representative on the Edinburgh Integration Joint Board Strategic Planning Group
 - ii. delegate the nomination of the Council's officer representative on the Edinburgh Integration Joint Board Strategic Planning Group to the Chief Executive and that the Scheme of Delegation is amended accordingly

Background

- 2.1 The Public Bodies (Joint Working) (Scotland) Act 2014 requires integration authorities to establish a Strategic Planning Group to ensure that key stakeholders are consulted at each stage of the preparation of their strategic plan.
- 2.2 Following the approval of the first Strategic Plan for Health and Social Care 2016 – 19 by the Integration Joint Board on 11 March 2016, the Shadow Strategic Planning Group has fulfilled its remit. In order to comply with the legislative requirements a new Strategic Planning Group needs to be formally established by the Board.
- 2.3 The Public Bodies (Joint Working) (Scotland) Act 2014 sets out a list of bodies that must be represented on the Strategic Planning Group; each integration authority can determine how members of the Strategic Planning Group will be appointed and can add to this membership if it chooses to do so. The membership of the Group must include a nominated representative of the Local Authority.
- 2.4 The Strategic Planning Group is chaired by the Vice Chair of the Integration Joint Board and the Chair of the Board is the Vice Chair of the Strategic

Planning Group. As the roles of Chair and Vice Chair of the Integration Joint Board alternate between a Board member who is an elected member of the Council and a Board member who is a Non-Executive Board member of NHS Lothian, there will always be an elected member of the Council on the Strategic Planning Group.

Main report

- 3.1 The role of the Strategic Planning Group as set out in the legislation is to be consulted and provide feedback:
- at each stage of the production of the Edinburgh Integration Joint Board's strategic plans (Public Bodies (Joint Working) (Scotland) Act section 33)
 - in respect of any significant decision about the arrangements for carrying out the "integration functions" that the Board proposes to implement without revising the strategic plan (Public Bodies (Joint Working) (Scotland) Act section 36)
- 3.2 The remit of the Strategic Planning Group is to:
- review detailed business cases and change plans on behalf of the Integration Joint Board to ensure they are robust and meet the aims of the strategic plan
 - provide assurance to the Integration Joint Board that there has been appropriate consultation and engagement in line with the statutory responsibilities of the IJB for any service changes
 - review the planning structures in place and provide assurance to the Integration Joint Board that appropriate planning mechanisms exist within the partnership, and between the partnership and key stakeholders
 - provide a forum for discussion and debate in relation to emerging themes and national or local initiatives which emerge following the finalisation of the 2016-2019 strategic plan
 - receive updated Joint Strategic Needs Assessment and performance information as this emerges to inform the annual review of the Strategic Plan
 - collaborate on the production of future iterations of the strategic plan
 - oversees delivery of the strategic plan on behalf of the Integration Joint Board
- 3.3 The Public Bodies (Joint Working) (Scotland) Act 2014 sets out a list of bodies that must be represented on the Strategic Planning Group each integration authority can determine how members of the Strategic Planning Group will be appointed and can add to this membership if it chooses to do so.

- 3.4 The approach the Edinburgh Integration Joint Board has taken to establishing the Strategic Planning Group is that:
- there are clear links between the membership of the Integration Joint Board and the Strategic Planning Group
 - where appropriate members of the Strategic Planning Group are nominated by the bodies they are representing and are supported to actively engage with their wider constituency of groups and individuals
- 3.5 The groups to be represented on the Strategic Planning Group and arrangements for the appointment of members are detailed in Appendix A.
- 3.6 The Chief Social Work Officer is a statutory member of the Integration Joint Board and sits within the Council Leadership Team with responsibilities that cover not only adult social care but also children and families, criminal justice and community safety. The postholder is therefore well situated to represent the interests of a range of services managed by the Council and ensure that cross cutting linkages are made between these and the services that are delegated to the Integration Joint Board.
- 3.7 Elected member representation on the Strategic Planning Group will be provided by the member of the Council who is the Chair or Vice Chair of the Integration Joint Board as these post holders will also be the Vice Chair and Chair of the Strategic Planning Group respectively. In the first instance the Strategic Planning Group will be chaired by Councillor Ricky Henderson in his capacity as Vice Chair of the Integration Joint Board.

Measures of success

- 4.1 That the Strategic Planning Group has access to professional advice from the City of Edinburgh Council officer member.

Financial impact

- 5.1 There is no financial impact arising from this report.

Risk, policy, compliance and governance impact

- 6.1 The recommendations within this report seek to:
- ensure compliance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014 regarding the establishment and membership of Strategic Planning Groups

- strengthen the links between the strategic plans of the Council and the Edinburgh Integration Joint Board and reduce the risk of conflicting priorities and approaches
- rationalise governance arrangements within both the Council and the Integration Joint Board by ensuring linkages across the Council Leadership Team, Integration Joint Board and Strategic Planning Group

Equalities impact

7.1 There is no equalities impact arising from this report.

Sustainability impact

8.1 There is no sustainability impact arising from this report.

Consultation and engagement

9.1 The proposals in this report will ensure that the Council alongside other stakeholders is actively engaged in the strategic planning of services delegated to the Edinburgh Integration Joint Board.

Background reading/external references

[Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)

Rob McCulloch-Graham

Chief Officer, Edinburgh Health and Social Care Partnership

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Links

Coalition pledges:	P36 - Develop improved partnership working across the Capital and with the voluntary sector to build on the “Total Craigroyston” model
Council priorities	CP2 - Improved health and wellbeing: reduced inequalities CP3 - Right care, right place, right time CP4 - Safe and empowered communities

Single Outcome Agreement:

SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

SO4 - Edinburgh's communities are safer and have improved physical and social fabric

Appendices:

Appendix A - Groups to be represented on the Strategic Planning Group and arrangements for the appointment of members

Appendix A

Groups to be represented on the Strategic Planning Group and arrangements for the appointment of members

Group represented	Arrangements for appointment from 1 April 2016
Chair	Vice chair of the Integration Joint Board will be appointed
Vice Chair	Chair of the Integration Joint Board will be appointed
NHS Lothian	NHS Lothian to be asked to nominate an appropriate officer
City of Edinburgh Council	City of Edinburgh Council to be asked nominate an appropriate officer
Users of health services	The two service users who are non-voting members of the Edinburgh Integration Joint Board will be appointed
Users of social care services	
Carers of users of health services	The two unpaid carers who are non-voting members of the Edinburgh Integration Joint Board will be appointed
Carers of users of social care services	
Social care professionals	The Professional Advisory Committee (PAC) to be asked to nominate a health and a social care professional. Ideally the representatives will be the co-chairs of the PAC
Health professionals	
Commercial providers of health care	To be decided
Commercial providers of social care	Scottish Care which is an interface organisation for the independent sector to be asked for a nomination
Non-commercial providers of social care	EVOC (Edinburgh Voluntary Organisations Council) and CCPS (Coalition of Care and Support Providers) which are interface organisations for the third sector to be asked
Non-commercial providers of	

Group represented	Arrangements for appointment from 1 April 2016
health care	for nominations
Non-commercial providers of social housing	Edinburgh Affordable Housing Partnership which is a an interface group for providers of social housing to be asked for nominations
Third sector organisations carrying out activities related to health or social care	The third sector representative who is a non-voting members of the Edinburgh Shadow Health and Social Care Partnership will be appointed
Localities	Pending the full establishment of the four localities it is proposed that the Corporate Policy & Strategy Manager from the City of Edinburgh Council undertakes this role. To be reviewed in December 2016
Chief Officer of the Edinburgh Health and Social Care Partnership	
Chief Finance Officer of the Edinburgh Health and Social Care Partnership	
Strategic Planning Leads for the Edinburgh Health and Social Care Partnership	
Performance Lead Edinburgh Health and Social Care Partnership	
Public Health Consultant working with the Edinburgh Health and Social Care Partnership	

The City of Edinburgh Council

May 2015 to April 2016

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	25-06-15	Mortonhall Action Plan - Update	To agree to accept a further update report outlining future progress in June 2016.	Chief Executive	June 2016	2 June 2016	Recommended for Closure (Report on agenda)
2	25-06-15	Elsie Inglis (1864-1917) – Motion by Councillor Rose (Agenda of 25 June 2015)	Given current World War 1 commemorations, and in particular the opportunity arising from the 100 th anniversary of her death, calls for a report to the October meeting of council outlining moves to commemorate her work and life and opportunities for a statue in Edinburgh's High Street or elsewhere.	Executive Director, City Strategy and Economy	August 2016		A report on this will be presented to the Culture and Sport Committee in August 2016.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	20-08-15	Future Investment in the School Estate – Wave 4	To note that a report would be brought back to the Council on the outcome of this process, together with the proposed approach to prioritisation, at a later date.	Executive Director of Communities and Families	October 2016		
4	19-11-15	Edinburgh Tram Extension - Next Steps	1) To continue consideration of the commencement of all Stage 1 activities as set out in the OBC, including the commencement of procurement processes for external support (project management, commercial, legal and technical) and site investigation until the next Council Meeting on Thursday 10 th December 2015.	Executive Director of Place	Spring 2017		<p>Paper brought forward to Council in December setting out proposed way forward.</p> <p>Council agreed to commence with Stage 1 activities and for Officers to report back to full Council in Spring 2017</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>2) To continue the proposal to delegate authority to the Chief Executive or such other officer to whom the Chief Executive may sub-delegate to award the external support contracts and site investigation contract(s), subject to:</p> <p>a) consultation with the Convener of the Finance and Resources Committee; and</p> <p>b) the summary of the procurement processes being reported at the end of Stage 1.</p> <p>until the next Council Meeting on Thursday 10th</p>	Executive Director of Place			

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>3) December 2015. To continue the proposal that, at the conclusion of Stage 1, the project financials would be further refined to take account of the new Government guidance on Local Authority borrowing, taxation advice and any revision in assumptions, particularly patronage and capital costs until the next Council Meeting on Thursday 10th December 2015.</p> <p>4) To continue the proposal that a report will be brought back to Council at the end</p>	Executive Director of Place			

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>of Stage 1 recommending a way forward until the next Council Meeting on Thursday 10th December 2015.</p> <p>5) To defer a decision on the implementation of any high level governance structure, as set out in the OBC, until additional information was forthcoming at the December meeting of Council.</p> <p>6) To note that legal advice was being sought on the Council's options to acquire the remaining 67 plots of land for Phase 1b</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
	19.12.15	Edinburgh Tram Extension - Next Steps	<p>and the options would be reported to Council in December 2015.</p> <p>To note that a report would be brought back to Council in Spring/Summer 2017 recommending a way forward.</p>	Executive Director of Place	Spring 2017		
5	19-11-15	St James Quarter - Update on Progress	<p>To delegate authority to the Chief Executive to take forward the potential development site at Picardy Place to the open market, to engage marketing agents to provide a full marketing campaign and to seek tenders in order to secure best value for the site's disposal. A report on the offers received would be brought back to Council for a decision on disposal and would also consider:-</p> <p>i) is this Common</p>	Executive Director of Place	May 2017		Advice regarding the timing for the marketing and disposal of the site will be sought during the construction phase of St James. A report will be brought back to the Council in accordance with the recommendations of the report of 19 November 2015.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>ii) Good land; the traffic implications of developing this site on wider traffic movements across the east of the City at this key traffic node; and</p> <p>iii) what the impact on active travel and place making would be if the site were released for development.</p>				A further update will be provided in May 2017.
6	19-11-15	Transport for Edinburgh - Recruitment of Senior Managers and Appointment of Directors to Board	To note that a further report advising on the outcome of the recruitment to all three posts, the appointment of company Directors and any other changes to membership of the boards of Transport for Edinburgh and its companies would be submitted to Council at its	Chief Executive	10 December 2016	10 December 2016	Recommended for Closure

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			meeting on 10 December 2015.				
7	19-11-15	Meantime Use of Vacant Properties – Motion By Councillor Corbett Agenda of 19 November 2015	Instructs a report to Corporate Policy and Strategy Committee within 3 cycles on the options for embedding meantime use as a routine option for long term empty property	Executive Director of City Strategy and Economy Now with the Acting Executive Director of Resources	August 2016		Action has been referred to the Acting Executive Director of Resources. A report will be presented to the Corporate Policy and Strategy Committee in August 2016.
8	10-12-15	Executive Management Structure	To agree the revised Organisational Structure as detailed in Appendix 1 to the report by the Chief Executive subject to a further review by Council within one year to consider whether the role of Deputy Chief Executive should be reinstated.	Chief Executive	December 2016		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
9	10-12-15	Formal Collaboration Proposal for Edinburgh, Lothians, Borders and Fife Councils	1) To report back to Council in 6 months. 2) To ask the Chief Executive to report on progress of any shared service proposals at the next full Council meeting, or an appropriate Committee, in order that elected members can monitor and accelerate progress where necessary.	Chief Executive Chief Executive	June 2016 February 2016		Shadow Joint Committee – Roads Services – now meeting
10	04-02-16	Festival Events – motion by Councillor Mowat Agenda of 4 February 2016	To accept that no process was perfect and lessons could always be learned and request an update report to Corporate Policy & Strategy Committee in April 2016 on the red flag mechanism, in light of the issues flagged in Councillor Mowat's motion,	Executive Director of Place	April 2016	Corporate Policy and Strategy Committee 17 May 2016	Recommended for Closure

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			covering the two years since its implementation.				
11	04-02-16	Museum of Fire – motion by Councillor Day Agenda of 4 February 2016	Council calls for a report to the Corporate Policy and Strategy Committee in two cycles outlining the current status of the building and options for its future.	Acting Executive Director of Resources	May 2016	Corporate Policy and Strategy Committee 17 May 2016	Recommended for Closure
12	10-03-16	Energy for Edinburgh	To note that a further report would be submitted to Council on progress within six months.	Executive Director of Place	September 2016		
13	10-03-16	Funding Package Proposal for a New Meadowbank	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	Acting Executive Director of Communities and Families	Ongoing		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<ul style="list-style-type: none"> i) to unincorporated organisations or organisations in an advisory capacity only; and ii) to the Ken Buchanan MBE Foundation once it was formally constituted. 				

10.00am, Thursday, 2 June 2016

Outside Bodies

Item number	8.4
Report number	
Executive/routine	
Wards	

Executive Summary

This report outlines the risks and outstanding issues surrounding the outside bodies which the Council has appointed elected members to. Future work and immediate actions to be taken are recommended in regard to unincorporated organisations and charitable trusts in particular.

Links

Coalition Pledges
Council Priorities
Single Outcome Agreement

Outside Bodies

1. Recommendations

- 1.1 To note the potential personal liability for elected members in serving on the management committee of unincorporated associations.
- 1.2 To note that elected members would best be protected from personal liability by resigning from the management committees of unincorporated organisations.
- 1.3 In the light of their potential personal liability, to invite elected members to consider their position in relation to the unincorporated associations listed in appendix one.
- 1.4 To note the further work to be carried out exploring the type and liabilities of outside organisations.
- 1.5 To agree to carry out the work exploring the liability of the charitable trusts outlined in appendix two.
- 1.6 To agree the new governance process for managing the appointment of elected members to outside organisations outlined in appendix three.
- 1.7 To agree that further work should be carried out before the Local Government Elections in 2017 to ascertain the relevancy to the Council of the organisations in the outside bodies list.
- 1.8 To appoint Councillor Barrie as a replacement for Councillor Ross as the Council's representative on Business Loan Funds (Scotland) Ltd.

2. Background

- 2.1 The Council currently appoints a number of elected members to outside bodies. They are agreed at either the first or second Council meeting following local government elections and are, subject to statute, usually for the life of the Council. Appointments are also made throughout the term of the Council due to resignations and requests by new organisations for elected member representation.
- 2.2 The appointment of elected members to serve on any outside body is a matter reserved to Council in accordance with the Committee Terms of Reference and Delegated Functions.
- 2.3 The organisations range from Council-owned companies to local groups that operate in a particular ward or locality of the city. Elected members sit on these

organisations in a number of different roles. Examples of this are as a director on a board of a company, a trustee or as a member of a committee.

- 2.4 On 17 March 2016 The Finance and Resources Committee delegated authority to the Chief Executive and the Acting Director of Resources to take action as required to minimise any risks and deal with any potential claims as a result of elected members having being appointed to any unincorporated associations by the Council. This was not a permanent solution to the risks facing the Council and individual elected members and a further report was scheduled to be submitted to Council.

3. Main report

- 3.1 This report considers the types of organisations on the outside body list and examines what steps are necessary to mitigate the identified risk with unincorporated associations and any further risks to the Council and elected members. Consideration will also be given to how the Council can better manage new approaches by outside bodies for elected member representation.
- 3.2 It is recognised that elected members may be personally approached to sit on boards or attend meetings of a variety of organisations. If elected members accept these positions they do so in their personal capacity rather than as a councillor, and must make this clear to the organisation when accepting the position. This report only covers those appointments made formally and approved by the Council and does not take account of elected members who are on outside organisations in a personal capacity.
- 3.3 The most common examples of the types of outside bodies in which members become involved are:
- 3.3.1 Companies limited by shares;
 - 3.3.2 Companies limited by guarantee;
 - 3.3.3 Charitable trusts; and
 - 3.3.4 Unincorporated associations.

Arms Length External Organisations

- 3.4 The Council has a number of Arms Length External Organisations (ALEOs) which deliver a range of services for the Council. A review by Internal Audit has recently been undertaken on ALEOs. This will be reported to the Governance, Risk and Best Value Committee on 23 June 2016. In the meantime it is recommended that elected member representation on these bodies remains unchanged.

Organisations limited by shares or guarantee

- 3.5 A number of organisations on the outside bodies list are companies limited by shares or by guarantee. Companies limited by shares are widely used for commercial enterprises and directors have duties under the Companies Act and

other associated legislation. Personal liability is limited with certain exceptions such as when a director is engaged in wrongful trading.

- 3.6 Companies limited by guarantee are widely used for not-for-profit organisations such as clubs and community enterprises. Again directors have duties under the Companies Act and likewise personal liability is limited with certain exceptions. An example of this type of organisation on the outside bodies list is Edinburgh International Festival Council.
- 3.7 It is recommended that elected members continue to be represented on these organisations as the financial risk is likely to be limited.

Charitable trusts

- 3.8 Charitable trusts are widely used by charities and most director duties apply to trustees. Personal liability for trustees varies for each trust but individual personal liability may be more likely to apply than for other organisations. The Council is not aware of the full extent of the current exposure to personal liability for its elected member representatives as trustees on nine of these organisations. To ascertain this information each trust deed would have to be examined. Given the specialist nature of this work it is therefore recommended that this essential work is carried out by external legal specialists. If any general or specific issues arise out of this external review, the results would be reported to Council.

Unincorporated Associations

- 3.9 There are 11 unincorporated associations which currently have councillors as members, of which there are 17 cross-party councillor appointments.
- 3.10 The law in relation to unincorporated associations is both complex and unclear. The Scottish Law Commission has produced a paper recommending reform of this type of organisation but this has yet to be implemented. An unincorporated association is one of the most common legal forms adopted by members' clubs, sports clubs, charities and other not for profit organisations.
- 3.11 Unincorporated associations have no legal status, which means contracts cannot be entered into by the organisation and must be entered into in the name of its members (in practice usually its committee members). Personal liability of the members of management committees can arise due to the lack of legal status of the association. This means that members of committees may be personally liable for payments due under contracts that have been entered into on behalf of the association in the event of non-payment, and for any sums outstanding on insolvency.
- 3.12 The status of unincorporated associations creates an unknown and unquantifiable risk for the Council, and in particular for those elected members and officers who are members of these organisations at the Council's behest. There is a potential for these members to be liable on a joint and several basis. It may also be difficult for a person sued to recover from the other members of the management committee.

- 3.13 There is an instance where an elected member sits on an unincorporated association as an observer. If the elected member merely observes and is not a member of the management committee or the organisation then it is likely that liability will be limited. It is recommended that if the relevant elected member has concerns then discussions should be held with officers.
- 3.14 Discussions could take place with these organisations on changing their form to provide greater protection for its members regarding liability. However, this decision is one entirely for the organisation. Due to the risk of unlimited liability, it is recommended that elected members should consider resigning from the unincorporated associations outlined in appendix one.

Organisations still to be determined

- 3.15 There are 14 outside organisations on the outside body list where the Council does not yet have full clarity on their structure or the liability for elected members. Further work is required to be undertaken to research these organisations to ascertain the level of risk. However, it is not anticipated that these organisations are high risk or expose elected members to unlimited liability. A small project team from Strategy and Insight will be created to examine this further and report to Council if any issues are identified.

Process - New Requests

- 3.16 At present there is no defined procedure for organisations who request an elected member to join as a member/director or observer. This could result in the Council and/or elected members being exposed to unnecessary risk. This could depending on the organisation and the role include a possible conflict of interest which hinders Council business, financial and/or reputational risks.
- 3.17 Conflicts of interest will inevitably arise between duties owed to the outside body and duties owed to the Council. The Councillors' Code of Conduct is clear on these conflicts and states:

“3.17 - You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.

3.18 - If you become a director of a company as a nominee of the Council you will assume personal responsibilities under the Companies Acts. It is possible that a conflict of interest may arise for you between the company and the Council. In such cases it is your responsibility to take advice on your responsibilities to the Council and to the Company. This will include questions of declarations of interest.”

- 3.18 Linked to the financial risks outlined earlier in the report on liability and the potential reputational risks that could arise, the consequence of conflicts of interest requires an improvement in the overarching governance in relation to these appointments. A procedure has been outlined that seeks to address concerns while clarifying both

responsibility and accountability. The procedure requires that Council officials explore all relevant risks and undertake appropriate diligence before making recommendations to the Council on any appointment. This aims to provide elected members with the best possible guidance on whether to join the organisation.

- 3.19 The responsibility for the relationship between the Council and the outside organisation remains with the relevant executive director, dependent on the services the outside organisation delivers. There should be an identified officer from that service area who can outline the Council's relationship with this body and monitor the situation in case new risks or issues arise.

Next Steps

- 3.20 The number of outside bodies on the list is significant with elected members from all groups represented on over 100 bodies. The Council has a current interest in many of these bodies but there are some where the link with the Council is longstanding with historic roots. It is recommended that a full review of all such organisations is undertaken prior to the May 2017 Local Government Elections. This review will be able to more fully explore the risks to the Council (other than financial) that may currently exist.
- 3.21 Consultation with elected members will be key to ascertaining whether Council representation should continue. A full consultation exercise will be done with elected members exploring outside organisations generally and also focussing on each individual organisation with the relevant elected member.

Business Loans Fund (Scotland) Ltd

- 3.22 At its meeting on 28 April 2016 the Council made a number of changes to representation on outside bodies arising from Councillor Barrie's appointment as Economy Committee Convener. Following from this, Council is also asked to appoint Councillor Barrie in place of Councillor Ross as the Council's representative on Business Loan Funds (Scotland) Ltd.

4. Measures of success

- 4.1 To mitigate the risks, in particular financial risk, to the Council and elected members of membership of outside organisations.

5. Financial impact

- 5.1 All work outlined in this report will be contained within existing revenue budgets.

6. Risk, policy, compliance and governance impact

- 6.1 The governance surrounding the appointment of elected members to outside organisations requires to be strengthened. The measures in this report should assist in building a more robust approach.

7. Equalities impact

- 7.1 There are no equalities issues as a result of this report.

8. Sustainability impact

- 8.1 There are no sustainability issues as a result of this report.

9. Consultation and engagement

- 9.1 Thorough consultation will take place with elected members on any review of outside bodies prior to the Local Government Elections in 2017.

10. Background reading/external references

[Scottish Law Commission Report on Unincorporated Associations, November 2009](#)

Andrew Kerr

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11. Links

Coalition Pledges

Council Priorities

**Single Outcome
Agreement**

Appendices -

Appendix one – List of unincorporated associations

Appendix two – List of charitable trusts

Appendix three - governance process for managing the
appointment of elected members to outside organisations

Appendix one

Unincorporated Organisations

	Organisation	Description	Council Appointments for 2012/17	Lead Directorate(s)
1.	The BIG Project – Management Committee	Provider of services and support for children and young people aged 5-16 living in the Broomhouse area of Edinburgh.	Councillor Dixon (SNP)	Communities and Families
2.	Kirk of Greyfriars Society of Friends	A church community in the heart of Edinburgh which welcomes visitors and tourists.	Councillor Mowat (C)	City Strategy and Economy
3.	Police Aided Clothing Scheme - Directors	Provides clothing to children aged 5-18 from underprivileged backgrounds.	Lord Provost (ex-officio) Councillor Rose (C)	Communities and Families
4.	Scottish Accident Prevention Council	Brings together a range of bodies to formulate and enhance the worth of accident prevention.	Councillor Dixon (SNP)	Chief Executive
5.	Citadel Youth Centre	Community based youth work in Leith offering local children and young people opportunities for learning, leisure, friendship and other help and support.	Councillor Munro (L) Councillor McVey (SNP) (Ward 13 – Leith)	Communities and Families

	Organisation	Description	Council Appointments for 2012/17	Lead Directorate(s)
6.	Community One Stop Shop, Broomhouse – Management Committee		Councillor Fullerton	Resources
7.	Corstorphine Youth and Community Centre	An independent and inclusive community hub providing a range of opportunities including playgroup, keep fit, sports and other activities for all age groups.	Councillor Edie (SLD) (Ward 6 – Corstorphine/ Murrayfield)	Communities and Families
8.	Gorgie/Dalry Community Association - Director	Provides community facilities to promote education, health, social welfare, recreation and leisure to improve the condition of life for all participants.	Councillor Milligan (L) Councillor Fullerton (SNP) (Ward 7 – Sighthill/Gorgie)	Communities and Families
9.	Gorgie Memorial Hall Management Committee		Lord Provost Councillor Milligan (L) Councillor Dixon (SNP) Councillor Fullerton (SNP)	Resources

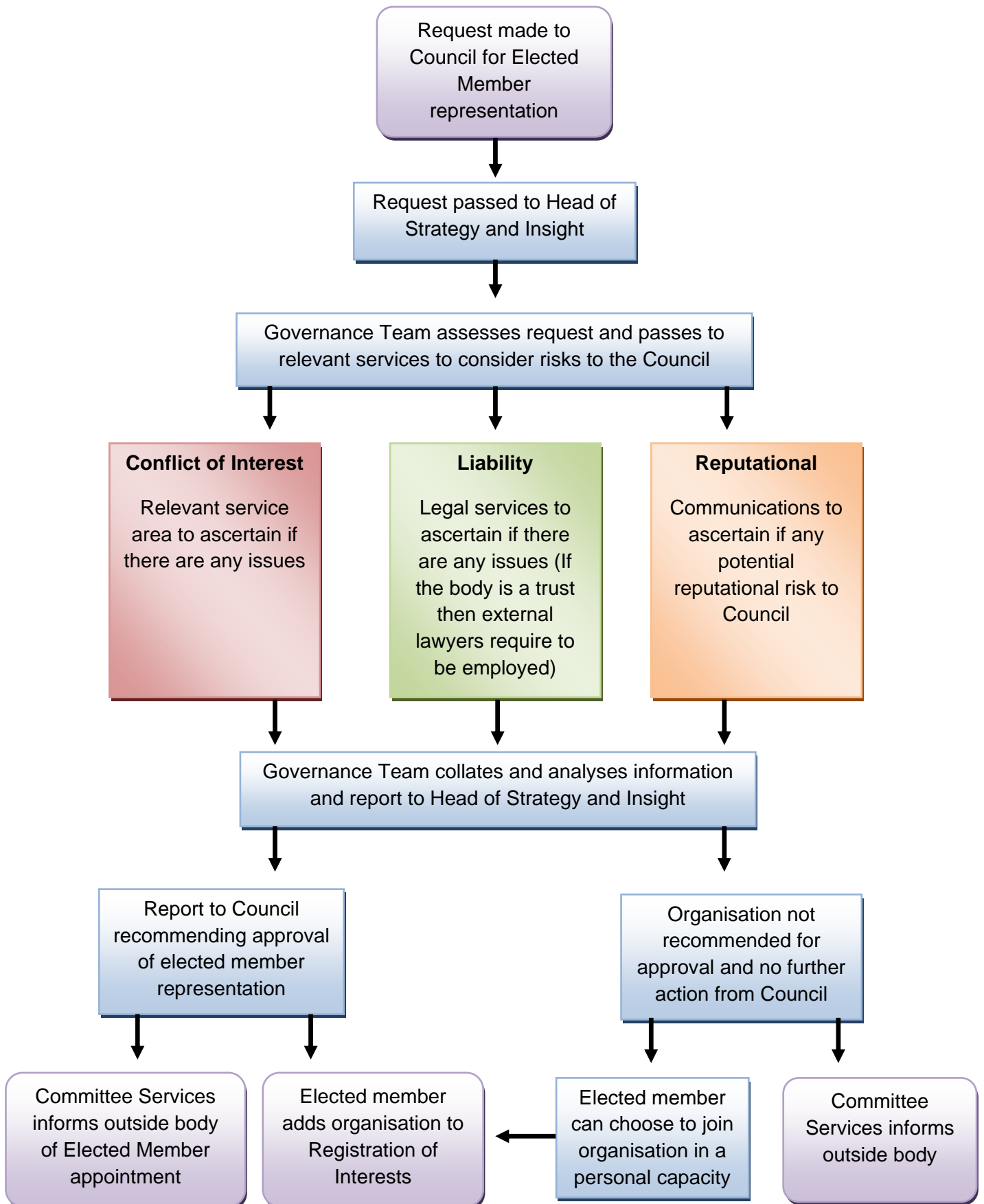
	Organisation	Description	Council Appointments for 2012/17	Lead Directorate(s)
10.	Granton Information Centre	Provides free, impartial and confidential expert advice, information and representation to the residents of North Edinburgh on a range of issues and by a variety of methods.	Councillor Day (L) (Ward 4 – Forth)	Edinburgh Health and Social Care Partnership
11.	Pilton Central Association/West Pilton Neighbourhood Centre - observer	A community managed organisation that aims to maximise community influence, address poverty and bring economic and community benefits to the North Edinburgh area. West Pilton Neighbourhood Centre provides a varied programme of educational and recreational activities to meet the needs of the community.	Councillor Cardownie (SNP) (Ward 4 – Forth)	Communities and Families

Appendix 2
Charitable Trusts

	Organisation	Description	Appointments made for 2012/17	Lead Directorate(s)
1.	Dean Orphanage and Cauvin's Trust - Board	Works to keep young people from living on the streets and provides a continuum of care to young people aged 15-21 as they make the transition from being looked after and accommodated to living independently in the community.	Councillor Keil (L)	Communities and Families
2.	Fettes Trust (The Governors of) - Director	Administers Fettes College.	Councillor Paterson (C)	Communities and Families
3.	George Heriot's Trust	Governs George Heriot's School.	Councillor Rose (C) Kate Cherry (A person with experience in education)	Communities and Families
4.	Lothian Homes Trust - Directors	Promotes the education of young people under the age of 22 who are in need of care or are living in deprived circumstances or otherwise require assistance to become adjusted to living independent lives.	Councillor Day (L) Councillor Key (SNP) Councillor Balfour (C) Vacancy	Communities and Families

	Organisation	Description	Appointments made for 2012/17	Lead Directorate(s)
5.	John Wilson/Robert Christie Bequest Fund Board of Management - Director	A fund for people over 60 who are in need, live in Edinburgh or Midlothian and have an acutely painful disease.	Councillor Aitken (C)	Resources
6.	Airth Benefaction Trust	Grants provided to people in need who are incapable of gaining a livelihood.	Councillor Redpath (L) (Ward 4 – Forth)	Resources
7.	John Watt's Trust	Grants to people over 55 who have the name Watt and who live in the parish of South Leith or have done so for at least ten years prior to application. People in need who have lived or are living in the City of Edinburgh or Midlothian can apply.	Councillor Munro (L) (Ward 13 – Leith)	Communities and Families
8.	Leith Industrial School Trust	Gives grants to organisers of groups providing play or holiday activities for the benefit of children living in Leith.	Councillor Munro (L) Councillor Booth (G) (Ward 13 – Leith)	Communities and Families
9.	William Brown Nimmo Charitable Trust	Provides grants to older women on a low income who were born and live in Leith or Edinburgh.	Lord Provost (ex officio) Councillor Munro (L)	Communities and Families

Elected Member representation on Outside Bodies process



The City of Edinburgh Council

10.00am, Thursday 2 June 2016

Operational Governance: Review of Contract Standing Orders and Guidance on the Appointment of Consultants

Item number	8.5
Report number	
Executive/routine	
Wards	

Executive Summary

The Council approved the current Contract Standing Orders (“CSOs”) and the Guidance on the Appointment of Consultants (“Appointment of Consultants”) on 29 October 2012, and subsequently approved updates on 5 February 2015. CSOs are a legal requirement and provide the powers to control and regulate purchasing throughout the Council. They place requirements on service areas to effectively plan and contract manage the resulting contracts.

The CSOs are kept under review by Commercial and Procurement Services (CPS) to ensure that they work effectively, and address changes in legislation. This report sets out the results of the review of current CSOs, the engagement that was undertaken, and summarises the main changes that are proposed following consultation. The report seeks approval for the proposed changes.

Links

Coalition Pledges P27 and P30
Council Priorities CP13
Single Outcome Agreement SO1

Operational Governance: Review of Contract Standing Orders and Guidance on the Appointment of Consultants

1. Recommendations

- 1.1 It is recommended that Council:
 - 1.1.1 approve the proposed revisals to the existing CSOs (as noted in Table 1 and Appendix 1 of this report)
 - 1.1.2 note that there will continue to be an annual review of CSOs to ensure that they work effectively and secure continuous improvement and Best Value; and
 - 1.1.3 approve the revisals to the Appointment of Consultants as noted in Table 2 and Appendix 2 of this report

2. Background

- 2.1 The Council is required to have CSOs under the Local Government (Scotland) Act 1973. CSOs provide the powers to control and regulate purchasing throughout the Council, and place requirements on service areas to effectively plan and contract manage the resulting contracts.
- 2.2 The purpose of the revised CSOs and the Appointment of Consultants is to improve purchasing controls to ensure Best Value is delivered, and the Council's statutory obligations are observed.
- 2.3 Since the CSOs were reviewed in February 2015 the Procurement Reform (Scotland) Act 2014 came into force on 18 April 2016 along with the Public Contracts (Scotland) Regulations 2015 and the Procurement (Scotland) Regulations 2016. These new pieces of legislation require a number of changes to the CSOs as detailed in this report.
- 2.4 Review of the operation of the current CSOs since February 2015 has also recognised that there is a need to:
 - 2.4.1 to improve the rules on Waivers
 - 2.4.2 standardise the requirement for Co-production in purchasing community services
 - 2.4.3 make changes required for continuous improvement

- 2.5 The revisions seek to implement the changes to the legislation, and further improvement the controls on purchasing. This will allow a balance against the need for sufficient flexibility to allow Council officers to achieve Best Value in delivering Council services.

3. Main report

Summary of proposed changes to the CSOs

- 3.1 The proposed CSOs changes will address legislative changes, practical issues encountered, clarify the rules, and improve purchasing controls. Minor changes have also been made for stylistic reasons. The proposed revised CSOs and Appointment of Consultants are set out in Appendices 1 and 2 to this report and the significant amendments are explained in Tables 1 and 2 below.

3.2 Table 1

Standing Order No.	Change	Explanation for the Change
1.1 Extent and Interpretation	Extent: exclusion of purchase of heritable property appointed guardians or legal services designated by a court of tribunal contracts with statutory or public bodies on the basis of an exclusive right enjoyed by law Certain contracts are excluded under the new Regulations e.g. Arbitration or conciliation services or commissioning a unique work of art	Waivers were required for such instances as they were not previously excluded from CSOs. The procurement legislation does not require these instances to be procured in accordance with any set process and in the absence of discretion in most cases the waiver process is not adding a necessary procurement control. For example specific guardians may be appointed by court or court orders and construction works may necessitate contracts with statutory bodies such as SQA, Network Rail or Scottish Water where they hold the exclusive statutory rights.
1.2 Definitions and Interpretation	Co-production (see also 2.3) EU Thresholds - New definition of "Social and other Specific Services"	Definitions have been added for the purposes of clarification. The term 'Co-production' has been

	<p>Definition of Director</p> <p>2015 Regulations</p> <p>2016 Regulations</p>	<p>defined to help with a consistent understanding. More detailed guidance is being produced for the Procurement Handbook with the input of EVOC.</p> <p>To reflect changes in structure.</p> <p>The new 2015 Regulations implementing the EU procurement directives introduce a requirement to openly and transparently advertise the opportunity for "Social and other Specific Services" over the current threshold of 750,000 Euros</p> <p>The 2015 Regulations which implement the new Procurement Directive and the 2016 Regulations which implement the Scottish Procurement Reform (Scotland) Act 2014 are defined and referred to throughout the CSOs.</p>
<p>1.3</p> <p>General Principles</p>	<p>Co-production required where any material changes impacting upon service users and throughout contract management process.</p> <p>Requirement to comply with principles of equal treatment, non discrimination, transparency and proportionality.</p> <p>Fair working practices and Living wage to be encouraged.</p>	<p>Reflects Council commitment to Co-production and Compact values.</p> <p>A general legal requirement now which applies below EU thresholds to contracts over £50,000 (£2M works)</p> <p>In recognition of the Council's commitment to encourage payment of the Living wage and improved workforce conditions for employees of contractors and recent statutory guidance.</p>

	Process for allocating grants will be in consultation with Chief Procurement Officer and adhere to Compact values.	In recognition of transfer of grants process from Payment to Third Parties to Commercial Excellence programme.
2.4 Procedures	Advice must be sought from the Head of Legal and Risk or CPS before following procedures other than competitive tendering.	While the procurement legislation allows for other procedures such as direct award i.e. negotiated procedure without advertisement, it is permitted within tightly defined instances so procurement or legal advice is required to ensure this is permissible and the legal challenge avoided.
2.5 Procedures	Health, social care and community services require to be procured in accordance with the Act, the 2015 and 2016 Regulations and any statutory guidance i.e. open and transparent advertising of contract opportunities.	<p>The new EU procurement directive (implemented by 2015 Regulations) requires open and transparent advertising of contract opportunities for "social and other specific services" where the total value over the duration of the contract exceeds 750,000Euros.</p> <p>The procedure for awarding the contract may be determined by the Council provided it is fair, transparent and non discriminatory.</p> <p>For contracts below 750,000 Euros the Scottish Government have produced statutory guidance. Subject to Best Value obligations there is no strict requirement to advertise the opportunity in the EU Journal unless there may be cross border interest in the contract i.e. from out with the UK.</p>
2.6 and 2.7 Procedures	Introduction of the sustainability duty. Requirement to consider how procurement can improve social,	The sustainability duty is a requirement of the Procurement Reform (S) Act 2014.

	<p>environmental and economic wellbeing</p> <p>Requirement to consider how can make entry for SMEs, third sector and supported businesses easier and how innovation can be promoted.</p>	
2.8 Procedures	<p>Ring fenced contracts permitted for supported businesses now includes workers that are 'disadvantaged' in addition to disabled and threshold reduced from 50% to 30% of workers.</p>	<p>A change introduced by the Procurement Directive/2015 Regulations</p>
2.17 Procedures	<p>Introduction of provision addressing expenditure of PTA monies and requirement for Council consent.</p>	<p>While PTA monies will generally not be bound by procurement rules if spent by the Council through a Council contract they may be. Further there may be health and safety implications such as playground construction which requires contractors to be approved and insurances checked. There may also be ongoing maintenance costs which need to be budgeted for so where this applies Council consent will be required. More detailed guidance will be contained in the Procurement Handbook.</p>
3 The Role of Directors	<p>Conflict of interest measures</p> <p>Evaluation Panel suitably qualified</p> <p>Updating the contract register within 5 days</p> <p>Equality and Impact Rights Assessment</p>	<p>General requirements for the purposes of continuous improvement and to address changes in structure/</p>
5.1 Evaluation of	<p>Tenders to be evaluated on most economically</p>	<p>Changes introduced by the 2014 Act mean that 'lowest price' now only</p>

Tenders and Quotes	advantageous only and not lowest cost unless below EU thresholds or for call off contracts	permitted for procurements below EU thresholds or call offs
7.1.2 Eligibility to Tender	Prior poor performance is now included in grounds for excluding contractors from bidding for a tender	Now permitted by the 2015 Regulations along with other grounds
9.1 Waiver of CSOs	<p>Considerations justifying a waiver in the best interests of the Council to include risk of successful challenge, impact on service users and best value</p> <p>Simplified table referring only to waivers for best interests</p> <p>The reason for retrospective waivers must be provided</p> <p>A waiver is not a contract so a contract must also be put in place</p> <p>Waivers are not required for procedures permitted by the Regulations e.g. contracts with another public body with the aim of providing public services or negotiated procedure permitted for reason of exclusive rights</p>	<p>General requirements for the purposes of continuous improvement.</p> <p>Clarity that waivers are not required for those procedures that legislation doesn't require to be tendered e.g. negotiated procedure without advertisement</p> <p>The perception of waivers is negative yet many waivers are sought for grounds fully permitted by the Procurement Regulations. Waivers were required originally to provide an audit trail but to address the issue of perception it is considered advisable to exclude procedures and instances permitted by the Regulations</p>
10.1 Contract Extensions or Variations	To increase the variation level which may be approved by a Director to not more than EU thresholds (£1million for works) and less than 10% (15% for works) of the contract value	<p>The cost of works contracts will often increase due to ground conditions being an unknown at the outset of the contract. The requirement for committee consent can introduce delays to the programme</p> <p>For service contracts there may be the need for additional services</p>

		<p>inextricably linked to the original services.</p> <p>The suggested caps reflect what is permitted under the new Regulations with the exception of works which is £4.3million.</p>
11 National Frameworks	Suggestion that a national framework may be used for call offs without delay due to reporting cycles. Framework would not be adopted without Committee approval.	Several instances recently where large Scotland Excel contracts are about to expire e.g. Groceries and while Scotland Excel have put a contract in place to replace these, our reporting lead in times results in a gap in service provision.
Schedule	<p>Committee approval for works contracts increased from £1.5M to £2M</p> <p>New provision £50,000 to EU Threshold for Social and other Specific Services for Health or Social Care Services</p>	<p>The Regulated procedure applies for works contracts above the £2M threshold. The approval threshold has been increased in line with this to avoid confusion over the different thresholds.</p> <p>To follow statutory guidance</p>

3.4 Proposed changes to the Appointment of Consultants

Table 2

Provision No	Change	Explanation for the Change
4 Committee Approval	Consultants involved in the delivery of a works project which is below Committee approval levels shall not require Committee consent	Minor amendment to this provision to assist clarity.

4. Measures of success

- 4.1 The measure of success of the revised CSOs will be compliance with new procurement legislation, improved controls, increased compliance against Procure to Pay targets, delivery of better value contracts and a reduction in non contracted and retrospective spend and waivers.

5. Financial impact

- 5.1 The changes to CSOs are expected to support the delivery of planned savings through the Commercial Excellence programme and in line with budget commitments.
- 5.2 Approval of these revised financial controls will enhance the management of purchasing across all service areas.

6. Risk, policy, compliance and governance impact

- 6.1 The revisions will improve controls, increase compliance and improve the governance of contracts.
- 6.2 They will also assist with achieving best value, adherence to mandatory legislative and regulatory practices, and reduce the risk of legal challenge.

7. Equalities impact

- 7.1 There are no equalities impacts as a result of this report.

8. Sustainability impact

- 8.1 The requirement to consider how procurement can improve social, environmental and economic wellbeing and make entry for SMEs, third sector and supported businesses easier and promote innovation will have significant benefits for the City of Edinburgh.

9. Consultation and engagement

- 9.1 The CSOs were prepared in consultation with the Convenor and Vice Convenor of the Finance and Resources Committee, EVOG as representatives of the third sector in Edinburgh and a wide range of officers involved in procuring and commissioning across all service areas of the Council, as well as Senior Management Teams. The revisions have been prepared in response to review by CPS and feedback as to improvements that could be made, to streamline processes and practical difficulties experienced following implementation.

10. Background reading/external references

[City of Edinburgh Council's Contract Standing Orders](#)

[Operational Governance: Review of Contract Standing Orders and Guidance on the Appointment of Consultants - Report to City of Edinburgh Council of 5 February 2015](#)

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11. Links

Coalition Pledges	P27 and 30
Council Priorities	CP 13
Single Outcome Agreement	SO1
Appendices	Appendix 1 –Contract Standing Orders Appendix 2 – Guidance on the Appointment of Consultants



CONTRACT STANDING ORDERS

2 June 2016

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Introduction

These Contract Standing Orders of the City of Edinburgh Council ("Council") apply from 2 June 2016 and apply (with certain exceptions) to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services.

1 Preliminary

1.1 Extent and interpretation

- 1.1.1 The Council makes these Standing Orders in terms of section 81 of the Local Government (Scotland) Act 1973.
- 1.1.2 These Standing Orders must be interpreted in accordance with the key principles of transparency, equal treatment, non-discrimination and proportionality.
- 1.1.3 These Standing Orders apply from 2 June 2016 and apply, subject to the provisions of Standing Order 1.1.5, to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services (including consultancy services).
- 1.1.4 The Standing Orders are subject to the over-riding provisions of European Union, United Kingdom, or Scottish legislation. They are also subject to any EU Commission, UK government or Scottish Executive guidance on public procurement that may be issued from time to time.
- 1.1.5 The Standing Orders do not apply to any of the following:
 - 1.1.5.1 contracts of employment;
 - 1.1.5.2 contracts solely relating to the lease, purchase or disposal of heritable property;
 - 1.1.5.3 the allocation of direct payments or personal budgets under options 1, 2 or 4 of the Social Care (Self Directed Support) (Scotland) Act 2013
 - 1.1.5.4 appointed guardians or legal services designated by a court of tribunal, any persons appointed under The Curators ad Litem and Reporting Officers (Panels) Scotland Regulations 2001 and the appointment of board members required by statute
 - 1.1.5.5 contracts with statutory or public bodies on the basis of an exclusive right enjoyed by law
 - 1.1.5.6 those contracts excluded by the 2015 or 2016 Regulations for example arbitration or conciliation services

- 1.1.6 The Standing Orders must be read in conjunction with, and all Council staff must comply with, the Scheme of Delegation to Officers, the Council's Financial Regulations, the Procurement Handbook and the Council's guidance on the Appointment of Consultants. Where there is any discrepancy, the Standing Orders shall take precedence.
- 1.1.7 Failure to comply with these Standing Orders when making purchases or seeking offers may result in disciplinary action.
- 1.1.8 Any query regarding the application or interpretation of these Standing Orders should be made in the first instance to the Director of Resources.

1.2 Definitions and interpretation

- 1.2.1 "Act" means the Procurement Reform (Scotland) Act 2014;
- 1.2.2 "Best Value" means the legal duty to secure continuous improvement in the performance of the Council's functions as set out in section 1 of the Local Government in Scotland Act 2003 as follows:-

"1 Local authorities' duty to secure best value"

(1) It is the duty of a local authority to make arrangements which secure best value.

(2) Best value is continuous improvement in the performance of the authority's functions.

(3) In securing best value, the local authority shall maintain an appropriate balance among—

(a) the quality of its performance of its functions;

(b) the cost to the authority of that performance; and

(c) the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.

(4) In maintaining that balance, the local authority shall have regard to—

(a) efficiency;

(b) effectiveness;

(c) economy; and

(d) the need to meet the equal opportunity requirements.

(5) The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.

(6) In measuring the improvement of the performance of a local authority's functions for the purposes of this section, regard shall be had to the extent to which the outcomes of that performance have improved.

(7) In this section, "*equal opportunity requirements*" has the same meaning as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46)";

- 1.2.3 "Contract Manager" means the nominated Contract Manager for a specific contract who is responsible for dealing with supplier performance and contractual matters of a day to day basis;
- 1.2.4 "Convener" means the Convener of the Council, a committee or sub-committee of the Council;
- 1.2.5 Co-production – means the real and meaningful involvement of the citizens of Edinburgh including future recipients of the services and key stakeholders and suppliers (both current and potential) in how and what community services and related

goods and works are delivered with regard to the National Standards for Community Engagement.

- 1.2.6 “Director” means the relevant Director (or the Head of Safer and Stronger Communities) of the procuring service area or for the purpose of exercising any powers set out in these Standing Orders the Chief Executive of the Council or, in the case of cross-directorate purchasing or absence of the relevant Director (or Head of Safer and Stronger Communities), such Head of Service as that Director has nominated in accordance the Scheme of Delegation, the Director of Resources or such director as the Chief Executive may nominate.
- 1.2.7 “EU Thresholds” means the prescribed threshold values set by the EU Commission for supply, services, works, Social and other Specific Services or concession contracts as they may be amended from time to time;
- 1.2.8 “Legislative Exemptions” means an exemption from the application of procurement rules under EU law and principles developed through case law and other means
- 1.2.9 “Procurement Handbook” means the procurement handbook issued by the Director of Resources, setting out the detailed requirements for the conduct of procurement activity within the Council (as amended from time to time);
- 1.2.10 “Procurement Requirement” means a document setting out as a minimum:-
 - 1.2.10.1 what is the Council's requirement for the goods, works or services and why do we need it?
 - 1.2.10.2 what are all the available options, including internal provision, which is the best and why?
 - 1.2.10.3 can and should the Council afford it?
 - 1.2.10.4 what are the proposed supplier management arrangements and who is the nominated Contract Manager as required by Contract Standing Orders?
 - 1.2.10.5 how do we track, measure and account for the benefits?
- 1.2.11 “2015 Regulations” means the Public Contracts (Scotland) Regulations 2015 or successor legislation (as amended from time to time);

- 1.2.12 “2016 Regulations” means the Procurement (Scotland) Regulations 2016 or successor legislation (as amended from time to time);
- 1.2.13 “Regulated procurement” means a procedure to award a regulated contract being a public contract which is equal to or greater than £50,000 (other than works or health or social care contracts) or £2million for works contracts;
- 1.2.14 “Schedule” means the schedule to these Standing Orders;
- 1.2.15 “Social and other Specific Services means a public contract or framework for social and other specific services as defined by the 2015 Regulations including:-
- 1.2.14.1 Health, social and related services
 - 1.2.14.2 Administrative social, educational, healthcare and cultural services
 - 1.2.14.3 Other community, social and personal services
 - 1.2.14.4 Legal services
 - 1.2.14.5 Investigation and security services
 - 1.2.14.6 Postal services
- 1.2.16 “Standing Orders” means these standing orders including the Schedule and “Standing Order” shall be interpreted accordingly.

1.3 General Principles

- 1.3.1 The relevant officer with responsibility for commissioning and/or procuring shall, prior to commencing any procurement process, ensure that an appropriate Procurement Requirement that meets the strategic and service objectives of the Council is completed in order to ensure that Best Value is achieved, that it complies with relevant sustainable development and equality requirements required by law and Co-production with key stakeholders is planned,
- 1.3.2 The Procurement Requirement shall include consulting with other Council service areas to ensure that where there is a need for the same or similar services that they are jointly procured where appropriate. Where the approximate value of any proposed procurement is likely to exceed £1 million (or £25,000 in the case of consultancy spend) the relevant Procurement Requirement shall require the approval of the relevant Director prior to proceeding to procurement.

- 1.3.3 All potential contracts above the EU thresholds and Regulated procurements must comply with the general principles of equal treatment, non discrimination, transparency and proportionality. Procurements must not be designed with the intention of unduly favouring or disadvantaging any potential tenderer.
- 1.3.4 Throughout the life of a contract the contract should:-
- a. comply with the minimum standards set out in the Procurement Handbook and
 - b. be managed by the Contract Manager in respect of
 - i. performance;
 - ii. compliance with the specification and other terms of the contract;
 - iii. cost and benefits;
 - iv. Best Value requirements;
 - v. equality requirements;
 - vi. delivery and risk management; and
 - vii. continuous improvement and Co-production principles.
- 1.3.5 All procedures for initiating procurement, developing procurement plans, inviting and receiving tenders, approval of contracts, and all contractual arrangements entered into shall comply with the Council's equality and sustainability requirements and policies, shall encourage fair working practices and payment of the Living Wage and, where appropriate, contractual or procurement arrangements shall include the use of community benefit clauses.
- 1.3.6 All expenditure must comply with the Council's Financial Regulations.
- 1.3.7 Grants while not subject to the full application of the procurement regulations should be allocated in consultation with the Chief Procurement Officer and are subject to the requirement to
- c. secure Best Value
 - d. comply with the Council's Finance Rules
 - e. adhere to the Compact values in particular fairness, transparency, equality of treatment and mutual respect; and
 - f. comply with any guidance on grants in the Procurement Handbook

2 Procedures

- 2.1 In addition to the obligations in Standing Order 1.3, before commencing a tendering procedure or making a purchase where no contract exists the relevant Director must consult with the Chief Procurement Officer to establish whether:
 - 2.1.1 any existing contracts or framework contracts accessible to the Council may fulfill their requirements and provide best value; or
 - 2.1.2 there is any existing internal provision or other resources which could be used.
- 2.2 The procedure for the award of any contract shall depend upon the estimated aggregated value of that contract. The EU rules on aggregation of contracts shall apply and the artificial splitting of purchase orders or requirements to avoid the application of these Standing Orders is not permitted.
- 2.3 Subject to Standing Order 9, or where otherwise legally permitted in respect of proposed contracts which exceed the Regulated procurement thresholds provided by the Act or the EU Thresholds, the minimum associated tendering procedures that must be applied are detailed in the Schedule.
- 2.4 For a procedure other than competitive tendering e.g. the negotiated procedure without prior advertisement, advice must be sought from the Head of Legal and Risk and/or Commercial and Procurement Services.
- 2.5 Health, social care and community services shall be procured in accordance with the Act, the 2015 Regulations, the 2016 Regulations, the Procurement of Care and Support Services 2016 (Best Practice) any statutory guidance issued under the Act and the principles of Co-production. For all purchases in excess of 750,000Euros the procedure shall be sufficient to comply with the principles of transparency and equal treatment of economic operators.
- 2.6 For all purchases in excess of £50,000 for goods and services and £2million for works the sustainable procurement duty introduced by the Act requires that before buying anything the Council must think about how it can improve the social, environmental and economic wellbeing of the area it operates with a particular focus on inequality and then act in a way that secures these improvements.
- 2.7 In accordance with its sustainable procurement duty the Council must consider how its procurement processes can facilitate the involvement of SMEs, third sector bodies and supported businesses and how innovation can be promoted. For contracts over the EU thresholds a contract may be awarded in the form of separate lots and where the decision is not to award in the form of separate lots this should be explained in the procurement documents.
- 2.8 The Council may reserve the right to participate in a tendering procedure to providers operating supported businesses, supported employment programmes or supported factories where more than 30% of the workers are disabled or disadvantaged persons in accordance with the 2015 Regulations. Where this right is exercised by the Council the contract award procedures

provided by the Regulations and Act shall be followed.

- 2.9 Where legally permissible the Council shall seek to ensure that for purchases or contracts of an estimated value of £50,000 or less that at least one Small or Medium Enterprise (SME) from the City of Edinburgh or an SME who is a significant employer within the City of Edinburgh is invited to tender in any process. For future repeat procurements for similar goods, services or works the Council shall seek to ensure that at least one new SME from the City of Edinburgh or a new significant employer within the City of Edinburgh is invited to tender in any process.
- 2.10 Direct purchasing below £3,000 where the purchase cannot be secured from an existing contracted supplier without competitive tendering is permissible subject to the Council's duty to secure Best Value. Best Value will normally be secured by obtaining 3 quotes and/or evidence of firm fixed prices.
- 2.11 Direct purchasing above £3,000 without seeking quotes is permissible only in those circumstances that would be permitted by the Act, the 2015 Regulations, the 2016 Regulations or in accordance with Standing Order 9.
- 2.12 The Chief Procurement Officer shall be consulted as appropriate in respect of tendering arrangements for any proposed contracts with an estimated value of less than £25,000.
- 2.13 The Chief Procurement Officer shall advise on and make all tendering arrangements for any proposed contracts with an estimated value in excess of £25,000.
- 2.14 If an unsuccessful tenderer brings a written or formal challenge against the Council in relation to a tender exercise or questions the integrity of the tender process, the recipient of the notice of challenge or query must inform the Chief Procurement Officer. The Chief Procurement Officer must inform the Head of Legal and Risk as to potential legal challenges.
- 2.15 Parent Teacher Association monies may be subject to the application of the procurement regulations where the contract is entered into by the Council. The prior consent of the Council must be obtained where the expenditure of Parent Teacher Association monies will result in alterations to Council land or buildings require equipment to be fixed to Council land or buildings, have health or safety implications or maintenance obligations.

3 The Role and Responsibilities of Directors

- 3.1 Each Director retains responsibility for selecting and appointing contractors, providers or suppliers for their directorate, but shall seek guidance as appropriate from the Chief Procurement Officer. The Chief Procurement Officer shall be consulted at the earliest opportunity to ensure that all purchasing arrangements are made in compliance with these Standing Orders.
- 3.2 Each Director has responsibility for all contracts tendered and let by their Directorate and is accountable to the Council for the performance of their duties in relation to contract letting and management, which are:

- 3.2.1 to ensure compliance with these Standing Orders and the Procurement Handbook;
- 3.2.2 to ensure no contract is entered into by the Council without seeking advice where appropriate from the Chief Procurement Officer and Head of Legal and Risk and having proper regard to such advice;
- 3.2.3 to ensure that appropriate contract security (for example guarantees or performance bonds) is obtained where required or considered prudent;
- 3.2.4 to prepare and approve where required by these Standing Orders an appropriate Procurement Requirement for each proposed purchase or contract;
- 3.2.5 to prepare, in consultation with the Commercial and Procurement Manager, appropriate contract and tender documents which clearly specify the scope, quality and quantity of the works, goods or services;
- 3.2.6 to check whether there is any existing Council or other collaborative framework that can appropriately be used to achieve Best Value for the Council before undergoing a further competitive tender process;
- 3.2.7 to keep all bids confidential subject to any legal requirements;
- 3.2.8 to take appropriate measures to prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid distortion of competition and to ensure equal treatment of tenderers;
- 3.2.9 to ensure that any evaluation panel is suitably qualified and trained to assess tenders;
- 3.2.10 to ensure no supplier is requested by the Council to provide goods, services or works without first having a valid purchase order in place;
- 3.2.11 to enter all purchase order information onto the relevant Council financial system prior to the service or goods being delivered;
- 3.2.12 to ensure that for contracts of a value greater than £3,000 for goods and services and £10,000 for works the contract register record is updated within 5 working days following issue of contract award and in any event prior to start date of contract
- 3.2.13 to ensure all relevant staff putting in place a contract have read and understood the Council's CSOs are familiar with these Standing Orders and the Procurement Handbook or other guidance issued in respect of these Standing Orders;
- 3.2.14 to conduct a timely Equality and Impact Rights Assessment
- 3.2.15 to ensure contracts are awarded and any appropriate contract security documents are signed before work, services or supply provision commences;

- 3.2.16 to put in place arrangements for efficient contract and supplier management including the identification of a Contract Manager and management of benefits and performance, for the entire duration of the contract;
- 3.2.17 to retain a copy of the contract and keep proper records of all contracts and tenders, including minutes of tender evaluation panels and other meetings;
- 3.2.18 to take immediate action in the event of a breach of these Standing Orders or non compliance with the Procurement Handbook within his/her directorate;
- 3.2.19 to consult with Elected Members on matters reasonably considered politically, reputationally or financially sensitive in relation to proposed procurement activity; and
- 3.2.20 to make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the procurement process and where tenders are received in paper form to ensure they are opened in the presence of an officer nominated by the Commercial and Procurement Manager together with a witness.

4 Tender Documents

- 4.1 The tender documents shall clearly set out the proposed method of evaluation as well as the scope, timing, quality and quantity of the works, services and supplies required by the Council.
- 4.2 The Head of Legal and Risk will be consulted on conditions of contract for particularly significant or complex projects or contracts.

5 Evaluation of Tenders and Quotes

- 5.1 Tenders and quotes shall be evaluated on the basis of most economically advantageous and the best price-quality ratio. Lowest cost will only be permitted for contracts below EU thresholds or contracts placed under frameworks where best value has already been established.
- 5.2 Tenders and quotes received after the closing date and time stipulated for return of tenders, or tenders which are incomplete or in an incorrect format will not be opened or considered unless the Council, acting proportionately, decides that there are circumstances which allow it to exercise discretion in allowing consideration of the tender. The Chief Procurement Officer must be consulted if tenders which are submitted late, incomplete or in an incorrect format are to be evaluated.
- 5.3 Tenders shall be evaluated by a tender evaluation panel which should comprise officers having sufficient knowledge and technical ability to enable them to evaluate detailed tenders appropriately. The evaluation process shall follow any guidance issued by the Chief Procurement Officer and be fully and appropriately documented.

- 5.4 Where a proposed purchase or tender involves the use, adoption or purchase of an Information Communication Technology (ICT) or digital service, software or hardware the advice of the Council's ICT services must be sought at the Procurement Requirement stage and any purchase must be undertaken in collaboration with the Council's ICT Solutions service. The Council's ICT contract should be used for any Council requirements unless it is unsuitable or will not provide best value..

6 Acceptance and Award of Contracts

- 6.1 Following the conclusion of the procedure for awarding contracts set out in these Standing Orders and, where applicable, the expiry of the mandatory standstill period, the resulting contract between the Council and successful tenderer shall follow the approval process detailed in the Schedule. The signing of the contract document or letter of acceptance shall be in accordance with the Scheme of Delegation.

7 Eligibility to tender and termination, variation or suspension of a contract

- 7.1 The relevant Director, having due regard to legal advice from the Head of Legal and Risk, may treat a potential tenderer as ineligible to tender where there are reasonable grounds to conclude that the contractor or potential tenderer:

7.1.1 has committed an act of grave misconduct in the course of their business or profession; or

7.1.2 has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract which led to early termination of that prior contract, damages or other comparable sanctions, subject to consideration by the Council of any measures taken to demonstrate reliability; or

7.1.3 falls within one or more of the other grounds set out in the 2015 Regulations or

7.1.4 has compiled, used, sold or supplied a prohibited list which:

i. contained details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and

ii. was compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers, within the meaning of the Employment Relations Act of 1999 (Blacklists) Regulations 2010.

- 7.2 The relevant Director may terminate, suspend or vary a contract, in accordance with the express or implied terms of the contract and may also take such further action with regard to any contract as the Council is legally entitled to take.

- 7.3 The relevant Director will where appropriate report any actions taken in accordance with Standing Order 7.1 to 7.3 to the next meeting of the Finance and Resources Committee and notify the Chief Procurement Officer without

delay.

8 Electronic Procurement

- 8.1 Requests for quotations and invitations to tender should be issued and/or received by electronic means.

9 Waiver of Contract Standing Orders and Legislative Exemptions

- 9.1 The requirement to comply with any provision of these Standing Orders may be waived in accordance with the table in 9.2 below if on considering a written report by an appropriate officer the waiver is considered to be in the Council's best interests having regard to

9.1.1 best value

9.1.2 any potential risk of successful legal challenge

9.1.3 the principles of transparency, equal treatment, non discrimination and proportionality and

9.1.4 any impact upon services users

- 9.2 Table setting out the relevant values and waiver approval requirements:

Value	Approval Procedure
£3,000-£25,000 (excluding consultancy spend)	The relevant Head of Service or the relevant Director and the Chief Procurement Officer
£25,000-£250,000 (0-£25,000 in the case of consultancy spend)	The relevant Director and the Director of Resources (or any other Director where the relevant Director is the Director of Resources)
Above £250,000 (above £25,000 in the case of consultancy spend)	The Council or Finance and Resources Committee

- 9.3 A record of the decision approving a waiver must be kept by the relevant Director and a copy of such signed waiver or Committee approval provided to the Chief Procurement Officer who shall where appropriate make an entry in the contract register and any other appropriate register.
- 9.4 Where prior approval for a waiver of these Standing Orders has not been obtained in advance the reason for this must be contained in the waiver or Committee report.
- 9.5 Where a waiver, committee approval or procedure permitted by this Standing order 9 allows the direct award of a contract which exceeds £50,000 then a contract award notice must be recorded on the Public Contracts Scotland portal and the relevant Director must notify Commercial and Procurement Services of the details to allow entry on the contract register and any other appropriate register,
- 9.6 Where these Standing Orders have been waived in accordance with this Standing order 9 the relevant Director shall put in place a written contract for

that requirement without delay, inform the Chief Procurement Officer and ensure appropriate plans are made for tendering the requirement where appropriate.

9.7 The requirement to waive these Standing Orders is not required where:-

9.7.1 a procedure or specific situation other than the open or restricted procedure is permitted by the 2015 Regulations, 2016 Regulations, the Act, EU law or relevant case law. In deciding whether the use of another procedure or specific situation is permitted the relevant Head of Service or Director shall seek advice from the Chief Procurement Officer and/or Head of Legal and Risk.

9.7.2 the circumstances of the proposed contract are covered by legislative exemptions, for example certain research and development services

9.7.3 contracts with another public body for the purposes of ensuring co-operation with the aim of providing public services or

9.7.4 a tender process or contract negotiations are currently in progress and contract award and contract commencement is anticipated within four months.

10 Contract extensions or variations

10.1 Subject to 10.2, a Director (or where the value or consequent change in price does not exceed £25,000, the relevant Head of Service) may authorise an extension to a contract, or any other variation including a consequent change in price, provided such extension or variation has been provided for in the initial procurement documents which may include price revision clauses or options, is not contrary to the Act, the 2015 or 2016 Regulations or the Council's EU obligations and is the lower of

Services	Current EU threshold or	10% of the initial contract value
Supplies	Current EU threshold or	10% of the initial contract value
Works	£1M or	15% of the initial contract value

without first obtaining the approval of Council or the Finance and Resources Committee.

10.2 A Director or Head of Service shall not extend or vary a contract if such extension or variation is not expressly permitted by the contract without seeking advice from the Head of Legal and Risk .

10.3 The EU rules on aggregation of contracts shall apply.

11 National Frameworks

11.1 In order to purchase from National Frameworks such as those put in place by

Scotland Excel or Scottish Procurement without delay the Council may make use of the framework and make purchases under that framework subject to seeking approval to continue to use the framework at the next meeting of the Finance and Resources Committee and subject to any conditions the Committee may make.

12 Review of Standing Orders

12.1 These Standing Orders will be reviewed annually.

RELEVANT VALUES AND ASSOCIATED TENDERING PROCEDURE

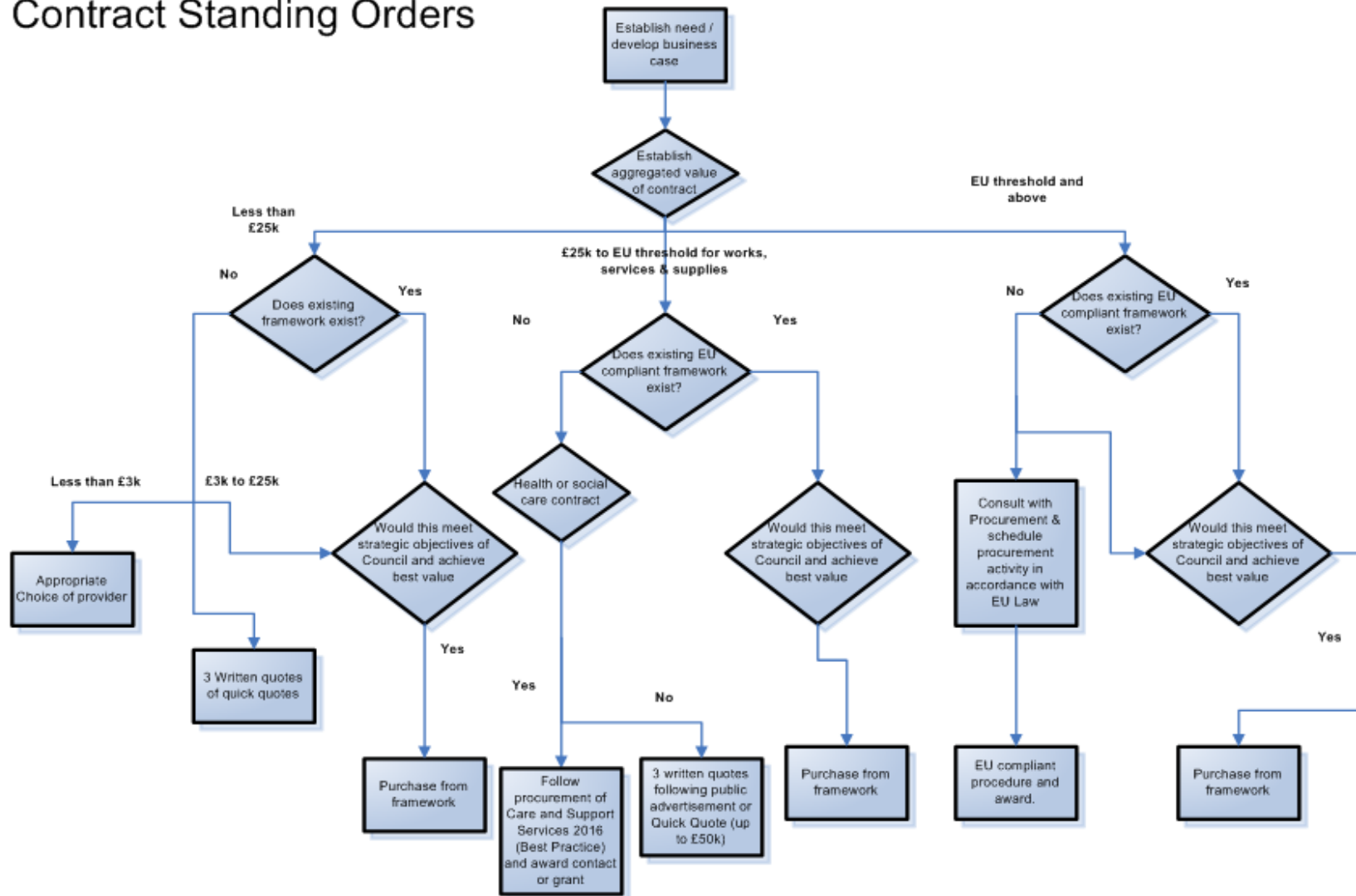
Total value for duration of contract or purchase (aggregation rules apply)*	Procedure	Approval of contractual obligation	Committee Approval
Up to £3,000	<p>Use existing local, national, Council framework or call- off contracts or</p> <p>Appropriate choice of provider documenting reasoning and quote or or Public Contracts Quick Quote facility.</p> <p>Best Value must be delivered and this will usually be demonstrated by more than one quote.</p>	Director, Head of Service or such other officer to whom the relevant Director or Head of Service has appropriately delegated their powers to in consultation with Chief Procurement Officer as appropriate	Not required
£3,000 to £25,000 (excluding health or social care services)	<p>Use existing local, national, Council framework or call- off contracts or</p> <p>Obtain minimum of 3 quotes using Public Contracts Scotland "Quick Quote" facility or</p> <p>written/formal quotations –written description of requirements followed by written / electronic submission of quotes</p>	Director, Head of Service or such other officer to whom the relevant Director or Head of Service has appropriately delegated their powers to in consultation with Chief Procurement Officer as appropriate, and Head of Legal and Risk as appropriate	Not required
£25,000 to	Use existing local, national, Council framework or call- off	Director or Head of Service (where delegated authority has	Not required with the exception of appointment of

EU Thresholds for services and supplies (excluding health or social care services)	<p>contracts, or-</p> <p>Invitation to tender following public advertisement - Public Contracts Scotland portal and where these are Regulated Procurements comply with the provisions for Regulated procurements required by the Act and the 2016 Regulations</p> <p>or</p> <p>Public Contracts Quick Quote facility up to a value of £50,000.</p>	<p>been given) in consultation with Chief Procurement Officer (and Head of Legal and Risk as appropriate) or up to £25,000 in the case of services of a consultant as set out in the guidance on the appointment of consultants.</p>	<p>consultants where the value exceeds £25,000 as set out in the guidance on the appointment of consultants.</p>
£25,000 to EU Thresholds for works	<p>Use existing local, national, Council framework or call- off contracts, or</p> <p>Invitation to tender following public advertisement - Public Contracts Scotland portal and where these are Regulated Procurements comply with the provisions for Regulated procurements as set out in the Act and the 2016 Regulations</p>	<p>Director or Head of Service (where delegated authority has been given) in consultation with Commercial and Procurement Manager (and Head of Legal and Risk as appropriate) up to £500,000</p> <p>Director approval between £500,000 and £2million.</p>	<p>Approval to award sought from Finance and Resources Committee **or Council where value exceeds £2million</p>
£25,000 to EU Threshold for Social and other Specific Services for Health or Social Care Services	<p>Use existing local, national, Council framework or call-off contracts or</p> <p>Contracts to be awarded in accordance with the Procurement of Care and Support Services 2016 (Best Practice) and any statutory guidance issued under the Act</p>		
Above EU Threshold for services, Social and other Specific Services and	<p>Use existing local, national, Council framework or call- off contracts, or</p>	<p>Director approval in consultation with Commercial and Procurement Manager (and</p>	<p>Approval to award sought from Finance and Resources Committee **or</p>

supplies	Invitation to tender following advertisement in OJEU - Public Contracts Scotland portal <i>or</i> or negotiated procedure without prior publication, competitive procedure with negotiation, competitive dialogue or innovative partnerships where permitted by the 2015 Regulations	Head of Legal and Risk as appropriate), up to £1million or £25,000 in the case of services of a consultant as set out in the guidance on the appointment of consultants.	Council where value exceeds £1million or £25,000 in the case of services of a consultant as set out in the guidance on the appointment of consultants.
Above EU Threshold for works	Use existing local, national, Council framework or call- off contracts, or Invitation to tender following advertisement in OJEU - Public Contracts Scotland portal <i>or</i> negotiated procedure without prior publication, competitive procedure with negotiation, competitive dialogue or innovative partnerships where permitted by the 2015 Regulations	Director approval in consultation with the Commercial and Procurement Manager, Head of Legal and Risk to be consulted as appropriate	Approval to award sought from Finance and Resources Committee** or Council
Above EU Threshold for concession contracts	Publication of a Concession Notice in OJEU and compliance with the requirements of the Concession Contracts (Scotland) Regulations 2016	Director approval in consultation with the Commercial and Procurement Manager, Head of Legal and Risk to be consulted as appropriate	Approval to award sought from Finance and Resources Committee** or Council

the estimated value of the contract is the value of the total consideration (not including VAT) which the Council expects to be payable under or by virtue of the contract. Contracts must not be artificially disaggregated. **Pensions contracts may seek the approval of the Pensions Committee.

Contract Standing Orders



CITY OF EDINBURGH COUNCIL

**GUIDANCE ON THE APPOINTMENT OF
CONSULTANTS**

2 June 2016

Guidance on the Appointment of Consultants

This guidance of the City of Edinburgh Council (“**Council**”) applies from 2 June 2016 and has been produced to supplement the Council’s Contract Standing Orders and Procurement Handbook with principles that relate specifically to the appointment of consultants. This guidance is intended to ensure consultants are used only where necessary and in a way which achieves best value for the Council.

1. Preliminary

- 1.1. When appointing a consultant, Directors shall comply with the terms of the Council’s Contract Standing Orders and the Procurement Handbook.

2. Definition of “consultant”

- 2.1. For the purposes of this guidance, a consultant is a specialist who charges a fee for providing advice or services in a particular area of expertise such as business management, human resources, environment, communication, information technology, property and estates and financial services, but excluding agency and temporary workers and professional services provided by solicitors, counsel and actuaries.

3. Principles to be applied when appointing consultants

No alternative resource

- 3.1. Directors shall only appoint a consultant where the service in question cannot be provided internally due to a lack of expertise or capacity.

Within approved budget

- 3.2. The cost of appointing a consultant shall be contained within the budget of the service or project for which the consultant is to be appointed.

Monitoring of outcomes

- 3.3. Directors shall prepare a clear task definition and identify the required outcomes of the service prior to appointing a consultant.
- 3.4. Directors shall ensure that appropriate monitoring arrangements, such as gateway reviews, are in place prior to a consultant’s appointment in order that payments to the consultant are only made in accordance with the satisfactory achievement of measurable outcomes.

Knowledge transfer

- 3.5. Where consultants are appointed, Directors shall ensure that where appropriate, Council staff fill key project roles and work closely with consultants to maximise the potential for transfer of skills and knowledge to Council staff.

4. Reporting and approval

Reporting to committee

- 4.1. Directors shall maintain up-to-date records on the consultancy spend within their service area and shall include consultancy spend as a line in the detailed monitoring reports for months three, six, nine and twelve of each financial year to the Finance and Resources Committee and the relevant executive committee(s).

Committee approval and definition of Pre-Approved Council Project

- 4.2. Subject to 4.3 and 4.4 the appointment of a consultant where the services (or series of related services) are anticipated to be provided at an aggregate cost of £25,000 or more shall be approved by the relevant executive committee and reported to the Finance and Resources Committee,
- 4.3. Committee approval shall not be required for services that are essential to the completion of a Pre-Approved Council Project For the purposes of this guidance a Pre-Approved Council Project is a project for which there is:
 - 4.3.1 approved revenue or capital expenditure in accordance with the Council's Financial Regulations; and
 - 4.3.2 a Council or appropriate committee report seeking consent to commence the project which includes an explicit reference to the requirement for consultants in the delivery of that project.
- 4.4. In the event that the requirements of 4.3.2 are not met and the use of consultants is required as a matter of urgency the urgency provisions set out in provision 4 of the Council's Committee Terms of Reference and Delegated Functions and the Waiver provisions contained in Contract Standing Order 9 where appropriate should be followed.
- 4.5. Committee approval shall not be required for the appointment of a consultant employed in the design, evaluation and delivery of a works contract where the value is below the Committee reporting requirements as set out in the Contract Standing Orders for services or works. Any such appointment shall require the prior approval of the relevant Director and the Chief Procurement Officer and details of any such appointments shall be included in a regular update report to the Finance and Resources Committee for noting.

5. Re-engagement of former employees as consultants

- 5.1. A Director shall not appoint a former employee who has been granted early retirement or been given a redundancy or severance package ("former employee") as a consultant unless:

- 5.1.1. a minimum of 1 year has elapsed since the former employee ceased to be employed by the Council; or
- 5.1.2. subject to consultation with the Convener/Vice-Convener of the Finance and Resources Committee, the Director is satisfied that there is a clear and robust justification for the appointment of the former employee as a consultant.

The City Of Edinburgh Council

10.00am, Thursday 2 June 2016

Common Good Asset Register

Item number	8.6
Report number	
Executive/routine	Routine
Wards	City Wide

Executive summary

The Capital Coalition budget motion, approved by Council on 21 January 2016, included an instruction to the Chief Executive to allocate £100,000 to develop and maintain a Common Good Asset Register, and provide a report to the Council in June 2016 detailing progress.

This report informs Council of the current position.

Links

Coalition pledges	P31 , P33
Council outcomes	CO19
Single Outcome Agreement	SO2 , SO4

Common Good Asset Register

Recommendations

- 1.1 It is recommended that Council:
 - 1.1.1 Notes the content of this report; and
 - 1.1.2 Notes that further reports will be brought to Committee once Scottish Ministers guidance on common good registers has been issued and to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.

Background

- 2.1 The City of Edinburgh Council has a statutory obligation under the Local Government etc (Scotland) Act 1994, Section 15(4) (b) in administering property held as part of the common good, to administer it having regard to interests of all the inhabitants of the City.
- 2.2 The Capital Coalition motion, approved by the Council at its meeting of 21 January 2016 included, inter alia, an instruction to the Chief Executive to allocate £100,000 to develop and maintain a Common Good Asset Register, and deliver a report to the Council in June 2016 detailing progress.

Main report

- 3.1 A report on the Common Good Asset Register, approved by the Corporate Policy and Strategy Committee on 4 August 2015 and by the Governance, Risk and Best Value Committee on 13 August 2015, included details on the processes involved and skill sets required to establish a fully updated Register.
- 3.2 A team of Council staff comprising a solicitor, surveyor and property research officer has now been established to take the project forward. The initial focus being on those properties historically considered by the Council to be common good.
- 3.3 As the project develops, specialist input from an archivist/historian will also be required, together with appropriate administration support.
- 3.4 The Corporate Policy and Strategy Committee on 4 August 2015 agreed that further reports would be brought to Committee once Scottish Ministers' guidance

on common good registers had been issued, and to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.

- 3.5 The Corporate Policy and Strategy Committee on 4 August 2015 also agreed to write to Scottish Ministers on the timescale for the publication of guidance. Legal and Risk has written to Scottish Ministers and a response is awaited.
- 3.6 The 2012 Act came into effect in December 2014, and governs the wider registration of land ownership in Scotland including common good issues. The Scottish Government has indicated that it is seeking that all land owned by public bodies, such as the Council, is registered by December 2019.
- 3.7 Although work carried out in connection with the Common Good Asset Register will assist with the work associated with the completion of the Land Register, compliance with the Act constitutes a significant task and will require an additional resource input.
- 3.8 The Finance and Resources Committee, on 14 January 2016, having considered a report on the common good planned maintenance programme and common good reporting, resolved “that all Common Good matters would be reported to the Finance and Resources Committee, unless policy decisions were required in which circumstance the matter would be reported to the Corporate Policy and Strategy Committee”. The further reports referred to in paragraph 3.4 above will be reported accordingly.

Measures of success

- 4.1 A fully updated Common Good Register and a review process that will minimise the risk of an inalienable common good property being inadvertently sold.

Financial impact

- 5.1 There is an approved budget allocation of £100,000 for 2016/17 rising to £250,000 in total in 2017/18 and this continues into 2018/19.

Risk, policy, compliance and governance impact

- 6.1 There is a risk that some properties are not identified as common good and are not included on the asset register. The Common Good Asset Register could therefore be incomplete.
- 6.2 Pending the Register being fully updated, the risk that a common good property is unlawfully disposed, is mitigated by a review being undertaken of any property identified for disposal, to assess whether it is common good. This approach was agreed by the Finance and Resources Committee in June 2008.

Equalities impact

- 7.1 Fully updating the register of common good assets will potentially enhance the right to legal security for the citizens of the City of Edinburgh. The interim approach whereby the status of a property is reviewed prior to disposal will ensure existing rights are maintained.

Sustainability impact

- 8.1 As the report recommends that Council notes the content of the report and future reporting there is no impact in relation to the three elements of the Public Bodies Duties in the Climate Change (Scotland) Act 2009.

Consultation and engagement

- 9.1 None.

Background reading/external references

[Finance and Resources Committee - 17 June 2008](#)

[Corporate Policy and Strategy Committee – 24 February 2015](#)

[Governance, Risk and Best Value Committee – 5 March 2015](#)

[Corporate Policy and Strategy Committee – 4 August 2015](#)

[Governance, Risk and Best Value Committee – 13 August 2015](#)

[Governance, Risk and Best Value Committee – 12 November 2015](#)

[Corporate Policy and Strategy Committee – 1 December 2015](#)

[Finance and Resources Committee – 14 January 2016](#)

[City of Edinburgh Council – 21 January 2016](#)

Hugh Dunn

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The City of Edinburgh Council – 2 June 2016

Links

Coalition pledges	<p>P31 – Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure.</p> <p>P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used.</p>
Council outcomes	<p>CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.</p>
Single Outcome Agreement	<p>SO2 – Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health.</p> <p>SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.</p>
Appendices	<p>None</p>

The City of Edinburgh Council

10:00am Thursday 2 June 2016

Report of Pre-Determination Hearing – Gogar Station Road, Edinburgh (Land 1000 Metres NW SW And West Of Hermiston Junction M8) – referral from the Development Management Sub-Committee

Item number	8.7
Report number	
Wards	A01 - Almond

Executive summary

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

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 – Gogar Station Road, Edinburgh (Land 1000 Metres NW SW And West Of Hermiston Junction M8) – referral from the Development Management Sub-Committee

Terms of referral

- 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 16 May 2016, the Development Management Sub-Committee conducted a pre-determination hearing in respect of an application for planning permission in principle submitted by Murray Estates Lothian Limited for a proposed residential development, local centre (including class 1, class 2 and class 3 uses), community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings at Gogar Station Road, Edinburgh (Land 1000 Metres NW SW And West Of Hermiston Junction M8).
- 1.3 The Sub-Committee received:
 - a presentation on the report by the Head of Planning and Transport (appendix 1)
 - presentations by
 - South West (Edinburgh) Communities Forum
 - Gogarburn Bicycle Users Group
 - SPOKES
 - Houghton Planning
 - GVA on behalf of the Royal Bank of Scotland
 - Mrs Fiona Johnston on behalf of the residents of Kellerstain House
 - 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 proposed development was contrary 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 and mixed use developments 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 There is a five year effective housing land supply. 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 sites in the proposed Local development Plan (LDP) but not the application site. This means that the site is not required to meet housing land need.
- 1.7 The applicant argues the site contributes to sustainable development because it is located next to a number of bus, train and tram stops and its proximity to existing employment areas (Edinburgh Park) and retail centre (the Gyle Shopping Centre). On plan this would appear to be the case. There are major barriers to these facilities however, in the form of the A8 and the City Bypass. These mean that the site is not well connected for pedestrians or cyclists. Pedestrians would have to use underpasses under the Bypass to get to Edinburgh Park. These would not create a safe and pleasant place.
- 1.8 A signification portion of the measures identified by the East of Millburn Transport Appraisal are not included with the application. The applicant has indicated an unwillingness to enter into an agreement to secure a bridge over the Bypass for example. The lack of measures necessary to mitigate transport impacts, particularly those that promote active travel and public transport use, means that the development will result in an unacceptable level of car use. The development would be contrary to the Council's Local Transport Strategy with respect to new development (Para 8.5). It would fail to accord with SPP's guiding principles and would not contribute to sustainable development. Additional vehicular traffic would be likely to worsen air quality within the area.
- 1.9 The proposed Edinburgh Local Development (LDP) is currently under examination with the examination report expected by mid to late June 2016.
- 1.10 The granting of planning permission in this instance would prejudice the emerging local development plan. The development proposed is so substantial, and its cumulative impacts so significant, that the grant of planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan. In this instance 'prematurity', as is the case at Cammo Walk and Craigs Road, is considered relevant, particularly so given that the report of examination into the Second Proposed LDP is due to be published by mid to late June 2016.
- 1.11 The granting of planning permission in principle for this site does not prevent the examination report from excluding this site from the Local Development Plan. At the same time, the examination report could include all the sites currently included with the proposed LDP. If this were to happen, there would be no substitution of sites as put forward in the Coalition Motion. This means there would be a cumulative impact on the city's infrastructure over and above that required for its effective growth. In short, this could mean more traffic than necessary on nearby roads and additional pressure on the education infrastructure.

- 1.12 In summary, the development is significantly contrary to the development plan, particularly in respect of green belt. The site is not needed to contribute to the five year effective housing land supply. The transport impacts of the development are not adequately resolved, meaning that the occupants of the development may be car dependent and there would be adverse impacts on the existing transport infrastructure in the area, for example, because of more congestion. The development would be prejudicial to the examination report of the Edinburgh Local Development Plan and is, as a result, premature.
- 1.13 Prior to a decision notice being issued, this application shall be notified to Scottish Ministers.
- 1.14 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 proposal is contrary to Strategic Development Plan policy 7 in that the proposal will not be in keeping with the rural character of the area and will undermine the green belt objectives.
 - 2) The proposal is contrary to Rural West Edinburgh Local Plan Policy E5 in respect of Development in GB/Countryside restriction, as it will result in a non conforming use.
 - 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 is contrary to Rural West Edinburgh Local Plan Policy TRA1 in respect of mode of access, as the proposal has poor connectivity to public transport network.
 - 5) The proposal is contrary to the Second Proposed Local Development Plan Policy Env 11 in respect of Special Landscape Areas, as the proposal will result in a change of the rural character of this special landscape area.
 - 6) The proposal is contrary to the Second Proposed Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as it will result in a non conforming use in the green belt.
 - 7) The proposal is contrary to Rural West Edinburgh Local Plan Policy TRA2 in respect of capacity of road network, as the occupants of the development will be car reliant.
 - 8) The proposal is contrary to Rural West Edinburgh Local Plan Policy E8 as it will affect the setting of Areas of Outstanding Landscape Quality and will impact on the long views to the Pentlands designated Area of Great Landscape Value.
 - 9) 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.

Presentation by South West (Edinburgh) Communities Forum

- 1.12 Archie Clarke gave a presentation on behalf of the South West (Edinburgh) Communities Forum
- 1.13 Mr Clarke advised that South West (Edinburgh) Communities Forum was set up in 2013 to represent community interests, mainly regarding local Green Belt or greenfield developments. Members include Community Councils for Ratho and District, Balerno, Currie, Juniper Green, Wester Hailes, Firrhill, Colinton and Colinton Amenity Association. It is well placed to give the West Side Story.
- 1.14 The Forum supports Rural West Edinburgh policies E5 - Development in Green Belt and Countryside Areas and E7 - Protection of Prime Agricultural Land, and Policy Env10 - Development in the Green Belt and Countryside in the emerging Local Development Plan 2.
- 1.15 Communities dislike having large developments thrust upon them; that helped create our Forum. But we will assess their implications on the City, and the survival of our villages as vibrant communities. We agree with LDP2 that the hierarchy for releasing land should be brownfield first, then land within Strategic Development Areas and finally locations elsewhere in the City. Conscious that greenfield sites rejected today could reappear tomorrow, we highlight the effects of this, and other nearby proposals. We do not see the SESplan1 housing demands helping 'Sustainable Development' or 'Climate Change' policies. The Forum's area has proposals for over 5,600 houses on 16 sites, a fraction having planning permission. Others may emerge along our 'Growth Corridors'. Imagine the extra traffic from just one car per house!
- 1.16 The Reporter examining LDP2 is considering CEC's new proposal that the 300-400 houses allocated to the International Business Gateway (IBG) in Policy Emp6 should be expanded sevenfold to 2,000-2,400 units. Discharging on to the A8 at the Gogar Roundabout, adjacent to this application, plus traffic from HSG19, HSG20 and elsewhere, it follows that this proposal with its significant traffic is also going to become entangled.
- 1.17 Development of this site should not begin until suitable roads connect it to the City side of the Bypass. No junction should be formed with Gogar Station Road, during or after construction, to prevent rat runs developing north to the A8 or south to the A71 Calder Road. This will happen when drivers attempt to avoid gridlocked roads. Traffic jams produce no economic benefits for the City.
- 1.18 The road system must ensure that all these proposals, plus Gogar Railway Station traffic and the constraints of the Gogar roundabout, will not force traffic south to the A71. We know when an incident has occurred on the A71, the Bypass or the M8, as Balerno, Currie and Juniper Green quickly receive the overflow. An incident on the A8 or the Gogar Roundabout will impact on these southern arteries and Queensferry Road to the north. As an interconnecting route, the Bypass will be affected. Congestion at one point (like the Gogar Roundabout) will impact on nodal points along it. It happens.
- 1.19 Should this scheme be approved, we request that all housing proposals in the City's south west quadrant that do not have planning permission, whether within the draft LDP or as speculative proposals, be excluded from the LDP. Their inclusion, along with brownfield sites identified by CEC would result in overcapacity and haphazard development. Overloading any major commuter

route creates difficulties maintaining the roads and their buried infrastructure, impacts on emergency services that have to find alternative routes and seriously elevates pollution. More vehicles produce demands for more pedestrian crossings, slowing traffic up further.

- 1.20 Finally, this proposal would see the robust Green Belt boundary formed by the Outer City Bypass destroyed. If the development were permitted, a new physical Green Belt boundary of equal strength must be created to prevent further urban sprawl. In the Forum's view the application should be refused

Presentation by Gogarburn Bicycle Users Group

- 1.21 David Monaghan gave a presentation on behalf of the Gogarburn Bicycle Users Group
- 1.22 Mr Monaghan advised that his group represented the 650 staff at the Royal Bank of Scotland who cycled to work every day. They had major concerns about the impact on safety for cyclists on Gogar Station Road should this development go ahead. The route was also used by people commuting to Heriot Watt and the Airport.
- 1.23 Gogar Station Road had been upgraded and this had led to an increase in cycling to work as the new road layout allowed safe places for passing. However the proposed development would lead to a doubling of traffic on the road.
- 1.24 The proposals did show cycle lanes to Edinburgh Park but these would get little or no use. Gogar Station Road was only 5.2 metres wide at some points with narrow bridges that required to be crossed and this would be hazardous enough for cyclists dealing with cars but any heavy goods vehicle using this road would make cycling nearly impossible.
- 1.25 In conclusion he requested that if permission was granted that a condition be added restricting the type of vehicle that could use Gogar Station Road.

Presentation by Mrs Fiona Johnston on behalf of the residents of Kellerstain House

- 1.26 Mrs Fiona Johnston Wightman gave a presentation on behalf of residents of Kellerstain House, she advised that the approval of this development would result in the loss of Green Belt Land which should be retained for the enjoyment of future generations.
- 1.27 There were sufficient brown field sites within the city to meet the identified housing demand. The site was not easily accessible as it was bounded by the dual carriageway and access to the site was a narrow country road and the increase in traffic would have a detrimental effect on other surrounding roads and endanger the safety of cyclist.
- 1.28 The land was designated as Green Belt and provided recreational open space and aided with the biodiversity of the area and needed to be protected and not urbanised.
- 1.29 She stated that the only reason that the application had been submitted was to provide a fast profit for the developer as it was cheaper for them to build on the

Green Belt than to develop brown field sites. In conclusion she asked that the application be refused.

Presentation by Houghton Planning

- 1.30 Paul Houghton gave a presentation on behalf of the owners of the Millburn Estate. He stated that the breach of the Green Belt could not be justified in planning terms. This land was not included in the proposed Local Development Plan and was not required to meet housing need.
- 1.31 The proposals if approved would increase traffic and congestion to the detriment of road safety. The proposal to divert the watercourses would change the hydrology of the site which would effect the existing trees and increase the risk of flooding to parts of the site.
- 1.32 Millburn Tower was a listed building with views to the east across the land marked for development and this proposal would be detrimental to the character of the listed building.
- 1.33 In conclusion he advised that there had been no mitigation provided by the applicant for either the detriment to the listed building or the breach of the Green Belt and asked the Sub-Committee to refuse the application.

Presentation by SPOKES

- 1.34 Euan Renton gave a presentation on behalf of SPOKES. He advised that the Local Transport Strategy supported sustainable transport options. Bike use for commuting had increased from five to ten percent, which contributed to the cut in air pollution with the subsequent health benefits.
- 1.35 The proposed development would increase traffic on Gogar Station Road, this road was used by many cyclists and was not capable of having more traffic forced onto it. The development required to have the appropriate infrastructure built with it, however the proposals as they stand at the moment would increase traffic movements and discourage bicycling.
- 1.36 In conclusion he requested the Sub-Committee to not to grant planning permission until details of the appropriate infrastructure requirements had been submitted.

Presentation by GVA on behalf of the Royal Bank of Scotland

- 1.37 Neil Miller - RBS Head of Real Estate Markets, Duncan Birrell – Modus Transport Consultants and Robert Newton – GVA, gave a presentation on behalf of the Royal Bank of Scotland.
- 1.38 Neil Miller advised that RBS was a major employer and land holder in the area and was planning to expand its operations at Gogarburn with the workforce expected to reach six thousand by the end of the year.
- 1.39 He stated that RBS had no objection to the application in principle, their objection was in relation to the road access which would disrupt access to their campus. He considered that the additional set of traffic signals proposed at the junction were not required and would lead to congestion.

- 1.40 In conclusion he requested that the transport impact be given further consideration to allow a solution to be found.

Presentation by Murray Estates Lothian Limited

- 1.41 Jestyn Davies – Murray Estates Lothian Limited, Ewan McIntyre – EMA Architecture and Design and Robin Holder – Holder Planning gave a presentation on behalf of the applicants.
- 1.42 The applicants advised that this development would provide a world class extension to the capital. Consultation on the proposals had started in 2010. Part of the development would have a designated open space.
- 1.43 The proposals would bring houses to where jobs were, and would help the city to meet its housing target, would produce 338 affordable new homes and 128 new jobs within a sustainable environment. The site was probably one of the most accessible in Scotland with access to roads, rail, buses and trams.
- 1.44 Ewan McIntyre – EMA Architecture and Design stated that the masterplan for the site still had to be shaped and this could be done when the PPP application was granted. The development would comprise all sizes and types of housing , together with a new primary school and public hub, and would be one of the most sustainable in Scotland with connections to the tram line and other forms of public transport.
- 1.45 There were twenty five thousand people working in the area and this site would provide housing where it was required for these workers. Most of the houses would be two storeys and the density would be the same as other LDP sites.
- 1.46 The access to the site would be via an underpass, which would allow single decker buses into the estate, the underpass was existing and would be upgraded with the installation of electric lighting, as building a bridge over the dual carriageway would be too expensive
- 1.47 Robin Holder stated that while the site was not included in the Local Plan, the Planning Committee in 2015 had indicated that it would not be opposed to development of the area. If permission was granted for this site, this would persuade the Reporter considering the Local Development Plan to remove other more contentious sites from the LDP.
- 1.48 The concerns raised by SASA had been dealt with in the applicant's submission, and discussions had started with potential builders.
- 1.49 In conclusion he asked that the Sub-Committee recommend to the Council that the application be granted.

Deliberation by Sub-Committee Members

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

- 1.52 The Sub-Committee agreed that a decision would be taken first on the principle of the development, if it was agreed that planning permission should be granted then further discussion would be undertaken on appropriate conditions to be attached to the consent.

Decision 1

- 1.53 To recommend to the Council that planning permission in principle be granted subject to conditions, informatives and legal agreements to be determined and notification to Scottish Ministers.

Dissent

Councillor Burgess requested that his dissent be recorded in regard to the above decision

Deliberation by Sub-Committee Members

- 1.54 The Head of Planning and Transport tabled the following Conditions, Informatives and proposed Legal Agreements for the Sub-Committee's consideration.

Draft list of potential conditions

1. No development shall take place until a detailed Masterplan for the whole site has been approved in writing by the Council as Planning Authority. The Masterplan shall include a plan identifying individual sub-sites and phasing. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.

Reason: In order to secure an integrated layout and satisfactory urban design for the site as a whole.
2. a) No development shall commence until full details of the flood prevention measures (including any diversion of the Gogar Burn) have been approved by the Council as Planning Authority in consultation with SEPA. This shall include full details of the proposed realigned Gogar Burn channel, the proposed enhanced storage area and the proposals for managing the risk of flooding from the Lesser Mill Burn at the later planning stages.

b) The flood prevention measures shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to ensure satisfactory water management within the site.
3. No residential unit shall be occupied until the poultry farm use has ceased and the operational land and buildings related to the poultry farm have been decommissioned.

Reason: In the interests of human health and amenity.
4. Before any work on a site which forms part of an identified sub-site development plot is commenced details of the undernoted matters shall be submitted to and approved in writing by the Council as Planning Authority; the submission shall be in the form of a detailed layout of the site within the relevant development plot.

Approval of matters

- Height, massing, siting and ground floor levels within the Masterplan approved by condition 1.
- Design and external appearance of all buildings, roof form, open space, public realm and other structures;
- All operational aspects of open space and public realm including the incorporation of the diverted Gogar Burn – note:- all development shall be placed outside the predicted 200 year plus climate change flood extent for the 25% culvert blockage scenario.
- Existing and finished site and floor levels in relation to Ordnance Datum;
- Roads, footways, cycleways, servicing and layout of car parking and cycle parking provision in accordance with standards agreed within the Masterplan;
- Amendments of any treatment to adopted roads and footways;
- Signing of pedestrian and cycle access routes to/from and through the development;
- Surface water management, drainage arrangements, SUDs proposals and SUDs maintenance plan;
- All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;
- Waste management and recycling facilities;
- External lighting, including floodlighting and street lighting arrangements for the development;
- Site investigation/decontamination arrangements;
- Ecological studies including mitigation works to protect against any damage to protected species, bats, otters and badgers.

Landscaping

- Detailed soft and hard landscaping plan and levels
- A schedule of all plants to comprise species, plant size and proposed number and density
- Inclusion of hard and soft landscaping details including tree removal
- Landscape management plan including schedule for implementation and maintenance of planting scheme
- Any boundary treatments, including noise barriers
- A method statement for the treatment of invasive non-native species such as Giant Hogweed

Reason: In order to secure a satisfactory design.

5. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 "Trees in relation to design, demolition and construction".

Reason: In order to ensure adequately protect trees within the site.

6. Construction details, specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Council as Planning Authority before work is commenced on a site; note: sample panels of the materials are to be erected and maintained on a site for an agreed period during construction.

Reason: In order to consider these matters in more detail.

7. Prior to the commencement of construction works on site:
 - (a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Council as Planning Authority, 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 an approved in writing by the Council as Planning Authority.

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 Council as Planning Authority.

Reason: In the interests of human health.

8. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the road and commercial noise (existing and proposed) has been submitted to and approved in writing by the Council as Planning Authority (which shall as necessary consult with Transport Scotland in relation to trunk roads in relation to this). All works which form part of the approved scheme shall be completed to the satisfaction of the Council as Planning Authority before any part of the development is occupied.

Reason: In the interests of human health and amenity.

9. Class 1 Retail hours of operation including servicing and deliveries require to be agreed at the Approval of Matters in Conditions (AMC) stage.

Reason: In the interests of amenity.

10. Retail floor space requires to be agreed at the Approval of Matters in Conditions (AMC) stage.

Reason: In order to protect the vitality and viability of existing town centres.

11. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, field walking and metal detecting, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Council as 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.

Reason: In the interests of archaeological heritage.

12. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Council as 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'
 - 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 Council as Planning Authority.

Reason: In the interests of aircraft safety.

13. 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 licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Reason: In the interests of aircraft safety.

14. Height Limitation on Buildings and Structures: No building or structure of the development hereby permitted shall exceed 25m AGL.

Reason: In the interests of aircraft safety.

15. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Council as 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 Council as Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of aircraft safety.

16. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Council as 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 Council as Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of aircraft safety.

17. Prior to the commencement of development details of landscape planting and fencing along the boundaries with the trunk road shall be submitted for the approval of the Council as Planning Authority in consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents and also to provide adequate environmental screening.

18. An Air Quality Impact Assessment shall be submitted along with the detailed masterplan.

Reason: In order to fully consider air quality impacts resulting from the design.

19. Prior to development commencement of development, a pedestrian and cycle over-bridge over the Bypass shall be constructed between the site and Edinburgh Park.

Reason: In order to ensure satisfactory pedestrian and cycle connectivity to the city and public transport including tram.

20. Prior to development commencement of development, a bus route capable of accommodating double-decker buses over the Bypass shall be constructed between the site and Edinburgh Park.

Reason: In order to ensure the road infrastructure is sufficient to enable satisfactory public transport to access the site.

21. Prior to development commencement of development such works necessary to facilitate vehicular movements at Gogar Station Road and adjoining roads in the vicinity of the banking headquarters shall be implanted. These works include works to the road and to signals on it.

Reason: In order to ensure satisfactory vehicular accessibility is achieved at this location.

Informatives

It should be noted that:

This application shall be notified to Scottish Ministers

- 1a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of each phase of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. **LEGAL AGREEMENT:** Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

This shall secure funds necessary to implement a bus route capable of accommodating double-decker buses across the Bypass including funds necessary for the purchase of any land necessary to facilitate this, as well as funds necessary to implement a pedestrian and cycle over-bridge across the Bypass including funds for the purchase of any land necessary to facilitate this. These funds shall be secured prior to occupation of the first dwelling within the development.

The legal agreement shall also secure necessary funds and / or measures to implement other measures of the Council's East of Millburn Transport Appraisal including:

- The Transport mitigation measures set out in the Council's East of Millburn Tower Transport Appraisal dated January 2015 shall be identified in the Masterplan phasing plan and trigger points agreed :
- Upgrades to Gogar Station Road – including widening the rail and burn overbridges.
- The introduction of shuttle traffic signals on Gogar Station Road where the road crosses the Gogar Burn to the south of the site and in close proximity to Daltons Scarp Yard
- Improvements to the A71 Hermiston Park and Ride roundabout
- Contributions of a scale representative of transport impact towards improvements to the A8 corridor as identified in the wider transport infrastructure studies.
- Provision of a segregated pedestrian link to the Edinburgh Gateway/tram interchange

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

5. LEGAL AGREEMENT: Third party agreement shall be met with RBS regarding improvement works and access to signal control

- 6 LEGAL AGREEMENT: Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

7. A detailed assessment of Daylight Privacy and Sunlight shall be required to accompany each AMC application for residential development.

8. LEGAL AGREEMENT: Consent shall not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

9. LEGAL AGREEMENT: Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate school accommodation pressures in the local catchment area.

10. Obstacle lights shall be placed on cranes or other construction equipment to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 200 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk/srg/aerodrome).

11. The development is close to the aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

12. Prior to the demolition of any buildings in the site, or any tree felling, further ecological survey including bat surveys will be required.
13. Prior to the submission of an AMC application the applicant shall seek agreement of Scottish Water regarding disposal of foul water.
14. The scheme for protecting the residential development hereby approved and existing from noise shall
15. Transport measures required within the site include:

Full details of the delivery of a bus through the site shall be submitted and approved in writing by the Council as Planning Authority and shall be delivered in phase 1 of the development. The route shall accommodate a double-decker bus.

The Masterplan shall accommodate the requirement as set out in LDP appraisal regarding upgrades to Gogar Station Road – including widening the rail and burn overbridges. The introduction of shuttle traffic signals on Gogar Station Road where the road crosses the Gogar Burn to the south of the site and in close proximity to Daltons Scarp Yard

The masterplan shall include the provision of parallel cycle route through the development site.

Motion 1

To delete the following conditions numbered 19 and 20:-

19. Prior to development commencement of development, a pedestrian and cycle over-bridge over the Bypass shall be constructed between the site and Edinburgh Park.

Reason: In order to ensure satisfactory pedestrian and cycle connectivity to the city and public transport including tram.
20. Prior to development commencement of development, a bus route capable of accommodating double-decker buses over the Bypass shall be constructed between the site and Edinburgh Park.

Reason: In order to ensure the road infrastructure is sufficient to enable satisfactory public transport to access the site.

- moved by Councillor Balfour, seconded by Councillor Howat

Amendment 1

To retain conditions 19 and 20 as detailed above.

- moved by Councillor Burgess, seconded by Councillor McVey

Voting

For the motion:	9 votes
For the amendment:	3 votes

Decision

To delete conditions 19 and 20

Motion 2

To delete the following condition number 21

21. Prior to development commencement of development such works necessary to facilitate vehicular movements at Gogar Station Road and adjoining roads in the vicinity of the banking headquarters shall be implanted. These works include works to the road and to signals on it.

Reason: In order to ensure satisfactory vehicular accessibility is achieved at this location.

- moved by Councillor Mowat, seconded by Councillor Lunn

Amendment 2

To retain condition 21 as detailed above

- moved by Councillor Perry, seconded by Councillor Child

Voting

For the motion: 8 votes

For the amendment: 4 votes

Decision

To delete condition 21

Deliberation by Sub-Committee Members

- 1.55 During deliberation of the conditions, informatives and legal agreements the Sub-Committee agreed the following amendments

- 1.56 Informative 4 delete paragraph 2 detailed below

This shall secure funds necessary to implement a bus route capable of accommodating double-decker buses across the Bypass including funds necessary for the purchase of any land necessary to facilitate this, as well as funds necessary to implement a pedestrian and cycle over-bridge across the Bypass including funds for the purchase of any land necessary to facilitate this. These funds shall be secured prior to occupation of the first dwelling within the development.

and amend bullet point 6 to read

- To explore the provision of a segregated pedestrian link to the Edinburgh Gateway/tram interchange

- 1.57 Delete the following informatives numbered 5, 14 and 15

5 LEGAL AGREEMENT: Third party agreement shall be met with RBS regarding improvement works and access to signal control

14. The scheme for protecting the residential development hereby approved and existing from noise shall

15 Transport measures required within the site include:

Full details of the delivery of a bus through the site shall be submitted and approved in writing by the Council as Planning Authority and shall be

delivered in phase 1 of the development. The route shall accommodate a double-decker bus.

The Masterplan shall accommodate the requirement as set out in LDP appraisal regarding upgrades to Gogar Station Road – including widening the rail and burn overbridges. The introduction of shuttle traffic signals on Gogar Station Road where the road crosses the Gogar Burn to the south of the site and in close proximity to Daltons Scarp Yard

The masterplan shall include the provision of parallel cycle route through the development site.

For Decision/Action

- 2.1 The Council is asked to consider the recommendation of the Development Management Sub-Committee to grant planning permission in principle subject to the conditions, informatives and legal agreements as detailed below, and notification to Scottish Ministers.

Conditions

1. No development shall take place until a detailed Masterplan for the whole site has been approved in writing by the Council as Planning Authority. The Masterplan shall include a plan identifying individual sub-sites and phasing. Council as Planning Authority Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.

Reason : In order to secure an integrated layout and satisfactory urban design for the site as a whole.

2. a) No development shall commence until full details of the flood prevention measures (including any diversion of the Gogar Burn) have been approved by the Council as Planning Authority in consultation with SEPA. This shall include full details of the proposed realigned Gogar Burn channel, the proposed enhanced storage area and the proposals for managing the risk of flooding from the Lesser Mill Burn at the later planning stages.
- b) The flood prevention measures shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to ensure satisfactory water management within the site.

3. No residential unit shall be occupied until the poultry farm use has ceased and the operational land and buildings related to the poultry farm have been decommissioned.

Reason: In the interests of human health and amenity.

4. Before any work on a site which forms part of an identified sub-site development plot is commenced details of the undernoted matters shall be submitted to and approved in writing by the Council as Planning Authority; the submission shall be in the form of a detailed layout of the site within the relevant development plot.

Approval of matters

- Height, massing, siting and ground floor levels within the Masterplan approved by condition 1.
- Design and external appearance of all buildings, roof form, open space, public realm and other structures;
- All operational aspects of open space and public realm including the incorporation of the diverted Gogar Burn – note All development shall be placed outside the predicted 200 year plus climate change flood extent for the 25% culvert blockage scenario.
- Existing and finished site and floor levels in relation to Ordnance Datum;
- Roads, footways, cycleways, servicing and layout of car parking and cycle parking provision in accordance with standards agreed within the Masterplan;
- Amendments of any treatment to adopted roads and footways;
- Signing of pedestrian and cycle access routes to/from and through the development;
- Surface water management, drainage arrangements, SUDs proposals and SUDs maintenance plan;
- All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;
- Waste management and recycling facilities;
- External lighting, including floodlighting and street lighting arrangements for the development;
- Site investigation/decontamination arrangements;
- Ecological studies including mitigation works to protect against any damage to protected species, bats, otters and badgers

Landscaping

- Detailed soft and hard landscaping plan and levels
- A schedule of all plants to comprise species, plant size and proposed number and density
- Inclusion of hard and soft landscaping details including tree removal
- Landscape management plan including schedule for implementation and maintenance of planting scheme
- Any boundary treatments, including noise barriers
- A method statement for the treatment of invasive non-native species such as Giant Hogweed

Reason: In order to secure a satisfactory design.

5. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 "Trees in relation to design, demolition and construction".

Reason: In order to ensure adequately protect trees within the site.

6. Construction details, specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Council as Planning Authority before work is commenced on a site; note: sample panels of the materials are to be erected and maintained on a site for an agreed period during construction.

Reason: In order to consider these matters in more detail.

7. Prior to the commencement of construction works on site:
- (a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Council as Planning Authority, 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 an approved in writing by the Council as Planning Authority.

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 Council as Planning Authority.

Reason: In the interests of human health.

8. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the road and commercial noise (existing and proposed) has been submitted to and approved in writing by the Council as Planning Authority (which shall as necessary consult with Transport Scotland in relation to trunk roads in relation to this). All works which form part of the approved scheme shall be completed to the satisfaction of the Council as Planning Authority before any part of the development is occupied.

Reason: In the interests of human health and amenity.

9. Class 1 Retail hours of operation including servicing and deliveries require to be agreed at the Approval of Matters in Conditions (AMC) stage.

Reason: In the interests of amenity.

10. Retail floor space requires to be agreed at the Approval of Matters in Conditions (AMC) stage.

Reason: In order to protect the vitality and viability of existing town centres.

11. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, field walking and metal detecting, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Council as 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.

Reason: In the interests of archaeological heritage.

12. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Council as 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'
- 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 Council as Planning Authority.

Reason: In the interests of aircraft safety.

13. 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 licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Reason: In the interests of aircraft safety.

14. Height Limitation on Buildings and Structures: No building or structure of the development hereby permitted shall exceed 25m AGL.

Reason: In the interests of aircraft safety.

15. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Council as 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 Council as Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of aircraft safety.

16. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Council as 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 Council as Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of aircraft safety.

17. Prior to the commencement of development details of landscape planting and fencing along the boundaries with the trunk road shall be submitted for the approval of the Council as Planning Authority in consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents and also to provide adequate environmental screening.

18. An Air Quality Impact Assessment shall be submitted along with the detailed masterplan.

Reason: In order to fully consider air quality impacts resulting from the design.

Informatives

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

- b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of each phase of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. **LEGAL AGREEMENT:** Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.
The legal agreement shall also secure necessary funds and / or measures to implement other measures of the Council's East of Millburn Transport Appraisal including:
 - The Transport mitigation measures set out in the Council's East of Millburn Tower Transport Appraisal dated January 2015 shall be identified in the Masterplan phasing plan and trigger points agreed :
 - Upgrades to Gogar Station Road – including widening the rail and burn overbridges.
 - The introduction of shuttle traffic signals on Gogar Station Road where the road crosses the Gogar Burn to the south of the site and in close proximity to Daltons Scarp Yard
 - Improvements to the A71 Hermiston Park and Ride roundabout
 - Contributions of a scale representative of transport impact towards improvements to the A8 corridor as identified in the wider transport infrastructure studies.
 - Explore the provision of a segregated pedestrian link to the Edinburgh Gateway/tram interchange

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.
5. **LEGAL AGREEMENT:** Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions.
The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.
6. A detailed assessment of Daylight Privacy and Sunlight shall be required to accompany each AMC application for residential development.
7. **LEGAL AGREEMENT:** Consent shall not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

8. **LEGAL AGREEMENT:** Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate school accommodation pressures in the local catchment area.
9. Obstacle lights shall be placed on cranes or other construction equipment to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 200 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk/srg/aerodrome).
10. The development is close to the aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.
11. Prior to the demolition of any buildings in the site, or any tree felling, further ecological survey including bat surveys will be required.
12. Prior to the submission of an AMC application the applicant shall seek agreement of Scottish Water regarding disposal of foul water.

Background reading/external references

Development Management Sub-Committee 16 May 2016

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

Contact: Stephen Broughton, Committee Services

Email: stephen.broughton@edinburgh.gov.uk | Tel: 0131 529 4261

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

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

Development Management Sub Committee

Monday 16 May 2016

Application for Planning Permission in Principle

15/04318/PPP

At Land 1000 Metres NW SW And West Of Hermiston Junction M8, Gogar Station Road, Edinburgh

Proposed residential development, local centre (including Class 1, Class 2 and Class 3 uses), community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings.

Item number	3.1(b)
Report number	
Wards	A01 - Almond

Summary

The proposed residential development with local retail centre, community facilities and green network would provide 1350 dwellings in the west of the city, at a time when there is an identified need for new housing.

The proposed Edinburgh Local Development (LDP) is currently under examination with the examination report expected by mid to late June 2016. As noted by Planning Committee in May 2015, this report will be binding on the Council. The applicant has made representations to the examination process which promote this site for development. Therefore, the merits of this site are being considered alongside those allocated in the proposed LDP by the reporter.

Notwithstanding that the LDP examination report is expected shortly, a decision is sought by the applicant at this time. It is a requirement of planning legislation that decisions on planning applications are provided. Therefore this report is brought forward to enable a decision to be made. It should be noted that if members are

mind to grant planning permission, the Scottish Ministers require that the application be notified to them. This is in view of the proposed development's potential effects on the statutory work undertaken by the adjacent Science and Advice for Scottish Agriculture (SASA) establishment.

The application is for planning permission in principle, and so, if planning permission in principle were to be granted, the site would be subject to AMC applications. The application is supported by a range of information which enables assessments to be made of impacts and likely impacts of the development. In respect of matters such as flood prevention, impact on listed buildings, density, location of services, affordable housing, impacts on views, biodiversity, archaeology, neighbouring amenity and future amenity and phasing the proposal would be acceptable subject, to appropriate conditions and / or approvals at AMC stage. In relation to this, it should be noted that the impacts of some site constraints, such as noise, flood prevention and landscape, may mean that the area that can be developed could be smaller than that currently proposed by the applicant.

The Edinburgh Green Belt has been in place since 1957 and has helped shape the development strategy for Edinburgh and the Lothians. It has successfully contained urban areas and maintained their separation. Development on this site would undermine the greenbelt effectiveness and the loss of the rural open character to urban character would damage this candidate Special Landscape Area. The proposed development is therefore contrary 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 and mixed use developments is not supported by the Second Proposed Local Development Plan (ELDP) and is contrary to the provisions of ELDP Policy ENV10: Development in the Green Belt and Countryside.

There is a five year effective housing land supply. 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 sites in the proposed LDP but not the application site. This means that the site is not required to meet housing land need.

The applicant argues the site contributes to sustainable development because it is located next to a number of bus, train and tram stops and proximity to existing employment areas (Edinburgh Park) and retail centre (the Gyle Shopping Centre). On plan this would appear to be the case. There are major barriers to these facilities however, in the form of the A8 and the City Bypass. These mean that the site is not well connected for pedestrians or cyclists. Pedestrians would have to use underpasses under the Bypass to get to Edinburgh Park. These would not create a safe and pleasant place.

A significant portion of the measures identified by the East of Millburn Transport Appraisal are not included with the application. The applicant has indicated an unwillingness to enter into an agreement to secure a bridge over the Bypass for example. The lack of measures necessary to mitigate transport impacts, particularly those that promote active travel and public transport use, means that the development will result in an unacceptable level of car use. The development would be contrary to the Council's Local Transport Strategy with respect to new development (Para 8.5). It would fail to accord with SPP's guiding principles and would not contribute to sustainable development. Additional vehicular traffic would be likely to worsen air quality within the area.

As noted above, in relation to the Local Development Plan, the outcome of the examination process is awaited. In May 2015, the Planning Committee amended the proposed response to the LDP examination via a decision known as the Capital Coalition Motion. This stated that the "Council sees merit in the representation promoting the land within the West Edinburgh Strategic Development Area known as East of Millburn Tower as a housing allocation and note that it has a potential capacity of 1320 units". It was advised that the land East of Millburn Tower could be allocated in lieu of/ or to take capacity of other proposed Local Development Plan Sites. Full details of the motion can be viewed at:

http://www.edinburgh.gov.uk/download/meetings/id/47112/capital_coalition_motion

The Motion, while seeing the merit in the site, did not result in the site being included in the proposed LDP.

The granting of planning permission in this instance would prejudice the emerging local development plan. The development proposed is so substantial, and its cumulative impacts so significant, that the grant of planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan. In this instance 'prematurity', as is the case at Cammo Walk and Craigs Road, is considered relevant, particularly so given that the report of examination into the Second Proposed LDP is due to be published by mid to late June 2016.

The granting of planning permission in principle for this site does not prevent the examination report from excluding this site from the Local Development Plan. At the same time, the examination report could include all the sites currently included with the proposed LDP. If this were to happen, there would be no substitution of sites as put forward in the Coalition Motion. This means there would be a cumulative impact on the city's infrastructure over and above that required for its effective growth. In short, this could mean more traffic than necessary on nearby roads and additional pressure on the education infrastructure.

In summary, the development is significantly contrary to the development plan, particularly in respect of green belt. The site is not needed to contribute to the five year effective housing land supply. The transport impacts of the development are not adequately resolved, meaning that the occupants of the development may be car dependent and there would be adverse impacts on the existing transport infrastructure in the area, for example, because of more congestion. The development would be prejudicial to the examination report of the Edinburgh Local Development Plan and is, as a result, premature.

It is recommended that planning permission is refused subject to referral to Council.

Links

[Policies and guidance for this application](#)

LPRW, RWE1, RWE2, RWE3, RWE4, RWE5, RWE6, RWE7, RWE8, RWE14, RWE15, RWE16, RWE18, RWE19, RWE20, RWE22, RWE23, RWE27, RWE30, RWE31, RWE32, RWE34, RWE41, RWE42, RWE45, RWE46, RWE50, RWE52, RWH2, RWH5, RWH6, RWH7, RWH9, RWH11, RWTRA1, RWTRA2, RWTRA3, RWTRA4, RWR4, LDPP, PLDP01, PLDP02, PLDP06, PLDP07, PLDP08, PLDP09, PLDP10, PLDP11, PLDP12, PLDP13, PLDP14, PLDP16, PLDP21, PLDP25, PLDP26, PLDP27, PLDP28, PLDP29, PLDP30, PLDP33, PLDP34, PLDP38, PLDP39, PLDP40, PLDP51, PLDP52, PLDP53, PLDP54, PLDP56, PLDP60, PLDP72, PLDP73, PLDP74, PLDP77, PLDP78, PLDP87, PLDP64, NSDCAH, NSGD02, NSG,

Report

Application for Planning Permission in Principle 15/04318/PPP

**At Land 1000 Metres NW SW And West Of Hermiston
Junction M8, Gogar Station Road, Edinburgh
Proposed residential development, local centre (including
Class 1, Class 2 and Class 3 uses), community facilities
(including primary school and open space), green network,
transport links, infrastructure, ancillary development and
demolition of buildings.**

Recommendations

- 1.1** It is recommended that this application be Refused subject to referral to Council for the reasons below.

Background

2.1 Site description

The site lies to the western edge of the city, immediately beyond the A720 Edinburgh City Bypass. The A8 runs to the north and the Glasgow to Edinburgh via Falkirk mainline railway to the south. The site's western boundary is Gogar Station Road, excluding land associated with the Millburn Tower and Gardens and the Gogar Park Estate, currently occupied the Royal Bank of Scotland.

The site is approximately 54 ha of land currently, in agricultural use. It is class 2 Prime Agricultural Land with the majority of the site as arable land. The area to the southwest is occupied by the Gogarburn Poultry Farm. The site is relatively flat, sloping gently southwards. There is a strong mature mixed deciduous tree belt running along the western boundary.

The Gogar Burn enters the site from the south and flows west to east across the southern part of the site, before entering a culvert which flows beneath Edinburgh Park and then re-entering the site as an open channel to the north west. The Lesser Mill Burn approaches the site from the west and then turns north and runs along the western boundary of the site, before flowing into Gogar Burn near the north-west boundary of the site.

The principal points of access to the site are from Gogar Station Road lying to the west and the A8 Glasgow Road to the north.

Two underpasses which run beneath the City Bypass connect the site with Edinburgh Park to the east. The northernmost underpass, is approximately 6 metres wide, and is used for maintenance access only. A narrower, second underpass lies to the south, this

provides a footpath/cycle link and also accommodates the Gogar Burn. The Hermiston Gait interchange and M8 lie to the south east of the site.

To the north of the site beyond the A8, lies Edinburgh Tram Depot. This is adjacent to the land associated with the airport. The proposed Edinburgh International Business Gateway lies to the northwest. The south and west of the site is surrounded by agricultural land. To the east of the City Bypass lies Edinburgh Park which has been developed in line with the original Richard Meier Masterplan 1991-1993.

The Edinburgh Park Central Tram stop is located approximately 400 metres (around five minutes walking distance) from the very eastern edge of the site as accessed via the existing pedestrian underpass. There is a Tram stop at Gogarburn to the north approximately 520 metres to the northern edge of the site, if accessed via Gogar Station Road, across the RBS bridge.

A further Tram stop is under construction at Edinburgh Gateway Station, scheduled to open in 2017. This lies approximately 300 metres from the northern edge of the site. Pedestrian access would be across the A8 and the Gogar Roundabout. There are no signalised pedestrian crossings at present.

Edinburgh Park Railway Station lies about a 10-15 minute walk from the eastern and southern parts of the site, via the underpass.

South Gyle Railway Station is located approximately 1.7km walking distance from the eastern edge of the site, via the underpass.

On the western perimeter of the site, Millburn Tower with its garden store, walled gardens and gatepiers is a category B Listed Building (LB ref 27306). The building was listed in 22 January 1971 and is within the setting of an Inventory Garden and Designed Landscape. Millburn Tower, a castellation mansion, was built by William Atkinson between 1806 -1821. At the south entrance from Gogar Station Road, Millburn South Lodge walls and gatepiers are also category listed B (LB ref 27313), also listed on 22 January 1971. The building is a circular plan lodge, thought to be based on a design by BJ Latrobe.

There are three undesignated archaeological assets on the site; two crop marks and one short cist burial. It is recognised that there may be previously unrecorded cultural heritage within the site.

Beyond the application boundary, within the further EIA study area, there are scheduled monuments including the Union Canal, Easter Norton standing stone, and Baberton Mains, 25 listed buildings of which category A listed ones include Gogar Bank House on Gogar Station Road, Castle Gogar with cottage, gatehouse and stables on Glasgow Road, and the Hermiston Conservation Area.

The site is designated as Green Belt in the Rural West Edinburgh Local Plan (RWELP) and the second Proposed Local Development Plan. A sector of the site is identified as an area of importance for flood control. The north eastern corner of the site is identified as a "Hazard Consultation Zone" protecting an underground pipe. The RWELP Proposals Map identifies, non-definitively, a transport proposal/safeguard at the Gogar Roundabout (T14).

The Plan notes that improvements are likely to include an extra lane on the inside of the roundabout and the widening of approaches to the junction. The RWELP defines the extent of a 'Designed Landscape' and two areas of 'Outstanding Landscape Value' that run conterminously with the application site boundary to the west and north-west.

The proposed Local Development Plan (LDP) highlights the nature conservation interest of the Gogar Burn (Policy ENV15: Sites of Local Importance), that runs through the application site in two locations, it identifies two areas of the site as Areas of Importance for Flood Management (Policy ENV21: Flood Protection); one around the Gogar Burn in the northern section and one immediately north and east of an existing poultry farm, that occupies the southern part of the application site. These extents partly differ from those shown on the RWELP as they are based on more up to date flood mapping. The LDP promotes a cycleway/ footpath safeguard at the site (Proposal T8/Policy TRA7 and 8:Public Transport Proposals and Cycle and Footpath Network, respectively).

2.2 Site History

27 November 2013 - Proposal of Application (13/04911/PAN) was submitted to Edinburgh City Council and approved in respect of the Edinburgh Garden District Site. The development description was for Residential development, horticultural visitor and education centre (the Calyx), new schools, community facilities, local retail facilities, local Class 2 and Class 3, Class 4, Class 10, Class 11, conference centre, hotel, a sports stadium/arena, sporting facilities, construction training centre, sustainable energy centre, green network, transport links, canal related uses and infrastructure. That site is the subject of unresolved representations to the second proposed Local Development Plan and related to a larger site.

14 May 2015 Capital Coalition Motion

At the meeting of 14 May 2015 into the second Proposed Local Development Plan the "*Council sees merit in the representation promoting the land within the West Edinburgh Strategic Development Area known as East of Millburn Tower as a housing allocation and note that it has a potential capacity of 1320 units*".

It was advised that the land East of Millburn Tower could be allocated in lieu of/ or to take capacity of other proposed Local Development Plan Sites.

Full details can be viewed at:

http://www.edinburgh.gov.uk/download/meetings/id/47112/capital_coalition_motion

Relevant neighbouring residential proposals

5 June 2015 Appeal dismissed for planning permission in principle application reference 14/01776/PPP for up to 670 unit residential development supported by ancillary mixed uses, including associated works and landscaping (as amended) at Land 345 Metres Southeast Of 18 Cammo Walk, Edinburgh.

4 December 2015 Appeal dismissed for planning permission in principle application reference 14/03502/PPP for the erection of residential development (up to 250 dwellings) with associated transport infrastructure, landscaping and open space at Land 195 Metres South Of West Craigs Cottage 85 Craigs Road, Edinburgh.

Main report

3.1 Description of the Proposal

The proposal is for planning permission in principal for a residential development, a local centre (including class 1,2 and 3 uses), community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings.

The application includes an indicative development framework which will inform detailed matters to be addressed through future applications for Approval of Matters Specified in Conditions (AMC).

The proposed development is based around the following key elements;

- 10 individual development plots, ranging in size from 1.12ha to 4.66 ha, to accommodate a mixed use including housing at a maximum of four storeys in height;
- A development plot to accommodate a primary school;
- A development plot to accommodate a local centre comprising approx 1,869 square metres of retail space (class1), financial and professional (class 2) and food and drink (class 3) premises;
- The creation of two new vehicular access points into the site from Gogar Station Road and enhanced connectivity to the wider area for cyclists, pedestrians as well as to the public transport network;
- A third access for bus/pedestrian/cycle route, utilising the underpass below the A720 from Edinburgh Park;
- A green network running north to south through site including the re-routing and associated de-culverting of the Gogar Burn;
- A central network of SUDs basins; and
- The retention of trees and the enhancement of boundary landscape edge.

Elements of the Proposed Development - as illustrated for planning permission in principle - include the following.

Housing

The application proposes that the site could accommodate up to 1,500 homes, however, the exact number would need to be determined through detailed AMC applications. 25% of the housing provision will be affordable, and a density of development of approximately 55 homes per hectare is proposed. The illustrations show this being delivered as four storey blocks to the east of the site dropping to three storeys in the middle and two storeys on the western boundary.

Local Centre

This will be a neighbourhood shopping centre in the region of 1,860 square metres (gross) floor space.

School

A primary school is proposed to accommodate the requirements which will arise from the residential development. The applicant has indicated a willingness to work the design to the requirements of the Council as Education Authority. The illustrations show this located next to the local centre.

Access

External linkages are proposed for pedestrians and cyclists including linking into existing cycle paths and the creation of new routes through the site.

Vehicular access will be provided through a primary access of a new three arm signalised junction on Gogar Station Road on the western boundary of the site. This will involve the upgrading of the existing shuttle traffic signals located to the immediate south of RBS Gogarburn. A secondary access, of a three arm priority junction, is proposed to the south of the site which will utilise the existing access to Millburn Tower.

In addition to the two vehicular accesses, a third bus only access is proposed from Edinburgh Park, via an upgrade to an existing underpass of the A720.

The site accesses will be linked internally via the following roads:

A development core road is proposed as the main road through the site linking the north and south accesses and will be designed to accommodate bus services through the development. Any future bus only link from Edinburgh Park will connect to the core road.

The residential roads will take access from the development core at frequent locations along the route. They will be 5.5 metres wide with 2 metres footways on each side. Shared surface streets and minor links will provide access to a limited number of houses and link with the main residential streets.

Green Network

The principal green network is proposed running north to south along the line of the re-routed and de-culverted Gogar Burn. The Burn is proposed as the network's central feature.

The landscape strategy is presented as an indicative development framework which has been developed around a green framework. The applicant's aim is to enhance the site's natural areas of value by providing recreational space, softening the visual impact of development in the surrounding landscape, providing wildlife habitat and enhancing biodiversity, and adding to the character and local distinctiveness of the development.

The application has been accompanied by an Environmental Statement (ES) which was advertised on 9 October 2015 and which considers:

- Landscape and Visual Impact Assessment;
- Access Traffic and Transport;
- Ecology;
- Noise and Vibration;
- Air Quality;
- Ground Condition - Geology, Hydrology, Flood Risk and Drainage; and,
- Cultural Heritage.

The ES was updated in November 2015 and was advertised on 27 November 2015.

The application is accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;
- Tree and Woodland Survey; and,
- Pre application Consultation report.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development proposed is acceptable including whether there is an effective housing land supply;
- b) the proposed development is premature;
- c) the proposal will have acceptable transport impacts;
- d) the proposal will detrimentally affect flooding;

- e) the proposal will detrimentally impact upon the setting of a listed building;
- f) the design impacts of the development are acceptable;
- g) the proposal will protect long views;
- h) the proposal will provide acceptable landscape infrastructure;
- i) the proposal will affect the biodiversity of the area;
- j) the proposal will have a detrimental impact upon air quality;
- k) the proposals will preserve and enhance archaeology;
- l) the proposal will impact adversely upon neighbouring sites;
- m) whether the proposal provides adequate amenity for future residents;
- n) the proposal has acceptable phasing of the development - controls required to ensure quality development - completion;
- o) the proposal meets the sustainable standards in the current Edinburgh Design Guidance;
- p) other material planning issues;
- q) the proposals have any equalities or human rights impacts; and
- r) material representations or community council comments raise issues to be addressed.

a) The acceptability of the development in 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 2013 (SDP) 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 (SDAs) in Edinburgh. It requires the Local Development Plan (LDP) to direct further strategic development to these areas. Policy 1A states that "any areas of restraint necessary as a result of environmental and infrastructure constraints will be identified and justified in Local Development Plans." The LDP must follow the principles listed in Policy 1B in arriving at development potential in SDAs. The LDP has also to define green belt boundaries according to policy 12.

In preparation of the SDP and proposed LDP, areas of search for development sites were identified. These included several large areas across South East Scotland that were considered, in whole or part, as potential SDAs. Although the background documents to the SDP and proposed LDP that were used to inform these plans include the application site within the West Edinburgh SDA, it is not in the West Edinburgh SDA as shown in Figure 3 on page 16 of the approved SDP.

Given the SDP requirement for the LDP to direct strategic development taking account of areas of restraint, it is also important to consider what the proposed LDP shows. The site is not identified as a "major new development in SDA" as shown on the spatial strategy summary map on page 6 of the proposed LDP. Part 1, Section 5 of the proposed LDP states that the "LDP strategy focuses the growth of the city on four Strategic Development Areas" and goes on to set out each of the four SDA areas. The West Edinburgh Overview Map is shown on page 51 of the proposed LDP and the site is not within the red line boundary. In this regard, the proposal is contrary to the SDP's spatial strategy, as currently defined.

The SDP allows new housing development to be granted planning permission on greenfield land either within or outwith SDAs, 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 be in keeping with the character of the existing settlement, that it should not undermine Green Belt objectives and any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

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 identified for major new development in a SDA, nor is it brownfield.

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

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 the supplementary guidance. The policy allows the grant of planning permission for the early release of sites which are either allocated or phased for a later period in the LDP.

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.

The representations include one on behalf of the applicant promoting the application site, as part of a larger site, for mixed use and housing development. Other representations from individuals and a community group also support the site, in preference to the allocation in the Second Proposed LDP at Cammo. One representation to the LDP supported the retention of the land in the green belt.

The Planning Committee noted, in May 2015, that the outcomes of the examination are binding on the Council and that the examination will determine the content of the LDP. In considering the Second Proposed LDP, the Committee noted the examination stage provided an opportunity to change the LDP in response to unresolved representations and identified changes that the examination Reporter should consider (the Capital Coalition Motion). The Capital Coalition Motion sees merit in promoting the application site for development based on the removal or reduction of other specified housing sites from the LDP, if the application site was to be allocated in 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 by mid to late June 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. The majority of the application site also forms part of the Gogar Special Landscape Area that extends beyond to the west and south. Accordingly, development which would have a significant adverse impact on the special character or qualities of the Special Landscape Area would be contrary to Policy Env 11 - Special Landscape Areas.

In summary, the LDP allocates sufficient land to meet the land supply set out in the SDP and the SG. The proposal is contrary to the LDP in respect of the Env 10 Greenbelt and Countryside policy as well as Policy Env 11 - Special Landscape Areas.

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;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- 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 contribution to the city's economy and 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.

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 SDP 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 and Special Landscape Areas as well as the overarching policies of the SDP 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 granting of planning permission in this instance would prejudice the emerging local development plan. The development proposed is substantial, and its cumulative impacts so significant, that the grant of planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan. In this instance 'prematurity', as is the case at Cammo Walk and Craigs Road, is considered relevant, particularly so given that the report of examination in to the Second proposed LDP is due to be published at the end of March 2016.

Furthermore, the granting of planning permission in principle for this site does not prevent the examination report from excluding this site from the Local Development Plan and at the same time including all the sites currently included with the proposed LDP. If this were to happen, there would be a cumulative impact on the city's infrastructure over and above that required for its effective growth. In short, this could mean more traffic than necessary on nearby roads and additional pressure on the education infrastructure.

c) Transport Impacts

While on plan, the site appears to be well connected to nearby facilities such as bus and tram stops, rail stations, employment areas at Edinburgh Park and the retail centre of the Gyle, the A8 and City Bypass are major barriers. Consequently, the site is not well connected for pedestrians and cyclists.

SPP states that "where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential cumulative effects which need to be addressed". Cumulative effects are defined as "the effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually." In the government guidance on Transport Assessment, which is a supporting document to the SPP, the existing site conditions for any development should consider "any development plan allocations".

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 impact on the strategic road network is being assessed cumulatively through the Local Development Plan Examination process.

The strategic transport appraisal to support Edinburgh's emerging Local Development Plan (LDP) was undertaken during 2012-2013, with the production of the final report (TA) in March 2013. The TA focused on a number of housing sites to be included in the Proposed LDP in addition to sites identified in previous local plans (Edinburgh City Local Plan and Rural West Edinburgh Local Plan). An addendum was produced in April 2014.

The East of Millburn Tower land was assessed as requested in a decision of the Planning Committee (19 June 2014). Following the outcome of a Flood Risk Assessment the Council estimated that the site had a capacity of 1320 units. This was a mid point estimate used for the purpose of transport assessment of the site. Based on that figure of 1320 units, the Council's East of Millburn Tower Transport Appraisal (January 2015) (EMTTA) identified a number of transport interventions that would be required to accommodate the development.

The EMTTA was reported to Planning Committee on 14 May 2015 as part of the Local Development Plan: Submission to Examination Report. In relation to the EMTTA, the Committee report states:

It identifies the need for a number of transport infrastructure interventions. In order to achieve adequate public transport penetration of the site, a new bus capable route would need to be formed, potentially crossing over or under the city's bypass. A new pedestrian/cycle bridge over the bypass would also be required, among other measures to facilitate connectivity.

The measures included the following:

Vehicular Access

- A number of accesses will be required from Gogar Station Road including access from the south east corner of the site;
- Potential upgrading of RBS access road;

Public Transport

- Bus - An upgraded vehicular access under / new bridge over the A720 will be required. An upgrade to bus infrastructure will be required with a review of bus stops, and options for bus services to serve the site;
- Train - Enhancements to pedestrian/cycle links with the train/tram interchange at Edinburgh Gateway - a major public transport facility;
- Tram - Pedestrian/cycle links the with tram stop at Edinburgh Park - a significant public transport facility as well as a pedestrian/cycle link with the tram stop at Gogarburn;

Active Travel

- Provision of a pedestrian/cycle over-bridge to cross the A720 to provide direct access to Edinburgh Park tram stop;
- Improvements to the existing north and south A720 under-passes connecting the site to Edinburgh park;
- upgrading of pedestrian and cycle access at key points around the site;

Travel Plan

- Implement a travel plan;

Road improvements

- Provision of enhanced vehicular access across A720 from the site into Edinburgh Park (likely to be restricted to buses, cyclists and pedestrians)
- The widening and upgrading of Gogar Station Road at key points, including at the narrow bridge just south of the RBS site as well as at the railway bridge; and,
- A contribution to the Gogar Junction enhancement scheme.

Whilst the developer's Transport Assessment and addendums do include a number of the mitigation works identified in the Council's appraisal, the majority have not been addressed. For example, the preferred option to provide a transport / cycle / pedestrian link over the bypass has not been included and, instead, the developer proposes to utilise the existing under-pass. This under-pass cannot accommodate a double decker bus.

The applicant has proposed off-site improvements and contributions to support the development which include the following:

- Introduction of shuttle traffic signals on Gogar Station Road where the road crosses the Gogar Burn to the south of the site and in close proximity to the scrapyards;
- Widening of the bridge over the Gogar Burn in the north of Gogar Station Road and upgrading of RBS access arrangements
- Improvements to the A71 Hermiston Park and Ride roundabout;
- Contributions towards transport improvements to the A8 Corridor as identified in the wider transport infrastructure studies. These contributions would be based on the share of the transport impact resulting from the development when measured with the transport impacts from development in the wider area.

The transport mitigation measures proposed by the developer fall significantly short of the measures identified in the Council's East of Millburn Tower Transport Appraisal of January 2015, as set out above.

The approach of the application has been to form access points around existing infrastructure. These are limited in what they can achieve. They do not provide a clear package of measures to enhance connectivity and capacity. The application proposes two main accesses to the development site from Gogar Station Road at points north and south of the Millburn Tower estate. The primary road network would circulate within the development core with an access proposed via the existing under-pass to the east. The application also promotes a bus link through the existing under-pass under the bypass.

The application has been accompanied by a Transport and Access Statement. The technical appendix examines the environmental impact with regards to access, traffic and transport.

The Transport and Access assessment supporting the application predicts that the traffic generated during the operational phase of the development will have an impact on the surrounding road network. To mitigate this impact, the applicants propose to upgrade the A71 Hermiston Park and Ride Roundabout, the Gogar Station Road/RBS access junction and introduce a second set of shuttle signals on Gogar Station Road, where it narrows over the Gogar Burn. The applicant has proposed that contributions will be made to the upgrade of junctions on the wider road network at a level commensurate to the scale and impact at each of these junctions and in line with the LDP and recommendations emerging from the West Edinburgh Transport Study.

Transport Scotland has raised no objection to the proposal as it does not link directly to the trunk road network. Transport Scotland has recommended that the applicant makes an appropriate and proportionate contribution to address the cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

The recommendations from Transport Scotland mirror those identified by the Roads Authority. The LDP examination report is awaited with respect to strategic spatial strategy and cumulative impact. As referred to in section c) of this report in dismissing the appeal for housing at Cammo Walk the reporter found that Scottish Ministers needed to consider the wider transport infrastructure implications of the proposed LDP through the LDP examination process.

Policy TRA 1 of the RWELP states: *"Development proposals 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 on foot, by cycle and by existing or planned regular and frequent public transport services. Any such proposals which result in development, which is only readily accessible by private car and would have no reasonable prospect of being served by public transport, will not be permitted."*

The presence of City of Edinburgh Bypass and the Gogar Roundabout in their current form present significant physical barriers to connectivity and offer little opportunity to integrate the site into the city.

The tram route runs to the east of the site on the other side of the bypass, and north of the site on the other side of the A8. The maximum walking distance from a tram stop that the council's tram contribution guidelines indicate contributions will be sought for is 750 metres. Typically, people will walk up to 1km to use rail based public transport. Large parts of the site are poorly connected and lie more than 1km walking distance from public transport routes and as such future residents will be very likely to be car reliant. In the absence of good pedestrian connections the proposal therefore does not satisfy the requirements of policy TRA 1 of RWELP. To overcome this, it is essential to provide a bus route through the site and to ensure the route is connected to the wider road network in such a way that the bus operator will use it.

Gogar Station Road has limited capacity with a number of width restrictions along its length including several narrow bridges. Vehicular access to the A8 is currently west bound only. Eastbound access is possible via the RBS Bridge and internal RBS access roads. This road was built by the RBS under the authorisation of a Roads Construction Consent and, as such, is open for public access. However as it is not an adopted road the Council cannot authorise construction of the mitigation works proposed by the developer for the internal roundabout, including conversion to a signal controlled cross roads. It may be possible to secure these works through legal agreement, however.

Access to the south and connections back to the city are restricted, particularly given the presence of Hermiston Interchange and the remoteness of the A71 Calder Road corridor to the south.

The LDP Transport Assessment recommended that if the site is allocated for housing that the provision of a bus route through the site to Edinburgh Park with a high frequency service to the city is an absolute requirement if the site is to be developed.

The proposal indicates that bus penetration through the site to Edinburgh Park would be through a six meter wide under-pass. It is recognised that this link is unachievable without the support of Edinburgh Park landowners. The under-passes currently present an unattractive physical environment in their current condition. To accommodate and appeal to the residents of the housing development they would require widening and

upgrading and should be complemented by an alternative means of crossing the bypass. The application includes illustrative pedestrian and cycle routes which include the retention of the existing Right of Way running east/west across the site LC33 and the link to the National Cycle Network, LC163. At the AMC stage it would need to be satisfactorily demonstrated that the under-pass can safely accommodate bus, cyclists and pedestrians.

It is envisaged that the under-pass will require modification to accommodate double decker buses to ensure commercial viability of the bus operator. The applicant has advised that they have been in discussions with Lothian Buses regarding the possibility of taking a bus route through the site, however there has been no update on the conclusion to this matter.

The technical assessment indicates that the developer will contribute to the Newbridge and Gogar/Maybury junction mitigation schemes as identified in the Local Development Plan action programme, however there is no coherent analysis that confirms whether additional traffic from the site can be accommodated in the proposed layouts.

The proposal does not include the recommended interventions on Gogar Station Road as per the Council's East of Millburn Tower Appraisal. This is a key cycle route serving the RBS HQ and the Council recently made provision for improved on-road cycle facilities within the existing road width. With the additional development traffic from this site, road widening or provision of a parallel off-road cycle route (through the centre of the site) is considered essential. The applicant will be required to work a cycle route into a Masterplan at the detailed application (AMC) stage.

The proposal does not include measures to link the development to the proposed Edinburgh Gateway train/tram interchange.

In order to achieve safe pedestrian and cycle access and enhance connectivity across the A8 Gogar Roundabout, the applicant will be required to provide an effective link to the Edinburgh Gateway Rail/Tram Interchange. This has not been demonstrated at the PPP stage.

The Roads Authority's initial consultee response was for refusal, principally on the grounds of lack of cumulative transport assessment and lack of clarity regarding the specification for and delivery of the bus route into the site.

Following this response, further Transport studies were undertaken by the applicant and submitted on 15 March 2016 as an addendum to the Transport Assessment. Whilst a number of the Road Authority concerns have been addressed the refusal recommendation by the Roads Authority is maintained. The use of the existing under-pass with no significant alteration, instead of the preferred bridge, to traverse the Bypass is the principal concern. The omission of large parts of the recommended mitigation package, as per the Council's site specific East of Millburn Transport Appraisal, are also cited in the refusal recommendation.

It should be noted that those who made representations to the original planning application were notified of the addendum to the Transport Assessment on 24 March 2016 with 21 days for comments ending on 14 April 2016. Two further letters of representation were received, these upheld their objections to the proposal.

Conclusion in respect of Transport

The East of Millburn Transport Appraisal is a significant material consideration. The proposal does not provide the interventions identified in it. The proposal could detrimentally impact upon road safety, and would be premature to the findings of the LDP Examination in respect of transport infrastructure.

The proposal is contrary to Rural West Edinburgh Local Plan Policy TRA1 as the site is only readily accessible by private car and cannot accommodate double decker buses linking through the site to Edinburgh Park as the developer does not propose the lowering of the underpass. The proposal is contrary to Rural West Edinburgh Local Plan policy TRA 2 as it will have a significant adverse impact detrimental to road and personal safety and will have an unacceptable impact in terms of air quality.

If Committee is minded to grant planning permission, it is recommended that informatives are added which require a legal agreement to be formed to provide funds necessary to implement a bus route capable of accommodating double decker buses across the Bypass including funds for purchase of any land necessary facilitate this, as well as funds necessary to implement a pedestrian and cycle overbridge across the Bypass, including funds for the purchase of any land necessary to facilitate this. Furthermore, informatives should be added to secure necessary funds to implement other measures of the East of Millburn Transport Appraisal as set out above.

d) Flooding

Policy E45 of RWELP advises 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 ENV21 of the second proposed local development plan sets the criteria for assessing the impact of development on flood protection.

The purpose of the policy is to ensure development does not result in increased flood risk for the site being developed or elsewhere. The site is identified, in parts, as of importance for flood management. The SEPA third generation flood maps show large parts of the site at risk of flooding during a 200 year event. The Local Development Plan advises that it is essential to maintain strict control over development in these areas. The Plan advises that proposals will only be favourably considered if accompanied by a flood risk assessment demonstrating how adequate compensating measures are to be carried out, both on and off the site. It is recognised that in some circumstances, sustainable flood management or mitigation measures may not be achievable.

The application includes a proposed diversion of the Gogar Burn through the centre of the development site, taking it out of the existing long culvert under Edinburgh Park. The new channel has been indicatively designed to contain the 200 year flow.

The applicant has carried out a Flood Risk Assessment (FRA) for the site. A mathematical model of the Gogar Burn and the Lesser Mill Burn was developed and used to predict flood levels throughout the site and the extent of the 200 year flood plain as predicted. The indicative drawings submitted with the application exclude development and drainage features within the floodplain area.

SEPA was consulted on the proposal and initially objected to the proposal on the grounds that the resultant development may place buildings and persons at flood risk contrary to Scottish Planning Policy.

SEPA acknowledges that the proposed realignment of the Gogar Burn through the proposed development site would have environmental benefits and that it would reduce the extent of fluvial flooding on the proposed development site reducing the risk of flooding to Edinburgh Park. SEPA had concerns regarding the technical information submitted with the Flood Risk Assessment (set out in detail in the assessment section). SEPA also objected to the fact that the proposal does not include land requirements for Sustainable Urban Drainage System basins.

Additional modelling was carried out by the applicant indicating the optimal flood storage areas to increase storage capacities. SEPA has come to an agreement with the applicant that further modelling work will be required at the detailed application stage including details of flood storage volume and dimensions to the satisfaction of SEPA, ensuring that the proposal will not give rise to increased flooding downstream. The applicant is advised that more greenspace may be required to accommodate the necessary flood storage and this could impact upon the site development capacity.

SEPA removed its objection on 21 January 2016 on the basis that the proposed new properties will be limited to only those areas outwith the 0.5%AEp (1:200) floodplain but advises of the requirement for more detail on the proposed realigned Gogar Burn Channel, the proposed enhanced storage area and the proposals for managing the risk of flooding from the Lesser Mill Burn at the later planning stages.

SEPA identifies that the proposed new channel for the Gogar Burn will divert the river over a much shorter length than the existing channel. The channel will be steeper as a consequence of being shorter and the flow velocities faster. Based on the indicative modelling it is identified that the banks of the channel will be steep sided and that this will be difficult for maintenance and will not provide for the best design solution through a future housing development. If the application progresses to detailed stage modifications may be required to ensure a compatibility with the development layout. This could affect the site development capacity.

Flood Prevention does not object to the principle of the land being developed providing that the diversion of the burn is fully constructed prior to the occupation of the first house within the Masterplan. The development should also be placed outside the area identified at risk from flooding, based on the model for 200 floodplain that includes impacts of climate change and culverts at Lochside Avenue, Edinburgh Park and Gogar Station Road being 25% blocked, shown on Figure 20 in the Flood Risk Assessment. Flood Prevention has recommended that conditions should be imposed upon the PPP application to ensure that the applicants undertake discussions of conceptual layouts and implementation techniques with the appropriate statutory consultees prior to detailed design. This will ensure that the concerns raised at PPP stage are able to be fully addressed with best practice implemented from the start of the proposed detailed design.

With regards to foul water, during the consultation process Scottish Water advised SEPA that there is only capacity for ten houses at this site and therefore there is no capacity for the development of 1500 houses, school, commercial areas etc.

On 6th April 2016 Scottish Water advised that there is currently sufficient capacity at the Marchbank Water Treatment Works to service the demands of the proposed development, however a Water Impact Assessment will be required to ensure that the network can supply adequate flow and pressure to the proposed development and existing properties in the area. The applicant would need to secure this requirement with Scottish Water and thereafter provide details of their proposals for foul water with evidence that these proposals can be achieved with the first AMC application. With regards to Wastewater, Scottish Water state that there are currently network issues in the area and a Drainage Impact Assessment will be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands from the development. Scottish Water advise that they are unable to reserve capacity and connections to the waste and wastewater networks can only be granted on a first come first served basis.

In conclusion if Committee are minded to grant the proposal the conditions as recommend by Flood Prevention should be imposed.

e) Impact upon the setting of a listed building

Scottish Planning Policy aims to enhance elements of the historic environment whilst supporting sustainable development. Para 140 of SPP advises that siting and design of development should take account of all aspects of the historic environment, including Scheduled Ancient Monuments, Listed buildings and designed gardens and historic landscapes.

Policy E32 of the Rural West Edinburgh Local Plan advises that the setting of a listed building and its features of historic interest should be protected when considering development proposals. Policy Env 3 Listed Buildings - Setting, of the LDP has similar protection.

Millburn Tower, a category B listed building with an Inventory Garden and Designated Landscape, and Millburn South lodge, a category B listed building, bound the site to the west. Millburn Tower is self contained and currently well screened by mature woodland on the boundary of the application site. Millburn Tower and its garden is all that remains of the former 4000 acre Millburn estate which embraced the villages of Kirkliston and Ingliston.

The application proposes a planted buffer along the west side of the development to further screen development from view from the designated landscape.

Historic Environment Scotland has raised no objection but recommend that the proposed planted buffer is increased in size from that proposed and planted with tree species appropriate to the designed landscape. It is considered that this will help both screen new developments in view from the estate and by using similar tree species will help blend the new housing into its landscape setting. In addition it is recommended that planting mitigation ensures that new development is screened from views from the south.

This landscape planting mitigation approach can be accommodated within the site. However, the details will be required to meet with the requirements of aircraft safeguarding. A preliminary meeting between SNH and Edinburgh Airport has concluded that an appropriate landscape strategy could be developed through the site at the detailed application stage. The applicant is supportive of such an approach and may accept a condition to satisfy the landscape mitigation. The applicant is aware that the landscape buffer will encroach upon the development capacity of the site. It is concluded that provided that a suitable landscape buffer is established through the detailed application stage, the proposal will not have a detrimental impact upon the setting of the neighbouring category b listed buildings or the Inventory Garden.

f) Design

The application is for planning permission in principle. It is supported with indicated drawings in the Design and Access statement which shows how development could be delivered.

The applicant did not present to the Edinburgh Urban Design Panel.

The Scottish Government Advice Note on Master Planning (PAN 83), advises that development proposals of this scale should be supported by a detailed master plan which sets out how the project will be implemented through a delivery strategy with phasing, timing and funding. Proposals should be developed with communities and organisations which have a stake in an area, to ensure deliverability. The application site has been submitted as having previously being conceived, and subject to public consultation, as the northern spur for a larger "Garden District" proposal. The proposal of application notice (13/04911/PAN) to which this application relates, was submitted showing a larger site that corresponds with that of the "Garden District."

Green belt

To the East of the site, the urban edge of the city is currently well defined by the high quality development of Edinburgh Park and its associated landscape and the bypass. The rural and open character of the application site contrasts with the urban nature of this development to the west and therefore reinforces the sense of a defined edge to the city. In relation to green belt, the site is important, in design terms, to enhancing the character, landscape setting and identity of the city. This is a key attribute of green belt set out in SPP.

The development proposal would transform the character of the site from rural to urban/suburban. This would significantly erode the sense of place of the city by diminishing its defined edge and the impression of entry into Edinburgh. In design terms, the proposal is therefore contrary to green belt objectives. This is in addition to the principle of green belt loss set out in section 3.3 a).

Accesses

The applicant does not propose an overbridge for pedestrians and cyclists. Instead it is proposed to use the under-passes. In urban design terms, under-passes are generally unattractive for pedestrians and cyclists - particularly at night time. Given the under-pass would provide a route to the tram stop at Edinburgh Park, the unattractiveness of

this route, will mean that people are less likely to use it and, as a consequence, less likely to use the tram. This will mean a greater likelihood of car use. In this regard, the proposal is contrary to Policy Des 7 Layout Design of the LDP in that there is not an integrated approach to the layout of routes and because the route would not be likely to be perceived as safe as an overbridge.

The interface of the eastern side of the development with Edinburgh Park will be challenging. Edinburgh Park has been designed as a business park within a strong landscape structure, grid layout and access routes responding primarily to the occupier demands of the site. The nature of the business uses results in minimal levels of activity during evenings and weekends. The Masterplan of Edinburgh Park, did not anticipate the need to integrate a major westward expansion of the city. The layout, massing and pedestrian connections of Edinburgh Business Park do not respond to the western rural edge, with the scale of development reducing towards the bypass, this edge now being defined by an established landscape buffer.

The Edinburgh Park walkways, whilst segregated from traffic, are of particular configuration and width. The grid system of routes, aligns poorly to the existing under-passes, this resulting in indirect access to key destinations such as the Gyle Centre and the Edinburgh Park Central Tram Stop.

The indicative Masterplan proposes to retain the Rights of Way running east to west through the site LC33 and connecting through the under-pass to the south, LC163.

The Edinburgh Park accesses and walkways are not currently adopted as public highway. Changes would be needed to the legal status and a range of physical enhancements would be required to achieve physical enhancements to pedestrian access. Considerable modifications to the layout would be required were development to the west to be effectively integrated with this area of the city.

Limitations would be posed by the widths and lengths of the existing under-passes. Their current configuration would make them difficult to adapt to form effective and pleasant connections for pedestrians and cyclists.

Density

The applicant proposes around 1500 dwellings on the site. There are significant constraints to development such as noise from the A8, City Bypass, railway and scrapyard as well as factors like land take required for the burn diversion / flood prevention measures. Landscape would be required to create an attractive edge to the development. These constraints and requirements would reduce the amount of developable land on the site. This means that to achieve the numbers of units sought would require higher density development.

The proposal is a density of 55 dwellings per hectare. This is higher than typical suburban developments which may be in the region of 25 to 35 dwellings per hectare. Four storeys of development along the eastern edge of the site, dropping to three and two storeys towards the west. The Landscape and Visual Impact Assessment (LVIA) of the Environmental statement assumes a height of four storeys across the complete site.

The height of four storeys (around 12 metres) will make the development prominent - particularly on the important and heavily used route of the Bypass. To the east, the bypass sits at 5 metres higher than the site in the south east corner and one metre lower in the north east corner. The level of the bypass therefore rises above the existing level of much of the site. Structural landscape can mitigate the visual impacts of buildings and help provide them with an attractive setting.

It is likely the strip of landscape illustrated between the development and the Bypass would need to be wider to have these positive effects. It should also be noted that landscape will take ten years to achieve the seven metres growth of planting infrastructure illustrated in the LVIA. Until planting becomes established there is potential for development to be highly visible.

Services

The proposal focuses the local centre with school and retail on the eastern part of the site, close to the existing under-pass. Whilst it is considered that the proposed scale of the development would be large enough to merit local facilities, the rationale for the siting of the local centre has not been fully explored.

Policy H11 of the Rural West Edinburgh Local Plan supports proposals for new community facilities to serve local needs, except where contrary to other local plan objectives. Should planning permission be granted in principle further studies and consultation will be required as to what the local community facilities should be and whether the proposed Local Centre is the right location. For reasons set out in the Transport section 3.3(g) it is considered that the accessibility to that part of the development site is unachievable by public transport.

Further study is required as to how the local centre would function in relation to the existing retail facilities at the Gyle Centre and Hermiston Gait. The siting and requirements of the school has not been explored with the Council's Education service. These are matters that would be specified by condition for consideration at AMC stage.

Affordable housing

The detailed application will be required to deliver a minimum of 25% affordable housing, this should be dispersed tenure blind throughout the site and will be required to be representative of the development as a whole with regards to design quality, units sizes and open space.

Noise

The Noise Assessment concludes that Noise mitigation will be required and landscape cannot be fully relied upon to achieve this. Technical studies will be required which may result in the need for acoustic barriers and buffers. The full impact of their visual impact cannot be assessed until detailed siting and layout has been established.

Flood prevention

The concept of placing the Gogarburn channel in the centre of the site is acceptable. However, it is recognised that, in the absence of detailed technical studies, the housing numbers could be affected by the space required to address the potential river

restoration. Technical advice received advises that the river should meander and maximise its potential for a riffle and pool system to maximise the ecological potential. Current historical map records indicate that the proposal demonstrates insufficient space for the river to develop its full potential and this needs to be examined at a detailed level before a level of development or siting of development can be agreed.

As set out in the flooding assessment section, it is noted that SUDs storage will have to be out with the 1:200 flood plain and the space required needs to be examined at a detailed level and given the same consideration of the river. The space for the development might have to be reduced. The housing layout needs to be closely examined and the relationship with the river carefully considered. SUDs will influence the final site capacity.

Conclusion

While the proposals are indicative only, it is clear that the development will transform an area of green belt that provides a landscape setting to the city. The strong boundary between the city and the country side would be eroded. In design terms therefore, the proposal undermines a key objective of green belt as set out in Scottish Planning Policy. The proposal would erode the sense of place of the city as a result, contrary to policy Des 1 of the LDP. Similarly the proposal contravenes Policy E6 of the adopted Rural West Edinburgh Local Plan. This states that development should be sited in a location that will minimise its impact and that the character and scale of the proposed development should be in-keeping with nearby traditional buildings and integrated into the rural landscape.

The presence of the bypass forms a significant physical barrier to the east restricting vehicle and pedestrian access back to the city. The proposal does not include measures that would ease integration with the development and the city, such as the pedestrian overbridge. The reliance on under-passes will make walking and public transport use less attractive. This means that, as currently envisaged, it is likely to be poorly connected.

The numbers of units sought mean that there is a likelihood that the built form will result in at least some four storey development. This will make the development visually prominent. To mitigate these effects, a visually strong structural landscape would need to be provided. This is a matter of layout that would be subject to approval of matters specified in condition, if Committee is minded to grant planning permission in principle.

In summary, while the proposals are illustrative, the development as currently proposed, would have adverse design impacts on the landscape setting of the city and as a result of it being poorly connected.

g) the proposal will protect the landscape setting of the city

The Edinburgh Green Belt has been in place since 1957 and has helped shape the development strategy for Edinburgh and the Lothians. It has successfully contained urban areas and maintained their separation. The proposed development on this part of the greenbelt would change the character and appearance and would impact into longer views across the site.

Policy E41 of the Rural West Edinburgh local Plan advises that new development will be required to promote high standards of design for all development with careful visual and physical integration with its surroundings, preventing intrusions into the city's landmarks, natural features and skyline. Special attention is required to design quality at gateways and along arterial routes. Landscape buffers should be provided within new development sites to soften the transition.

The existing urban edge is clearly defined by the A8 to the north and to the east by a broad woodland belt along the City Bypass. A new green belt boundary would not compare favourably with the robust physical and visual nature of the existing green belt boundary along the city bypass, which also limits the physical integration of new development within the existing townscape.

The Landscape and Visual Impact Assessment concludes there would be localised residual effects that are minor and would be mitigated by a range of planting types and habitats, and the opportunity to improve the degraded areas of landscape as well as opportunities to strengthen and enhance the wider green network. The mitigation in the supporting documents is indicative only and cannot form part of the assessment of the application. Additionally such an approach will need to be designed to protect aircraft safety.

The LDP Environmental Report (June 2014) assessed the suitability of the site for development and found, due to the site's prominence and role as open farmland, development would adversely affect the landscape setting of the city. Its open farmland establishes a clear contrast to the edge of the built up area to the east and is viewed against the back drop of the city's regional landscape setting of the Pentland Hills. Development would impact adversely on perceptions of Edinburgh and its wider landscape from strategic approach roads on the western edge of the city.

The applicant's Landscape and Visual Assessment does not place the same emphasis as the Council on the site's contribution to the city's landscape setting because it does not give the same weight to the importance of the road network as a strategic route into the city that has a high volume of users. This alters the assessment and results in an adverse effect on these views.

Conclusion

The site will change from an open agricultural character to become an enclosed urban character. The character of the landscape will be completely altered.

This part of the landscape is designated as Candidate SLA 05 and therefore the loss of the rural open agricultural character would damage this Special Landscape Area.

The loss of the rural character is contrary to Rural West Edinburgh Local Plan policies;

- E5 Development in the Countryside,
- E6 Design and Amenity Criteria for development in the Green Belt and Countryside.
- E8 Areas of Great Landscape Value and AOLQ - the loss of rural setting to AOLQ

- E14 Designed Landscapes - resulting in a loss of rural setting to designed landscape

h) the proposal will provide acceptable landscape infrastructure

The application site is currently bound to the east by a landscape buffer along the bypass and the mature woodland belt and inventory garden along the western boundary. Some woodland felling took place prior to the submission of the application, in the region of the proposed access routes into the site. That felling required consent from the Forestry Commission.

The site is situated within the Greenbelt and the Edinburgh Greenbelt Landscape Character Assessment characterises the site as Settled Farmland. Within Scottish Natural Heritage Landscape review document, the Lothians Landscape Character Assessment, the site and the entire study area lies within the Lowland Plains: Lower Almond Farmlands landscape character type.

Policy E15 of the Rural West Edinburgh Local Plan aims to ensure the survival and retention of healthy mature trees throughout construction and in the proposed layout of buildings.

The Tree and Woodland Survey submitted with the application identifies that the existing tree and woodland framework clearly presents constraints to the development. The interface of the woodland is critical in this respect and it will be essential, not only to protect the edge trees from physical damage during construction works, but also to create a suitable and sustainable relationship between the woodland and adjacent dwellings.

Therefore, should Committee be minded to grant planning permission in principle, at the AMC stage the following details will be required;

Root Protection Area and dwelling stand-off distance will be required to ensure a satisfactory relationship with the established tree buffer. Historic Environment Scotland recommended that the buffer to the historic landscape requires greater width to help blend the new housing into its landscape setting. This can be achieved by condition.

Scottish Natural Heritage met with the landscape consultant for the applicant and CAA to discuss the landscape strategy and ensure that the proposed framework planting can be achieved on the site without resulting in conflict with the CAA Safeguarding of Aerodromes Advice Note 3 - Potential Bird Hazards from Amenity Landscaping and Building Design. An addendum to the Environmental Statement to reflect these requirements was submitted in November 2015.

As a response the proposed woodland has now changed to proposed framework planting. Edinburgh Airport's guidance requires taller (woodland) canopied trees to be planted no closer than 4 metres to avoid potential roosting site for birds. However, in order to address the requirements of the landscape design to create appropriate boundary screening treatments, framework planting will be established which has a reduction in the number of groups of tall trees but includes a range of lower growing, mixed deciduous and coniferous species planted at higher densities.

Conclusion

Should committee be minded to grant planning permission in principle, an adequate landscape scheme could be achieved through the AMC stage.

i) the proposal will affect the biodiversity of the area

The Environmental Statement submitted in support of the application considers ecological matters relating to the site comprehensively. It concludes that as the habitats present within the proposed site are mainly of limited ecological value, and use of the proposed site by protective species was relatively low, it is considered unlikely that there would be any significant cumulative effects of the developments on ecology during construction or operation of the site. Appropriate mitigation would be required to be carried out by the contractors through development.

The site includes part of the Gogar Burn, a Site of Importance for Nature Conservation. The proposal to de-culvert and reinstate the Gogar Burn has the potential to enhance the ecological value of the site. Therefore, subject to the final detailed design, the proposal has the potential to satisfy policy E18 of the Rural West Edinburgh Local Plan which seeks appropriate mitigation measures to be incorporated into development to enhance or safeguard the nature conservation interest of the site.

Scottish Natural Heritage raises no objection to the proposal recommending that the impacts on natural heritage could be reduced by well-considered siting and design and detailed environmental mitigation. It advises that the naturalisation of the Gogar Burn is key to securing many of the potential gains for landscape, biodiversity and amenity that may arise from the proposal. SNH has met with Edinburgh Airport to explore how a landscape mitigation strategy can be developed subject to the requirements of the Edinburgh Airport Aerodrome.

Other mitigation works may be required in relation to protected species.

It is concluded that the proposal, as relates to ecological matters, could meet the objectives of policy E20 of the Rural West Edinburgh Local Plan to increase the nature conservation value of the development site. It is therefore recommended that a condition be applied to ensure that the naturalisation of the Gogar Burn is required as part of the Masterplan, as specified in section 3.3 (e) of this report.

Conclusion

Should Committee be minded to grant planning permission in principle, in accordance with policy E22 conditions and informatives would be required to mitigate against any damage of protected species such as bats, otters and badgers, to control tree and vegetation removal, to protect breeding birds, and provide a method statement for the treatment of invasive non-native species such as Giant Hogweed.

j) Air quality

The application has been accompanied by an Air Quality Assessment, set out in the ES. The Air Quality report advises that the potential air quality impacts of the construction and operational phases of the proposed development have been assessed in accordance with best practice guidance.

Construction dust nuisance potential was identified as being of medium to high risk in the absence of mitigation measures. With the mitigation measures proposed the risk will be reduced to low or negligible. Emissions from construction traffic and site plant are considered negligible given the temporary nature of the works.

Operation phase emissions were assessed in relation to the additional traffic emissions generated by the development. The effects of this have been assessed using dispersion modelling. Cumulative impacts with other development in the local area have also been assessed.

The assessment has predicted that there are areas on the boundary of the site and within the local vicinity of the site that are likely to be over the Air Quality Objectives, with and without the Proposed Development and therefore with suitable mitigation, the site should be suitable for residential development.

The report advises that, with regards to increases in concentrations at the existing residential locations where existing concentrations will be elevated, the average predicted increase are considered unlikely to affect the implementation and effectiveness of the City of Edinburgh Council, Air Quality Action Plan which includes measures for the improvement of air quality across the whole city. Additional mitigation measures to further reduce the impact from the proposed development have been recommended to minimise vehicle use during the operational phase and encourage sustainable transport options.

Environmental Assessment do not support housing on this site given the proximity of the development to the existing Poultry Farm. The application proposes that the Poultry Farm will be relocated prior to any development of the site however this land is not under the ownership of the applicant and therefore there is no guarantee that the poultry farm operation will stop if the proposed application is consented. Odours, Particulate Matter (PM) 10 and 2.5 emissions from poultry farms are serious problems and as such Environmental Assessment have begun monitoring PM10 due to ongoing issues. The proposal needs to comply not just with Scottish Air Quality Objectives but with the European Union(EU) Limit Values.

Notwithstanding Environmental Health objection, this could be overcome by a relevant condition to ensure that the poultry farm has ceased operation and the site has been cleaned up prior to the commencement of any development work on the site. The applicant has advised that this is acceptable and it is currently negotiating with the poultry farm owners over land purchase.

AQMAs have been declared for five areas of Edinburgh. Poor air quality at these locations is largely due to traffic congestion. Closest to this site is Glasgow Road (A8) at Ratho Station AQMA. As there are currently no residential receptors in the site area it does not require to be declared as an AQMA.

The proposal will directly impact upon the existing Glasgow Road AQMA. It is recognised that this site is disconnected from the city and as such it is predicted that the occupants of the site will be car dependent contributing to the air quality problems. The proposal is therefore contrary to RWELP TRA2

Conclusion

If Committee are minded to grant planning permission in principle then it is recommended that a condition be applied which ensures the decommission and complete removal of the poultry farm operations prior to the occupation of the first dwelling house. Additionally, mitigation measures to reduce vehicle movements are recommended.

k) the proposals will preserve and enhance archaeology

The Environmental Impact Assessment includes a cultural heritage assessment which considered the potential impacts of the proposed development upon the physical fabric of heritage assets within the site boundary.

Scottish Planning Policy (SPP), PAN 02/2011 and Rural West Edinburgh Local Plan (2010) policy E30 require a programme of archaeological evaluation to be undertaken prior to determination. This work comprising both Geophysical Survey and Trial trenching was undertaken by AOC Archaeology Group between 26 October 2015 and 13 November 2015 which was reported in the Archaeological Evaluation Data Structure Report of 19 November 2015.

The site proposed for development is regarded as being of archaeological importance. Archaeological evidence indicates a range of archaeological sites occurring within the site boundaries, dating back to early prehistory. This includes several potentially nationally significant archaeological sites e.g. the medieval mill for Gogar Village, Gogar/Corstorphine Loch and Millburn Tower Roman Temporary Camps (x2) and the adjacent Millburn Tower Inventory Designed Landscape & Garden.

The results of the archaeological findings have demonstrated that, although modern ploughing has had significant effect, important archaeological sites and remains have survived in situ across the proposed development area, including prehistoric settlement remains (ditches, pits, ring-ditch house/barrow) and possible Palaeo-river courses. Ground-breaking works associated any potential development of the site will have a significant adverse affect, however one which is considered on the whole a low-moderate archaeologically significant impact requiring detailed mitigation.

Archaeology has therefore recommended that prior to any development of the site that a programme of archaeological works is undertaken, in order to fully excavate, record and analysis any surviving archaeological remains encountered during subsequent phases of development. If important discoveries are made during these works it is recommended that a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) will be required to be undertaken, to the agreement of City of Edinburgh Archaeology services.

Therefore it is recommended that if Committee is minded to grant planning permission in principle, a condition is attached to ensure the undertaking of a programme of archaeological works.

l) the proposal will impact upon neighbouring sites

A number of objections have been received from neighbouring residents expressing concern at the impact of the scale development within this rural location.

The proposal is for planning permission in principle and, whilst illustrative development plots have been submitted, there are no details of siting or orientation of buildings. The site is currently used for agriculture, so any introduction of development on the site will impact upon the surrounding users by means of the change in land use, noise, lighting and associated traffic movements.

By virtue of the rural character of the area, the site is fairly isolated from residential properties, with Millburn Tower and its Gatehouse, and a scattering of rural dwellings along Gogar Station Road as the key residential neighbours to be affected by the development.

The proposal is for largely residential use. While it will fundamentally change the character of the area it will not have an adverse impact on neighbouring residential amenity in relation to the expectation of policy and guidance, provided there is adequate separation distances secured at AMC stage.

Other neighbours include the occupants of Gogar Park Banking Head Quarters and Edinburgh Park users which may be affected by the proposed intensification of use by the service tunnel under the bypass. To the west of the site lies SASA, the Scottish Government Headquarters for Science and Advice for Scottish Agriculture.

SASA have objected to the proposal on the grounds that the presence of a large scale housing development adjacent to the Scottish Ministers' site would pose a threat to the integrity of the work being carried out. The greenbelt location currently provides a high degree of bio-security necessary for the scientific work being carried out. SASA's land needs to be protected from breaches to plant health condition through substantial pressure from walkers, domestic pets adversely affecting crop trails, litter and surface water run-off associated with sub-urbanisation.

The occupier of the Gogar Park Banking HQ has objected on matters of traffic impact and accessibility and the impact upon its headquarters. It has raised concerns in respect of staff safety when accessing work, particularly by bicycle on Gogar Station Road. The northern access to the site requires traffic signal equipment to be sited on bank's land.

It is therefore recommended that, should Committee be minded to grant Planning Permission in Principle, details of the design, siting and layout of buildings should be carefully considered through a masterplan at the detailed application stage, with the use of appropriate landscaping and noise buffers where appropriate to ensure minimal impact upon neighbouring residents. Detailed conditions to protect amenity will be required such as details of siting, design, layout, Daylight Privacy and Sunlight and hours of operation and service delivery to the local centre.

m) whether the proposal provides adequate amenity for future residents

The application is accompanied by a Design and Access Statement which was updated in November 2015.

The application is accompanied by a Noise Impact Assessment which has been undertaken to evaluate the suitability of the site for residential development. The assessment starts with baseline noise levels and assesses the impact of construction noise and development related traffic. The assessment has been undertaken for an empty site as is the existing position.

Daytime and night time baseline noise surveys were conducted across the site in June and July 2015. The main noise sources were identified as the A720 city bypass, the A8 to the north of the site and the railway line to the south. Commercial/industrial noise was identified during the daytime from the neighbouring scrap metal yard.

The noise report advises that the future buildings on the site will assist in noise attenuation by providing a noise barrier. However, full details will need to be assessed at the detailed design stage, taking account of height and layout, and it is not possible to confirm this assertion at this stage in the planning process.

The noise report advises that, with the assistance of double glazed windows, the World Health Organisation internal guidance of 35dB LAeq for living areas is likely to be achieved within prospective residential properties. Building layouts and gardens could be sympathetically designed and orientated such as to orientate living spaces and bedrooms away from noise sources. It is predicated that acoustic barriers would be required, as planting alone will not mitigate against the level of noise.

The EIA non-technical summary, recommends that all mitigation measures be incorporated into a noise reduction scheme, to be submitted and approved by the planning authority prior to the commencement of development within the site. Such a scheme would provide full details of all mitigation measures (e.g. acoustic barriers, construction materials, ventilation provision etc.) and would include assessment of the effectiveness of these measures through further measurements, calculation and/or modelling as required.

With respect to noise through the construction phases, the noise report recommends suitable planning and best mitigation measures to ensure that noise levels associated with construction activities remain below guideline limits.

An assessment of development related traffic has predicted a significant increase in road traffic on Gogar Station Road, causing increased noise levels. The report concludes that longer term increases in traffic flows are predicted to be below guideline levels when evaluated over a 15 year period.

Contrary to the studies submitted in support of the development proposal, Environmental Assessment advises that it is unable to support the application for residential in principle, given the proximity to the scrap metal yard where crushing frequently occurs and the noise from the major road and railways bounding the site. In this regard, and in the absence of detailed layout and design that can influence technical studies to demonstrate that good living amenity can be created, it cannot be

guaranteed that a good level of amenity can be created for future occupants of the proposed residential development. In this regard the principle of residential development cannot be supported on this part of the site. Therefore a reduction in numbers may be necessary.

The addendum to the Design and Access statement highlights that additional noise attenuation measures will be required for a stretch of the Bypass to further protect the amenity of the proposed primary school. Measures such as noise barriers are generally not a good design solution particularly on such a substantial green field site. The visual impact of such measures cannot be fully assessed until the detailed application stage.

Conclusion

Environmental Assessment recommends that the site is not suitable for residential development, given the noise pollution from the neighbouring scrapyards and noise from the adjacent railway line. The proposal is therefore contrary to policy H5 of RWELP and policy DES 5 of LDP in that it will fail to create a residential environment which provides good amenity and maximise public transport links.

Should planning permission be granted it should be recognised that on site measures may be required to achieve a good level of residential amenity for the new residents. This could have an impact upon height and siting of dwellings and the site capacity.

n) the proposal has a satisfactory phasing plan

Given the scale of the development site, which is effectively a new neighbourhood, a detailed phasing plan is essential to achieve a satisfactory form of development delivering well designed and cohesive network of streets and spaces.

The application is accompanied by an indicative phasing plan however there is an absence of detailed information against which a section 75 legal agreement could be attached. A comprehensive detailed Masterplan would assist this process incorporating a detailed phasing plan.

It is considered that fundamental to the project is the decommissioning/relocation of the poultry farm and decontamination of that site and its surrounds. It is recommended by SEPA that the rerouting of the Gogar Burn should be carried out first, followed by the detailed road layout and infrastructure planting.

At the detailed application stage, a section 75 legal agreement would be required that indicates the proposed trigger points for each infrastructure requirement. Further studies will be required to identify for example, at what stage in the development that the new primary school needs to be fully operational.

Conclusion

It is concluded that the proposal is premature to the outcome of the LDP Reporter's findings and that further studies are required. However, should Committee be minded to grant planning permission in principle for this development a condition is required to ensure a detailed phasing plan is submitted.

o) the proposal meets the Edinburgh Standards for Sustainable Buildings

The applicant has submitted a sustainability statement in support of the application including a carbon reduction declaration. The proposal is for Planning Permission in Principle and with regards to Carbon reduction the applicant advises that further details will be provided at the detailed application stage. The applicants have advised they will achieve the 30% carbon reduction as per the 2010 Building Standards by increased insulation/building fabric low air infiltration.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run-off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria.

The proposal satisfies policy E1 of the Rural West Edinburgh Local Plan and policy Des 6 of the Edinburgh Local Development Plan.

p) other material planning issues

The Action Programme associated with the Proposed Local Development Plan was updated in May 2015 and is used to coordinate development proposals with the infrastructure and services needed to support them. The Action Programme explains that where multiple developments need to fund the delivery of strategic infrastructure actions, contribution zones have been established within which legal agreements will be used to secure developer contributions.

This site was not part of the LDP and therefore the Action Plan does not consider the detailed requirements should this site come forward for development.

Affordable Housing

The applicant is seeking planning permission in principle for up to 1500 homes. Should consent be granted 25% of these homes should be secured as affordable housing through a legal agreement. The applicant is in agreement with this requirement.

Education

In line with the new 'Developer Contributions and Affordable Housing' guidance, approved by the Planning Committee on 3 December 2015, a citywide 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 West Edinburgh Education Contribution Zone and the South West Edinburgh Education Contribution Zone. However, it is likely that if the application was assessed under the Contribution Zone approach it would contribute in its entirety to the West Edinburgh area. The assessment for this area still requires to be completed and final actions and contribution levels will be established following consideration of the Reporter's findings in relation to the Second Proposed Local Development Plan.

It is therefore recommended that any negotiation of developer contributions is delayed until this time.

However if the site was to be assessed on its own merits, without following the new approach outlined in the 'Developer Contributions and Affordable Housing' guidance, Communities and Families would require the developer to contribute the following:

- £10,783,133 (as at Q1 2015) to deliver a double stream primary school and 40/40 nursery;
- ha fully serviced and remediated primary school site (at location to be agreed with Communities and Families);
- £10,087,991 (as at Q1 2015) towards the costs of providing additional non-denominational secondary school accommodation (based on a proportion of the estimated costs of delivering an 800 capacity secondary school and securing a 4.2 hectare fully serviced and remediated site in West Edinburgh);
- £705,308 (as at Q1 2015) for a two-class RC primary school extension;
- £1,180,496 (as at Q1 2015) to provide additional RC secondary school accommodation;
- Note - all contributions, other than for land purchase, shall be index linked, based on the increase in the forecast BCIS All-in Tender Price Index from Q1 2015 to the date of payment; and
- Justification for additional education infrastructure to accommodate the pupils expected from development on this site is set out in the 'East of Milburn Tower Education Infrastructure Appraisal' (reported to Planning Committee on 14 May 2015) and the LDP Education Appraisal (June 2014).

The cost of the additional infrastructure is in line with the 'Developer Contributions and Affordable Housing' guidance.

The applicant has indicated that a new double stream primary school could be delivered on its development site. If planning permission is to be granted, Communities and Families would wish to discuss this with the applicant prior to the S75 being signed.

If the appropriate contribution is to be provided by the developer, Communities and Families does not object to the application in principle.

The applicant has indicated that they are content in principle with the approach set out above to developer contributions.

Contaminated Land

Whilst most of the site is arable farmland there are sources of contamination from previous uses such as the chicken farm on the south west of the site and surrounding uses such as the scrapyard 25m to the south and former railways goods yard to the south.

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 should be secured by condition.

q) the proposals have any equalities or human rights impacts.

The proposal is for planning permission in principle and the full impact of the proposal upon equalities and human rights will be considered at the AMC stage. The application is accompanied by a Design and Access Statement. The Statement advises that the proposal would be developed out in accordance with PAN78 on inclusive design and current building regulations on accessibility. This would not only apply to the buildings but also to the public realm, footpaths, facilities and open space within the new neighbourhood. Access would be provided to the existing and proposed public transport network and other community services throughout the area.

r) material representations or community council comments raise issues to be addressed.

Comments

- Housing delivery should follow the principles of LDP2, using brownfield sites first, addressed in section 3.3(a) and assertion agreed with.
- The inclusion of this site should result in the removal of alternative sites, addressed in section 3.3 (b) and found that proposal is premature to finding of LDP Examination and the allocation of this site will not exclude the other sites to be agreed by the Reporter.

Objections

- SESPlan policies provide no support for the release of this site for housing at this time - assessed in section 3.3(a) and found that the proposal contrary to policy.
- The proposal is contrary to the Local Edinburgh Development Plan. It was discussed and rejected under the name "Edinburgh Garden District" during the LDP consultation phase - assessed in section 3.3(a) and that the found proposal contrary to LDP2.
- Brownfield sites should be promoted for development, not greenbelt sites. The developer has not demonstrated that the proposed 1500 houses cannot be built on already identified brownfield sites within the city- assessed in section 3.3(a) and found proposal contrary to RWELP policy E5 Greenbelt policy.
- This part of the greenbelt is prime agricultural land, assessed in section 3.3(a) and found proposal contrary to RWELP policy E7, Protection of Prime Agricultural Land and found that the proposal will use up prime agricultural land.

- The proposal conflicts with Government environmental awareness and green policies- assessed in section 3.3(a) and found that the proposal will not result in a sustainable development.
- South East Scotland Strategic Development Plan's Spatial Strategy identifies West Edinburgh as one of four Strategic Development Areas within the Regional Core, with an emphasis on maintaining and developing its established role as the capital city. The RBS World Headquarters are strategically placed at the heart of this- assessed in section 3.3 (l) and found that the proposal will impact upon neighbouring uses.
- Granting permission in this site would risk the delivery of allocated sites in the Proposed Plan - assessed in section 3.3(b) and found that the proposal is premature to the Reporters findings on the LDP housing allocation.
- This part of the greenbelt is an invaluable and irreplaceable buffer between the countryside and city. This would be a serious breach of the Edinburgh Green Belt, will undermine its effectiveness, openness and landscape character. Proposal will set a precedent all around the ring road green areas -assessed in section 3.3(g) and found that the proposal would diminish the legibility of the urban edge.
- Site provides an open vista to Pentland Hills from the A8 entry to the City and a highly visible and attractive frame for the historic capital City- assessed in section 3.3 (g) and found that the proposal would have an adverse affect on the open character of the area that contributes to the setting of the City.
- Site abounds an Area of Outstanding landscape Quality - assessed in section 3.3 (g) and found that the loss of the rural open agricultural character would damage this Special Landscape Area.
- In conjunction with the Garden District proposal the proposal will urbanise West Edinburgh Green Belt - assessed in section 3.3 (g) and found that cumulatively with developments proposed at Cammo, Maybury and IBG there will be a cumulative loss of 295 hectares of greenbelt.
- Development fails to protect the setting of the category B listed Millburn Tower and associated designed landscape - assessed in section 3.3 (e) and concludes that further landscape buffer will be required to protect the Inventory Garden of Millburn Tower.
- Any new greenbelt boundary would not compare favourably with the robust existing green belt boundaries along the City Bypass - assessed in section 3.3(g) and found the existing greenbelt boundary to be physically robust and concurs with representation.
- Flooding issues associated with the Gogar Burn - controlled by the large soak away on the planning application site. The problem would be made worse by the proposed development- assessed in section 3.3(d) and found that SEPA will support the proposal if appropriate land is provided for flood storage measures and further modelling is carried out at the detailed application stage.
- Health hazard of proximity to neighbouring poultry farm - assessed in section 3.3 (j) and found that the poultry farm would need to be decommissioned prior to the occupation of the first dwelling house on the site.
- Noise and traffic pollution - assessed in section 3.3 (j) and (m) and found that an unsatisfactory living environment would be created.
- Technical problems relating to flooding and potential bird strike - assessed in section 3.3(d) and (h) and found that CAA would need to oversee detailed landscape plans.

- In order to assess the environmental impact of the application the entire Masterplan for the Garden District needs to be taken into account - assessed in section 3.3(a) and (c) and found that the Reporters' finding to the LDP housing allocations is necessary prior to determination of the proposal.
- More recreational opportunities are to be encouraged - assessed in section 3.3(f) and found that a detailed Masterplan would be required to fully assess the open space requirement of the proposal.
- Traffic increase and congestion - assessed in section 3.3 (c) and found that there would be impacts resulting from the development.
- Road infrastructure is over capacity - assessed in 3.3 (c) and found that Transport Scotland raise no objection, however that the Report for the examination to the LDP is awaited.
- Major road infrastructure works are required prior to any further development in this locality - assessed in section 3.3(c) and found that the LDP examination into cumulative effect of all proposed and committed development is essential to inform the LDP Action Plan.
- Pressure on traffic infrastructure will push out to the A70 Calder Road via Lanark Road through Juniper Green, Currie and Balerno - assessed in 3.3(c) and found there would be impacts.
- Possible disruption to access to RBS Headquarters and Edinburgh Airport, assessed in section 3.3(c) and found that the LDP examination into cumulative effect of all proposed and committed development is essential to inform the LDP Action Plan.
- The proposal doesn't include the cumulative impact of RBS Headquarters moving 4000 employees to Gogar within future traffic projections. Transport assessment doesn't include further committed development. Over 500 members of RBS cycle to work- assessed in section 3.3 (c) and found that further modelling is being carried out at the time of writing and that a future Masterplan could accommodate a cycle route through the development site.
- Impact on cyclist and pedestrian safety - assessed in 3.3(c) and found that the designated Rights of Way will be retained across the site and that cycle links could be incorporated through the site at the detailed application stage, subject to careful master planning.
- The development would not contribute to sustainable development as it is remote from the City and poorly located for public transport, walking and cycling links - assessed in section 3.3(c) and (f) and found that the bypass forms a physical barrier to the transportation connection to the City.
- The proposal will have a cumulative adverse effect on West Edinburgh transport network - assessed in section 3.3 (c) and found that Transport Scotland raised no objection to the proposed level of development.
- Gogar Station Road has recently been resurfaced with lanes for cyclists - assessed in section 3.3(c) and found that the site could accommodate dedicated cycle paths through the detailed application stage.
- Cumulative impact of traffic with the International Business Gateway - assessed in section 3.3(c) and found that the LDP examination into cumulative effect of all proposed and committed development is essential to inform the LDP Action Plan.
- The proposal will have a detrimental impact upon surrounding rural roads such as Gogar Station Road, Gogarbank, Addiston Farm Road, Roddinglaw which have no street lighting, very narrow in some places 5metres - assessed in

section 3.3(c) and found that upgrading of these roads would be required and that their rural character would change.

- 60 mph limits, no or inadequate pavements- assessed in section 3.3(c) and found that upgrading of these roads would be required.
- Discrepancies in Transport Assessment - assessed in section 3.3(c) and found that further studies will be required.
- Concerns regarding construction traffic movement - assessed in section 3.3(c) and found that a detailed construction plan would be required at the detailed application stage.
- Proposal doesn't take on the recommendations in the LDP Transport Appraisal - assessed in section 3.3(b) and (c) and concludes that the proposal is premature.
- All motor traffic should access the site from the Gogar roundabout, leave Gogar Station Road untouched- assessed in 3.3(c) and found that there is hazard consultation zone around the south western side of the roundabout.
- Concern re travel to school routes - assessed in section 3.3(c) and found that the use of the existing under-passes for a bus route could conflict with the existing pedestrian and cycle routes. Safe routes would need to be developed through a detailed Masterplan.
- Proposal will impact on the efficient operation of Edinburgh Park - in relation to impact on key infrastructure, roads and key junctions - assessed in 3.3(c) and found there would be impacts on the road network.
- Objection to the use of the under-pass for bus access to Edinburgh Park - assessed in 3.3 (c) and found that if Committee is minded to grant permission, a legal agreement should be required to secure an appropriate transport measures.
- Impact on local biodiversity; badgers/deer/birds/bats - assessed in section 3.3(i) and found that the site is of limited ecological value and that impact on local biodiversity could be mitigated.
- Tree felling has begun destroying habitats. Tree felling should have been done after tree surveys and not before- assessed in section 3.3(h) and found that the boundary tree belt does not have protected status, however conditions will be required should planning application in principle be granted to ensure their protection throughout works.
- The Dr Surgery is already full - assessed in section 3.3(f) and found that a detailed assessment of community facility requirements should be undertaken should the proposal progress to detailed stage.
- The proposal doesn't consider the need for a secondary school - assessed in section 3.3(p) and found that a detailed study of all allocated and forthcoming sites in West Edinburgh is required inform the need for a secondary school, the application is therefore premature.
- The proposal does not demonstrate that they will be able to provide the necessary education infrastructure, lack of information in respect of primary school regarding site selection and delivery - assessed in section 3.3(p) and found that further liaison would be required with the Council's Education service should the development progress to detailed stage.
- A new catchment area will be required if a new school is introduced - addressed in section 3.3(p) and found that further liaison would be required with the Council's Education service.
- There is lack of information on the plans - addressed in section 3.3 (f) and recommended that a condition be attached to secure a detailed Masterplan.

- The proposal lacks playing fields, small workshops, every day facilities required of a new town - addressed in section 3.3(f) and recommended that this would need to be explored through a detailed Masterplan.
- The proposal promotes 25% affordable housing but current demand is approx 64% of housing land - addressed in section 3.3(p) and found that the proposal reflects current Government Policy on affordable housing.
- The site is in a remote location isolated from shops, schools
- and employment locations. Residents will be heavily reliant upon cars to access facilities outwith the site- assessed in section 3.3(c) and found that the proposal is physically disconnected from Edinburgh Park and The Gyle.
- The application does not include a phasing plan as to how infrastructure will be delivered parallel to housing completions - assessed in section 3.3(n) and found that a legal agreement would be required including, a detailed Masterplan with a phasing plan. Further work would be required to identify trigger points for the infrastructure elements of the proposal.

Non Material Planning Objections

- Dissatisfaction with public consultation/neighbour notification exercise which was misleading and related to the Garden District proposal - assessed in section 8.2 and found that the correct procedure was followed.
- The northern access requires traffic signal equipment to be positioned on land outwith the applicant's ownership, issue of physical delivery of the project - assessed in section 3.3(c) and found that a third party agreement will be required.

Conclusion

The proposed residential development with local retail centre, community facilities and green network would provide 1350 dwellings in the west of the city, at a time when there is an identified need for new housing.

The proposed Edinburgh Local Development (LDP) is currently under examination with the examination report expected by mid to late June 2016. As noted by Planning Committee in May 2015, this report will be binding on the Council. The applicant has made representations to the examination process which promote this site for development. Therefore, the merits of this site are being considered alongside those allocated in the proposed LDP by the reporter.

Notwithstanding that the LDP examination report is expected shortly, a decision is sought by the applicant at this time. It is a requirement of planning legislation that decisions on planning applications are provided. Therefore this report is brought forward to enable a decision to be made. It should be noted that if members are minded to grant planning permission, the Scottish Ministers require that the application be notified to them. This is in view of the proposed development's potential effects on the statutory work undertaken by the adjacent Science and Advice for Scottish Agriculture (SASA) establishment.

The application is for planning permission in principle, and so, if planning permission in principle were to be granted, the site would be subject to AMC applications. The application is supported by a range of information which enables assessments to be made of impacts and likely impacts of the development. In respect of matters such as flood prevention, impact on listed buildings, density, location of services, affordable housing, impacts on views, biodiversity, archaeology, neighbouring amenity and future amenity and phasing the proposal would be acceptable subject, to appropriate conditions and / or approvals at AMC stage. In relation to this, it should be noted that the impacts of some site constraints, such as noise, flood prevention and landscape, may mean that the area that can be developed could be smaller than that currently proposed by the applicant.

The Edinburgh Green Belt has been in place since 1957 and has helped shape the development strategy for Edinburgh and the Lothians. It has successfully contained urban areas and maintained their separation. Development on this site would undermine the greenbelt effectiveness and the loss of the rural open character to urban character would damage this candidate Special Landscape Area. The proposed development is therefore contrary 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 and mixed use developments is not supported by the Second Proposed Local Development Plan (ELDP) and is contrary to the provisions of ELDP Policy ENV10: Development in the Green Belt and Countryside.

There is a five year effective housing land supply. 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 sites in the proposed LDP but not the application site. This means that the site is not required to meet housing land need.

The applicant argues the site contributes to sustainable development because it is located next to a number of bus, train and tram stops and proximity to existing employment areas (Edinburgh Park) and retail centre (the Gyle Shopping Centre). On plan this would appear to be the case. There are major barriers to these facilities however, in the form of the A8 and the City Bypass. These mean that the site is not well connected for pedestrians or cyclists. Pedestrians would have to use underpasses under the Bypass to get to Edinburgh Park. These would not create a safe and pleasant place.

A signification portion of the measures identified by the East of Millburn Transport Appraisal are not included with the application. The applicant has indicated an unwillingness to enter into an agreement to secure a bridge over the Bypass for example. The lack of measures necessary to mitigate transport impacts, particularly those that promote active travel and public transport use, means that the development will result in an unacceptable level of car use. The development would be contrary to the Council's Local Transport Strategy with respect to new development (Para 8.5). It would fail to accord with SPP's guiding principles and would not contribute to sustainable development. Additional vehicular traffic would be likely to worsen air quality within the area.

As noted above, in relation to the Local Development Plan, the outcome of the examination process is awaited. In May 2015, the Planning Committee amended the proposed response to the LDP examination via a decision known as the Capital Coalition Motion. This stated that the "Council sees merit in the representation promoting the land within the West Edinburgh Strategic Development Area known as East of Millburn Tower as a housing allocation and note that it has a potential capacity of 1320 units". It was advised that the land East of Millburn Tower could be allocated in lieu of/ or to take capacity of other proposed Local Development Plan Sites.

Full details of the motion can be viewed at:

http://www.edinburgh.gov.uk/download/meetings/id/47112/capital_coalition_motion

The Motion, while seeing the merit in the site, did not result in the site being included in the proposed LDP.

The granting of planning permission in this instance would prejudice the emerging local development plan. The development proposed is so substantial, and its cumulative impacts so significant, that the grant of planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan. In this instance 'prematurity', as is the case at Cammo Walk and Craigs Road, is considered relevant, particularly so given that the report of examination in to the Second Proposed LDP is due to be published by mid to late June 2016.

The granting of planning permission in principle for this site does not prevent the examination report from excluding this site from the Local Development Plan. At the same time, the examination report could include all the sites currently included with the proposed LDP. If this were to happen, there would be no substitution of sites as put forward in the Coalition Motion. This means there would be a cumulative impact on the city's infrastructure over and above that required for its effective growth. In short, this could mean more traffic than necessary on nearby roads and additional pressure on the education infrastructure.

In summary, the development is significantly contrary to the development plan, particularly in respect of green belt. The site is not needed to contribute to the five year effective housing land supply. The transport impacts of the development are not adequately resolved, meaning that the occupants of the development may be car dependent and there would be adverse impacts on the existing transport infrastructure in the area, for example, because of more congestion. The development would be prejudicial to the examination report of the Edinburgh Local Development Plan and is, as a result, premature.

It is recommended that this application be Refused subject to referral to Council for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Strategic Development Plan policy 7 in that the proposal will not be in keeping with the rural character of the area and will undermine the green belt objectives.
2. The proposal is contrary to Rural West Edinburgh Local Plan Policy E5 in respect of Development in GB/Countryside restriction, as it will result in a non conforming use.
3. The proposal is contrary to Rural West Edinburgh Local Plan Policy E7 in respect of development on prime agricultural land as it will result in the loss of a finite natural resource.
4. The proposal is contrary to Rural West Edinburgh Local Plan Policy TRA1 in respect of mode of access, as the proposal has poor connectivity to public transport network.
5. The proposal is contrary to the Second Proposed Local Development Plan Policy Env 11 in respect of Special Landscape Areas, as the proposal will result in a change of the rural character of this special landscape area.
6. The proposal is contrary to the Second Proposed Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as it will result in a non conforming use in the green belt.
7. The proposal is contrary to Rural West Edinburgh Local Plan Policy TRA2 in respect of capacity of road network, as the occupants of the development will be car reliant.
8. The proposal is contrary to Rural West Edinburgh Local Plan Policy E8 as it will affect the setting of Areas of Outstanding Landscape Quality and will impact on the long views to the Pentlands designated Area of Great Landscape Value.
9. 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.

Informatives

It should be noted that:

1. Prior to a decision notice being issued, this application shall be notified to Scottish Ministers.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

The application site forms part of a larger area under the control of Murray Estates known as "Edinburgh's Garden District".

A Proposal of Application (13/04911/PAN) was submitted to Edinburgh City Council and approved on 27 November 2013 in respect of the larger site Garden District Site. The development description was for Residential development, horticultural visitor and education centre (the Calyx), new schools, community facilities, local retail facilities, local Class 2 and Class 3, Class 4, Class 10, Class 11, conference centre, hotel, a sports stadium/arena, sporting facilities, construction training centre, sustainable energy centre, green network, transport links, canal related uses and infrastructure.

The PAN application proposed a major master-planned development site extending to 263 ha. It would include 3500-4000 new homes (25% of which would be affordable), a 18ha garden and visitor centre, indoor and outdoor sporting facilities and the erection of a hotel with ground floor mixed uses and ancillary supporting infrastructure.

The PAN set out a proposed programme of pre-application consultation. A copy was sent to the following organisations;

Community Councils

- Wester Hailes
- Balerno
- Ratho and District

- Colinton Amenity Association
- Currie
- Sighthill
- Corstorphine
- Cramond and Barnton
- Juniper Green

Neighbourhood Partnerships

- Pentlands
- West Edinburgh
- South West Edinburgh
- Almond

Ward Councillors

- Almond
- Pentland Hills
- Sighthill/Gorgie
- Corstorphine
- Drumbrae/Gyle

Public Exhibition

Five public consultations were undertaken in January 2014 in respect of the larger Garden District site. The details and feedback are set out in the Pre Application Consultation Report September 2015. This is available to view on the Planning and Building Standards Online Services.

It is noted that the consultation exercise was carried out in respect of the larger Garden District site and not the application site. Thus comments received at pre application stage such as " A number of people stated that they supported the scale of the development and preferred the cohesive, masterplan approach proposed, rather than piecemeal developments on the edge of overdeveloped communities" should be read in the context of the wider PAN proposal.

A pre-application report on the Garden District proposals was presented to the Committee on 30 April 2014. The Committee noted the key issues at that stage in the process.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 9 October 2015 with 28 days for comment being awarded given the accompanying EIA. An addendum was submitted to the EIA and this was advertised on 27 November 2015. 45 Letters of representation have been received, 2 letters of support, 2 letters of comment and 41 letters of objection. It should be noted that those who made representations to the original planning application were notified of the addendum to the Transport Assessment on 24 March 2016 with 21 days for comments ending on 14 April 2016. Two further letters of representation were received, these upheld their objections to the proposal.

The reasons for support from Balerno Community Council, and Crammond and Barnton Community Council are summarised as follows

- The site has good existing infrastructure
- The site has good transport links
- The site is near to areas of employment
- The site is in close proximity to shopping facilities
- The proposal is a well planned and well integrated development
- The proposal incorporates a local centre, green space, school, community facilities and transport linkages
- The proposal allows for scope for further development building on existing and proposed infrastructure; in contrast to the 'bolt on' greenbelt housing proposals currently featuring within LDP2, which lack such an integrated approach to settlement development.
- The proposal will reduce pressure to grant the highly contentious development on Cammo Fields

Juniper Green Community Council - no objection subject to:

- In accordance with LDP2 - using brownfield sites first
- Connection routes
- Road capacity
- Removal of other sites in LDP 2- HSG 31, HSG 36, HSG 37, and Pilmuir
- Creation of a robust new Green Belt boundary on the western perimeter of the site.

Currie Community Council object, in summary

- Contrary to the Local Development Plan
- Traffic access/egress inadequate
- Traffic report not credible
- Brown field sites should be developed before greenbelt sites
- Development on class 2 arable land

The main reason for objection to the proposal are summarised as follows;

Contrary to Planning Policy

- The proposal is contrary to the Local Edinburgh Development Plan. It was discussed and rejected under the name "Edinburgh Garden District" during the LDP consultation phase.
- SESPlan policies provide no support for the release of this site for housing at this time.
- Brownfield sites should be promoted for development, not greenbelt sites.
- This part of the greenbelt is an invaluable and irreplaceable buffer between the countryside and city.
- This part of the greenbelt is prime agricultural land - Class 2
- The proposal conflicts with Government environmental awareness and green policies.
- The developer has not demonstrated that the proposed 1500 houses cannot be built on already identified brownfield sites within the city.

- This site is not required to meet Edinburgh's housing land requirement, with other sites having already been identified in the Edinburgh Local Development Plan.
- More recreational opportunities are to be encouraged
- Serious breach of the Edinburgh Green Belt, will undermine its effectiveness, openness and landscape character.
- South East Scotland Strategic Development Plan's Spatial Strategy identifies West Edinburgh as one of four Strategic Development Areas within the Regional Core, with an emphasis on maintaining and developing its established role as the capital city. The RBS World Headquarters are strategically placed at the heart of this.
- Granting permission in this site would risk the delivery of allocated sites in the Proposed Plan.

Visual Impact

- Site provides an open vista to Pentland Hills from the A8 entry to the City and a highly visible and attractive frame for the historic capital City.
- Site abounds an Area of Outstanding landscape Quality.
- In conjunction with the Garden District proposal the proposal will urbanise West Edinburgh Green Belt.
- Proposal will set a precedent all around the ring road green areas.
- Development fails to protect the setting of the category B listed Millburn Tower and associated designed landscape
- Any new greenbelt boundary would not compare favourably with the robust existing green belt boundaries along the City by Pass.

Environmental Impact

- There are flooding issues associated with the Gogar Burn - controlled by the large soak away on the planning application site. The problem would be made worse by the proposed development. Flood prevention measures to be incorporated.
- Health hazard of proximity to neighbouring poultry farm
- Noise and traffic pollution
- Technical problems relating to flooding and potential bird strike
- In order to assess the environmental impact of the application the entire masterplan for the Garden District needs to be taken into account.

Highway Impact

- Traffic increase and congestion
- Road infrastructure is over capacity
- Major road infrastructure works are required prior to any further development in this locality.
- Pressure on traffic infrastructure will push out to the A70 Calder Road via Lanark Road through Juniper Green, Currie and Balerno
- Possible disruption to access to RBS Headquarters and Edinburgh Airport

- The proposal doesn't include the cumulative impact of RBS Headquarters moving 4000 employees to Gogar within future traffic projections. Transport assessment doesn't include further committed development.
- Over 500 members of RBS cycle to work
- Impact on cyclist and pedestrian safety
- The development would not contribute to sustainable development as it is remote from the City and poorly located for public transport, walking and cycling links
- The proposal will have a cumulative adverse effect on West Edinburgh transport network
- Gogar Station Road has recently been resurfaced with lanes for cyclists
- Cumulative impact of traffic with the International Business Gateway
- The proposal will have a detrimental impact upon surrounding rural roads such as Gogar Station Road, Gogarbank, Addiston Farm Road, Roddinglaw which have no street lighting, very narrow in some places 5metres.
- 60 mph limits, no or inadequate pavements.
- Discrepancies in Transport Assessment
- Concerns re construction traffic movement
- Proposal doesn't take on the recommendations in the LDP Transport Appraisal
- All motor traffic should access the site from the Gogar roundabout, leave Gogar Station Road untouched.
- Concern re travel to school routes
- Proposal will impact on the efficient operation of Edinburgh Park - in relation to impact on key infrastructure, roads and key junctions.
- Objection to the use of the underpass for bus access to Edinburgh Park

Biodiversity

- Impact on local biodiversity; badgers/deer/birds/bats
- Tree felling has begun destroying habitats
- Tree felling should have been done after tree surveys and not before
- Bat survey was done after the tree felling which is wrong

Impact on Community Facilities

- Dr Surgery is already full
- The proposal doesn't consider the need for a secondary school
- Proposal does not demonstrate that they will be able to provide the necessary education infrastructure, lack of information in respect of primary school regarding site selection and delivery.
- A new catchment area will be required if a new school is introduced
- Lack of information on the plans
- Lack of playing fields, small workshops, and every day facilities required of a new town
- Proposal promotes 25% affordable housing but current demand is approx 64% of housing land
- The site is in a remote location isolated from shops, schools and employment locations. Residents will be heavily reliant upon cars to access facilities outwith the site.
- The application does not include a phasing plan as to how infrastructure will be delivered parallel to housing completions

Non Material Planning Objections

- Dissatisfaction with public consultation/neighbour notification exercise
- The northern access requires traffic signal equipment to be positioned on land outwith the applicant's ownership, issue of physical delivery of the project.

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

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**

This site is in Green Belt within the adopted Rural West Edinburgh Local Plan (RWELP) and proposed Edinburgh Local Development Plan (LDP).

Part of the site is an Area of Importance for Flood Control in the RWELP and an Area of Importance for Flood Management in the LDP.

Part of the site is identified as a Site of Importance for Nature Conservation in the RWELP and a Local Nature Conservation Site in the LDP.

In the LDP It is identified as part of the Special Landscape Area of Gogar.

Date registered

21 September 2015

Drawing numbers/Scheme

01, 02 and 03.,

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Jennifer Paton, Senior Planning Officer
E-mail: jennifer.paton@edinburgh.gov.uk Tel: 0131 529 6473

Links-Policies

Relevant Policies:

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 E2 states that development proposals affecting Air Quality Management Areas (AQMA's) should not impede the achievement of National Air Quality Objectives.

Policy E3 encourages all new development proposals to incorporate features in their design and layout to maximise energy efficiency and minimise waste.

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 E8 states that development will not be permitted where it would adversely affect the special scenic qualities and integrity of the area of Great Landscape Value or Areas of Outstanding Landscape Quality. These landscape features include: the patterns of woodland, fields, hedgerows and trees; the special qualities of rivers and lochs; and skylines and hill features, including prominent views.

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 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 E19 encourages sympathetic management of Sites of Interest for Nature Conservation (SINCs) and the creation of new habitats.

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 E23 says that in the Green Belt and countryside policy areas, development, improvement or extension of outdoor recreational and sporting facilities will only be supported in certain circumstances.

Policy E27 encourages and supports a number of measures for the protection and enhancement of the recreational potential of the River Almond, Water of Leith and their tributaries.

Policy E30 says that any planning application affecting a site of archaeological significance will require an archaeological field evaluation to be undertaken in consultation with the Council's Archaeologist.

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 E32 seeks to ensure that proposals affecting a listed building will be considered for their effect on the character of the building. The restoration of architectural character will be an overriding consideration. Alterations will only be permitted where they respect the architectural integrity of the building.

Policy E34 says that to protect the setting and character of development in the grounds of listed country houses, development in their grounds will only be permitted where the relationship of the original buildings to the policies is not compromised.

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 E50 supports public art which enhances the main approaches to the city, buildings and spaces and which contributes to the visual interest and quality of the public environment.

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 H6 says that development which would significantly damage residential amenity will not be permitted in residential areas within the defined settlement boundary.

Policy H7 states that planning permission for residential development, including conversions, consisting of 12 or more units, should include provision for affordable housing amounting to 25% of the total number of units proposed.

Policy H9 says that the Council will encourage and promote developments designed to increase the range and type of housing available within the local plan area.

Policy H11 states that the Council will support the retention of existing community facilities where there is a proven need and no suitable replacement facilities are available.

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 TRA4 says that development proposals should make specific provision for the needs of cyclists and pedestrians and provide convenient and safe access to existing or proposed networks where practicable.

Policy R4 says that proposals for retail development which would serve a catchment area extending significantly beyond Rural West Edinburgh, will not be permitted.

Relevant policies of the Proposed Local Development Plan.

Second Proposed LDP Policy Del 1 (Developer Contributions) identifies the circumstances in which developer contributions will be required.

Second Proposed LDP Policy Del 2 (Retrospective Developer Contributions) identifies developer contributions will be sought for the tram network and other infrastructure identified in the Action Programme.

Second Proposed LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Second Proposed LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

Second Proposed LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

Second Proposed LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

Second Proposed LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

Second Proposed LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

Second Proposed LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

Second Proposed LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

Second Proposed LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

Second Proposed LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

Second Proposed LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Second Proposed LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

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

Second Proposed LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Second Proposed LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

Second Proposed LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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

Second Proposed LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Second Proposed LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

Second Proposed LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Second Proposed LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Second Proposed LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Second Proposed LDP Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the plan.

Second Proposed LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

Second Proposed LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

Second Proposed LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

Second Proposed LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Second Proposed LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

Second Proposed LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Second Proposed LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Second Proposed LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Second Proposed LDP Policy Tra 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

Second Proposed LDP Policy Tra 8 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Second Proposed LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Second Proposed LDP Policy Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

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.

Appendix 1

Application for Planning Permission in Principle 15/04318/PPP

**At Land 1000 Metres NW SW And West Of Hermiston
Junction M8, Gogar Station Road, Edinburgh
Proposed residential development, local centre (including
Class 1, Class 2 and Class 3 uses), community facilities
(including primary school and open space), green network,
transport links, infrastructure, ancillary development and
demolition of buildings.**

Consultations

City Strategy and Economy comment

Edinburgh's economic strategy, "A Strategy for Jobs 2012-17" aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.

Commentary on existing uses

The site is a 54 hectare piece of open land bounded by the A8 to the northeast, the A720 to the east, a railway line to the south, the M8 to the south, Gogar Station Road to the southwest and the Gogar Burn to the northwest. The Gogar Burns runs across the site at both the far north and far south.

The land, which is designated by the emerging Local Development Plan as part of the green belt and as an area of importance for flood management, currently comprises approximately 44 hectares of arable land used for the growing of cereal crops and a 10 hectare poultry farm (the Gogarburn Broiler Farm).

Per the "Economic Report on Scottish Agriculture 2015", in 2014, cereal farms in Scotland supported, on average, a farm gate value of £620 per hectare per annum and a standard labour requirement of 0.01 jobs per hectare, while poultry farms supported, on average, a farm gate value of £10,982 per hectare per annum and a standard labour requirement 0.07 jobs per hectare. This indicates that the land could, if fully utilised, be expected to support a total farm gate value of £137,100 per annum and a standard labour requirement equivalent to 1 full-time equivalent job.

The site is in close proximity to Edinburgh Park Business Park to the east and to the Royal Bank of Scotland headquarters complex and business school at Gogarburn to the northwest, albeit the sites are separated by the A720 and the Gogar Burn.

Commentary on proposed uses

Shops/financial & professional/food and drink (class 1/2/3)

The proposed development would deliver 1,860m² of class 1/2/3 space (gross), comprising a new neighbourhood centre. The variety of uses makes assessing the likely jobs impact of this element of the proposed development challenging. Given average employment densities, a lower-end figure of 78 full-time equivalent jobs if fully let is thought to be realistic (assuming 1,488m² of net internal floorspace, fully let). This could be expected to support a further 26 jobs throughout Scotland via multiplier effects.

It is estimated that the neighbourhood centre would directly support approximately £2.3 million of gross value added per annum (2013 prices) and a further £1.1 million throughout Scotland via multiplier effects.

Given average household expenditure levels, a development of 1,500 residential units could, if fully occupied, be expected to generate £30.3 million of additional household expenditure per annum. This would include £10.7 million of expenditure on items that could reasonably be expected to mainly be purchased locally (defined here as food and drink; household goods and services; personal care products; newspapers, books and stationery; medical products; clothing and footwear; and minor recreational items).

In 2014, sales densities (sales per unit of floor-space per year) for UK supermarkets averaged £1,150 per sq ft (£12,379 per m²). This suggests that 1,860m² of retail space could, if fully occupied, be expected to turnover approximately £23.0 million per annum. This would suggest that the scale of the neighbourhood centre is larger than could be sustained by the new residential units alone. However, it is recognised that some of the units comprising the neighbourhood centre are likely to have significantly lower sales densities than supermarkets. Additionally, it is noted that the neighbourhood centre will also receive custom from the staff of the primary school and from workers in Edinburgh Park. It is noted that Edinburgh Park is already served by retail outlets at the Gyle and at Hermiston Gait so there is likely to be some degree of displacement as some workers currently shopping at these locations choose to visit the neighbourhood centre instead.

Residential (class 9)

The proposed development would deliver up to 1,500 residential units (with the exact number to be confirmed by subsequent applications). This would in turn deliver up to 376 affordable units via the Affordable Housing Policy.

Given average household expenditure levels, a development of 1,500 residential units could, if fully occupied, be expected to generate £30.3 million of additional household expenditure per annum. As noted above, some of this additional expenditure can be expected to be made within the neighbourhood centre.

Non residential institutions (class 10)

The proposed development would deliver a 5,000m² primary school. Based on typical staff-to-floorspace ratios, a primary school of this scale could be expected to employ approximately 25 teachers, along with a similar number of support staff. This could be expected to support a further 13 jobs throughout Scotland via multiplier effects.

It is estimated that the primary school would directly support approximately £0.9 million of gross value added per annum (2013 prices) and a further £0.4 million throughout Scotland via multiplier effects.

Sundry

The development occupies a strategic location between the major office developments of Edinburgh Park and RBS Gogarburn and proximate to Edinburgh Airport, Edinburgh Park rail station and tram halt and Gogarburn tram halt. It could therefore be considered that it would be appropriate to expect an element of class 4 space on the site. However, it is recognised that there is 16,000m² of un-let office space within Edinburgh Park and that additional space is scheduled to be delivered within the International Business Gateway development to the north, meaning the development of new office space on a speculative basis is unlikely to be commercially attractive in this location.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would, if fully occupied, directly deliver approximately 128 jobs on site plus a further 39 jobs throughout Scotland via multiplier effects, giving a total impact of approximately 167 jobs. By comparison, it is calculated that the existing agricultural uses could support approximately 1 full-time equivalent job if fully utilised.

It is estimated that the development would, if fully occupied, directly support £3.2 million of gross value added per annum on site (2013 prices) plus a further £1.5 million throughout Scotland via multiplier effects, giving a total impact of approximately £4.7 million per annum. By comparison, it is calculated that the current uses of the site could be expected to generate a farm gate value of approximately £0.1 million per annum if fully utilised.

The development is therefore expected to significantly increase the jobs and economic output associated with the site, as well as providing up to 1,500 new homes and a primary school.

The majority of the new jobs and gross value added are expected to be net additional. However, it is anticipated that there will be an element of displacement from the Gyle shopping centre and Hermiston Gait retail park as some workers from Edinburgh Park currently spending money at these locations choose to instead spend money at the new neighbourhood centre.

The proximity of the site to Edinburgh Park and RBS Gogarburn and to air and rail transport hubs suggests that the inclusion of an element of class 4 space within the development could be appropriate. However, it is recognised that new speculative office development is unlikely to be commercially viable in this location at present given the competition from the existing vacant office units at Edinburgh Park and the planned office development at the International Business Gateway.

This response is made on behalf of City Strategy and Economy.

Police Scotland initial comment

We strongly recommended that the architect and client meet with a Police Architectural Liaison Officer to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Historic Environment Scotland comment

On 1 October 2015, Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014.

Consultations received by Historic Scotland before 1 October require a response direct from Scottish Ministers. This letter contains Scottish Ministers' comments for our historic environment interests in this context. That is world heritage sites, scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and battlefields on their respective Inventories. Your Council's archaeology and conservation advisors will be able to provide advice on matters including impacts on unscheduled archaeology and category B and C listed buildings.

Ministers have sought the advice of Historic Environment Scotland on the proposals and on the adequacy of the environmental statement. This advice is set out in the Annex below. While Ministers do not consider that the application raises such issues of national interest that they would raise a formal objection for their historic environment interests, we would refer you to Historic Environment Scotland's advice and the concerns they raise.

Annex:

Historic Environment Scotland's Advice

Having reviewed the Planning Application and Environmental Statement (ES), we recommend that mitigation measures are explored to lessen this impact upon the Milburn Tower Garden and Designed Landscape. However, Historic Environment Scotland does not consider that the proposals raise historic environment issues of national significance. Please contact Alasdair McKenzie on 0131 668 8924 or alasdair.mckenzie@gov.scot should you wish to discuss this advice.

Inventory Garden and Designed Landscape: Millburn Tower

The proposed development is located immediately to the east of the Millburn Tower designed landscape, which is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. An early 19th century informal landscape, it has outstanding historical value and high architectural and horticultural, arboricultural, and silvicultural value. Set on relatively flat ground and surrounded by extensive shelterbelts, it is an inward-looking designed landscape. We agree with assessment in the submitted ES that development to the east will have an impact on the designed landscape, altering the character of the surrounding landscape from agricultural to urban. We agree that this impact will not be significant. However we

would like to make the following recommendation to mitigate this impact on the designed landscape:

A small planted buffer is proposed along the west side of the development to further screen development from view from the designed landscape. However, we would recommend that this planted buffer is increased in size and planted with tree species appropriate to the designed landscape. This will help both screen new development in views from the estate and by using similar tree species, will help blend new housing into its landscape setting. Finally, we recommend that consideration is given to enhancing the proposed planting mitigation to ensure that views of the new development are screened in views on the approach into the designed landscape from the south, as illustrated in the submitted photomontage (Figure 11, viewpoint 3).

SEPA comment

We object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Sections 1, 2 and 3 below are adequately addressed.

This is an application for planning permission in principle. The issues we consider need to be addressed are principle issues and relate to flood risk, River Basin Management Planning and the Controlled Activities Regulations.

Before the principle of this proposed development can be established it is necessary for the applicant to demonstrate that it is compatible with the principles, for instance, of avoiding an increase in flood risk. To demonstrate this compatibility, we consider it is necessary for the applicant to provide in support of this application the further detail, information and assessment we identify below.

Advice for the planning authority

1. Flood Risk

1.1 *We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.*

1.2 *In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may wish to consider if this proposal falls within the scope of this Direction.*

1.3 *The proposal is for a mixed development on land east of Millburn Tower, Gogar, Edinburgh (NGR NT 17418 71851). The site is currently in arable agricultural use and is located to the west of Edinburgh and forms part of a larger site known as Edinburgh's Garden District. The proposed development site is approximately 56 ha and is located to the south of the A8, west of the A720 Edinburgh Bypass and to the north of the Glasgow-Edinburgh railway line.*

1.4 *The SEPA Flood Map shows significant areas of flooding from the Gogar Burn at the north and south ends of the site and a diagonal strip of flooding from the south-west*

corner of the site to the north-east corner. Floodwaters in the Gogar Burn can back up from the entrance to the culvert under the A720 due to under-capacity and partial blockage.

1.5 A flood risk assessment (FRA) was undertaken by Kaya Consulting (December 2014). A strategic flood risk assessment (SFRA) was also prepared for the general area by Kaya Consulting (February 2015). The FRA was most recently updated in September 2015. It includes an assessment of risk from both the Gogar and Lesser Mill Burns and a proposed realignment of the Gogar Burn which is currently being considered by the Forth Fisheries Trust.

1.6 The Gogar Burn channel realignment has been proposed to bypass the culverted reach of the watercourse under Edinburgh Park which is currently considered a barrier to fish and wildlife movement. Daylighting the channel should restore the links between the upstream and downstream culverted reach of the Gogar Burn and generally improve its ecological status.

1.7 SEPA has already agreed the hydrology with Kaya Consulting for the Gogar and Lesser Mill Burns and has previously commented on the hydraulic modelling of the baseline scenario. SEPA and the City of Edinburgh Council had requested that 25% blockage of the culvert under the A720 be included in the baseline scenario. We note that the previous hydraulic model in ISIS 1D/2D has been transferred to Flood Modeller. We also note that there is still no survey data available for the Lesser Mill Burn adjacent to the proposed development site. The burn is partly culverted but this culvert is not included. There is a risk of blockage at any culvert. The FRA indicates that any flooding may be more likely to occur towards the adjoining estate rather than the proposed development site: the south-west part of the site, however, is lower than the land on the opposite bank. The proposed development site receives some flood protection from an informal low bund. The FRA indicates that if this bund is overtopped or breached then floodwaters would enter the proposed development site and tend to flow in a northerly direction. The FRA states that this will be taken into account in the design of the site. SEPA would emphasize that it will not support any new development on the floodplain of a greenfield site which is reliant on a flood defence, informal or formal, for protection. We advise that there is considerable uncertainty attached to the model output for the Lesser Mill Burn and it should be treated with caution and we recommend that the FRA should include an assessment of the area of the site that may be at risk should the bund along this watercourse be overtopped or breached.

1.8 We are generally satisfied with the modelling of the Gogar Burn for the existing site and recommend, as before, that the scenario with 25% culvert blockage is probably closer to what would be expected during a 0.5% AEP (1:200) flood (Figure 14 in the FRA report). The flood extent is similar to that of the SEPA Flood Map for a 0.5% AEP (1:200) flood.

1.9 The hydraulic model has been modified to incorporate the proposed river realignment of the Gogar Burn. The River Forth Fishery Trust is apparently undertaking a feasibility study for the new channel but currently there is no detailed design available apart from its general location. Kaya Consulting has had to assume, therefore, a theoretical channel geometry in order to model it to determine its likely impacts. It has assumed that it will be a two stage channel with sloping sides of 1 in 3 or 1 in 2. The

FRA states that the channel with 1 in 3 slopes will be a total of 45 m wide: SEPA calculates, however, that it will be only 21 m wide based on the dimensions provided. The FRA refers to the narrower of the two channels being 21 m wide at bank height but SEPA calculates this to be 17 m wide. SEPA has discussed this matter with the consultant who indicated that the 45 m probably relates to the width of the river corridor and not the width of the watercourse at bank height. The consultant has indicated that the average gradient of the new channel will be approximately 1 in 140. SEPA has undertaken some basic hydraulic calculations and is satisfied that the proposed channel dimensions should be adequate to contain the estimated 0.5% AEP (1:200) flood. Details must be provided as part of the planning application, however, to support these assumptions.

1.10 The FRA states that the narrower of the two channels was incorporated into the hydraulic model and rerun with 25% culvert blockage so that it can be compared with the baseline scenario. In conversation with Kaya Consulting it was suggested that it may have been the proposed channel with 1 in 3 slopes that had been modelled and not the one with 1 in 2 slopes as suggested in the FRA. This point must be clarified.

1.11 Figure 20 in the FRA indicate the flood extent output from the model which indicates that the new channel should contain the estimated 0.5% AEP (1:200) flood without overtopping on to the site. There is less flooding in the southern area of the site because there will be less backing up of flows from the A720 culvert due to most of the flow now being conveyed in the new channel and a much reduced flow entering the culverts under the A720 and Edinburgh Park. We note that there is also less flooding in the north-east part of the site due to flows being contained within the new channel. While flooding in the north-west part of the site does not look any more extensive than for the existing site, the hydraulic model output indicates that the depths of flooding upstream of the Gogar Station Road culvert would be greater. This was confirmed in conversation with the consultant. The FRA states that "the model indicates that diversion channel will not increase flooding risk upstream or downstream of the site". A greater depth of floodwater upstream of Gogar Station Road culvert would suggest that the higher head of water immediately upstream of the bridge might push more flow through the culvert thus increasing downstream flows. We request additional evidence that post development flows downstream of the site will not be greater than at present: this might be in the form of a comparison of downstream flood levels and/or peak flows.

1.12 The section of the FRA report devoted to pluvial flood risk is brief and there is no modelling to inform the potential extent of pluvial flood risk. It is suggested that there will be limited surface water runoff entering the site because the A720 embankment will prevent surface water entering from the east and the railway embankment will reduce the surface water entering from the south. However we would suggest that surface water runoff from both the City Bypass and the railway could enter the site and this should be considered when assessing the overall pluvial risk to the site. The FRA advised that surface waters can enter the site from the south-west and to a limited extent from the north. Management of surface water runoff on the site will likely require dedicated space on the site and details of this dedicated space should be identified in plans supporting this application.

1.13 There is likely to be field drainage throughout the site. This might also be connected to areas outwith the site. The drainage network should be identified to ensure that flow paths are understood and are not cut off without the water being

intercepted and dealt with so as not to create flooding problems on the site or along the site boundaries.

1.14 The risk of flooding to the site from any drainage infrastructure should be considered. The proposed site layout should take account of any Scottish Water infrastructure or other drainage and no built development should be located over these.

1.15 The risk of groundwater flooding to the site should be considered. No information is currently available.

1.16 Surface water runoff from the developed site should be treated and attenuated by SUDS. The site currently drains to the Gogar Burn. We would expect any discharge to the Gogar Burn from the SUDS to be attenuated to greenfield runoff rates which should be agreed with the City of Edinburgh Council.

Summary

1.17 We acknowledge that the proposed realigned Gogar Burn through the proposed development site should have environmental benefits and that it will reduce the extent of fluvial flooding on the proposed development site and reduce the risk of flooding to Edinburgh Park. There is some uncertainty as to the size of channel that has been incorporated into the model referred to in the FRA and this should be confirmed in support of the application. There is also some concern that the FRA states that there is no increased risk of flooding upstream or downstream yet the model output suggests that there may be greater depths of flooding immediately upstream of the Gogar Station Road culvert. Additional evidence is needed that post development flows downstream of the site will not be greater than at present; this might be in the form of a comparison of downstream flood levels and/or peak flows. We would also highlight that there may be some risk of flooding to the site from the Lesser Mill Burn. The south-west part of the proposed development site is protected by an informal bund. SEPA cannot support new development on the floodplain of a greenfield site protected by an informal or formal flood defence. There is considerable uncertainty attached to the assessment of flood risk from this small watercourse as it has not been fully surveyed and no account has been taken of a culvert.

1.18 In summary, clarification is needed on the following points before we could consider reviewing our objection to the proposed development.

- Confirmation regarding the realigned channel dimensions.*
- Confirmation of the dimensions of the channel used in the model to represent the post-flood scenario.*
- Additional evidence that post development flows downstream of the site will not be greater than at present; this might be in the form of a comparison of pre and post development downstream flood levels and/or peak flows.*
- An assessment of the area of the site that may be at risk of flooding from the Lesser Mill Burn should the existing bund be overtopped or breached i.e. the functional floodplain with the bund removed.*

2. River Basin Management Planning

2.1 SEPA classifies the Gogar Burn as being downgraded in ecological status due to fish barriers, physical condition (hydro morphology) and water quality issues. Scotland's second River Basin Management Plan (2016 to 2021) is to be published at the end of 2015 and SEPA will be seeking to work with local authorities to advance restoration of water bodies which are at less than good status. We advise the City of Edinburgh Council to consider this site in relation to the whole of the Gogar Burn to ensure a strategic approach to the wider river catchment

2.2 Genuine restoration of the culverted section of watercourse at the proposed location could enhance the physical condition of the Gogar Burn. This depends very much on the technical detail of any designed channel and river corridor, and its successful installation and ongoing maintenance post-construction are key elements which need to be addressed when establishing the principle of this proposed development. More detail, therefore, is required.

2.3 SEPA's Water Environment Fund is in discussion with the River Forth Fisheries Trust about potential river restoration at this site and an initial scoping exercise will conclude soon. The fund will only support restoration measures which achieve Scotland's River Basin Management Plan objectives and which are eligible for WEF funding. Any further involvement of the fund, and the degree of that involvement, will be determined through its application process.

3. Controlled Activities Regulations

Surface Water

3.1 Table 1 omits land requirements for SUDS basins. It is not possible to assess whether the basin shown on preliminary drawing are appropriately sized.

3.2 It is important that footprint of basins should be calculated (i.e. using treatment volumes and basin design guidance) and drawings amended, if necessary, to allow confidence that the applicants have planned for the position of the basins relative to the new channel, the 1:200 floodplain and surrounding development. (The non-technical summary states clearly that the 1:200 year flow is contained within the river banks and SUDS should be placed outside of this.)

3.3 There appears to be scope for above ground source treatment as alternative to filter trenches e.g. roadside swales. "Safe access and egress will be maintained by designing the SUDS system without utilising temporary above ground storage". This statement suggests the applicants are omitting features like swales for reasons of health and safety without clarifying these reasons. Roadside swales are a common feature of new developments. Further information is needed from the selection of source control SUDS to the range of options available, as detailed in the SUDS Manual.

Foul Water

3.4 Scottish Water has stated there is capacity for 10 houses at this house and, therefore, there is no capacity for this development of 1500 houses, school, commercial areas, etc.

3.5 We consider it may not be possible to issue a private discharge consent at this site considering the size of development and the condition of the watercourse. The applicants need to provide details of their proposals for foul water with evidence that these proposals can be achieved.

Gogar Burn diversion

3.6 There are references to the Forth Fisheries Trust involvement in designs for the channel.

3.7 The design of the realigned channel, including the design for the crossings, is subject to approval by SEPA by means of a CAR licence application. The application needs to contain plans for the realignment which we consider SEPA could potentially licence.

3.8 There are no details of buffer strips along watercourses. We do these buffer strips are included as good practice.

SEPA further comment

(The agent) wrote to propose providing information which (they) considered would address the issues related to flood risk which we have advised the City of Edinburgh Council need to be resolved before this application can be determined.

We do not consider that this proposed information would address these issues.

On the basis of this information, we would have to maintain our objection to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Following is our technical assessment.

Detailed advice for the applicant

1. Flood Risk

1.1 On 20 October 2015 (our reference PCS/142872), SEPA objected to planning application 15/04318/PPP for a mixed use development on land east of Millburn Tower, Gogar, Edinburgh (NGR NT 17418 71851). A flood risk assessment (FRA) undertaken by Kaya Consulting indicated that there is an existing risk of flooding on the application site. The 0.5% AEP (1:200) floods outline, which includes a degree of culvert blockage, looks similar to the flood outline of the SEPA Flood Map.

1.2 In our response we requested confirmation of the channel dimensions used in the hydraulic model as this might have some implications for the flood extents contained within the FRA. Your email refers to the "new" channel and design options. This would be for future discussion and all options would need to be modelled to demonstrate their impact on future flood extents, and flood risk on the site and elsewhere. What we were highlighting was that it was unclear what channel dimensions were represented in the consultant's hydraulic model used in the production of the FRA.

1.3 In our previous response we highlighted that the post-development flood extent indicated that there would be a greater depth of flooding upstream of the Gogar Station

Road culvert. A greater depth of floodwater at this location could be an indicator that downstream flows would be increased as a result of a shortening of the river reach. Any increase in flood risk downstream of the application site as a consequence of development of the site is unacceptable. We must maintain our objection to the proposed development on this site until it can be demonstrated that the proposed development of this site will not increase the risk of flooding downstream.

1.4 In your email you write that further information will be provided on how flooding from the Lesser Mill Burn will be addressed. It is necessary to identify what parts of the site are at risk of flooding from the watercourse should the existing bund be overtopped or breached. We need to confirm that SEPA does not support built development on a greenfield site behind a flood defence. To be clear, we expect the area at risk from this watercourse to be determined and for built development to be excluded from this area.

SEPA further comment

In addition to the information on which you consulted us on 30 November 2016, Holder Planning on 06 January 2016 sent you, copied to SEPA, a report from Kaya Consulting Limited (Ref: KC822/CA/MS/YK) of 24 December 2015. This information was aimed at addressing SEPA's objection of 20 October 2015 (our reference PCS/142872) to planning application 15/04318/PPP on the grounds of lack of information.

On the basis of this information, we are able to withdraw our objection but we advise of the need for further information when the proposed development reaches its more detailed stages.

1. Flood Risk

1.1 We are now in a position to remove our objection to the proposed development on the basis of lack of information on flood risk grounds. Notwithstanding the removal of our objection, we expect the City of Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.2 The proposal is for a mixed development on land east of Millburn Tower, Gogar, Edinburgh (NGR NT 17418 71851). The site is currently in arable agricultural use and is located to the west of Edinburgh and forms part of a larger site known as Edinburgh's Garden District. The proposed development site is approximately 56 ha and is located to the south of the A8, west of the A720 Edinburgh Bypass and to the north of the Glasgow-Edinburgh railway line.

1.3 A flood risk assessment (FRA) was undertaken by Kaya Consulting (December 2014). This was updated in September 2015. It includes an assessment of risk from both the Gogar and Lesser Mill Burns and a proposed realignment of the Gogar Burn. SEPA reviewed the FRA and responded on 20 October 2015 with an objection. It requested clarification of a number of points before it would consider removing its objection. The list of points is provided below.

- Confirmation regarding the realigned channel dimensions.*
- Confirmation of the dimensions of the channel used in the model to represent the post-flood scenario.*

- Additional evidence that post development flows downstream of the site will not be greater than at present: this might be in the form of a comparison of pre and post development downstream flood levels and/or peak flows.
- An assessment of the area of the site that may be at risk of flooding from the Lesser Mill Burn should the existing bund be overtopped or breached, i.e. the functional floodplain with the bund removed.

1.4 Kaya Consulting wrote to the planning authority on 23 November 2015 addressing some of the above points raised by SEPA. It confirms that the proposed channel, and that modelled, has a base width of 3.0 m and 1:3 side slopes. It is 2.0 m deep with 3.0 m wide berms on either side, approximately 1.0 m above the channel invert. The total channel top width will be 21.0 m but a 42.0 m wide corridor has been recommended. We note that the drawings included in this letter show a freeboard of approximately 400 mm above the 0.5% AEP (1:200) flood level. The letter also shows that one of the berms could be removed, narrowing the channel width by 3.0 m and still contain the 0.5% AEP (1:200) flood but with a reduced freeboard.

1.5 The proposed new channel will divert the river over a much shorter length than the existing channel. This channel will be steeper as a consequence of being shorter and the flow velocities faster as a consequence. The peak time of travel will also be increased slightly. The letter states that the proposals will have more flood storage than the current situation but this is not explained. The belief that more storage will be available may be because the current culverted reach of the watercourse will be bypassed in an open channel. The consultant has listed a number of potential options in the November letter to increase the available storage through the site.

1.6 The consultant's letter of 24 December 2015 describes additional modelling work that has been undertaken to investigate the provision of additional flood storage. An area in the north-west of the site, immediately south of the Gogar Burn, has been allocated for green space and identified as being at risk of flooding to a 0.5% AEP (1:200) flood. The consultant proposes that the storage volume within this area is increased. The consultant presents pre and post development hydrographs downstream of Gogar Station Road and 750 m downstream of the site to demonstrate that not only can the proposed flood storage be used to ensure that the flood hydrograph peak is not increased by the proposed development but it can provide some reduction of the peak flows downstream. The consultant states that further work on this will be required as proposals are developed further. No details of the proposed flood storage volume or dimensions have been provided at this stage. We would advise at this stage that if the greenspace area is insufficient to provide the necessary flood storage, for example if groundwater levels restrict the depth of excavation required, then an area designated for future built development might have to be used for flood storage. We also advise of the need for a range of flood hydrographs to be modelled at the detail stage to ensure that there is no increase in downstream peak flows for all return period events up to the 0.5% AEP (1:200) flood.

1.7 The November 2015 letter explains that the Lesser Mill Burn is conveyed under the Gogar Station Road to the site by two culverts; one of 430 mm diameter and another 600 mm diameter. The FRA estimates that the 0.5% AEP (1:200) flood is approximately 2.5 m³s⁻¹ but the capacity of the culverts is only 0.6 m³s⁻¹. The consultant states that no more than 0.6 m³s⁻¹ can be passed on to the channel adjacent to the application site whilst the floodwater upstream will overtop the burn

banks. Floodwater may overtop Gogar Station Road and enter back into the channel downstream of the road but some might enter the application site.

1.8 The consultant has advised that any floodwater from the Lesser Mill Burn that enters the application site directly or across the Gogar Station Road could be redirected to the Gogar Burn along proposed green corridors as indicated in Figure 4 of the letter (November 2015) or intercepted and directed northward to enter the Gogar Burn close to the downstream end of the site. The consultant advises that the best and most practical option would be prepared in more detail at detailed planning stage.

1.9 The consultant has confirmed that there is no bunding along the Lesser Mill Burn and believes that the higher ground rising above the river is natural. We suggest that it may have been formed, at least in part, over many years with materials dredged from the small watercourse and deposited on the top of the bank.

1.10 In summary the consultant has addressed the points that SEPA raised in its previous planning response for the application site. The proposed channel dimensions and those adopted in the hydraulic model have been confirmed and have been shown to accommodate the estimated 0.5% AEP (1:200) flow with about 400 mm freeboard for the channel with berms on both the right and left sides. The consultant has demonstrated that by providing additional flood storage on the site it is possible to ensure that there is no increase in flood risk downstream and it may be possible to reduce slightly the existing risk. The consultant has also provided options for managing any potential risk of flooding on the site from the Lesser Mill Burn. We remove our objection, therefore, to the current application for planning planning in principle on the basis the proposed new properties will be limited to only those areas outwith the 0.5% AEP (1:200) floodplain but advise of the requirement for more detail on the proposed realigned Gogar Burn channel, the proposed enhanced storage area and the proposals for managing the risk of flooding from the Lesser Mill Burn at the later planning stages.

Caveats & Additional Information for Applicant

1.11 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.

1.12 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 the City of 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 inline with the phases of this legislation.

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 licences 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 25m AGL.

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.

Disposal of Putrescible Waste

The development is close to the aerodrome. We draw attention to the need to consider carefully a scheme for the disposal of putrescible waste. This is further explained in Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/operations-safety/>).

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.

Flood Prevention comment

Flood Risk

CEC Flood Prevention have reviewed the Flood Risk Assessment document prepared by Kaya Consulting for the application noted above. We note that they have undertaken modelling based upon the existing route of the Gogar and Lesser Mill burns, as well as modelling of the proposed diversion of the Gogar Burn.

SEPA flood maps show areas of pluvial and fluvial flooding across the site which is mirrored in the Kaya modelling results. As a result of CEC Flood Prevention do not object to the principle that the land is developed providing that the diversion of the burn is fully constructed prior to the occupation of the first house within the master-plan. The development should also be placed outside the predicted 200 year plus climate change flood extent for the 25% culvert blockage scenario. This extent is shown as Figure 20 in the FRA and corresponds to the phasing and indicative development framework drawings submitted with this application.

Development should be set back from the edge of the channel diversion to allow access for maintenance of the watercourse. The indicative development framework drawing for the master-plan suggests a number of burn crossings around the site. No details are available of these at present. The crossings should span the full width of the channel/floodplain so that the impact on flood risk is minimised. A detailed assessment of the watercourse crossings will be made during the detailed design stage. Crossings should be designed to pass the 200 year flow.

With regard to the diversion of the Gogar Burn Flood Prevention feel that there is a potential maintenance issue with the road being adjacent to the river. This arrangement increases the risk of fly-tipping which could result in blockage and pollution issues. Other options of roads not running parallel adjacent to the river should be explored in the development layout.

The diversion of the burn at the northern end of the site also seems to have a very sharp turn towards the west where it connects into the existing reach. There is potential for this to become a scour risk and lead to severe erosion unless hard engineering protection is used. As per SEPA guidance hard-engineering solutions and structures should be avoided. As a result CEC Flood Prevention would request that the diversion uses meanders similar to the natural meander amplitude which will help to reduce river velocities and minimise flood plain requirements. SEPA guidance document "Watercourses in the Community" provides some guidance on best practice (available on-line). This should be designed with reference to historic maps of the site. The proposed design should also take cognisance of Section 3.7 Water Environment (Edinburgh Design Guidance) and Policies Des 5 in the City Local Plan, E44 Rural West Local Plan and Des 8 in the Local Development Plan. This will help to create more natural storage and detention within the river reducing flood risk downstream as well as providing biodiversity and community benefits.

We are also currently reviewing an EIA Scoping Report for a development beside the airport for the International Business Gateway PPP (pre-app, Case Officer- Francis Newton) to the north of the site. This site lies adjacent to the Gogar Burn and is also an opportunity to improve and naturalise the Gogar Burn, particularly as SEPA have classified the burn as having "Bad" ecological potential and there is an objective to make it "Good" by 2021. As a result Flood Prevention feel that there is a great opportunity to consider the river restoration requirements of both developments in combination.

Surface Water Management

CEC Flood Prevention have reviewed the Drainage Strategy document prepared by Goodson Associates and have the following comments.

- 1. As noted in section 5.3 the anticipated total maximum surface water discharge from the master-plan development is estimated to be 71.4 l/s based upon the impermeable areas listed in Table 1. This is acceptable to CEC Flood Prevention.*
- 2. CEC note that SuDS basins and porous paving are anticipated to be used to provide treatment to runoff prior to discharge to the Gogar Burn as described in Table 3 of the strategy document. This is acceptable to CEC Flood Prevention. Due to the sites vicinity to the airport the applicant should seek consultation and approval of the proposals with the appropriate authority due to risk of bird-strike. All SuDS storage provision should be out with the 1:200 year plus climate change flood zone.*
- 3. CEC Flood Prevention require to see pre- and post-development flow path diagrams for the site at a scale that shows localised water sheds and falls. Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system.*

Flood Prevention further comment

Further to the information provided by Michael Stewart of Kaya in response to comments from CEC Flood Prevention, SEPA and SNH, Flood Prevention have the following comments.

The applicant has provided sufficient responses address concerns raised at the Planning Permission in Principle stage for this development.

In order to ensure that the comments raised by CEC Flood Prevention in the consultation memo dated 22nd October 2015 are addressed at future stages of planning CEC Flood Prevention would request that condition(s) are placed upon any permission granted by the Planning Authority. These conditions should ensure that applicants undertake discussion of conceptual layouts and implementation techniques with the appropriate statutory consultees prior to detailed design. This will ensure concerns raised at PPP stage are able to be fully addressed with best-practice implemented from the start of the proposed detailed design which is in line with the intentions stated by Kaya Consulting in their response.

Transport Scotland comment on Environmental Statement

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Statement prepared by Holder Planning in support of the above development.

This information has been passed to JMP Consultants Limited for review in their capacity as Term Consultants to Transport Scotland - Trunk Road and Bus Operations (TRBO). Based on the review undertaken, Transport Scotland would provide the following comments.

It should be stressed that this response relates only to the EIA consultation and Transport Scotland will respond separately to the planning application for this development by means of a TRNPA2.

Development Proposals

We understand that the proposal is for a mixed-use development with capacity for approximately 1,500 dwellings (including 25% affordable housing), associated commercial and civic facilities and open space.

It is noted that the site is located approximately 7.75km west of Edinburgh City Centre, 3km south-east of Edinburgh Airport and is bound to the east by the A720 City of Edinburgh Bypass.

The nearest trunk roads to the site are the A720(T) which bounds the site to the east and the M8(T) which is located 500m south of the site.

Scoping Response

Transport Scotland was consulted during the Scoping stage for this application and provided comments in a letter dated 26/08/2015. In this, we noted that the level of traffic generation on the trunk road network would not exceed the thresholds for further detailed assessment of environmental impacts and consequently, no further assessment would be required.

Taking the above into account, we can confirm that Transport Scotland is satisfied with the submitted ES and has no objections with regard to environmental impacts on the trunk road network. We would, however, request that the following conditions be attached to any consent that the Council may issue in addition to any conditions required through the formal consultation process on the Planning Application itself.

Condition 1

Prior to commencement of development details of landscape planting and fencing along the boundaries with the trunk road shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland.

Reason

To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents and also to provide appropriate environmental screening.

Condition 2

Prior to commencement of development details of noise attenuation measures along the boundaries of the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland. The approved scheme shall be implemented prior to the commencement of the development and be permanently maintained thereafter.

Reason

To minimise noise impacts from existing traffic on new dwellings.

Scottish Natural Heritage

Background

The Council consulted us on the EIA Scoping application for this proposal, and we responded on 10 August 2015. Our response highlighted:

- the need for detailed proposals to mitigate landscape and visual impacts;*
- the importance of connecting the site to its surrounding green infrastructure and networks;*
- the wide-ranging constraints on environmental mitigation arising from the safeguarding of the Edinburgh Airport aerodrome;*
- the natural heritage benefits of naturalising the Gogar Burn; and*
- potential impacts upon protected species, including European protected species (EPS).*

SNH Position

While this proposal has the potential to alter the landscape character of the area and alter the role of the existing Edinburgh Green Belt in a strategically important area of Western Edinburgh, we believe impacts on the natural heritage could be reduced by well-considered siting and design and detailed environmental mitigation. The naturalisation of the Gogar Burn is key to securing many of the potential gains for landscape, biodiversity and amenity that may arise from the proposal. However, we are currently unable to advise the Council on the suitability and deliverability of the proposed environmental mitigation due to a lack of information within the submitted documents.

In particular, we are unable to give advice on the deliverability of the mitigation because:

- 1. The ES has not adequately addressed the requirements relating to the Edinburgh Airport aerodrome.*
- 2. Noting SEPA's objection and comments from the Council's Flood Prevention service, the ES has not provided adequate detail on the proposals for the Gogar Burn.*

We raised these issues at the scoping stage and the ES has not satisfactorily addressed them, therefore we do not have enough information to advise the Council on the deliverability of the proposed mitigation. We therefore object to the proposal until further information can be provided by the applicant.

Once the further information described in Annex 1 has been provided by the applicant we will be happy to reconsider this objection and to offer full advice to the Council.

Annex 1 - further information required

We recognise that the current application is for planning permission in principle (PPP), and it is entirely appropriate that full detail has not been provided for many design aspects. Nevertheless, in our view further detail on two topics is necessary at this stage to support an informed decision making process through the assessment of the viability of environmental mitigation proposals. Further information will also allow us to give you detailed advice on the likely impacts and opportunities for the natural heritage at this site.

Edinburgh airport aerodrome safeguarding requirements

Our scoping response drew attention to the potential restrictions on landscape design and mitigation that may arise through the airport safeguarding requirements. We note the content of the letter from Edinburgh Airport, dated 18 October 2015 which lists a series of requirements and advice notes that must be complied with.

The material supplied with this PPP application does not directly address this, and we are currently unable to determine whether the package of landscape design and mitigation is deliverable against the airport's requirements.

For example, Transport Scotland's response to the application (dated 23 October 2015) highlights the need for noise attenuation measures along the boundaries of the site which border trunk roads (A720/ A8). Typically this is delivered through earth mounding and dense woodland planting. The applicant's Design and Access Statement talks of 'new and robust woodland planting' along these edges, but does not state whether this is compatible with the aerodrome safeguarding requirements. There is a risk that these proposals will not be deliverable, and that in those circumstances they will be substituted with less preferable landscape edge solution such as higher and more extensive earth mounding plus noise attenuating fencing.

Similarly, the Design and Access Statement talks of "reduc[ing] the amount of berry bearing trees and shrubs" (page 48) in order to comply with aerodrome safeguarding, and yet page 56 of the same document lays out a planting list which includes several berry bearing tree species.

We therefore request that the landscape design and mitigation proposals are re-submitted with explicit reference to this issue of deliverability.

Gogar Burn naturalisation

The ES states in many places that this naturalisation will bring benefits to biodiversity, amenity, SUDS and flooding. Whilst we agree with these statements in principle, we consider that the ES does not contain the level of information required to guarantee the delivery of the proposal.

We note the content of SEPA's consultation response letter and support their request for further information about the technical design of the naturalised watercourse. This watercourse naturalisation is key to many of the potential gains to landscape, biodiversity and amenity that may arise from the proposal.

In our view it is important that the deliverability of naturalisation of the Gogar Burn is established at PPP stage and we therefore request detailed information about the proposed design and restoration methods.

Environmental Assessment comment

The application site extends to approximately 56 hectares. It is currently in agricultural use, and has an operational poultry farm located to the south. The site is located in west Edinburgh it is bounded by Glasgow Road (A8) to the north, the City Bypass (A720) to the east, the main Edinburgh-Glasgow railway line to the south and Gogar Station Rd to the west. Industrial premises (including scrap metal yard) are located to the south of the site, beyond the railway line.

The proposal is for a mixed-use development with capacity for approximately 1,500 dwellings.

Environmental Assessment will not be able to support an application in this location for several reasons. It is located adjacent to a scrap metal yard where crushing frequently operates and there are major road/rail network bounding the site. The poultry farm is a serious cause of concern it is understood that this land is not under the ownership of the applicant so there is no guarantee that the poultry farm operation will stop if this proposed application is consented. Odours, Particulate Matter (PM) 10 and 2.5 emissions from poultry farms are serious problems and as such Environmental Assessment have began monitoring PM10 due to ongoing issues. There are potential issues at all poultry farms in Edinburgh, not only in relation to compliance with the tighter Scottish Air Quality Objectives, but also the European Union (EU) Limit Values.

Local Air Quality

Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation³ sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration for the following situations where the development is proposed inside, or adjacent to, an AQMA:

- o Large scale proposals.*
- o If they are to be occupied by sensitive groups such as the elderly or young children.*
- o If there is the potential for cumulative effects.*

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in Air Quality Management Areas (AQMAs) or, by cumulative impacts, lead to the creation of further AQMAs in the city. These are areas where air quality standards are not being met, and for which remedial measures should therefore be taken. AQMAs have been declared for five areas in Edinburgh - the city centre, St John's Road, Corstorphine, Great Junction Street in Leith, Glasgow Road (A8) at Ratho Station and Inverleith Row/Ferry Road junction. Poor air quality in these locations is largely due to traffic congestion. The Council has prepared an action plan setting out measures intended to help reduce vehicle emissions within these areas. The Council monitors air quality in other locations and may need to declare further AQMAs. (2nd LDP). The Gogar round about has been identified as failing the EU pollutant limit values, the Scottish government will be

reporting this to DEFRA. As there are currently no residential receptors in this area it does not require to be declared as an AQMA. It is noted that there is already a significant amount of development planned for the west of Edinburgh. Therefore additional development sites such as this will only increase the pressures on the network further. This will directly adversely impact upon the existing Glasgow Road AQMA.

Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the LDP Strategy. Future growth of the city based on excessive car use and dependency would have serious consequences in terms of congestion and deteriorating air quality. This will have a knock on effect on the economy and environment and would also disadvantage people who do not have access to a car. An improved transport system based on sustainable alternatives to the car is therefore a high priority for Edinburgh. This is the central objective of the Council's Local Transport Strategy, which proposes continued investment in public transport walking and cycling. (2nd LDP).

The following information is from from the City of Edinburgh Council's, Air Quality Updating and Screening Assessment Report 2009. The Gogar poultry farm on the outskirts of Edinburgh has been identified by Scottish Environment Protection Agency (SEPA) as meeting the criteria to progress to a Detailed Assessment. The poultry farm has a SEPA permitted limit on the maximum number of birds in this facility (451,900). There is one existing residential property located within 24m of the poultry sheds. The poultry sheds are mechanically ventilated and as of 2009 house 81,530 birds in 4 units and 175,950 in 9 units. In 2009 it was determined that there was a need to reconsider this poultry farm when undertaking the citywide Detailed Assessment for PM10. It should also be noted that complaints from odours emanating from the poultry houses are currently being investigated.

The permit required from SEPA is to control the potential impact of manures and slurries on the environment and to control the overall impact on the environment, including emissions to air. Under the permit it states that care should be taken to site particularly odorous activities away from neighbours will reduce impacts. The relevant guidance document 'Prevention of Environmental Pollution from Agricultural Activity code of practice' (2005) states that when locating poultry buildings, consideration should be given to their location in relation to residential accommodation, and should not be located within 400m of such developments. Environmental Assessment are concerned that if consent is granted that there is potential for the development to be partially completed with the poultry farm remaining. As can be seen from the guidance it is not recommended to develop new poultry houses within 400m of residential developments.

Environmental Assessment will not be able support an application for introducing residential use on this site. Furthermore it is strongly recommended that SEPA are consulted at the earliest possible stage to discuss proposals. It is clear that Environmental Assessment has serious concerns regarding the potential local air quality impacts caused by the development. These concerns also extend to the introduction on new residential properties in close proximity to the poultry farm. Furthermore there are also serious issues regarding noise affecting this site. Land contamination is also an issue which will require further investigation.

Therefore as it stands Environmental Assessment will be strongly objecting to this proposal on the grounds of introducing more sensitive receptors into an area of likely poor local air quality, malodours and overall poor level amenity.

Scottish Rights of Way and Access Society (ScotWays) comment

Limited time and resources have meant that we have limited our comments here to sharing information about the recorded right of way network. However, if there is a further opportunity to comment at a later stage of the planning process, we will be pleased to be consulted.

The National Catalogue of Rights of Way shows that vindicated rights of way LC33 and LC163 are affected by the application site. A map is enclosed with right of way LC33 highlighted in orange and right of way LC163 highlighted in pink. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.

You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We strongly recommend the Core Paths Plan, prepared by the Council's own access team as part of their duties under this Act.

Although we have been unable to view all the documentation available via the Council's planning website, we are pleased to note that the Design and Access Statement (D+AS) includes diagrams showing both of the above signposted rights of way which provide public access via underpasses under the City Bypass. The D+AS identifies the potential for improvements and enhancement to the wider recreation network. If the applicant has not already done so, we recommend that any proposed improvements to rights of way, core paths and the local recreational access network are discussed with the Council's access team. We further suggest that any agreed improvements are secured via a condition of planning consent.

The Society requests that the recorded rights of way remain open and free from obstruction before, during and after construction of the proposed development, if consented. Where temporary closure is deemed necessary for safety reasons, this should be for as short a period as possible and should be clearly signposted - an alternative route should also be made available where practicable. A blanket closure of the entire site for the period of construction is generally unacceptable. We anticipate that any necessary closures would take place through close liaison with the Council's access team.

We further request that the Society is kept informed of any temporary closures in order that we can help disseminate information to concerned members of the public.

Neither the Society nor its individual officers carries professional indemnity insurance and in these circumstances any advice that we give, while given in good faith, is always given without recourse.

Affordable Housing comment

1. Introduction

We refer to the consultation request from the Planning Department about this planning application.

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 Requirement

This application is proposing a development for 1,500 housing residential units over two phases, and as such the AHP will apply. The AHP will require 375 (25%), homes to be secured by a Section 75 agreement.

The developer has stated that the affordable housing will account for 25% of the new homes at East of Millburn Tower. These homes shall be fully integrated within the new community and be tenure blind so that there is no obvious difference between private and affordable houses. The affordable housing provision will incorporate a mix of detached, semi-detached, terraced, and flats. The affordable housing will 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."

This application is welcomed by the department and we ask that the affordable homes are to be of approved affordable housing tenures, as described in Planning Advice Note 2/2010 and within the Council's AHP.

In any future detailed application we would request that the developer identifies the proposed plots/location of the homes which should be close to local amenities and public transport.

The developer will be required to enter into a Section 75 agreement to secure 25% of the homes for affordable housing.

3. Summary

As detailed above, the developer has made a commitment to deliver 25% of the affordable homes on site and this is welcomed by this department.

As this is a significantly large development it is important that the developer enters into early dialogue with the Council and RSLs regarding the most suitable delivery option for the affordable housing requirement.

Transport Scotland comment

The Director does not propose to advise against the granting of permission. Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision, if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal, for an agreement with the applicant to make an appropriate and proportionate contribution to address the cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

Archaeology comment

The area proposed for development is regarded as being of archaeological importance with archaeological evidence indicating a range of archaeological sites occurring within its boundaries dating back to early prehistory, and including several potentially nationally significant archaeological sites e.g. the medieval mill for Gogar Village, Gogar/Corstorphine Loch and Millburn Tower Roman Temporary Camps (x2) and the adjacent Millburn Tower Inventory Designed Landscape & Garden.

According in line with Scottish Planning Policy (SPP), PAN 02/2011 and Rural West Edinburgh Local Plan (2010) policy E30 a programme of archaeological evaluation was required to be undertaken prior to determination. This work comprising both Geophysical Survey and Trial trenching was undertaken by AOC Archaeology Group in late 2015.

The results of this work have demonstrated that although modern ploughing has had significant effect important archaeological sites and remains have survived in situ across proposed development area including prehistoric settlement remains (ditches, pits, ring-ditch house/barrow) and possible Palaeo-river courses. Ground-breaking works associated any potential development of the site will have a significant adverse affect, however one which is considered on the whole a low-moderate archaeologically significant impact requiring detailed mitigation.

It is recommended therefore that prior to development that a programme of archaeological works is undertaken. In essence this will a programme of metal detecting of the fields prior to development and the strip/map, excavate and record of the site during development including a programme of environmental sampling of the Palaeo-river and loch deposits. This is in order to fully excavate, record and analysis any surviving archaeological remains encountered during subsequent phases of development.

Furthermore if important discoveries are made during these works a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) will be required to be undertaken, the final scope to be agreed with CECAS.

Therefore it recommended that if consent is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, field walking & metal detecting, reporting & analysis and 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.

Roads Authority Issues

It is recommended that the application be refused.

Reasons:

The transport mitigation measures proposed in the developer's Technical Appendix 5 - Access, Traffic and Transport (Revision 006) (Tech. App.) fall significantly short of the measures identified in the Council's East of Milburn Tower Transport Appraisal (dated January 2015) as set out below:

- 1. The developer's proposals for bus penetration through the site are considered unacceptable. It is indicated in the developer's Tech. App. that they intend only to "possibly" provide a through link into Edinburgh Park and then only in conjunction with Phase 2 of the development, i.e. following the first 750 residential units. Furthermore, this potential link is proposed to be via the existing 6m wide underpass (Section 2.9 of the developer's Design and Access Statement). The underpass in its current form would only appear to be able to accommodate single-decker buses and no indication is given that the underpass can be suitably modified to accommodate double-decker buses. In addition the preferred alternative of an overbridge does appear to have been considered, nor is there consideration of how the underpass road could be safely shared with cyclists and pedestrians;*
- 2. For the avoidance of doubt the provision of a bus route through the site into Edinburgh Park (either over or under the bypass) with a high frequency service into the city is an absolute requirement if this site to be developed. Furthermore this bus link requires to be in place at or very near the start of development*
- 3. The Tech. App. indicates that the developer will contribute to the Newbridge and Gogar / Maybury junction mitigation schemes as identified in the LDP action programme. However, it appears that no analysis has been undertaken to confirm whether the additional traffic from this site can be accommodated in the proposed layouts;*
- 4. The developer proposals do not fully include the interventions on Gogar Station Road as per the Council's East of Milburn Tower Appraisal. This is a key cycle route serving the RBS HQ and the Council has recently made provision for improved on-road cycle facilities within the existing restricted road width. With the additional development*

traffic from this site, road widening or provision of a parallel off-road cycle route (through the centre of the site) is considered essential;

5. There appears to be no assessment of the impact of traffic on the RBS roundabout junction to the west of Gogar Station Road;

6. There appears to be no inclusion of measures to link the development to the proposed Edinburgh Gateway train / tram interchange.

In addition:

- There appears to be no acknowledgement of the required tram contributions relating to the site. The starting point for negotiations is estimated to be £1,560,000 in relation to the residential element alone (based on 1,500 residential units in Zone 2). Further works/ contributions would be required in relation to transport mitigation as per the LDP Action Programme and identified through further detailed traffic modelling;
- It is considered that the developer's Tech. App. underestimates the level of traffic likely to be generated by the site, particularly under Phase 1;
- It should be noted that the Council's East of Milburn Tower Appraisal assessed development of 1,350 residential units whereas the developer proposes 1,500 units.

Further Roads Authority Issues

Further to the Roads Authority response of 30 December 2015, the applicant's transport consultant has submitted an addendum to the Transport Assessment (TA). Whilst it is acknowledged that a number of the matters raised have been satisfactorily addressed, the recommendation for refusal of the application on transport grounds is maintained.

Reasons (note the numbering is as per the 30 December 2015 response):

The package of transport mitigation measures proposed by the applicant remains significantly short of the measures identified in the Council's East of Millburn Tower Transport Appraisal (dated January 2015).

1. *Bus penetration into site:* As per 2.3 in the TA Addendum, the developer has now acknowledged the need to deliver of the central bus route in phase 1 of the development. Precise timing is still somewhat vague but it is assumed that a condition requiring this to be operational as a through route prior to first occupation can be attached to any permission for the site. However, it has been confirmed that the link crossing the A720 City Bypass will utilise the existing narrow and low underpass (Section 2.3 of the TA Addendum and Appendix A of same). The existing underpass can only accommodate single-decker buses which restricts the flexibility for bus operators to introduce new commercial services or divert existing ones. In addition, there are acknowledged personal safety issues with the underpasses which are approximately 40m in length. The Council has been under increasing pressure in recent years to provide at-grade alternative crossings at a number of locations in the

City (e.g. Calder Road). The preferred provision of an overbridge remains unexplored and unacknowledged in TA addendum;

2. *Bus Services:* See 1 above;

3. *Impact Of Additional Traffic At Key Strategic Junctions:* The developers' consultants have submitted an analysis which indicates a single worst case increase of 'less than 5% -110 vehicles'- which will be added to the city-bound arm of Maybury Junction as a result of this development (6.2 and Appendix C to TA Addendum). Whilst the veracity of these figures is not disputed, the cumulative effect of all non-LDP sites on this and other key junctions will undoubtedly lead to greater delays on the A8 corridor between Newbridge and Gogar/Maybury. Indeed, on its own this development will result in 'a total of 28 seconds of additional delay being experienced by drivers (worst case) when the development traffic is added into the model during the morning peak period' (Ref. Conclusion, page 8 of Vissum Traffic Modelling Report). As acknowledged by the consultants, the Gogar / Maybury junctions operate beyond their theoretical capacity. The Council has developed schemes to address this overcapacity in order to accommodate its LDP sites but this 'drip-feed' of other traffic from non-LDP sites is not considered sustainable;

4. *Gogar Station Road- Traffic Flow And Road Improvements:* The TA Addendum has not revisited the interventions on Gogar Station Road as recommended in the Council's East of Millburn Tower Appraisal: specifically, the removal of the existing shuttle signals by widening the rail and burn overbridges. Indeed, an additional set of shuttle signals is proposed adjacent to Daltons recycling depot at a point where the Council's appraisal recommended road widening. Notwithstanding the capacity information included in 4.3 of the TA addendum, it is considered that the listed appraisal upgrades are required to ease traffic flow on this route;

5. *Gogar Station Road-Cycle Safety:* As per the 31 December response, this road is a key cycle route serving the RBS HQ. The Council has recently made provision for improved on-road cycle facilities: an improvement which has been well received by Spokes and other cycling groups. The TA Addendum has addressed the previous concerns regarding the possible effect of the additional traffic on use of this road (as a probable discouragement to cyclists using the route) by confirming that an indirect quiet road or segregated route alternative will be provided through the site (see fig 2.1 of TA Addendum). This will undoubtedly be a more attractive route for less experienced cyclists and it is likely that its provision will result in an increase in cycle commuting to and from RBS. However, experienced cyclists are likely to continue Gogar Station Road;

6. *RBS Roads And Junctions:* The TA Addendum has now included this information as requested and has been assessed by officers in the Council's Traffic Control section. The technical appendix to this memo gives details of their assessment. In summary, whilst it is not considered that the solution set out in the TA Addendum is satisfactory, it is probable that an alternative control solution could be implemented;

7. *Linkages To Edinburgh Gateway:* The provision of segregated links to the Edinburgh Gateway rail / tram interchange over the A8 currently under construction, as detailed in the Council's transport appraisal for this site, is not proposed by the

developer. As an alternative, the developer proposes that pedestrians use the existing RBS overbridge and either walk or use trams from Gogarburn Tram Halt. This is not considered an acceptable alternative;

Additional Points to 31 December consultee response:

- *Transport Infrastructure Contributions: The developer, whilst not accepting the figure, responded to the point as raised on 31 December and has stated that the tram contribution ' would form part of any legal agreement covering financial contributions to wider transport improvements' (Appendix B). Similarly there is no commitment to a figure for other transport contributions in respect of the various required interventions;*
- *Traffic Generation: Given that the developer has now agreed to early delivery of the central bus route, the trip rates used in the TA are accepted.*

ROADS AUTHORITY CONSULTEE RESPONSE-TECHNICAL APPENDIX

East of Milburn Tower Proposed Development

Traffic Signals Proposal Assessment

References

Addendum Report - Transport Assessment

East of Milburn Tower

116478/RM/160201

Revision 001 DRAFT

LINSIG Version 3 model - Linked_E_Extended.lsg3x

Supplied via email 22/02/2016

Summary

The proposals involve upgrading the existing Gogar Station Road / RBS goods entrance signals to add an access to the development site. Also included are two new junctions at the RBS entrance and a replacement of the current internal roundabout with signalised junction.

Various errors have been noted from the models, these are detailed below and will need to be addressed. These can potentially give an over-estimate of junction performance.

Consideration needs to be given to the assumptions that pedestrian stages only appear every other cycle during the peaks. Given that the junctions are on a major route between the RBS offices and the public transport provision on the A8, this assumption may be incorrect.

Updating the model to address these issues suggest all the Practical Reserve Capacities are under the 10% required for good junction performance. This does not meet the needs of the transport needs in around Gogar Station Road and RBS, and as such the proposed design presented to the Council is unacceptable.

General Comments

1. Council policy is to provide signalised pedestrian facilities over all arms of junctions - some appear to be missing on the submitted junction proposals
2. Council policy is to provide Cycle Advanced Stoplines at all approaches to signalised junctions; these are not incorporated into the junctions as they stand. Following on from this, new lane lengths will need to be calculated for the internal links.
3. A cycle priority scheme has been implemented on Gogar Station Road; due consideration of this and how to tie the new junctions into the existing arrangements should be made
4. The existing junction at Gogar Station Road / RBS Goods entrance is to be upgraded to add an additional arm under these proposals. However I have not received a drawing and am therefore unable to make a full assessment of the new layout.
5. Pedestrian phases are modelled as appearing every other cycle. During peaks, thought needs to be given if this is appropriate given the likelihood of RBS staff walking between offices and the bus / tram stops on the A8. Would suggest re-modelling with pedestrians every cycle to give a worst case assessment.

Gogar Station Road / RBS Goods

1. Note the RBS Goods entrance is not signalled green at any point in the cycle. Is this a reasonable assumption? If this is incorrect, this would reduce predicted junction capacity. Suggest modelling every other cycle - once every 3 minutes.
2. Some of the intergreens look a bit short given the shuttle lane in the middle. The junction currently has all-red detection which can increase the clearance intergreens as required to a pre-defined maximum. CEC would suggest increasing the intergreens slightly to account for this - note the high level of cycles which are slow moving.
3. Given this is the main access to the development site at this location, the bridge over the Gogar Burn and shuttle provide a big constraint at this site and consideration should be given to upgrading the bridge to allow 2-way traffic.

Gogar Station Road / RBS Site Entrance

1. Several lanes don't have the correct opposing movements ticked to allow the "Give Way" right turn model to work correctly. This could potentially give a false over estimate of performance. At this junction the following were noted:-

J1:3/1 - opposing should be left & ahead

J1:6/1 - opposing should be left & ahead

J1:1/1 - opposing should be left & ahead

2. A couple of lane widths are given as 4m or over, specifically the southbound and eastbound approaches. This seems over optimistic given the local constraints. Please check and update.
3. Filter phase E is defined but not used. As there is no space for a separate left turn lane, a left turn filter cannot be used. Please remove from the model to avoid any ambiguity.
4. Intergreens - traffic to pedestrian clearance periods look short given the likelihood of right turning traffic waiting to turn in gaps. Also ped to traffic intergreens look short. These should be re-measured and updated.

RBS Internal Junction

1. Right turn arrow phases are missing which should be added to Phases H and K to appear during points where the movements run unopposed.
2. The proposed stage sequence is not suitable for incorporating into a real controller as the filter stage needs to be followed by the main road stage to ensure the filter closes properly.
3. A number of lanes do not have the correct "Give Way" conflicts marked for right turning traffic. This can give falsely optimistic results. These will need to be checked and corrected.
4. A number of the lanes are modelled as being over 4m wide. This can give saturation flows that are too high and unable to be met in practice. Re-measure and update all lane widths.
5. The left filter lane is modelled as a "long lane" but is shown as a flare in the drawing. The model should be updated to reflect this, a value of 5 PCU looks appropriate. This will reduce capacity on this link.
6. The internal link between the two junctions has very limited capacity, approximately 5 PCUs. Blocking between the junctions is likely to be a major issue and will reduce capacity further.

LINSIG Model

The supplied model has been updated to address some of the issues highlighted and re-run. The following results indicate the more realistic performance:-

AM Peak, peds every other cycle, 9.8%

AM Peak, peds every cycle, 2.5%

PM Peak, peds every other cycle, -23.6%

PM Peak, peds every cycle, 0.6%

Note all are now under the 10% recommended level.

CEC Traffic Signals

24 March 2016

Children + Families comment

The application is for planning permission in principle for a residential development. This assessment is based on a development of 1,500 homes, consisting of 1,200 houses and 300 flats.

Predicted pupil generation

-	Primary School (ND)	330
-	Primary School (RC)	51
-	Secondary School (ND)	212
-	Secondary School (RC)	37

In line with the new 'Developer 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 West Edinburgh Education Contribution Zone and the South West Edinburgh Education Contribution Zone. However, it is likely that if the application was assessed under the Contribution Zone approach it would contribute in its entirety to the West Edinburgh area. The assessment for this area still requires to be completed and final actions and contribution levels will be established following consideration of the Reporter's findings in relation to the Second Proposed Local Development Plan (LDP).

It is therefore recommended that any negotiation of developer contributions is delayed until this time.

However, as the application is likely to be reported to the Development Management Sub-Committee prior to publication of the Reporter's findings in relation to the LDP, the application has been assessed on its own merits.

The 'East of Milburn Tower Education Infrastructure Appraisal' (reported to Planning Committee on 14 May 2015) identified a need for additional education infrastructure to accommodate the pupils expected from 1495 houses. The updated assessment below is based on the potential mix of 1200 houses and 300 flats.

Primary School requirements

A new double stream primary school will be required. The applicant has indicated that this could be delivered on the development site. If planning permission is to be granted, the applicant will be required to discuss this and agree appropriate terms with Communities and Families prior to the S75 being signed.

Two additional RC Primary School classes to accommodate 51 new pupils will also be required. It is likely that these would be delivered at St Cuthbert's RC Primary School.

Secondary School requirements

The majority of the site is within Craigmount High School's catchment. The LDP Education Appraisal (2014) indicated that additional capacity will be required at secondary schools serving West Edinburgh to accommodate an estimated 441 non-denominational pupils from housing sites identified in the LDP. The previous appraisal indicated that this would be provided at Craigmount High School, The Royal High School or Forrester High School, or across a combination of these.

The reassessment of the West Edinburgh Education Contribution Zone to take account of the 'Developer Contributions and Affordable Housing' guidance has yet to be finalised, however early indications are that additional capacity will now be required to accommodate an estimated 574 non-denominational pupils.

If the number of pupils expected to be generated from this site was included, additional capacity for 786 pupils will be required. In this scenario it is more likely that, given the significant extent of additional capacity which would be necessary, the additional accommodation required would be provided through the delivery of a new secondary school to serve all the new housing sites in West Edinburgh rather than by extending existing schools.

The appropriate location for a new secondary school will be identified following consideration of the Reporter's findings in relation to the LDP, however at this stage Communities and Families does not expect it would be on this development site.

Additional capacity will also be required at St Augustine's RC High School to accommodate an estimated 37 pupils.

Summary

If the site was to be assessed on its own merits, without following the new approach outlined in the 'Developer Contributions and Affordable Housing' guidance, Communities and Families would require the developer to provide the following:

- £10,783,133 (as at Q1 2015) to deliver a double stream primary school and 40/40 nursery;
- ha fully serviced and remediated primary school site (at a location to be agreed with Communities and Families);
- £705,308 (as at Q1 2015) for a two-class RC primary school extension;
- £10,087,991 (as at Q1 2015) towards the costs of providing additional non-denominational secondary school accommodation (based on a proportion of the estimated cost of delivering an 800 capacity secondary school and securing a 4.2 hectare fully serviced and remediated site in West Edinburgh);
- £1,180,496 (as at Q1 2015) to provide additional RC secondary school accommodation.
- Note - all contributions, other than for land purchase, shall be index linked based on the increase in the forecast BCIS All-in Tender Price Index from Q1 2015 to the date of payment.

If the appropriate contribution and the necessary fully serviced and remediated site for a new primary school (at a location to be agreed with Communities and Families) is to be provided by the developer, Communities and Families does not object to the application in principle.

Badgers

Report received.

Spokes

The development's consideration of cycling and walking within the site is commendable and there are also desirable proposals for improved cycling and walking infrastructure there. However, given the scale of the development, these are modest and do not include much needed but expensive external interventions. Overall our judgement is that the planned development would significantly worsen conditions for cycling (and walking) on the surrounding roads, particularly Gogar Station Road, the consequences of which would outweigh any benefits that are planned to assist active travel. For this reason we oppose the development as currently proposed.

New developments should not be permitted if they worsen cycling and walking conditions - and indeed, they provide an opportunity to improve conditions. Should

substantial additional measures, as we suggest below, be included to encourage and assist active travel we would consider withdrawing our objection.

New Traffic Impacts

The site is hemmed in, by the railway to the south, City Bypass to the east, A8 to the north. Gogar Station Rd (GSR) appears to offer the only scope for vehicle access, apart from the existing more northerly underpass of the Bypass, which would connect to Lochside Avenue and the road network of Edinburgh Park, which itself is problematic, since access to this is deliberately limited.

Gogar Station Road is essentially a minor rural road, quite unsuitable for the traffic generated by the proposed 1500 homes. The road has recently been re-surfaced to include cycle lanes in both directions, to provide cycle access to the RBS complex at the northern end, as well as to destinations further west, such as the airport.

The significance of this road for cyclists is considerable, since it enables cyclists to avoid the Gogar roundabout at the northern end of the City Bypass, which is quite unsuitable for and therefore unused by cyclists. The recent cycle friendly improvements to GSR are most welcome, and would be completely negated by the increase in traffic volumes caused by the proposed new development.

The developer's traffic assessment seems to us to considerably underestimate and underplay the likely new traffic impacts. Will 1500 homes only give rise to 263 vehicle departures in the morning peak. What impact will the morning peaks additional 329 estimated vehicle trips do to traffic on the narrow Gogar Station Road? The developer proposes additional "shuttle traffic signals" to improve safety where the road narrows. This will clearly impede traffic flows and we suspect that long queues of motor vehicles will form increasing air pollution and rendering cycle lanes unusable.

We are indebted to a blogger who points out that whilst the travel assessment uses the Local Development Plan (LDP), Transport Appraisal's "Do something scenario", the developer is not planning to do the "somethings" which the LDP proposes - road widening. But even if widening were to happen the volumes would mean cars needing to wait behind cyclists looking for a gap in oncoming traffic before overtaking is possible. Given traffic volumes only a segregated two way cycleway along Gogar Station Road would provide a suitable solution. The developer should be required to provide this infrastructure.

As an alternative, perhaps Gogar Station Road could be left untouched and all motor traffic access and exit the site from the Gogar roundabout?

Encouraging Active Travel by Residents

Given the scale of the development and the vast profit likely to be achieved, the developer should also pay for other infrastructure improvements to benefit residents and other active travellers. At the north end of the development, where maybe 1/3 of all residents will be, the plans will only provide useful access to the A8 going west. Usable access for pedestrians and cyclists to the Gyle Shopping Centre, the soon to be constructed Rail/Tram interchange, and other north-west Edinburgh destinations, needs to be facilitated. It is not practical to expect people to make a two kilometre detour to use the existing underpass to get to the Gyle. A new northern route could be

achieved by a new controlled crossing, a ramped overbridge or a new underpass of the A8 and/or the A720.

We welcome the proposal to make the more northerly of the two existing underpasses of the A720 accessible on foot, cycle or by bus only. This will enable residents from the middle and south of the site to walk/cycle to the Gogar Interchange, Gyle Retail Park, to the tram, and other destinations. Good signage is important, to encourage this active travel, and each household must receive travel plans and advice to show what is possible without a car.

The more southerly current underpass of the A720, which connects the site to Edinburgh Park, needs to be lit, good signage put in place, and better-designed approaches at both ends. On the west side, the approach track from the south is currently rough track and should be given a properly sealed surface. The development should meet all these upgrade costs.

Right-of-Way: we welcome the proposed improvements to the preserved right of way that crosses the site.

Travel to School: Craigmount, Forrester and St Augustine's secondary schools are within cycling distance. The entire routes should be assessed and made suitable for unaccompanied children, and households must be given information on how to get there by bike.

Internal Access:

We welcome the provisions outlined in the Design and Access Statement which will encourage walking and cycling by including, for example, suggestions for running/walking/cycling circular routes of varying distances, both within the site itself and partly beyond, making use of the underpass.

The internal landscaping, with the proposed diversion of the Gogar Burn, should be attractive and user-friendly and offers opportunities for active recreation. However we would suggest an extra foot/cycle bridge, halfway along the straight section in the centre of the site, to make the site more permeable.

However, whilst recreational opportunities are welcome, the primary concern must be to ensure direct, pleasant and safe cycling routes from all housing areas to all important destinations outwith the site, including those mentioned in this submission, as well as within the site.

Scottish Water comment

Following an assessment of our assets I can now confirm that at this time:

Water:

There is currently sufficient capacity in the Marchbank Water Treatment Works to service the demands from your development. However, a Water Impact Assessment is required to ensure that the network can supply adequate flow and pressure to your proposed development and our existing properties in the area.

Wastewater:

There is sufficient capacity in the Edinburgh Waste Water Treatment Works to service the demands from your development. There are currently network issues in this area and a Drainage Impact Assessment will be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands from your development.

Scottish Water is committed to assisting development in Scotland and has funding under our current investment period to upgrade our water and waste water treatment works however our regulations from the Scottish Executive for our current investment programme (2006-2014) state that should your development require Scottish Water networks to be upgraded this cost will have to be met by the developer.

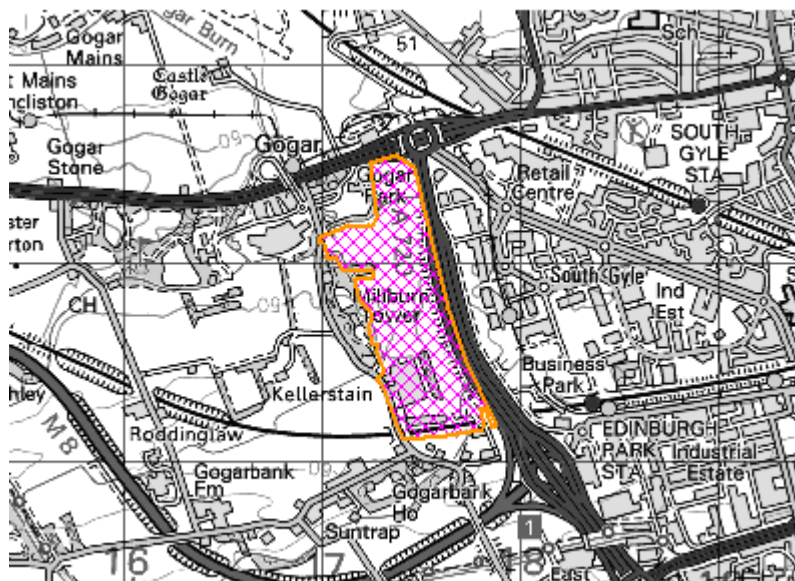
If you wish Scottish Water to undertake a Drainage Impact Assessment and Flow & Pressure testing, a quotation for these works can be provided on request.

It is important to note that Scottish Water is unable to reserve capacity and connections to the water & wastewater networks can only be granted on a first come first served basis. For this reason we may have to review our ability to serve the development on receipt of an application to connect.

Ratho and District Community Council

No comment received

Location Plan



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