

Planning Committee

2.00pm, Wednesday, 31 August 2022

Proposed Compulsory Purchase Order - Meadowbank Housing Development Site

Executive/routine Ward Council Commitments	Executive 14 - Craigentinny/Duddingston <u>1.10</u>
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1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 Agrees to pursue a Compulsory Purchase Order (CPO) for two parcels of land within the Meadowbank housing-led development site and instructs the Council Solicitor to commence proceedings;
 - 1.1.2 Notes that it is intended to submit a draft CPO to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers; and
 - 1.1.3 Notes that the Council will continue to seek a negotiated purchase of the land in parallel with the CPO process.

Paul Lawrence

Executive Director of Place

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Report

Proposed Compulsory Purchase Order - Meadowbank Housing Development Site

2. Executive Summary

- 2.1 This report seeks approval to use the Council's compulsory purchase powers to promote a CPO for two small parcels of land extending to 750 sqm within the Meadowbank housing-led development site. The CPO will be progressed using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 2.2 The purchase of this land is required for the development of the site surrounding the new Meadowbank Sports Centre in accordance with the consented masterplan and agreed delivery strategy.

3. Background

- 3.1 Planning Permission in Principle for the area surrounding the new Meadowbank Sport Centre was approved on 11 December 2018 (Planning Reference 18/00154 PPP) as shown in Appendix 1. This same Committee also granted full planning consent for the new Meadowbank Sports Centre. The contract to build was awarded to Graham Construction and the Sports Centre opened on 19 July 2022 (Planning Reference 18/00181/FUL).
- 3.2 The Masterplan for the housing led development for the remainder of the site was approved at a Planning Hearing on 7 October 2020 (20/00618/AMC) as shown in Appendix 2. The development will deliver around 600 new tenure blind homes for sale and rent, at least 35% of which will be affordable, alongside commercial and healthcare space. The development aims to be net zero carbon, offering high-quality public realm, green and blue infrastructure, active travel routes and pedestrian and cycle priority.
- 3.3 On 3 March 2022, the Finance and Resources Committee approved the partners for the development who are working with the Council to progress the masterplan designs and statutory consents required during the pre-construction period.

A contract is now in place with Edinburgh Meadowbank Group (EDMB), a consortium comprised of John Graham Holdings, Panacea Property Development and Miller Homes to develop the designs.

- 3.4 It is expected that the Development Agreement, Sale Agreement and Construction Contract will be awarded in May 2023 before the developer starts construction on site.

4. Main report

- 4.1 This report recommends that steps are taken to compulsorily acquire two plots of land (Area 1 shown on Appendix 5 and Area 2 shown on Appendix 6) using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 4.2 Following title searches and investigation, it is understood that the two plots of land are owned by the Duke of Moray. It is likely that the land was originally part of the Duke of Moray's Estate of Restalrig. The two areas of land, based on historic ordnance survey maps, appear to have aligned with the former Clockmill Road.
- Area 1 is 110 sqm and is an area of land formerly part of the forecourt area to the Meadowbank Stadium, directly off London Road. This area was largely hard landscaped.
 - Area 2 is 640 sqm and is an area of land identified is largely located on the former velodrome site of the Meadowbank Stadium. The land also stretches east and north-west towards the site boundary.

The two plots form part of the proposed Meadowbank development site and have not been in separate use or occupation of the landowner during that period. They were not included in the original land assembly process.

- 4.3 The Council has undertaken constructive dialogue with the Duke of Moray's agent and solicitor. Negotiations to date have been positive and it is hoped that an agreement can be reached for the voluntary acquisition of both plots. However, it is important that the Council acquires title to the land within a reasonable timeframe to allow the developer to start on site within their contractual programme during 2023.
- 4.4 The Council needs to commence the compulsory purchase process in line with the 1997 Act to ensure that title to the land can be acquired timeously. The CPO is a safeguard and will only be implemented if the land has not been acquired by agreement before the Development Agreement is awarded, which is expected to be May 2023.
- 4.5 Section 189 states:
- (1) A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which:
 - (a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement; and

- (b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- (2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to:
 - (a) the provisions of the development plan, so far as material,
 - (b) whether planning permission for any development on the land is in force, and
 - (c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.
- 4.6 It is considered that the requirements of s189 (1) and (2) are met. The justification for making the CPO will be set out in a Statement of Reasons which will be submitted to the Scottish Ministers when seeking confirmation of the CPO. This is attached at Appendix 7.
- 4.7 In relation to Section 189 (1)(a), the land, combined with adjacent land, is suitable for development. It has planning permission in principle in place (18/00154/PPP) which expires on 31 March 2023.
- 4.8 In relation to section 189 (1)(b), the parcels of land are located on the Meadowbank Site as shown in the Masterplan as currently approved. Area 1 is located in a position which straddles a proposed building shown in the Masterplan, near the western entrance into the site. It would not be possible to construct this building if the land is not acquired. Area 2 cuts through the eastern end of the site and straddles positions where the intention is to build housing. If it is not acquired, it will not be possible to build at that location and the ability to deliver housing at the eastern end of the site will be severely compromised.
- 4.9 In relation to Section 189 (2)(a), the land is identified as open space in the Edinburgh Local Development Plan. The open space had upon it a range of outdoor sports facilities and so Policy Env 19 - Protection of Outdoor Sports Facilities is relevant. Having regard to this policy, the report on the application for planning permission in principle (18/00154/PPP) found that the loss of the outdoor sports facilities was acceptable due to the provision of an alternative outdoor sports facility of equivalent and better sporting value in a no less convenient location. Overall, the proposal is in accordance with the development plan. It is therefore acceptable in relation to the provisions of the development plan.
- 4.10 In relation to Section 189 (2)(b), planning permission is in force for the redevelopment of the site. Due to the amendments to the planning act as a result of the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022, the duration of the permission (18/00154/PPP) extends to 31 March 2023.
- 4.11 In relation to Section 189 (2)(c), another consideration which is likely to be material to determining future planning applications for the site is the proposed City Plan.

Once adopted, City Plan will be the Council's Local Development Plan. As proposed, it removes the open space designation of the CPO land. The removal of the designation would mean that the general policies of the City Plan would apply. There have been no representations on the proposed City Plan in respect of this change of designation. The representations will be reported to Planning Committee later in 2023 in accordance with the Development Plan Scheme. In respect of this land, City Plan is therefore likely to be a material consideration which will support the redevelopment of this site.

- 4.12 The proposal to compulsorily purchase the land is in accordance with the provisions of Section 189 of the Town and Country Planning (Scotland) Act.

5. Next Steps

- 5.1 On receipt of approval of this report, a draft CPO will be submitted to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers.
- 5.2 If authority to exercise the powers is confirmed, the Council will make the CPO, issue the Statement of Reasons attached in Appendix 7 and carry out the statutory advertising and notification before submitting the CPO to the Scottish Ministers for confirmation.
- 5.3 If the CPO is confirmed, it can be implemented, and compensation agreed with the landowner.
- 5.4 In parallel the Council will progress the negotiated purchase of the land.

6. Financial impact

- 6.1 An allowance has been made in the project budget based on available valuations, to calculate the purchase price of the land.
- 6.2 The costs relating to the CPO process itself, such as preparation and promotion of the orders, will be met from the Housing Revenue Account (HRA) capital budget.

7. Stakeholder/Community Impact

- 7.1 The masterplan was developed with significant community engagement. There is an active Sounding Board for Meadowbank. The remit of the Sounding Board is to ensure participants are well informed about developments in the Meadowbank area. The board takes time to share ideas, insights, concerns, and observations, and provides opportunities for consultation, engagement and to influence development plans. The Board members include ward Councillors, local community representatives and other stakeholders.
- 7.2 The Council opened negotiations with the landowner, the Duke of Moray, in 2021 and discussions continue positively.

- 7.3 There are no adverse equalities, health and safety, governance, compliance or regulatory implications arising from this report. The purchase of the land will allow the completion of a major regeneration project.
- 7.4 The CPO process is designed to ensure that individuals' rights are protected and the Council are fully engaging with the process.
- 7.5 The construction of the new homes will improve the housing opportunities in the area for those on low to moderate incomes as there will be over 35% affordable homes. The homes will include 10% wheelchair accessible flats to meet tenants' changing needs.
- 7.8 The houses will be highly insulated and energy efficient meaning they require less energy to heat and therefore reducing living costs for tenants.
- 7.9 The construction of the new public realm is expected to deliver significant benefits in terms of social cohesion and the place-making objectives of the wider regeneration of the area.

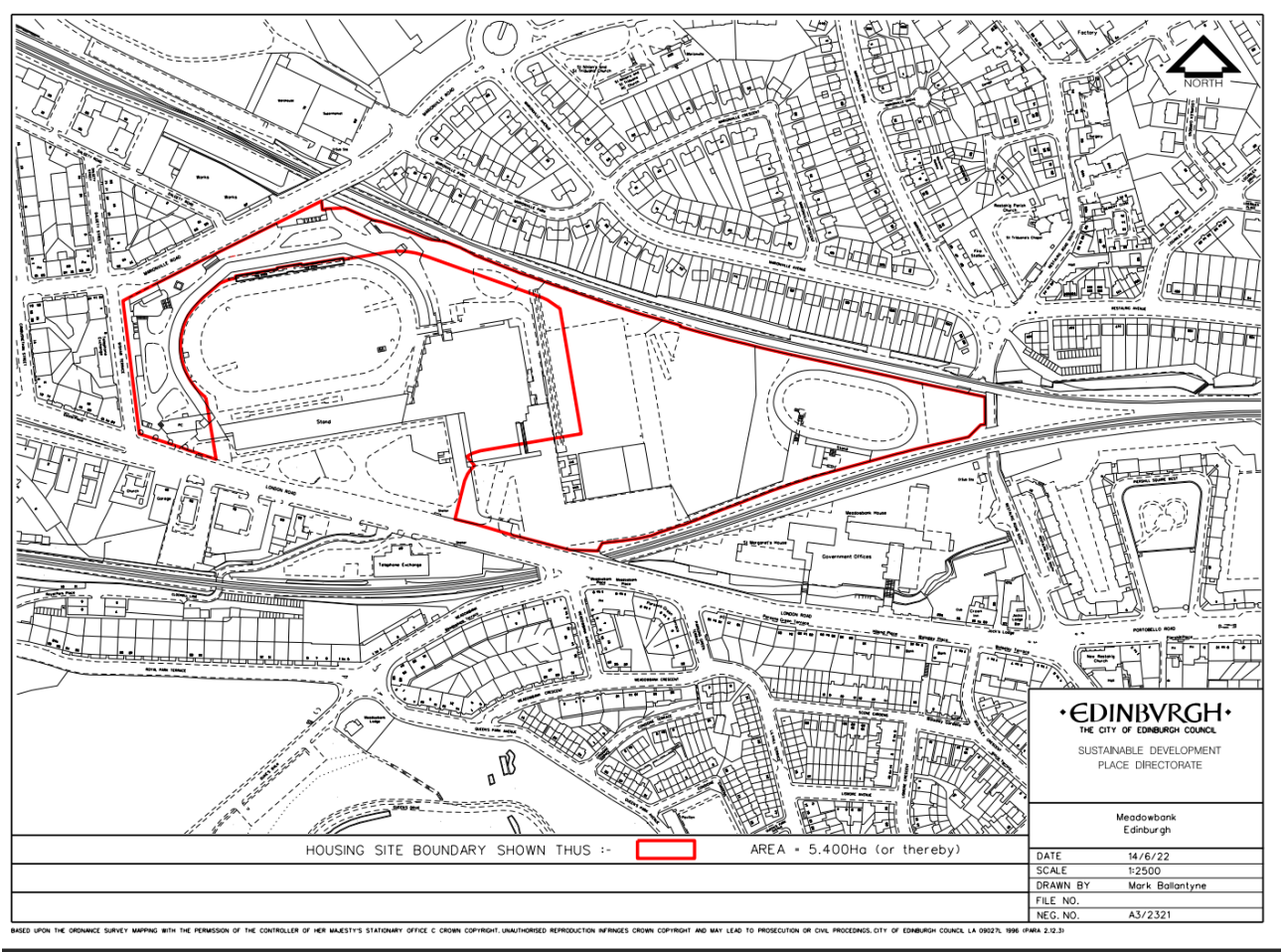
8. Background reading/external references

- 8.1 [National and Regional Sports Facilities- Progress Report](#), The City of Edinburgh Council, 13 March 2008.
- 8.2 [Funding Package Proposal for a new Meadowbank](#), The City of Edinburgh Council, 10 March 2016.
- 8.3 [Housing Development at Fountainbridge and Meadowbank](#), Health, Social Care and Housing Committee 19 April 2016.
- 8.4 [Application for Planning Permission in Principle \(18/00154/PPP\)](#), Development Management Sub Committee on 29 June 2018.
- 8.5 [Application for Planning Permission 18/00181/FUL](#), Development Management Sub Committee 29 June 2018.
- 8.6 [Delivery Strategy for Meadowbank](#), Housing, Homelessness and Fair Work Committee, 29 August 2019.
- 8.7 [Meadowbank Stadium, 139 London Road](#), (20/00618/AMC) Development Management Sub Committee, 7 October 2020.
- 8.8 [Award of Pre Development Contract for Meadowbank Mixed Use Development](#), Finance and Resources Committee, 3 March 2022.

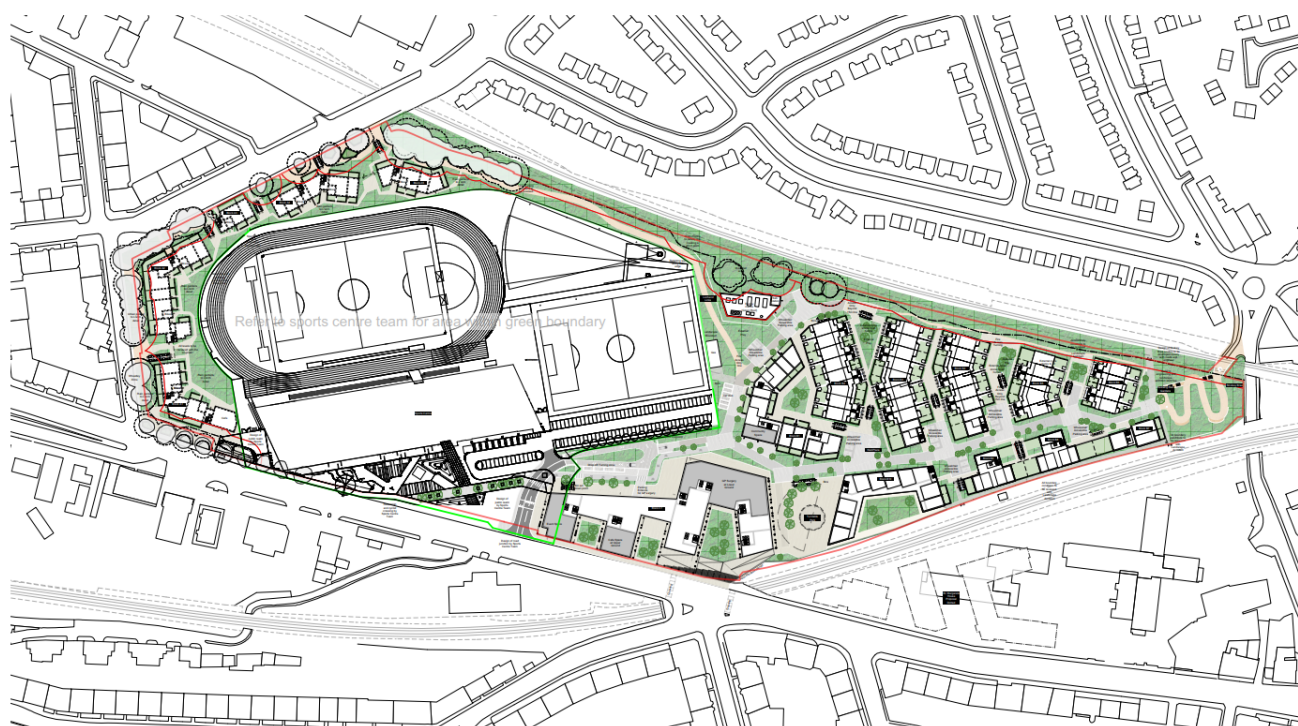
9. Appendices

- 9.1 Appendix 1 - [Application for Planning Permission in Principle \(18/00154/PPP\)](#), Development Management Sub Committee on 29 June 2018.
- 9.2 Appendix 2 - [Meadowbank Stadium, 139 London Road](#), (20/00618/AMC) Development Management Sub Committee, 7 October 2020.
- 9.3 Appendix 3 - Red Line Boundary Plan.
- 9.4 Appendix 4 - Existing Masterplan.
- 9.5 Appendix 5 - Area 1 with OS grid reference.
- 9.6 Appendix 6 - Area 2 with Ordnance Survey grid reference.
- 9.7 Appendix 7 - Statement of Reasons.

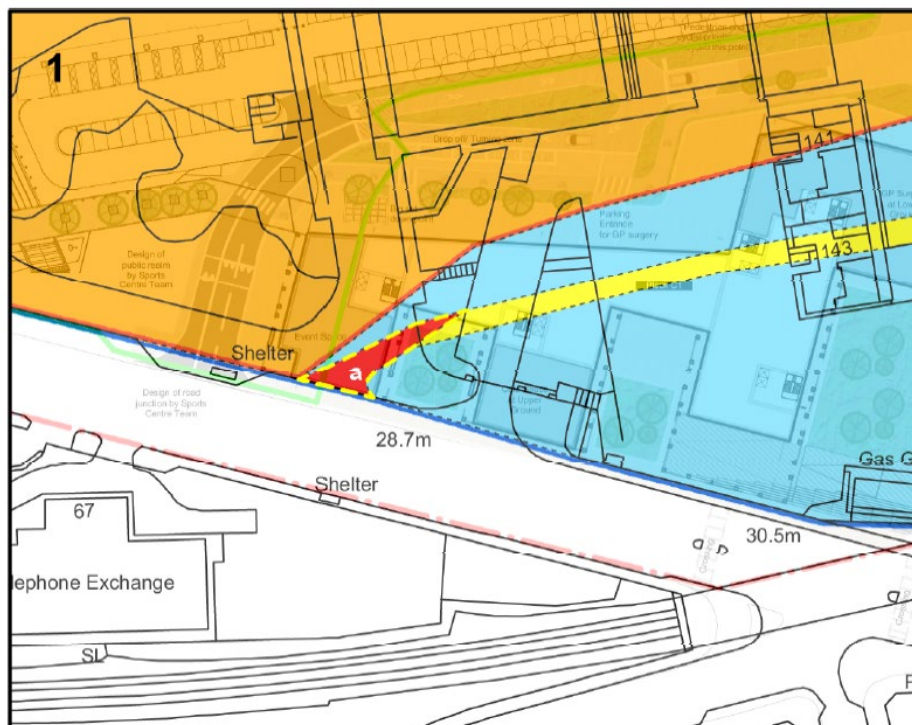
Appendix 3 - Red Line Boundary



Appendix 4 - Existing Masterplan

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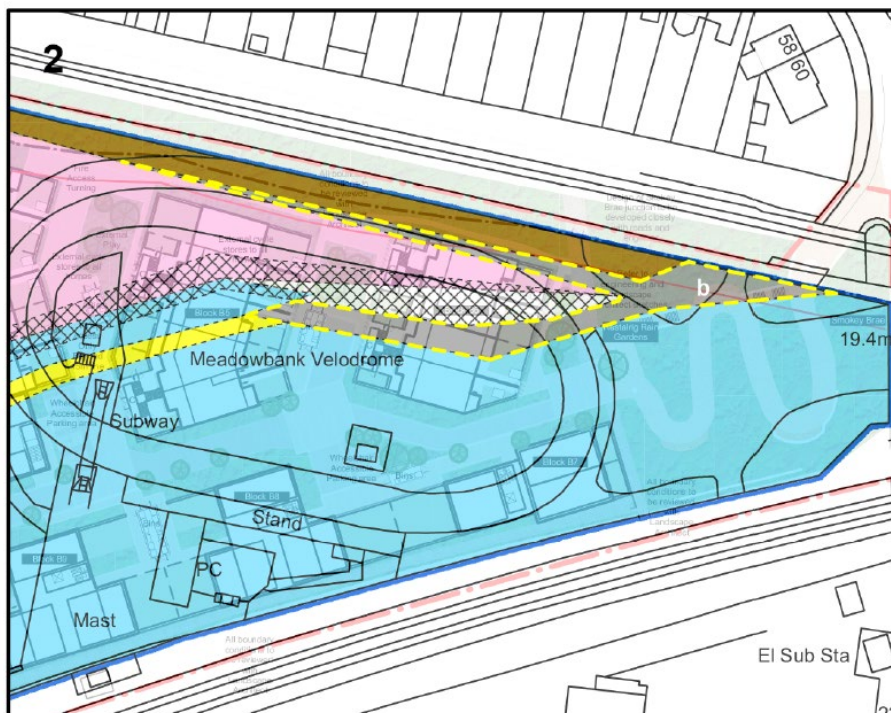
Appendix 5 - Area 1 with Ordnance Survey grid reference



Assumed Grid Reference: NT 27884 74250

- Eastings: 327884
- Northings: 674250

Appendix 6 - Area 2 with Ordnance Survey grid reference



Assumed Grid Reference: NT 28209 74332

- Eastings: 328209
- Northings: 674332

**STATEMENT OF REASONS: LAND FOR DEVELOPMENT AT MEADOWBANK
THE CITY OF EDINBURGH COUNCIL**

THE CITY OF EDINBURGH COUNCIL (MEADOWBANK) COMPULSORY PURCHASE ORDER [2022]

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons ("**SoR**") by the City of Edinburgh Council ("**the Council**") for the making of a compulsory purchase order entitled "The City of Edinburgh Council (Meadowbank) Compulsory Purchase Order [2022]" ("**the CPO**").
- 1.2 This SoR has been prepared in accordance with the Scottish Government Guidance contained in Scottish Planning Circular 6/2011: Guidance on using Compulsory Purchase Orders. The use of compulsory purchase powers will only be justified where the public benefit in the proposed scheme clearly outweighs the private rights of affected parties. This SoR sets out the background to, the purpose of, and the justification for making the CPO.
- 1.3 The CPO relates to the acquisition of areas of land required to complete the mixed-use regeneration of the Meadowbank site to the east of Edinburgh city centre ("**the Meadowbank Site**") in accordance with the Meadowbank Masterplan ("**the Masterplan**"). The regeneration includes the development of new Council owned homes on land surrounding the new Meadowbank Sports Centre ("**the Scheme**").
- 1.4 This SoR sets out the reasons the Council believes the powers of compulsory purchase contained in the CPO are justified and why this is in the public interest. The Council considers that the public benefits set out below clearly demonstrate that there is a compelling case in the public interest for the making of the CPO.

2. LAND TO BE ACQUIRED

- 2.1 The Meadowbank Site comprises the newly developed Meadowbank Sports Centre and the surplus land surrounding the sports centre, located at 139 London Road, Edinburgh. The Meadowbank Site is shown on the plan appended at Appendix A to this SoR.
- 2.2 The Masterplan provides for an urban mixed-use development to be delivered on the surplus land surrounding the sports centre ("**the Development Site**"). Full details of the Masterplan and development proposals are set out in the planning permission 20/00618/AMC, which was approved by the Council on 8 October 2020. The Development Site has a total area of 9.87 hectares, of which 5.416 hectares is the total developable area for the mixed-use development. The site lies to the north of London Road, is bounded to the west by Wishaw Terrace, bounded to the northeast by the East Coast Main Line, by Smokey Brae to the east and bounded to the north by the Powderhall railway line.
- 2.3 The Meadowbank Site has a varied history. The North British Railway had a depot on the land from the mid-19th Century. The area surrounding Meadowbank was largely undeveloped until the mid-20th Century. The surrounding land was mostly green fields which was then replaced with low density housing. The site evolved to accommodate a sports ground, which was later expanded to form the site for the Meadowbank Sports Centre for the Commonwealth Games in 1970 and 1986. Plans showing the historic expansion and use of the Meadowbank Site are included at Appendix B to this SoR.

- 2.4 The Development Site and the land required for the delivery of the Scheme is predominantly within the Council's ownership. To complete the assembly of the Development Site and deliver the Scheme, two further plots of land must be acquired. These were formerly part of the solum of a road called Clockmill Road or Lane which ran from London Road across what is now the Development Site to a point adjacent to the former Piershill Station. That road was stopped up as part of the site assembly in the late 1960s and the solum of the road was incorporated into the Meadowbank site as then developed. Plot 1 lies at the southern end of the former road and is shown in red extending 0.01 hectares on the plan appended at Appendix C to this SoR. Plot 2 is located at the northern end of the former road and is shown in grey extending 0.064 hectares on the plan appended at Appendix C to this SoR.
- 2.5 Plots 1 and 2 have been part of the established Meadowbank Site for over forty years and have been occupied as such without any challenge. The table below describes the details and characteristics of the two plots to be acquired in terms of the CPO:

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
1	<p>Grid References: NT 27884 74250 Eastings: 327884 Northings: 674250</p> <p>ALL and WHOLE the plot or area of ground shown coloured red on Appendix C</p> <p>Provided that the land is owned by the Duke of Moray, there are no real burdens or servitudes and Plot 1 is not special category land.</p>	The Duke of Moray	Plot 1 previously formed part of the forecourt area of the original Meadowbank Stadium directly off London Road. It is hard landscaping and is currently enclosed by hoardings. It is incorporated into the brownfield site designated for the Scheme.	Plot 1 forms part of Site C identified in the Masterplan. Forming part of the Scheme, Site C is proposed as the location for a mixed-use building, largely residential with some commercial space identified at ground level. Plot 1 is partly under the proposed building footprint and partly outside the building footprint. The area outside the building footprint is proposed as public realm. It is proposed that the new external space will be for both public and residential use. The public realm accounts for a significant proportion of Plot 1.	<p>Plot 1 is identified as open space within the Urban Area of the LDP.</p> <p>Craigentinny/ Meadowbank Community Council</p>
2	<p>Grid References NT 28209 74332 Eastings: 328209 Northings: 674332</p> <p>ALL and WHOLE the plot or area</p>	The Duke of Moray	Plot 2 is located on land which previously formed part of the velodrome site at the original Meadowbank Stadium. Plot 2 is	Plot 2 forms part of Site B identified in the Masterplan. Forming part of the Scheme, Site B is proposed as the location for two three-storey 'colony' style family housing in a terraced	Plot 2 is identified as open space within the Urban Area of the LDP.

	<p>of ground shown coloured grey on Appendix C</p> <p>Provided that the land is owned by the Duke of Moray, there are no real burdens or servitudes and Plot 2 is not special category land.</p>		<p>within the extended grounds of the original stadium. Plot 2 is currently enclosed by hoardings following the closure of the original stadium and is incorporated into the brownfield site designated for the Scheme.</p>	<p>form with private gardens to the front and rear, connected by areas of public realm. A small proportion of Plot 2 falls directly under the proposed footprints of the colony terraces. However, the majority of the land is outside the building footprints and located under proposed garden spaces and areas of public realm. To the north, the thin strip of land falls within the proposed 'wildlife corridor' forming a leafy edge to the site. To the east the land falls within a proposed area of public realm called Restalrig Rain Gardens, a ramped landscaped area designed to negotiate a steep level change. To the west the land falls under on a proposed pedestrianised street between the colony terraces (Blocks B5 and B6).</p>	<p>Craigentinny/ Meadowbank Community Council</p>
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3. PLANNING STATUS AND PURPOSE OF ACQUISITION

- 3.1 The compulsory acquisition of Plots 1 and 2 will enable the delivery of the Scheme. The Scheme will deliver new Council-owned homes as part of the mixed-use regeneration development of the Meadowbank Site. Plots 1 and 2 are required to complete the site assembly to secure the land required for the development to proceed. The acquisition of land at the Meadowbank Site by the Council and its predecessors for housing and recreational purposes has been ongoing since the late 1800s and continued into the 20th Century, with a period of consolidation in advance of the Commonwealth Games in 1970. Areas of land were acquired predominantly from the Duke of Moray and the British Railways Board. While undertaking a review of the site requirements for the regeneration project, it became apparent that Plots 1 and 2 had not been acquired at the same time as other transfers of land.
- 3.2 In March 2016, the Council approved the funding package for the development of the new Meadowbank Sports Centre. Part of this package included the transfer of the surplus land at Meadowbank to the Council's Housing Revenue Account ("HRA"). This approach was preferred to the disposal of the surplus land as it ensured that the land remained within the ownership of the Council and could be used to deliver much needed housing, including affordable housing. Details of the City of Edinburgh Council's 2016 Report; Funding Package Proposal for a new Meadowbank included in Appendix D to this SoR.
- 3.3 In April 2016, the Council's Health, Social Care and Housing Committee further approved a proposal for the development of new Council-owned homes at Meadowbank and agreed to seek approval to apply for

Scottish Government funding through the Affordable Housing Supply Programme (“AHSP”) to support the delivery of the homes. Details of this decision are included in Appendix E to this SoR.

- 3.4 In 2018, the Council’s Development Management Sub-Committee resolved to grant Planning Permission in Principle (“PPP”) for the redevelopment of the surplus land for a mix of uses, including residential, student accommodation, hotel and commercial uses (including Classes 1, 2, 3 and 4), together with car parking, landscaping, drainage and ancillary works (Planning Reference: 18/00154/PPP). A copy of the decision notice for the PPP is included as Appendix F to this SoR.
- 3.5 Condition 1 of the PPP required the preparation and approval of a masterplan for the development proposals now forming part of the Scheme. The Masterplan was approved by the Council’s Development Management Sub-Committee in 8 October 2020. A copy of the decision notice for the AM is included as Appendix G to this SoR.
- 3.6 A copy of the Masterplan layout is included as Appendix H to this SoR. Plots 1 and 2 are included within the development site shown in the Masterplan as approved. Without acquiring Plots 1 and 2, the Council will not be able to complete the site assembly and ensure that it has a satisfactory and secure basis for proceeding with the Scheme.
- 3.7 The key elements of the Masterplan are as follows:
- 3.7.1 Capacity for at least 596 homes in a mix of housing types;
 - 3.7.2 Capacity for a new GP surgery and other community uses, including retail and commercial space;
 - 3.7.3 Provision of 20% family housing and provision of housing for the elderly;
 - 3.7.4 A pedestrian priority zone with a restricted parking policy in line with carbon reduction objectives;
 - 3.7.5 A whole development approach to net zero carbon – zero carbon homes, SUDs and rain gardens;
 - 3.7.6 Placemaking to create a vibrant new development of safe and active streets to nurture community life and to improve connections through and into the surrounding area;
 - 3.7.7 The protection of Wheatley Elm trees; and
 - 3.7.8 High quality landscaping and public realm to encourage life and activity with green routes and urban parks.
- 3.8 The Masterplan shows the proposed layout for the Scheme and includes 596 residential units in a mix of housing types. The residential units are split across three sub-sites:
- 3.8.1 Site A is located to the immediate west and north of the sports centre ground and is proposed to comprise 128 units.
 - 3.8.2 Site B forms the largest sub-site in terms of area. It is located to the east of the sports centre ground and is proposed to contain 226 units.
 - 3.8.3 Site C is the site around the entrance from London Road and is proposed to contain 242 units.

4. ENABLING ACT AND COMPULSORY PURCHASE POWERS

- 4.1 The Council intends to use the provisions contained in section 189 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) to acquire Plots 1 and 2 by means of compulsory purchase. Section 189 (1) provides as follows:

“A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which—

(a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement;

(b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.”

4.2 Section 189 (2) further provides:

“A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to—

(a)the provisions of the development plan, so far as material,

(b)whether planning permission for any development on the land is in force, and

(c)any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.

4.3 The Council considers that the requirements set out in section 189(1) are met in this case and the Council has had regard to the factors outlined in section 189(2).

4.4 In relation to section 189 (1) (a), the land, combined with adjacent land, is suitable for development. This has been established by the approval of the PPP and the later approval of the Masterplan.

4.5 In relation to section 189 (1) (b), the parcels of land are located on the Meadowbank Site as shown in the Masterplan as currently approved. Plot 1 is located in a position which straddles a proposed building shown in the Masterplan, near the western entrance into the site. It would not be possible to construct this building if the land is not acquired. Plot 2 cuts through the eastern end of the site and straddles positions where the intention is to build housing. If it is not acquired, it will not be possible to build at that location and the ability to deliver housing at the eastern end of the site will be severely compromised.

4.6 In relation to section 189 (2) (a), the land is identified as open space in the Edinburgh Local Development Plan. The open space had upon it a range of outdoor sports facilities and so Policy Env 19 - Protection of Outdoor Sports Facilities is relevant. Having regard to this policy, the Report of Handling for the PPP application found that the loss of the outdoor sports facilities was acceptable due to the provision of an alternative outdoor sports facility of equivalent and better sporting value, in a no less convenient location. Overall the proposal is in accordance with the development plan.

4.7 In relation to section 189 (2) (b), PPP is in force for the redevelopment of the site and must be implemented prior to 31 March 2023.

4.8 In relation to section 189 (2) (c), another consideration which is likely to be material to determining future planning applications for the Meadowbank Site is the proposed City Plan. Once adopted, City Plan will be the Council's local development plan. As proposed, it removes the open space designation of the CPO land. The removal of the designation would mean that the general policies of the City Plan would apply. There have been no representations on the proposed City Plan in respect of this change of designation. The representations will be reported to Planning Committee later in 2023 in accordance with the Development Plan Scheme. In respect of this land, City Plan is therefore likely to be a material consideration which will support the redevelopment of the Meadowbank Site.

- 4.9 The Council is therefore content that the proposal to compulsorily purchase Plots 1 and 2 is in line with the provisions of section 189 of the 1997 Act.

5. OWNERSHIP AND ENGAGEMENT

- 5.1 As set out in paragraph 3.1 above, the Council and its predecessors have been assembling land at the Meadowbank site for a prolonged period for housing and leisure purposes. For unknown reasons, Plot 1 and Plot 2 were not included in previous acquisitions of land.

- 5.2 The Council has carried out extensive title investigation and research to establish the ownership of Plot 1 and Plot 2. It is considered that the most likely position is that that both Plots are owned by the Duke of Moray. There are various factors which justify this conclusion:

5.2.1 There are six areas of the Development Site already in Council ownership - see plan at Appendix C. Of these six areas, two were acquired directly from the Duke of Moray (pink and black crosshatched areas). One area was acquired from the British Transport Commission (green area) whose title was, in turn, derived from the Duke of Moray and two were acquired from the British Railways Board, (blue/yellow and brown areas) at least parts of which were derived from the Duke of Moray. There is only one area which cannot so far be traced back to the Duke of Moray (orange area). Although Plot 1 lies adjacent to this area, it and the orange area only 'touch' at one point and are otherwise separated from each other by land acquired from British Railways Board and thus it is unlikely that Plot 1 ever formed part of the same ownership as the orange area.

5.2.2 The wider Meadowbank area was historically part of the Barony of Restalrig which was purchased by the then Duke of Moray in the mid-18th century.

5.2.3 On that basis the Council has engaged with and commenced negotiations with the agent for the Duke of Moray for the voluntary acquisition of Plot 1 and Plot 2. Negotiations are ongoing but given the timescales set out in the development programme for the Scheme – including the process for securing development partners – and the desire to progress with the delivery of the Scheme, the Council considers that there is a reasonable likelihood that the plots may have to be compulsorily acquired.

- 5.3 Given the size of Plot 1 and Plot 2, the current use of the plots and the necessity for both plots to be within the Council's ownership to enable the delivery of the Scheme, the Council does not consider that it would be in the public interest for the plots to become areas of 'ransom' by the landowner. It is therefore considered that the use of compulsory powers of acquisition can be justified in the event that the voluntary acquisition of the plots cannot be secured.

- 5.4 More widely, the Masterplan and the proposals for the Scheme were prepared after an intensive community-led process with various forms of public engagement. This included:

5.4.1 Nine drop-in public consultation events (with 600 questionnaires returned);

5.4.2 Four different consultation locations;

5.4.3 Six sounding board meetings;

5.4.4 Six stakeholder workshops; and

5.4.5 The use of the place-standard tool (with 80 forms completed).

Details of this engagement and consultation are included at Appendix I of this SoR.

- 5.5 Following the public engagement, various aspects of the Scheme were revised to respond to the feedback offered. The revised layout for the Scheme is not as dense as previous proposals and the Masterplan reflects this. The Scheme was also revised so as not to include any student accommodation or hotel provision and

some parts of the proposed open space have been redesigned to include community gardens and play space. A wildlife corridor has also been introduced to respond to public comments.

6. DELIVERING THE SCHEME

6.1 This section of the SoR will set out the details of how the Council intends to deliver the Scheme.

A Development Partner

6.2 In order to deliver the homes, the Council has secured a third-party development partner. The Council does not have an in-house construction or commercial undertaking suitable for delivering the Scheme or achieving the full potential of the Meadowbank site.

6.3 On 3 March 2022, the Council's Finance and Resources Committee awarded a pre-development contract to the Edinburgh Meadowbank Group (a consortium comprising John Graham Holdings, Panacea Property Development and Miller Homes hereafter referred to as "**EDMB**") at a total anticipated cost of £1.045 million.

6.4 EDMB were secured in line with the relevant public procurement legislation and competitive process. The award process allowed for shortlisting, negotiation, interviews and full and final bids. This ensured that the bids were received and evaluated in a transparent manner and all parties received the same information.

6.5 The contract with EDMB is for the pre-development work and will take the project up to the point of final detailed design. Once the pre-development period is concluded and costs are agreed, the development will proceed to the construction phase. The Council will continue to own all design and survey output from the pre-development period. Costs for construction cannot be finalised until after detailed design is complete.

6.6 The development partner will be required to deliver the housing – including the affordable housing – and the ground-floor uses. Such ground-floor uses could include commercial space or a GP surgery. The proposed accommodation and tenure mix will be agreed as part of the final design.

6.7 Site A and part of Site B will be retained by the Council for affordable housing. This will include Plot 2. Site C will be sold by the Council to the development partner for Build to Rent housing. This will include Plot 1.

6.8 For Site A and Site B it is intended that the development partner will progress the detailed design work and value engineering. The development partner will also be responsible for obtaining any further statutory consents required for the delivery of the Scheme. Upon the expiry of the pre-development period, a fixed price design and build contract will be agreed with the Council for the delivery of the affordable housing.

6.9 For Site C it is intended that the development partner will progress the detailed design for the development proposed on this site and will obtain the necessary statutory consents. Upon the expiry of the pre-development period, the development partner will purchase the land from the Council.

Other orders or approvals required to deliver the Scheme

6.10 It is anticipated that in addition to the planning consents required, there will also be a requirement to secure building warrants, road construction consent and a traffic regulation order to deliver the completed Scheme.

6.11 The Council does not consider that there are any likely barriers or impediments to securing these additional approvals.

Funding

6.12 The Council has been awarded £11.8 million of Scottish Government affordable housing grant for the development of 208 social rented properties.

6.13 The remainder of the development costs for the Council homes will be funded through the Housing Revenue Account capital programme as set out in the Housing Revenue Account Budget Strategy (2022-32) which was approved by the Council on 24 February 2022. Details of the Budget are included in Appendix J to this SoR.

- 6.14 The pre-development contract awarded to EDMB amounts to £1.045 million. Details of the award are included at Appendix K to this SoR. As noted above, this contract covers the pre-construction and design services for both the affordable and private homes. This will be funded from the Housing Revenue Account and forms part of the 2022/2023 HRA Budget Strategy approved by Committee on 3 February 2022. These costs will be repaid by EDMB as part of the capital receipt and as a deduction from the building contract when they enter into a Development Agreement.
- 6.15 A minimum capital receipt of £20.6m will be provided to the Council by EDMB when they enter into a Development Agreement at the end of the pre-development period. This receipt will more than repay the outstanding capital advances relating to the purchase of the Meadowbank site. In addition, overage provisions will be put in place to ensure that any additional profit is shared with the Council
- 6.16 The Council has secured further £100,000 funding from Sustrans for the design work for the active travel routes serving the site and its connections with the wider network. There is scope for additional funding to be secured for the eventual construction costs for these routes.
- 6.17 These commitments give a strong position and indication that Plot 1 and Plot 2 can be acquired within the statutory timescales and that the Scheme overall is capable of being delivered within a reasonable period following the acquisition of the land.

Timing

- 6.18 The programme for the delivery of the Scheme can be summarised as follows:
- 6.19.1 The pre-development contract was awarded to EDMB in Q2 2022.
- 6.19.2 The pre-development period during which all statutory approvals will be acquired will run until Q2 2023.
- 6.19.3 Construction will commence on site during Q3 2023, once Development contract has been agreed.

7. ASSESSING ALTERNATIVE WAYS OF REALISING THE AUTHORITY'S PURPOSE

- 7.1 The use of compulsory purchase powers to acquire land is a serious interference with an individual's private rights. The Council acknowledges that the use of the CPO is not a step to be taken without full consideration of all other alternatives.
- 7.2 As set out at paragraph 3.1 above, following the previous development and use of the Meadowbank Site, the Council understood that it owned all of the land comprising the site. All areas of the land on the site were incorporated as part of the previous use of the site – as the original Meadowbank Stadium and velodrome and the land surrounding it. Plots 1 and 2 were part of the Meadowbank Site in its previous iteration and use.
- 7.3 The Council identified that the Meadowbank Site was appropriate for redevelopment and regeneration. It resolved to proceed with the Scheme to achieve this. As part of the preparations for the delivery of the Scheme, the Council realised that the heritable title to Plot 1 and Plot 2 could not be conclusively established.
- 7.4 As shown on the Masterplan, Plots 1 and 2 are areas of land incorporated as sub-sites for the development of residential accommodation, retail space and public realm improvements. The Plots have been incorporated as part of the brownfield site awaiting the development of the Scheme and are not identifiable as land in separate ownership to the remainder of the Meadowbank Site. The Plots form part of the approved Masterplan.
- 7.5 Plots 1 and 2 do not have an established use or purpose which is different from the remainder of the Meadowbank Site and it would be difficult to identify what alternative use the Plots could be put to if they

did not form part of the Scheme. Because the Plots are located in the areas of the Meadowbank Site where the residential accommodation will be built, it is not considered that there are any rights short of ownership which could be used to secure the delivery of the Scheme.

- 7.6 The Council has therefore concluded that there is no alternative means of delivering the the current Masterplan without acquiring Plots 1 and 2.

8. BARRIERS TO DELIVERING THE SCHEME

- 8.1 The Council does not consider that there are any significant barriers to completing and delivering the Scheme.
- 8.2 The planning position has been established and PPP has been secured. The approved Masterplan has established the parameters for future applications and the Council does not consider that future applications will deviate from these parameters.
- 8.3 Similarly, the funding for the delivery of the Scheme has been agreed as part of the Council's commitment to the Scheme and the process for securing a development partner.
- 8.4 The Council acknowledges the risks associated with the CPO process, in particular the implications for timing if there are objections to the CPO. The Council has already factored in the uncertainties associated with the CPO process as part of the overall programme and therefore considers that the process will not necessarily present a significant risk to the delivery of the Scheme.

9. JUSTIFICATION AND PUBLIC BENEFITS

- 9.1 The principle of the Scheme and the requirement for it to be delivered have been established by the decisions of the Council set out above and included as Appendices [] to this SoR.
- 9.2 The Scheme will deliver housing. There is a limited supply of social rented housing in Scotland. Edinburgh has recorded the highest market rents and sale prices in Scotland, and with high land values, the Council's affordable housing pressures are substantial. Social rented homes account for 14% of Edinburgh's housing stock, but the Council receive at least 190 households bidding for every Council home that becomes available for let. The Council is committed to tackling the supply issues by building affordable housing in the city.
- 9.3 The Council has committed to delivering at least 10,000 high quality, energy efficient affordable homes by 2027. To date 1,456 homes have been delivered through the Council's housebuilding programme, with 270 of these completed in the past 12 months. There are currently 600 homes under construction, with a further 3,200 in design or pre-construction stage.
- 9.4 The Council seeks to avoid the unnecessary use of greenfield land for development and aims to build new communities on brownfield land, at a better density, reducing the need to travel, supported by active and public transport. The Scheme supports these policies as it is a brownfield site and it is ready to deliver a high quantity of affordable homes.
- 9.5 There is significant public benefit in the delivery of the Scheme. The Masterplan has been informed by, and responds to, the feedback received from an extensive programme of community engagement. It balances the challenges of bringing new homes to the area, protecting and enhancing the environment and supporting the delivery of a brand-new sports centre.
- 9.6 The compulsory acquisition of land can be justified in this CPO. Without the acquisition of Plots 1 and 2, the Council cannot confirm the heritable title to the Development Site and progress the delivery of the current Scheme.
- 9.7 The Council considers that the public benefit of delivering the Scheme outweighs the interference with private rights. The Scheme will deliver affordable housing for the city and contribute towards the regeneration of the Meadowbank area and the east-end of the city. On the basis that Plots 1 and 2 have

formed part of the established Meadowbank Site for over forty years and have not been used for another purpose, it is considered that the adverse impact on, and interference with private rights in this CPO is very limited. The landowner has not had separate occupation or use of the Plots at any time during the modern iteration of the Meadowbank Site.

- 9.8 The Council considers that the public benefits outlined present a compelling case in the public interest for the making of the CPO and considers that the tests in Circular 6/2011 have been met.

10. HUMAN RIGHTS

- 10.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the CPO, including those under Articles 6, 8 and Article 1 of the First Protocol.
- 10.2 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate in that in pursuing the public interest the objective to be achieved in making the CPO must outweigh the interference with any private rights. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”, i.e. proportionate. The Council is of the view that in pursuing this CPO, it has carefully considered the balance to be struck between individual rights and the wider public interest. Interference with Convention rights, to the extent that there is any, is considered to be justified in order to secure the regeneration of the Meadowbank area and public benefits which the Scheme will bring and to secure compliance with local planning policy. The Council believes that the greater good is in the promoting the Scheme for the benefit of the people of the area and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 10.3 In progressing the CPO the Council has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the CPO and have their representations considered. The land to be acquired for the Scheme is minimal and is not in active use by the landowner. The public benefit can only be delivered by acquisition of this land and such acquisition would not place a disproportionate burden on affected landowner.

11. PUBLIC DEPOSIT

- 11.1 [DETAILS TO BE INCLUDED HERE].

12. CONCLUSION

- 12.1 The Council considers that:
- 12.1.1 The public benefit of the Scheme outweighs the private rights of ownership of Plots 1 and 2, and the plots have been part of the Meadowbank Site for over 40 years without challenge. It is difficult to see what alternative use they could be put to, given their size and location, by any other owner
 - 12.1.2 The Scheme is deliverable, and the Council has a realistic plan, source of funding and programme for delivering it.
 - 12.1.3 The acquisition of Plots 1 and 2 is wholly necessary for the delivery of the Scheme and the land forms an integral part of the development proposed and approved by the Masterplan.
 - 12.1.4 There are no significant barriers to the delivery of the Scheme.

APPENDICES

APPENDIX A - Site plan

APPENDIX B - Historic plans of the Meadowbank site

APPENDIX C - Plans of the land to be acquired

APPENDIX D - City of Edinburgh Council Report, 10 March 2016, [Funding package proposal for a new Meadowbank](#)

APPENDIX E - Health, Social Care and Housing Committee Report, 19 April 2016, 21st Century Homes [Housing Development at Fountainbridge and Meadowbank](#)

APPENDIX F - [Application for Planning Permission in Principle \(18/00154/PPP\)](#), Development Management Sub Committee on 29 June 2018.

APPENDIX G - [Application for AMSC Planning Permission Meadowbank Stadium, 139 London Road, 20/00681/AMC](#) Development Management Sub Committee, 7 October 2020.

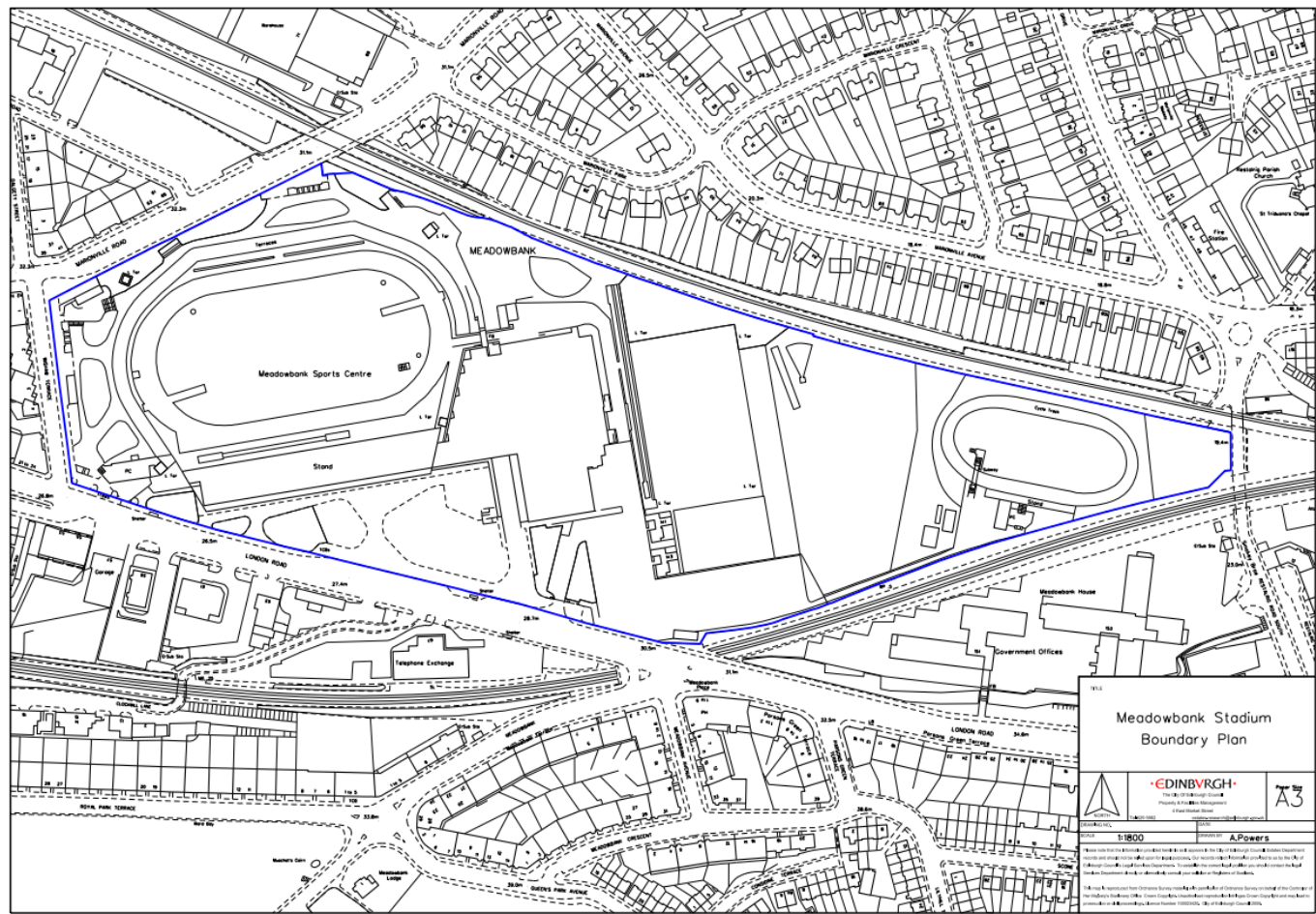
APPENDIX H - 20/00681/AMC Masterplan Layout

APPENDIX I - 20/00681/AMC Masterplan [Community Consultation Report](#)

APPENDIX J - City of Edinburgh Council Report, 24 February 2022, [Housing Revenue Account \(HRA\) Budget Strategy \(2022-32\)](#)

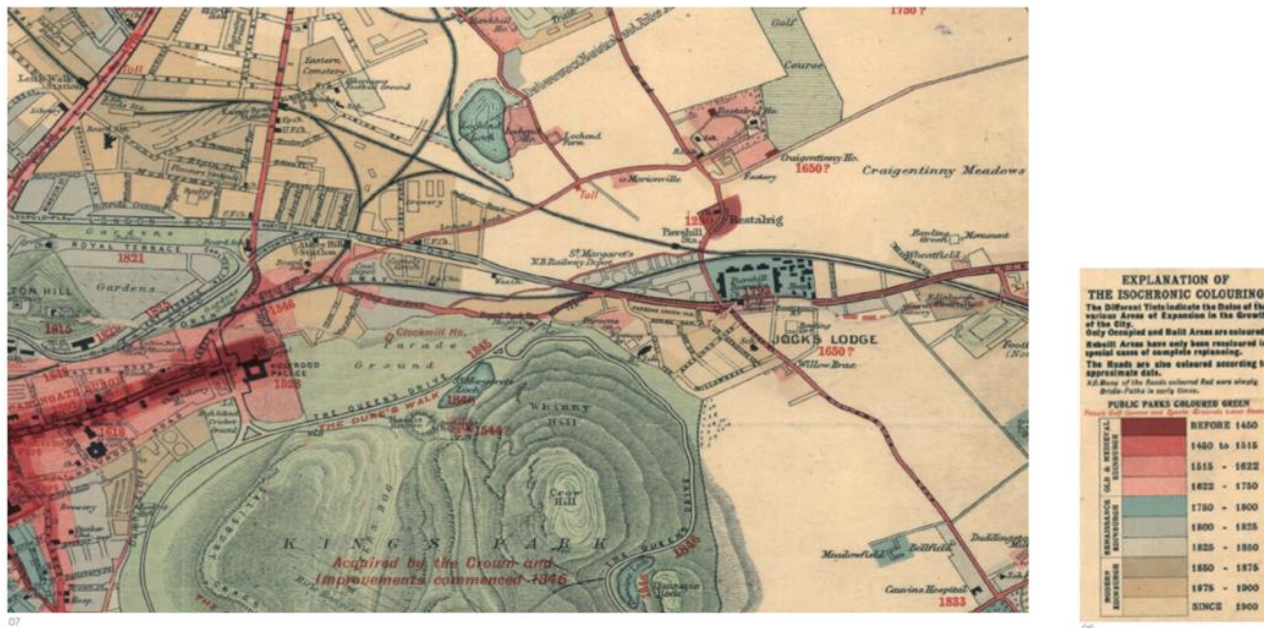
APPENDIX K – Finance and Recourses Committee Report, [Award of Pre-Development Contract for Meadowbank Mixed Use Development](#), 3 March 2022

APPENDIX A - Site plan



APPENDIX B - Historic plans of the Meadowbank site

Plan 1



Plan 1 Bartholomew's Chronical Plan of Edinburgh 1919 and Plan Key.

This shows that the area surrounding Meadowbank was largely undeveloped until the mid-20th Century. The land surrounding was mostly green fields which was then replaced with low density housing.

Plan 2



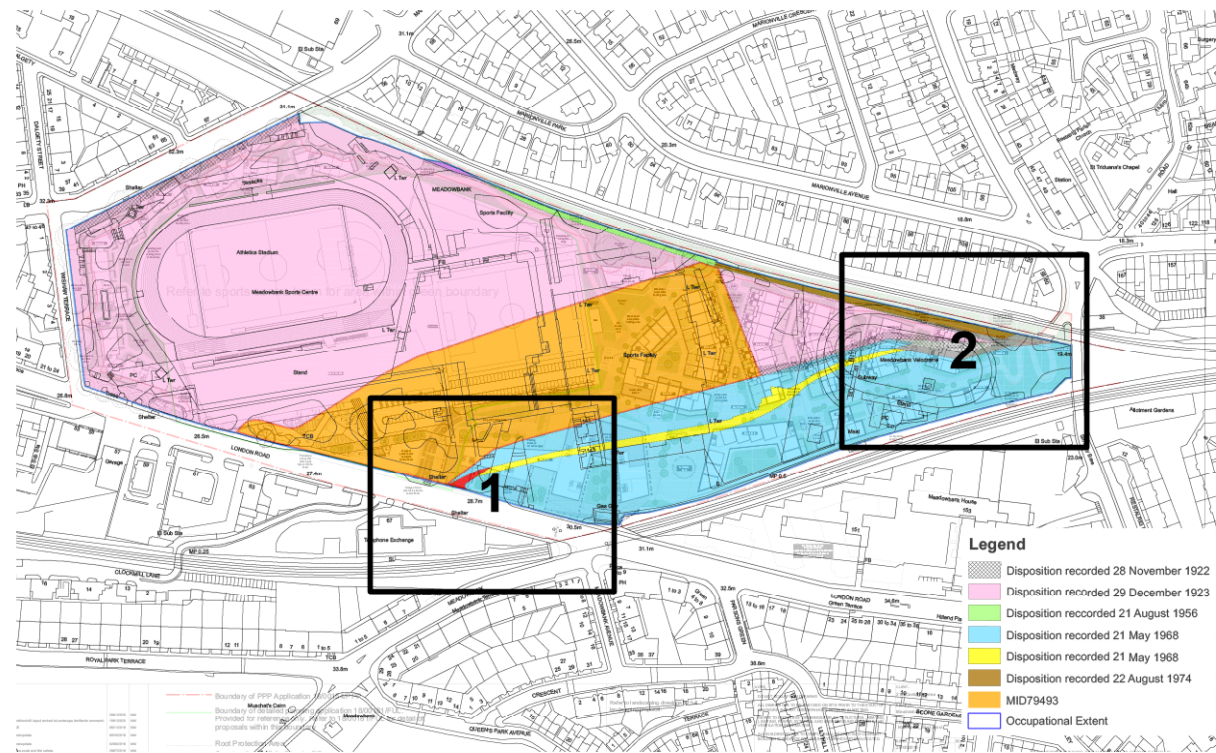
Plan 2 is the 1950-1970 OS Plan.

This is amalgamated with the rest of the site to form the site for the Meadowbank Sports Stadium.

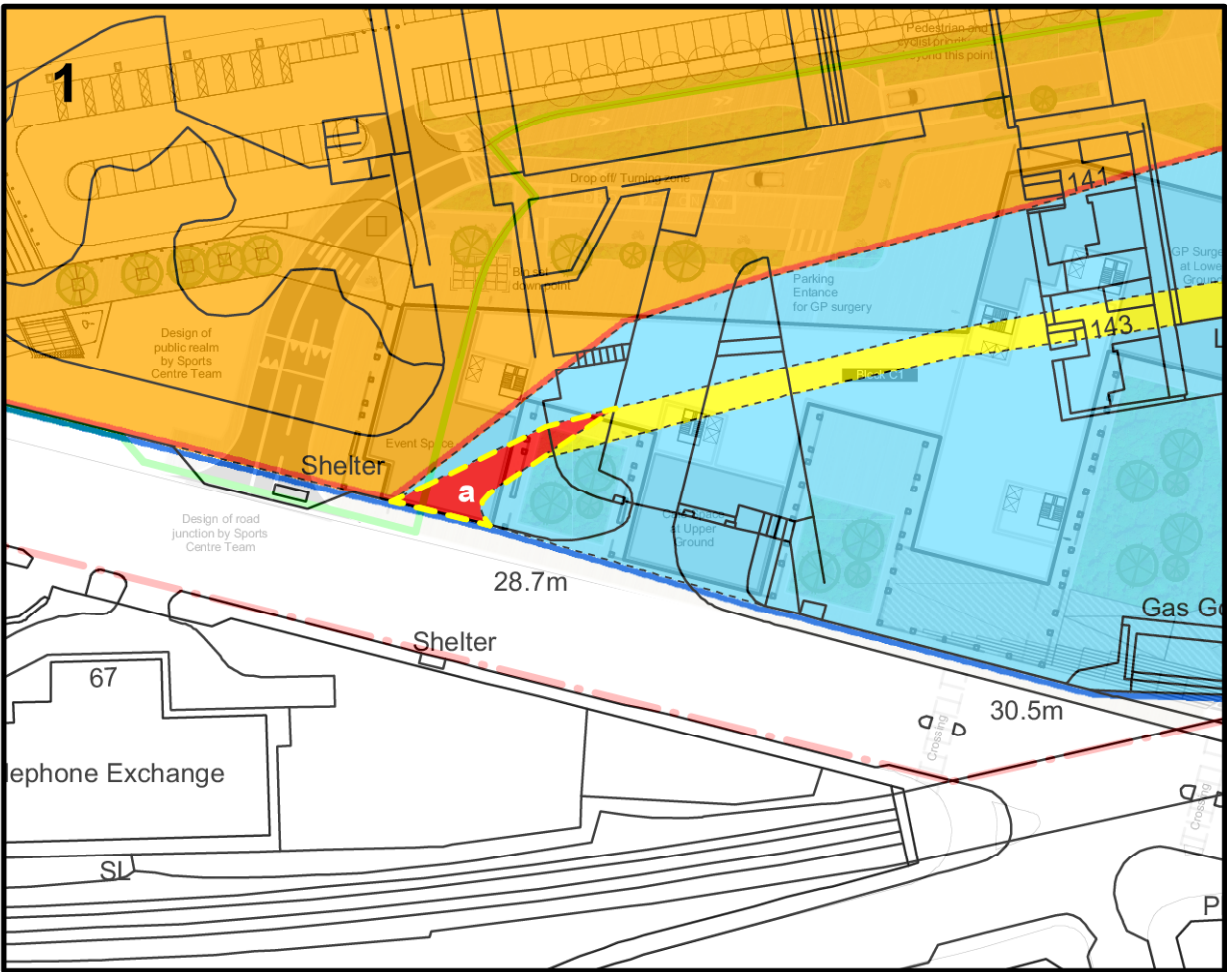
Plan 3



Plan 3 is the OS Plan from 1990.



Area 'a'
In red, bounded by yellow dashed line
= 0.011 Hectares



Area 'b'
In grey, bounded by yellow dashed line
= 0.064 Hectares

