

# Planning Committee

10.00am, Friday, 24 March 2023

## Proposed Compulsory Purchase Order – Granton Waterfront (Phase 1) Regeneration Site

Executive/routine  
Ward  
Council Commitments

Executive  
4 - Forth

### 1. Recommendations

---

- 1.1 It is recommended that Committee:
  - 1.1.1 Agrees to pursue a Compulsory Purchase Order (CPO) for seven parcels of land within the Granton Waterfront (phase 1) regeneration 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 acquisition of the parcels of land in parallel with the CPO process.

#### Paul Lawrence

Executive Director of Place

Contact: Sat Patel, Programme Director

E-mail: [Satyam.patel@edinburgh.gov.uk](mailto:Satyam.patel@edinburgh.gov.uk) | Tel: 07599 102056

## Proposed Compulsory Purchase Order – Granton Waterfront (Phase 1) Regeneration Site

### 2. Executive Summary

---

- 2.1 This report seeks approval to use the Council's compulsory purchase powers to promote a Compulsory Purchase Order (CPO) for seven small parcels of land extending to around 3,452 sqm within the Granton Waterfront (Phase 1) regeneration site. The Order 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 Ownership and control of this land is required for the development of Phase 1 'Heart of Granton' within the wider Granton Waterfront regeneration area in accordance with the consented Granton Waterfront [Development Framework](#) and agreed delivery strategy as set out in the [Granton Waterfront Outline Business Case](#).

### 3. Background

---

- 3.1 Granton Waterfront is included as a National Development within NPF4 which supports the regeneration of strategic sites along the Edinburgh Waterfront.
- 3.2 Granton Waterfront sits as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh's Waterfront. The area was identified for housing-led, mixed-use development.
- 3.3 Granton Waterfront is one of seven strategic sites prioritised for delivery as part of the Edinburgh and South East Scotland City Region Deal.
- 3.4 On [26 February 2020](#) the Planning Committee approved the Development Framework for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development (See Appendix 1 for the development framework area).
- 3.5 On [5 October 2021](#), the Policy and Sustainability Committee approved the Granton Waterfront Regeneration Outline Business Case (OBC) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial

and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 'Heart of Granton', which includes procurement of a development partner (see Appendix 2 for boundary of Phase 1 'Heart of Granton').

- 3.6 In June 2022, following a competitive procurement process, the Council announced Cruden Homes East Ltd as the preferred bidder to take forward Phase 1 of the regeneration. A Pre-Development Agreement has now been signed, and over the next 12-18 months, the Council will work in partnership with Cruden Homes East Ltd to take forward the pre-development works to include the detailed design for around 750 net zero homes for sale and rent, commercial space, new and enhanced sustainable transport infrastructure and high-quality public realm which will connect the surrounding communities with their waterfront.
- 3.7 Gateways have been built into the pre-development period. At the end of stage 1 of the pre-development period (up to the submission of Planning), a report will be brought to Committee seeking approval of the FBC and the authority to enter into the delivery stage of Phase 1. This would be on the basis of the final price at the end of stage 2 of the pre-development period (statutory consents and tendered package of works) being in line with the affordability envelope set out in the FBC. It is anticipated that at the end of the pre-development period, the Council will enter into the delivery phase and a development agreement with Cruden Homes East Ltd, with site start commencing around summer 2024.
- 3.8 Alongside this, the Council is progressing the business case stages for a low carbon heat network in Granton. Procurement and delivery timescales for this will be aligned with the development master programme to ensure that this is operational in time to allow connection to the new homes being delivered through Phase 1.
- 3.9 In addition to the Council's Phase 1 works, the National Galleries of Scotland has plans to deliver 'The Art Works' as part of the 'Heart of Granton'. This facility will care for, research, and share Scotland's art collection. As a key part of the regeneration of Granton Waterfront, the building and land will be a cultural focal point for the local community, offering new space for all to share and enjoy. A detailed Planning application for this facility was submitted mid-March 2023. A key active travel route as set out in the Granton Waterfront Development Framework and also identified as a key transport action for the north west of the city highlighted in LDP Action Programme (Dec 2021, Action Reference no. TR-SA-NWLOC-6), will run through this site connecting West Granton Road with Waterfront Avenue and then on to West Shore Road through future developments. 'The Art Works' with supporting infrastructure is anticipated to start on site early 2024.
- 3.10 Within the wider Granton Waterfront area, the Council has accelerated the regeneration through a number of 'early action projects'. These projects to deliver 519 net zero homes for sale and rent and three commercial units within Granton Waterfront are well underway with first homes due for completion late 2023. In addition, works to bring back to life dilapidated heritage assets at Granton Station

are now complete with Wasps, a registered charity, providing affordable studios to support artists, makers and creative industries due to take over the building later this year. Works to restore the Granton Gasholder and create a new city park within its frame commenced on 9 January 2023 with completion due summer 2024.

## 4. Main report

---

- 4.1 This report recommends that steps are taken to use a CPO to acquire seven plots of land as shown in Appendix 3 using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997 to enable delivery of the Phase 1 'Heart of Granton'.
- 4.2 Following title searches and investigation, it is understood that the seven plots of land are held in various ownership with their current uses set out below. Further detail on each of these sites and how they relate to the proposed phase 1 'Heart of Granton' development is provided in Appendix 4.
- Area 1 is 1,522.87 sqm and is an area of land directly off West Granton Road. This area consists of shrubs and a pedestrian footpath to the southwest of Lidl. It will form the entrance to a north-south active travel route from West Granton Road to Waterfront Avenue and eventually onto West Shore Road as identified in the LDP action plan;
  - Area 2 is 546.70 sqm consisting of operational commercial units identified as 306 West Granton Road. This site also includes four advertising boards;
  - Area 3 is 398.34 sqm and includes an operational commercial unit identified as 316 -318 (basement) West Granton Road alongside an area of footpath and carriageway to the front and shrubland to the rear;
  - Area 4 is 184.42 sqm and is an area of land identified as forming part of an adopted footpath and located at the junction of West Granton Road and Waterfront Broadway;
  - Area 5 is 49.30 sqm and is an area of overgrown shrubland to the rear of no 318 West Granton Road;
  - Area 6 is 729.30 sqm and is an area of land running east-west and north-south forming part of an overgrown access road servicing former commercial units that have been vacant and derelict (318 -328) for a period of time and operational commercial unit (316 – 318 basement) which is part of this CPO. The north-south strip continues into vacant shrubland and crosses over a diagonal active travel route; and
  - Area 7 is 21.99 sqm and forms part of a grass verge adjoining the access road servicing a commercial unit, No 316 West Granton Road.
- 4.3 The Council has undertaken constructive dialogue with all the landowners. Negotiations to date have been positive and it is hoped that an agreement can be reached for the voluntary acquisition of all seven plots. However, it is important that

the Council acquires title to the land within a reasonable timeframe to allow the developer(s) to start on site within their current programme during 2024.

- 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 for Phase 1, which is expected to be mid-2024. In addition, 'The Art Works' which will be delivered by the National Galleries of Scotland, is due to commence on site early 2024.
- 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 5.
- 4.7 In relation to Section 189 (1)(a), the land, combined with adjacent land, is suitable for development. The Granton Waterfront Development Framework was approved by Planning Committee on [26 February 2020](#) as non-statutory planning guidance to inform future planning applications within the area.
- 4.8 In relation to section 189 (1)(b), the parcels of land are located on the Granton Waterfront Regeneration Site as shown in the Granton Waterfront Development Framework as currently approved. Areas 2 - 7 are located in positions which straddles proposed buildings or associated public realm shown in the Development Framework. It would not be possible to construct these buildings and associated public realm if the land is not acquired. Area 1 forms part of the proposed active travel network as set out in the Development Framework and LDP which continues through the site of the National Galleries of Scotland's proposed new facility 'The Art Works', connecting West Granton Road with West Shore Road. If it is not

acquired, it will not be possible to create this active travel link at this location and the ability to deliver a route through to the shore from West Granton Road will be severely compromised.

- 4.9 In relation to Section 189 (2)(a), Granton Waterfront sits within 'Edinburgh Waterfront' which is defined as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh's Waterfront. The area is identified for housing-led, mixed use development. National Planning Framework 4 identifies Edinburgh Waterfront as a National Development under the Hierarchy of Development legislation contained in The Planning etc. (Scotland) Act 2006.
- 4.10 In relation to Section 189 (2)(b), a detailed planning application will be submitted for Phase 1 of Granton Waterfront regeneration in winter 2023.
- 4.11 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 5 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 where necessary, and compensation agreed with the landowner.
- 5.4 In parallel, the Council will continue to seek a negotiated acquisition of the land parcels.

## **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 existing capital budgets.

## **7. Stakeholder/Community Impact**

---

- 7.1 The Granton Waterfront Development Framework was developed with significant community and other stakeholder engagement.

- 7.2 The Council has entered discussions with all the landowners with a view to acquire these assets through negotiation.
- 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 Phase 1 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 a minimum of 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 and active travel routes is expected to deliver significant benefits in terms of health and wellbeing, social cohesion, and place-making objectives of the wider regeneration of the area.

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

---

- 8. Granton Waterfront Development Framework - Planning Committee - [26 February 2020](#).

## **9. Appendices**

---

- 9.1 Appendix 1 – Development Framework Red Line.
- 9.2 Appendix 2 – Granton Waterfront Regeneration Phase 1 'Heart of Granton'.
- 9.3 Appendix 3 -.Land areas 1-7.
- 9.4 Appendix 4 – Land areas 1-7 ownership and Ordinance Survey Co-ordinates.
- 9.5 Appendix 5 - Statement of Reasons.

# Appendix 1 - Development Framework Area

## 1.1

### The Site



Fig. 1.8: Aerial Map showing Development Framework area, previous development and areas of potentially developable land



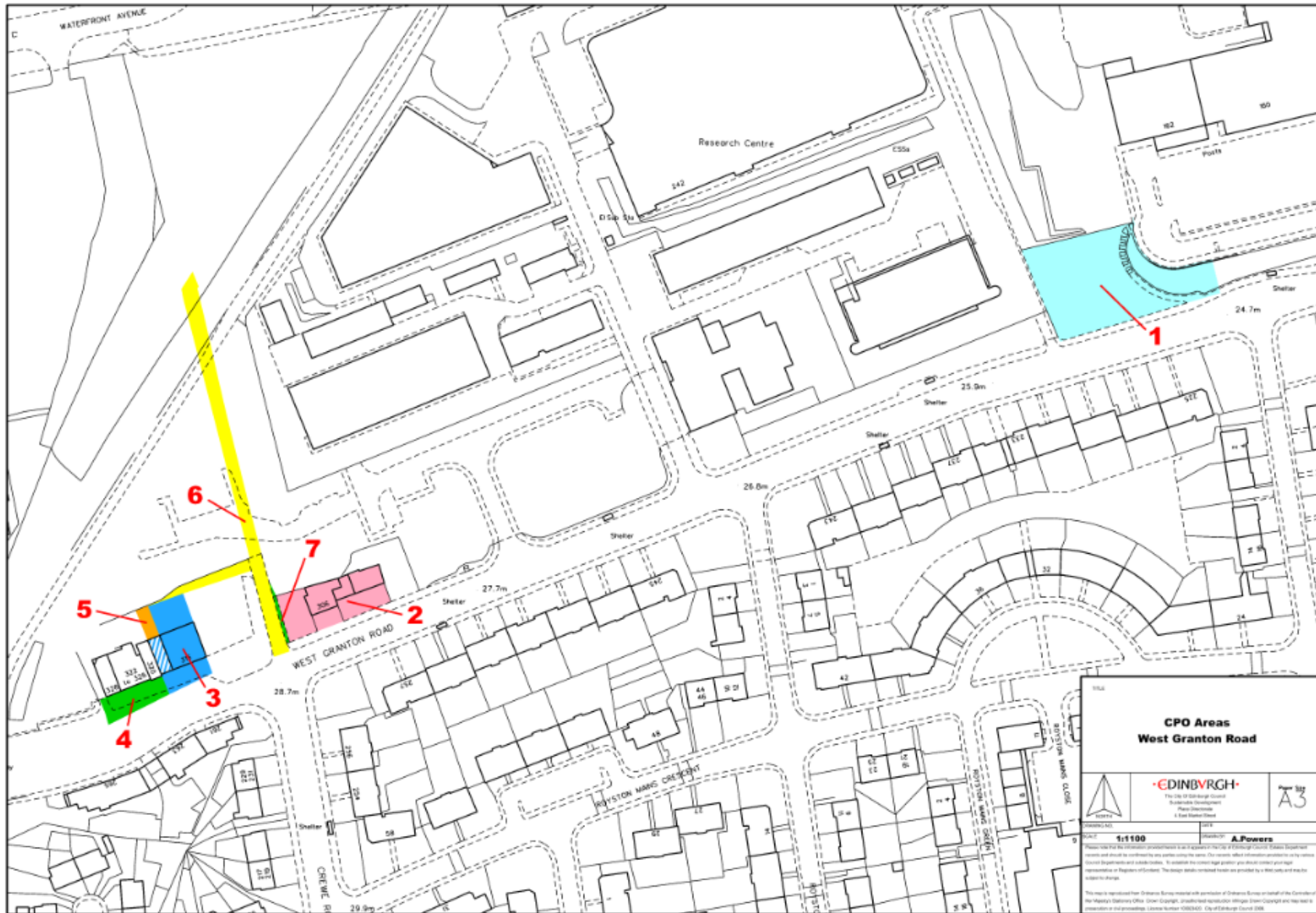
## Appendix 2 – ‘Heart of Granton’



Indicative CEC Phase 1 Site Boundary

Indicative NGS Site Boundary

# Appendix 3 – Land Areas 1 – 7



#### Appendix 4 - Areas 1- 7 with Ordnance Survey co-ordinates

Land Area	Current Use	Location	Co-ordinates	Sq m	Owner
1	Shrubs and pedestrian path	West Granton Road to the south- west of Lidl	Eastings: 323033, Northings: 676840	1522.87	LIDL Great Britain Ltd
2	Commercial	306 West Granton Road	Eastings: 322770, Northings: 676731	546.7	G and L D'Inverno Limited
3	Commercial alongside an area of footpath and carriageway to the front and shrubland to the rear	316-318(basement) West Granton Road	Eastings: 322719, Northings: 676717	398.34	Mark Anthony Delicato
4	Adopted footpath	West Granton Road at junction with Waterfront Broadway	Eastings: 322703, Northings: 676699	184.42	Executors of Sir James Miller
5	Shrub land	To the rear of the basement of the vacant and derelict commercial unit 318 West Granton Road	Eastings:322708, Northings: 676724	49.3	Susan Yvonne Delicato
6	Access Road and overgrown shrubland	Forming part of an access road servicing former commercial units that have been vacant and derelict (316 -328 West Granton Road) for a period of time and also serving commercial unit (316 and the basement of 318 West Granton Road) which is part of this CPO process.	Eastings: 322741, Northings: 676758	729.30	Miller Development Limited

7	Grass verge	Adjoining the access road serving 316-328 West Granton Road	Eastings: 322754 Northings: 676725	21.99	Executors of Sir James Miller
---	-------------	--	---------------------------------------	-------	-------------------------------

## Appendix 5 – Statement of Reasons

### STATEMENT OF REASONS: LAND FOR DEVELOPMENT AT GRANTON WATERFRONT (PHASE1) THE CITY OF EDINBURGH COUNCIL

#### THE CITY OF EDINBURGH COUNCIL (GRANTON WATERFRONT PHASE 1) COMPULSORY PURCHASE ORDER [2023]

#### 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 (Granton Waterfront Phase 1) Compulsory Purchase Order [2023]” (“**the CPO**”).
- 1.2 This SoR has been prepared in accordance with the Scottish Government Guidance contained in Planning Circular 6/2011: 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 Phase 1 of the Granton Waterfront site which is located to the north of Edinburgh city centre (“**the Development Site**”) in accordance with the Granton Waterfront Development Framework (“**the Development Framework**”). The regeneration of Phase 1 includes the development of new Council owned and private homes with associated heat network and energy centre, commercial units integrated into flatted housing block, a school, medical centre, culture facilities, active travel, mobility hub and public realm (“**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 Development Site (the ‘Heart of Granton’) comprises around 17 ha of land in majority Council ownership and around 4 ha of land in Scottish Government (SG) Ownership (this land was purchased by SG and will be used to deliver the National Galleries of Scotland’s (NGS) new facility ‘The Art Works’). The land sits within the wider 140 ha Granton Waterfront regeneration area. The Council owns around 50 ha of developable land, some of which is being taken forward as early action projects with the remaining development coming forward in four distinct phases. The Development Site for Phase 1 is shown on the plan appended at Appendix A to this SoR.

- 2.2 The Development Framework provides for an urban, mixed-use development to be delivered on around 50 ha of developable land held in majority Council ownership. This CPO relates to development of Phase 1. The Development Site lies to the north of West Granton Road and is bounded to the south by West Shore Road. The Development Framework was approved as non-statutory planning guidance by the Council’s Planning Committee on 26 February 2020.
- 2.3 The site has a varied history. Until the 1800s, much of the site was rural and undeveloped in character, with the exception of Granton Castle (dating from the 1500s) and its policies in the north-eastern corner of the site. The Castle itself was largely demolished in the 1920s, but its Walled Garden remains largely extant. In the 1840s, the Edinburgh, Leith and Granton Railway was developed, running across the south-eastern part of the site; today, the route of the railway remains as a cycle path. From 1898 to 1902, the main part of the site was developed into the Granton Gasworks. The buildings and structures within the Gasworks have largely since been demolished, with the notable exceptions of Gasholder No. 1 and the Station building. Around this time, the Granton Ice Works (now demolished) was developed in the northern part of the site; this site was subsequently used for a variety of industrial activities before being cleared. The site did not change significantly over the first half of the 20th century but in the latter part of the 20th century, a small parade of retail units was developed in the south-eastern corner of the site. Demolition of buildings and structures in the Gasworks was carried out in phases in the 1990s and 2000s, following which the site took on what is largely its present character. Plans showing the use of the Development Site over time 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, seven further plots of land must be acquired. Plots 1-7 are shown on the plan appended at Appendix C to this SoR.
- 2.5 The table below describes the details and characteristics of the seven plots to be acquired in terms of the CPO:

<b>PLOT</b>	<b>DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES</b>	<b>OWNER OR REPUTED OWNER</b>	<b>PRESENT USE OF LAND</b>	<b>PROPOSED USE</b>	<b>DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA</b>
<b>1</b>	Grid References: NT 23033 76840 Eastings: 323033 Northings: 676840  ALL and WHOLE that area of ground at West Granton Road, Edinburgh shown labelled “1” and	LIDL Great Britain Limited	Plot 1 forms part of the shrubbery and landscape and a pedestrian footpath to the southwest of Lidl commercial unit at 160 West	Plot 1 will form part of the active travel route and associated public realm. This route will start at West Granton Road Lidl site and continue through the proposed site of the new facility by National Galleries of Scotland ‘The Art Works’. The	Plot 1 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The

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
	<p>shaded light blue on the plan at Appendix C forming PART and PORTION of the subjects known as LIDL UK GMBH, 160 West Granton Road, Edinburgh EH5 1PE registered in the Land Register of Scotland under Title Number MID167987.</p> <p>The following burdens or servitudes affect Plot 1:-</p> <p>(1) a servitude right of wayleave over the adjoining property for pipes, cables, wires and other service media required for the laying of services of gas, electricity, water, sewerage and telecomms to Plot 1 (but only where such Service Media cannot reasonably practicably and at reasonable cost be laid along a route or routes which</p>		Granton Road.	route will lead to Waterfront Avenue and then on to West Shore Road.	<p>adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

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
	<p>avoid/avoids and Adjoining Property);</p> <p>(2) a right to connect into and/or use such of the service media servicing Plot 1</p> <p>presently situated or which in the future is situated in the adjoining property with a right of access for renewing, repairing and maintaining the same.</p> <p>(3) there are corresponding cross rights in the same terms as above over Plot 1 in favour of the adjoining property.</p>				
2	<p>Grid References NT 22770, 76731</p> <p>Eastings: 322770</p> <p>Northings: 676731</p>	G and L D'Inverno Limited	Plot 2 consists of an operational commercial units	Plot 2 forms part of site D6 within the approved Development Framework. Forming part of	Plot 2 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan



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
	<p>ALL and WHOLE that area of ground at West Granton Road, Edinburgh shown labelled "2" and shaded pink on the plan at Appendix C forming PART and PORTION of that area or piece of ground at Granton extending to one hundred and forty decimal or one-thousandth parts of an acre Imperial Measure or thereby described in and disposed by and as delineated and coloured pink on the plan or sketch annexed and subscribed as relative to Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees, with consent of Mrs. Elizabeth Macpherson or</p>		<p>identified as 306 West Granton Road. This site also includes four advertising boards</p>	<p>the Scheme, Site D6 is proposed as the location for new homes in a flatted block with associated open space, active travel and public realm. A large proportion of Plot 2 falls directly under the proposed footprints of the new flatted block. However, this footprint is still within design development and as an alternative some of the land may be outside the building footprint and located within proposed garden spaces and areas of public realm.</p>	<p>which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

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
	<p>Taylor and others of Huddersfield Building Society recorded in the Division of the General Register of Sasines applicable to the Edinburgh (now Midlothian) on the 29 November 1934.</p> <p>The following burdens or servitudes affect Plot 2:-</p> <p>(1) Plot 2 is subject to a reservation to the former superior of all existing sewers, gas, water and drainage pipes in the whole lands and others disposed and the right to use same and to lead other pipes through any part of the said lands and others with free access thereto for the purpose of repair or renewal and for other necessary purposes subject to payment of</p>				

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
	<p>surface damage caused thereby.</p> <p>The following burdens or servitudes were imposed on Plot 2 by a Disposition by CEC in favour of the current owner, so CEC would be the party entitled to enforce these burdens:-</p> <p>(1) the owner is bound to enclose Plot 2 within a period of six months after the date of entry with suitable walls and a gate;</p> <p>(2) Plot 2 is to be used as a yard for storage and parking ancillary to the adjacent subjects on the east; and</p> <p>(3) no permanent buildings will be erected on Plot 2.</p>				

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
3	<p>Grid References NT 22719, 76717</p> <p>Eastings: 322719</p> <p>Northings: 676717</p> <p>ALL and WHOLE those subjects at 316 West Granton Road labelled "3" and shaded dark blue on the plan at Appendix C together with the basement premises at 318 West Granton Road forming PART and PORTION of the subjects described in and disposed by Feu Charter by James Miller in favour of Egidio Delicato recorded in the Division of the General Register of Sasines applicable to the Edinburgh (now Midlothian) on 17 July 1951.</p> <p>The following burdens or servitudes affect Plot 3:-</p> <p>(1) there is a reservation of all</p>	Mark Anthony Delicato	Plot 3 consists of an operational commercial unit identified as 316 and the basement of 318 West Granton Road. It also includes an area of adopted footpath and carriageway to the front of the unit and shrubland to the rear.	Plot 3 forms part of site D3 within the approved Development Framework. Forming part of the Scheme, Site D3 is proposed as the location for new homes and commercial in a flatted block with associated open space, active travel and public realm. A large proportion of Plot 3 falls directly under the proposed footprints of the new flatted block. However, this footprint is still within design development and as an alternative some of the land may be outside the building footprints and located within proposed garden spaces and areas of public realm.	<p>Plot 3 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development.</p> <p>Granton and District Community Council</p>

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
	<p>mines, metals, minerals, fossils, coal, shale, limestone, marls, ironstone,</p> <p>clay, freestone, slates, marble and other stone within and under Plot 3;</p> <p>(2) the owner is bound to erect suitable walls or fences of a style on the north and east boundaries of Plot 3;</p> <p>(3) Plot 3 is liable to pay a share corresponding to the proportion of the rateable value of Plot 3 bears to the combined rateable values of said subjects and adjoining subjects of the expense of maintaining all walls, drains, pipes and all others common or mutual to Plot 3 and said adjoining subjects; and</p> <p>(4) Plot 3 is subject to a</p>				

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
	<p>servitude right of access (in favour of 318 West Granton Road) over the ground situated to the rear of Plot 3 for the purpose of executing repairs and carrying out maintenance work.</p>				
4	<p>Grid References NT 22703, 76699 Eastings: 322703 Northings: 676699</p> <p>ALL and WHOLE the subjects at West Granton Road labelled "4" and shaded yellow on the plan at Appendix C comprising PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James</p>	Executors of Sir James Miller	Plot 4 consists of adopted footway.	Plot 4 forms part of site D3 within the approved Development Framework. Forming part of the Scheme, Site D3 is proposed as the location for new homes in a flatted block with associated open space, active travel and public realm. A small proportion of Plot 4 falls directly under the proposed footprints of the new flatted block. However, this footprint is still within design development, and it may be that all of Plot 4 falls out with the building footprints and is	<p>Plot 4 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development</p> <p>Granton and District Community Council</p>

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
	<p>Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.</p> <p>There are no subsisting or relevant burdens or servitudes.</p>			located under proposed garden spaces and adopted footway.	
5	<p>Grid References NT 22708, 76724</p> <p>Eastings: 322708</p> <p>Northings: 676724</p> <p>ALL and WHOLE the subjects labelled "5" and shaded orange on the plan at Appendix C comprising area of ground lying to the rear of 318 West Granton Road, Edinburgh registered in the Land Register of Scotland under Title Number MID82518.</p> <p>Plot 5 is subject to corresponding burdens and servitudes in the</p>	Susan Yvonne Delicato	Plot 5 consists of overgrown land to the rear of the basement of 318 West Granton Road.	Plot 5 forms part of site D3 within the approved Development Framework. Forming part of the Scheme, Site D3 is proposed as the location for new homes in a flatted block with associated open space, active travel and public realm. A small proportion of Plot 5 may fall directly under the proposed footprints of the new flatted block. However, this footprint is still within design development, and it may be that all of Plot 5 falls out with the building footprints and is located under proposed garden	Plot 5 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development
					Granton and District Community Council

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
	same terms as are applicable to Plot 3.			amenity spaces for the new homes.	
6	<p>Grid References NT 22741, 76758</p> <p>Eastings: 322741,</p> <p>Northings: 676758</p> <p>ALL and WHOLE the area of ground labelled "6" and shaded yellow on the plan at Appendix C comprising</p> <p>(1) ALL and WHOLE the subjects on the east side of Caroline Park Avenue, Granton, Edinburgh registered in the Land Register of Scotland under Title Number MID46601; (2) ALL and WHOLE the subjects at Caroline Park Avenue, Granton, Edinburgh registered in the Land Register of</p>	Miller Development Limited	Plot 6 forms part of an overgrown access road servicing former commercial units that have been vacant and derelict (318-328) for a period of time and operational commercial unit (316 and the basement of 318) which is part of this CPO. The north-south strip continues into vacant shrubland and crosses over a diagonal active travel route.	Plot 6 forms part of site D3, D4 and D6 within the approved Development Framework. Forming part of the Scheme, Site D3, D4 and D6 are proposed as the location for new homes in a flatted block with associated open space, active travel, and public realm. A small proportion of Plot 6 may fall directly under the proposed footprint of the new flatted blocks. However, this footprint is still within design development, and it may be that the majority of Plot 6 falls out with the building footprints and is located under proposed garden amenity spaces for the new homes and active travel route.	<p>Plot 6 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development.</p> <p>Granton and District Community Council</p>



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
	<p>Scotland under Title Number MID46602; and (3) PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.</p> <p>The following burdens or servitudes affect Plot 6:-</p> <p>(1) Plot 6 is subject to a reservation to the former superior of all existing sewers, gas, water and drainage pipes in the whole lands and others disposed and the right to use same and to lead other pipes through any part of the said lands and</p>				

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
	<p>others with free access thereto for the purpose of repair or renewal and for other necessary purposes subject to payment of surface damage caused thereby.</p>				
<p><b>7</b></p>	<p>Grid References NT 22754, 76725 Eastings: 322754 Northings; 676725</p> <p>ALL and WHOLE the subjects at West Granton Road labelled "7" and shaded green on the plan at Appendix C comprising PART and PORTION of the subjects described in the Disposition by The General Accident Fire and Life Assurance Corporation Limited as Trustees in favour of James Miller recorded</p>	<p>Executors of Sir James Miller</p>	<p>Plot 7 forms part of a grass verge adjoining the access road servicing a commercial unit No 316 West Granton Road.</p>	<p>Plot 7 forms part of site D6 within the approved Development Framework. Forming part of the Scheme, Site D6 is proposed as the location for new homes in a flatted block with associated open space, active travel, and public realm. A small proportion of Plot 7 may fall directly under the proposed footprint of the new flatted blocks. However, this footprint is still within design development, and it may be that the majority of Plot 7 falls out with the building footprints</p>	<p>Plot 7 is within the Edinburgh Waterfront allocation in the Edinburgh Local Development Plan which identifies Edinburgh Waterfront as one of four Strategic Development Areas where the growth of the city is focused. The adopted National Planning Framework 4 includes Edinburgh Waterfront as a National Development.</p> <p>Granton and District Community Council</p>

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
	in the Division of the General Register of Sasines (Midlothian) on 18 May 1935.			and is located under proposed garden amenity spaces for the new homes and active travel route.	

### 3. PLANNING STATUS AND PURPOSE OF ACQUISITION

- 3.1 The compulsory acquisition of Plots 1-7 will enable the delivery of the Scheme. The Scheme will deliver new Council owned and private homes with an associated heat network and energy centre, commercial units integrated into flatted housing block, alongside a school, medical centre, culture facilities, active travel, mobility hub and public realm. Plots 1-7 are required to complete the site assembly to secure the land required for the Scheme to proceed. The acquisition of land at the Granton Waterfront by the Council and its predecessors for housing and recreational purposes has been ongoing for circa 15 years. The most recent purchase, for the purposes of land assembly, was the acquisition of the Forthquarter land from Port Greenwich Limited in 2018. While undertaking a review of the site requirements for the regeneration project, it became apparent that Plots 1 - 7 have not formed part of previous transfers and acquisitions of land.
- 3.2 Without acquiring Plots 1 - 7, the Council will not be able to complete the site assembly and ensure that it has a satisfactory and secure basis for delivering the Scheme. It is essential that the Council has heritable title to all the land required for the Scheme in order to progress with delivery of the project.
- 3.3 Granton Waterfront has been the subject of numerous masterplans from different landowners since early 2000 with masterplans prepared by landowners including National Grid (Forthquarter site), Waterfront Edinburgh Ltd (Central Development Area and North Shore) and Forth Ports (Granton Harbour). Development stalled around 2007 with the downturn in the economy.
- 3.4 In May 2016, the Council's Planning Committee approved a [Place Brief for the National Collections Facility](#) at Granton Waterfront as non-statutory planning guidance. The intention was to deliver a visitor destination and create a facility that is the primary means of caring for their art collections, centralising Historic Environment Scotland's archives and housing the National Galleries of Scotland's collections. It was envisaged that this would contribute to the regeneration of Granton. See Appendix D for link to Place Brief.
- 3.5 [In March 2018, the Council's Housing and Economy Committee](#) agreed the high-level objectives for the regeneration of Granton Waterfront including the intention to work collaboratively with the public-sector partners and the local community to develop a vision for

Granton. This included agreement to undertake work to update masterplans and studies to support future development. See Appendix D for a link to Strategy.

- 3.6 In March 2018 the Council's Finance and Resources Committee (B agenda) agreed to note the purchase of the Forthquarter site in Granton Waterfront.
- 3.7 In May 2018, land in Granton Waterfront held formerly in WEL/ EDI ownership officially transferred over to the Council.
- 3.8 In [Feb 2020](#), the Council's Planning Committee approved the Development Framework for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development. A link to the Development Framework is provided in Appendix D. Details of the Council's 2020 decision by the Planning Committee are included in Appendix E.
- 3.9 On [5 October 2021](#), the Council's Policy and Sustainability Committee approved the Granton Waterfront Regeneration Outline Business Case (OBC) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. The Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 'Heart of Granton', which includes procurement of a development partner. A link to the OBC is provided in Appendix D. Details of the Council's 2021 decision by the Policy and Sustainability Committee are included in Appendix E to this SoR.
- 3.10 The key elements of Phase 1 'Heart of Granton' are as follows:
  - 3.10.1 Capacity for around 785 net zero homes in a mix of housing types and tenure;
  - 3.10.2 Capacity for a new school, medical centre and other community uses, including around 3000 sq. m of commercial space;
  - 3.10.3 Pedestrian priority streets with a restricted parking policy in line with carbon reduction objectives;
  - 3.10.4 A whole development approach to net zero carbon – zero carbon homes, SUDs and rain gardens;
  - 3.10.5 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;
  - 3.10.6 Sustainable transport infrastructure including a mobility hub;
  - 3.10.7 Low carbon energy solution identified by the Council following the outcome of ongoing options appraisal and Business Case development stages; and
  - 3.10.8 High quality landscaping and public realm to encourage life and activity with green routes and urban parks.

#### **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 - 7 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.*

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).

4.3 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 Granton Waterfront Development Framework. In relation to section 189 (1) (b), the parcels of land are located such that if they cannot be acquired, it will not be possible to deliver the Development Framework as currently approved. Plots 1-7 are located in positions which either straddle a proposed building shown in the Development Framework or associated public realm and active travel routes through. If these plots are not acquired, it will not be possible to build homes on these sites and achieve active travel through routes from the surrounding community to the shore, which will be severely compromised.

4.4 In relation to Section 189 (2)(a), Granton Waterfront sits within ‘Edinburgh Waterfront’ which is defined as a strategic priority area within the Edinburgh Local Development Plan (2016) (LDP) which sets out principles for the development of Edinburgh’s Waterfront. The area is identified for housing-led, mixed use development where some development has been approved in accordance with approved master plans. The LDP sets out Development Principles, which include:

- Complete the approved street layout and perimeter block urban form;
- Provide housing-led development on sites formerly identified for major business-led development;
- Provide an appropriate housing mix;
- Deliver school provision;
- Provide a strategic flood risk assessment;
- Encourage the enhancement of employment and a ‘destination’ through existing and new commercial, cultural, tourist and retail opportunities; and
- Complete the relevant section of the waterside Edinburgh Promenade.

- 4.5 The development plan now includes the National Planning Framework 4 following its adoption by the Scottish Ministers on 13 February 2023. NPF4 has designated Edinburgh Waterfront as a National Development with an aim to create a mixed-use development of the highest quality.

National developments were designated by the Scottish Government on the basis of the following criteria:

- **Climate Change:** The development will help to reduce emissions, contributing to Scotland's target of net zero emissions by 2045, will be emissions neutral or emissions negative.
- **People:** The development will support the health, wellbeing, sustainability and quality of life of our current and future population.
- **Inclusive growth:** The development will contribute to sustainable economic growth that helps to reduce poverty and inequality across Scotland.
- **Place:** The development will protect or enhance the quality of a place or improve biodiversity.

These criteria, together with the NPF4 designation, further support the progression and delivery of the Scheme in line with the provisions of the development plan.

- 4.6 Within the Edinburgh Waterfront Strategic Development Area, the site forms part of three designated sub-areas: EW 2a: Forth Quarter; EW 2b: Central Development Area; and EW 2d: North Shore
- 4.7 In relation to Section 189 (2)(b), a planning application will be submitted for Phase 1 in Winter 2023. The National Galleries of Scotland submitted a Planning application for 'The Art Works' in March 2023.
- 4.8 The Council is therefore content that the proposal to compulsorily purchase Plots 1-7 is in line with the provisions of section 189 of the 1997 Act.

## **5. OWNERSHIP AND ENGAGEMENT**

- 5.1 As set out in section 3 above, the Council and its predecessors have been assembling land at Granton Waterfront for a prolonged period for housing led mixed use purposes. The previous acquisitions did not include Plots 4,5,6 and 7. Plots 2 and 3 form part of operational commercial units, with the Council's intention to operate as is until required for re-development purpose. Plots 1 is identified within the Development Framework as a proposed active travel route.
- 5.2 The Council has carried out extensive title investigation and research to establish the ownership of Plots 1-7 and these are set out in section 2.5. On that basis the Council has engaged with and commenced negotiations with the owners/representatives of the relevant plots. Negotiations are ongoing but given the desire to progress with the delivery of the Scheme, the Council considers that there is a reasonable likelihood that some of the plots may have to be compulsorily acquired.
- 5.3 Given the size of Plots 1-7, the current use of the plots, and the necessity for all 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 The Development Framework and the proposals for the Scheme were prepared after an extensive public consultation was undertaken with the local communities, stakeholders, Elected

Members, and public sector partners comprising The National Galleries of Scotland, National Museums Scotland and Edinburgh College, Architecture and Design Scotland, Scottish Futures Trust and Scottish Government. A series of public consultations and stakeholder events was held between October 2018 and May 2019 to ensure that the Framework was developed in association with, and informed by, the ideas, insight and experiences of stakeholders, local interest groups and the local community.

5.4.1 The key public consultations were:

- October 2018 – Stakeholders surgeries part 1;
- November 2018 – ‘Tell us more about Granton’ public consultation and survey;
- December 2018 – Community stakeholders’ drop-in session;
- January 2019 – Stakeholders’ surgeries part 2;
- January 2019 – ‘Granton could be’ mobile ‘roadshow consultation event; and
- May 2019 – ‘Granton will be’ consultation event.

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

5.5 The engagement process also included a series of regular meetings and presentations with political members and project partners via the following forum:

- Edinburgh Waterfront All Party Oversight Group
- Strategic Partners Meeting
- Northwest Waterfront Working Group (Community Councils)

## 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 development partner for the pre-development period of the programme. The Council does not have an in-house construction or commercial undertaking suitable for delivering the Scheme or achieving the full potential of the Granton Waterfront.

6.3 On 5 October 2021, the Council’s Policy and Sustainability Committee agreed to undertake stage 3 activities to produce a Final Business Case (FBC) for Phase 1 ‘Heart of Granton’, which included procurement of a development partner and progression of the business case stages for a low carbon district heat network. Stage 3 activities were agreed at an estimated cost of £4.6 million.

6.4 Cruden Homes (East) Ltd was identified as the development partner in June 2022 following the relevant public procurement legislation and competitive process to take forward the Scheme. 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 Cruden Homes (East) Ltd is for the pre-development work and will take the Scheme up to the point of final detailed design. Once the pre-development period is concluded and costs are agreed, the Scheme 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 enabling and infrastructure associated with the housing – including the affordable housing – and the ground-floor uses. Such ground-floor uses could include commercial space and space for a medical centre. The proposed

accommodation and tenure mix will be agreed as part of the final design. The delivery of a mobility hub and active travel infrastructure alongside public realm will also fall within this delivery agreement.

- 6.7 The delivery of the heat network and energy centre is currently being finalised through the conclusion of an Outline Business Case. The current strategy proposes delivering this through a concession agreement with an operator who will be procured to design, build, manage, maintain and operate the heat network.
- 6.8 The seven plots of land straddle three development plots within The Development Site - D3, D4, D6 and land adjacent to NGS 'The Art Works' site. **Site D3** includes plots 3,4,5 and part of 6. **Site D6** includes plot 2, part of 6 and plot 7. **Site D4** includes a small part of plot 6. **NGS site** sits adjacent to Plot 1.
- 6.9 It is intended that the development partner will progress the detailed design work for the Council's Phase 1 development. 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, associated commercial, mobility hub and active travel infrastructure. A Development Agreement will be finalised and signed for the delivery of enabling works and associated infrastructure of the Scheme. This will also agree a capital receipt value for the transfer of serviced sites for the delivery of private housing by the development partner.
- 6.10 It is anticipated that NGS will appoint a contractor to take forward their proposed facility 'The Art Works' project in early 2024.

#### **Other orders or approvals required to deliver the Scheme**

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

#### **Funding**

- 6.13 The Council has been awarded £13.7 million of Scottish Government affordable housing grant for the development of 200 affordable social and Mid-Market rented properties as part of the Scheme.
- 6.14 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 (2023-33) which was approved by the Council on 24 February 2023.
- 6.15 A pre-development contract was awarded to Cruden Homes East Ltd and the associated works for this stage are being funded by the Council. As noted above, this contract covers the pre-construction and design services for both the affordable and private homes with associated sustainable transport and public realm. 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. Costs relating to the private homes element will be repaid by Cruden Homes East Ltd as part of the capital receipt and as a deduction from the building contract when they enter into the Development Agreement.



- 6.16 A minimum capital receipt of £10 million will be provided to the Council by Cruden Homes East Ltd when it enters into a Development Agreement at the end of the pre-development period. In addition, overage provisions will be put in place to ensure that any additional profit is shared with the Council
- 6.17 The Council has secured £479,000 funding from Sustrans for 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.
- 6.18 As the regeneration of Granton Waterfront is identified as one of seven strategic sites within the Edinburgh and South East Scotland City Region Deal, and is identified as a National Development in NPF4, the Council is discussing the potential of securing further funding towards the heat network, the remediation works and place-making costs with both the Scottish Government and UK Government.
- 6.19 These commitments give a strong position and indication that Plots 1-7 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**

- 6.20 The programme for the delivery of the Scheme can be summarised as follows:
- 6.20.1 The pre-development contract was awarded to Cruden Homes East Ltd in Q1 2023.
- 6.20.2 The pre-development period during which all statutory approvals will be acquired will run until Q2 2024.
- 6.20.3 Construction will commence on site during Q3 2024, once the development contract has been agreed.
- 6.20.4 Delivery of the Scheme is proposed by 2029.

## **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.

The Edinburgh LDP (2016) identified Granton Waterfront, which is part of Edinburgh Waterfront, as a strategic priority area. As defined by the LDP, Strategic Development Areas are "the biggest areas of change over the next 5-10 years, providing a focus for new housing development, investment opportunities and job creation in locations with good accessibility to existing or planned public transport services". The Council received Planning Committee approval of the Granton Waterfront Development Framework as non-statutory planning guidance in February 2020. As part of the preparations for the delivery of the Scheme, the Council is seeking to acquire the heritable title to plots 1-7 which are included within or crucial to the development of plots D3, D4, D6, and the active travel network which will go through the NGS 'The Art Works' site.

As shown within the Development Framework, D3, D4, D6 and NGS 'The Art Works' site will be for the development of homes, commercial, associated public realm and active travel. The Council does not consider that those aspects of the Scheme could be located on other parts of the Granton Waterfront Phase 1 Site or that the Scheme could be developed in such a way as to avoid using these Plots. Within the Development Framework

- 7.4 As Plots D3, D4 and D6 are located in the areas of the Granton Waterfront 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. The NGS 'The Art Works' site will link to the adjoining Lidl land to establish a through active travel route which is essential to the development of the Scheme and connecting the existing communities and onto the shore.
- 7.5 The Council has therefore concluded that there is no alternative means of delivering the Scheme without acquiring Plots 1 -7.

## **8. BARRIERS TO DELIVERING THE SCHEME**

- 8.1 Based on the ongoing work with its development partner and positive discussions with both the Scottish Government and UK Government around securing additional funding, the Council does not consider that there are any significant barriers to completing and delivering the Scheme within the timescales set out at 6.20 above.
- 8.2 NPF4 and the LDP have established the planning position, the approved Development Framework has set out the vision, high level strategies and design principles to guide future development and the Council does not consider that future applications will deviate significantly from these parameters.
- 8.3 Similarly, the funding for the pre-development activities 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 E to this SoR.
- 9.2 The Scheme will deliver much needed housing for the city. 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 increase the supply of social rented Council homes by 5,000 homes by 2034 supporting the Council's ambition to reach 25,000 new affordable homes;
- 9.4 To date 1,317 affordable homes have been delivered through the Council's housebuilding programme, with 394 of these completed in the past 12 months. There are currently 616 affordable homes under construction, with a further 3262 in design or pre-construction stage.
- 9.5 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.

- 9.6 There is significant public benefit in the delivery of the Scheme. The Development Framework has been informed by, and responds to, the feedback received from an extensive programme of community and other stakeholder engagement. It balances the challenges of bringing new homes, commercial and cultural facilities to the area, protecting and enhancing the environment and supporting the delivery of active travel infrastructure.
- 9.7 The compulsory acquisition of land can be justified in this CPO. Without the acquisition of Plots 1-7, the Council cannot confirm the heritable title to the Development Site and progress the delivery of the Scheme.
- 9.8 The Council considers that the public benefit of delivering the Scheme outweighs the interference with private rights. The Scheme will deliver affordable housing, commercial, culture and active travel connections for the city and contribute towards the regeneration of the Granton Waterfront area and the north of the city. On the basis that Plots 1-7 have formed part of the established Granton Waterfront Site for circa 15 years, it is considered that the adverse impact on, and interference with private rights in this CPO is very limited.
- 9.9 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 Granton Waterfront 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 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**

[DETAILS TO BE INCLUDED HERE ON SUBMISSION TO THE SCOTTISH GOVERNMENT]

## **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 - 7.

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 - 7 is wholly necessary for the delivery of the Scheme and the land forms an integral part of the development proposed.

12.1.4 There are no significant barriers to the delivery of the Scheme.

## APPENDIX A – Heart of Granton

### Plan: Granton Waterfront 'Heart of Granton'



Indicative CEC Phase 1 Site Boundary

Indicative NGS Site Boundary

## APPENDIX B – Site History

### ■ ■ The Site



1752  
Fig. 1.3: Pre-industrial Granton was home to very few people, instead the land was mainly open green fields used for farming or grazing animals. Unlike other coastal towns on the waterfront there was no historic settlements other than some large country houses such as Caroline Park.



1885  
Fig. 1.4: The structure of industrial Granton was now emerging; the harbour had been constructed in 1838; the railway had arrived; housing for workers along Lower Granton Road had been constructed; and Granton Square and Granton Road were constructed.

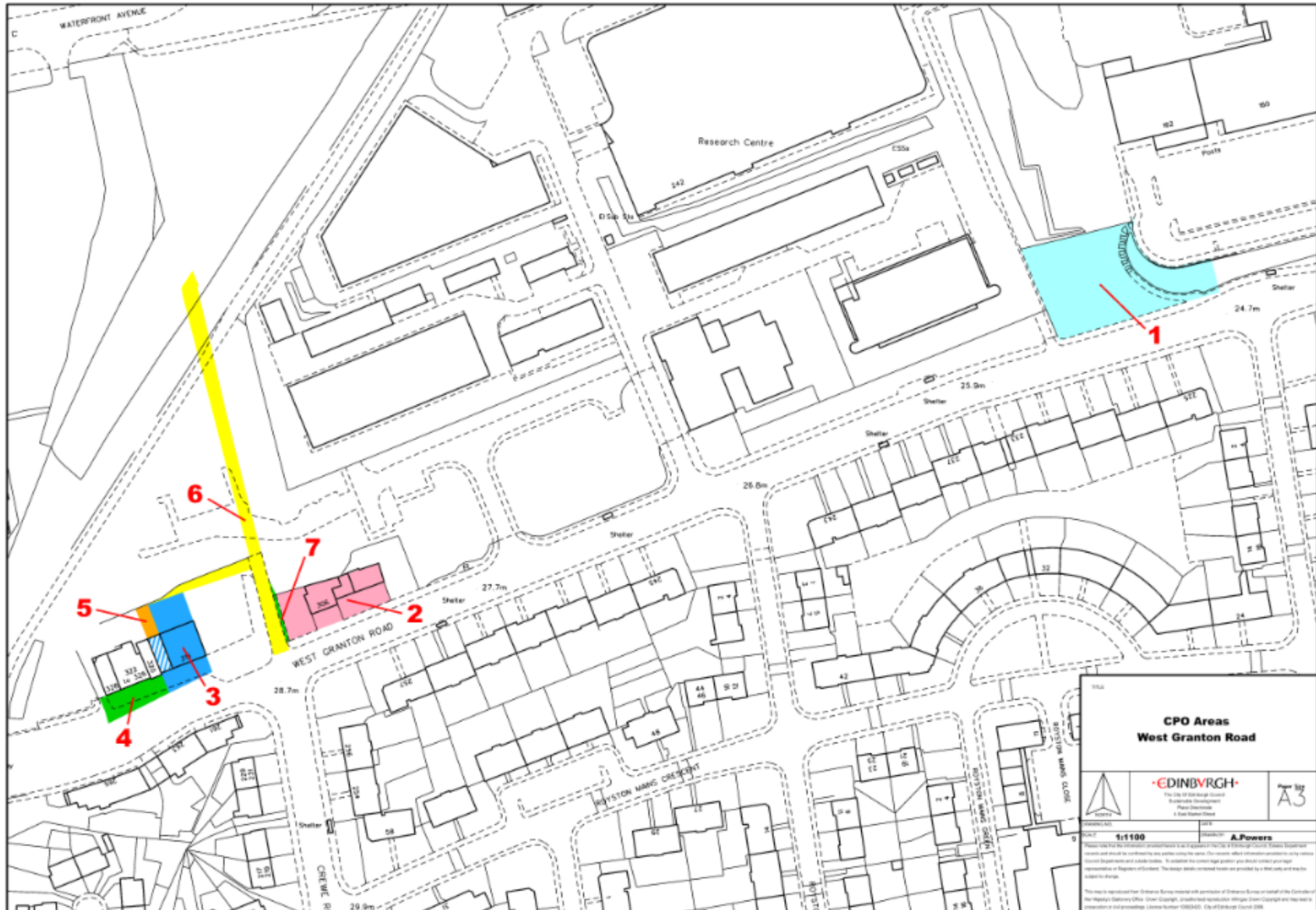


1920  
Fig. 1.5: At the beginning of the 20th century much of Granton was still used to grow food to supply Edinburgh and Leith. Alongside this, the gas works opened in 1903. After WWI the boundaries of Edinburgh were expanded to take in the whole of Granton.



1955  
Fig. 1.6: The amalgamation of Granton with Edinburgh coincided with new legislation which made the construction of local authority housing easier. By the post-war period Granton had developed to include dense housing, industry, shopping and transport links.

# APPENDIX C - Areas 1-7



## Appendix D – Links

1. In May 2016, the Council’s Planning Committee approved a [Place Brief for the National Collections Facility](#) at Granton Waterfront as non-statutory planning guidance.
2. In March 2018, the Council’s Housing and Economy Committee agreed the high-level objectives for the regeneration of [Granton Waterfront Regeneration Strategy](#) including the intention to work collaboratively with the public-sector partners and the local community to develop a vision for Granton. This included agreement to undertake work to update masterplans and studies to support future development
3. In Feb 2020, the Council’s Planning Committee approved the [Development Framework](#) for Granton Waterfront as non-statutory planning guidance, setting out the vision and key principles for all future development.
4. On 5 October 2021, the Council’s Policy and Sustainability Committee approved the [Granton Waterfront Regeneration Outline Business Case \(OBC\)](#) which in line with the approved Development Framework sets out a phasing strategy for the delivery of around 3,000 net zero carbon homes, a primary school, a health centre, commercial and cultural space and a new coastal park. These new uses will be supported by new cycling and walking routes and enhanced public transport connections. The Committee also approved the activities required to produce a Final Business Case (FBC) for Phase 1 ‘Heart of Granton’, which includes procurement of a development partner



## **APPENDIX E - Committee Decisions**

### **Granton Waterfront Development Framework**

On 26 February 2020, the Planning Committee agreed to approve the Development Framework for Granton Waterfront as non-statutory planning guidance.

### **Granton Waterfront Regeneration – Outline Business Case**

On 5 October 2021, the Policy and Sustainability Committee agreed:

- 1) To approve the findings and recommendations set out within the Outline Business Case.
- 2) To agree to undertake stage 3 activities, as outlined in section 5 of the report by the Executive Director of Place, to provide a Final Business Case for Phase 1 'Heart of Granton', which would include procurement of a development partner and progression of the business case stages for a low carbon district heat network
- 3) To note progress with delivering Early Action Projects within the Programme.

## **APPENDIX F - Engagement**

The engagement process formed and shaped the approach, response and design of Future Granton. The project team carried out an intensive consultation process with local residents, stakeholders, elected members and partners. A series of open, public consultations and invited stakeholder events took place between October 2018 and May 2019 to ensure the Granton Waterfront framework was developed in association with and informed by the ideas, insight and experiences of stakeholders, local interest groups and the local community.

The engagement process also included a series of regular meetings and presentations with elected members and project partners via the following forums:

- All Party Oversight Group (APOG)
- Granton Waterfront Partners Group
- North West Waterfront Working Group (consisting of surrounding community councils)

The process of consultation utilised a range of methods and techniques in order to engage the affected communities and any stakeholders as effectively and fully as possible and ensure their input at each significant stage of the programme as a means of guiding the development process. The information presented at the events was available for the community to view online and at various 'info stations' across the area before and after each event.

The team has prepared a Record of Engagement report, which fully documents the stakeholder and consultation process undertaken during the development of the framework. It records the range and breadth of discussion that took place. The consultation process and feedback from residents and stakeholders informed and shaped the approach, response and design of the Development Framework.

### **Key Public Consultations**

1. Stakeholder Surgeries Part 1, October 2018 'Surgery' style drop in where stakeholders were invited to discuss with design team members aspects of the project, focused on themes to identify key constraints and opportunities for the site and brief.
2. 'Tell us more about Granton', Public consultation, Nov. 2018 Community consultation event focused on a site model, maps and photographs to garner local ideas and explore opportunities surrounding the existing site, building on previous engagement responses.
3. Community Stakeholders drop-in, December 2018 A more in-depth discussion with community groups and local stakeholders.
4. Stakeholder Surgeries Part 2, January 2019 Second 'surgery' style drop-in event led by design team with key invited stakeholders. Focus on initial site options and visions, which are to be put forward as 'what ifs' and possible concepts.
5. 'Granton Could Be', Mobile 'Roadshow' consultation, Jan. 2018 One day 'road show' using model and trailer bike to present a limited number of vision options and overall ideas to the local community and stakeholders. Comments and views to be collected via notes/flags on model/drawings
6. 'Granton Should Be' Consultation, May 2019 One day consultation event at Edinburgh College to present the Vision and Framework with associated images and models. The consultant team also presented the

proposals to the surrounding community council representatives, answered questions, and gathered opinions which fed back into the vision and framework