

# Development Management Sub Committee

Wednesday 10 November 2021

**Application for Planning Permission 21/04950/FUL at Christmas Market, George Street, Edinburgh. Erection of Edinburgh's Christmas at George Street including an ice rink, Christmas market stalls associated site offices, stores and ancillary facilities (Proposed Application for one year 2021 - 2022 & variation on granted planning permission ref 20/03708/FUL).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

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With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding it is considered that there are significant economic and cultural benefits to the city resulting from the ice rink and market stalls, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. The ice rink and associated stalls will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits, which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the Edinburgh Local Development Plan. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

## Links

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| <a href="#"><u>Policies and guidance for this application</u></a> | LDEL02, LDES01, LDES05, LEN01, LEN03, LEN06, LEN07, LEN12, LEN18, LEN22, OTH, CRPNEW, NSLBCA, NSGD02, |
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# Report

## **Application for Planning Permission 21/04950/FUL at Christmas Market, George Street, Edinburgh. Erection of Edinburgh's Christmas at George Street including an ice rink, Christmas market stalls associated site offices, stores and ancillary facilities (Proposed Application for one year 2021 - 2022 & variation on granted planning permission ref 20/03708/FUL).**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The site is located on the public road of George Street on the section which runs between Charlotte Square and Castle Street. The site is bound to the north and south by the properties located on George Street and to the east by the junction of George Street and Castle Street and to the west by Charlotte Square.

The site is adjacent to a number of listed buildings, structures and monuments:

- 33-39 Charlotte Square and 142-146 George Street with railing and lamp standards (Category A), LB28506;
- 40-46 Charlotte Square and 143 George Street with railing and lamp standards (Category A), LB28507;
- 112 George Street with railings and lamp standards (Category A), LB28883;
- George Street and Castle Street, Statue of Dr Chalmers (Category A), LB27847 and
- 97-105 (Odd Nos) George Street, Bank of Scotland (Category A), LB28850.

The site is located within the Old and New Towns of Edinburgh World Heritage Site and the Historic Garden Designed Landscape Inventory Site - New Town Gardens. This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

11 November 2020 - Planning permission granted for the erection of Edinburgh's Christmas at George Street and Castle Street, including Christmas Market Stalls, Ice Rink, Plant and Boot Room, Around the Corner Bar, Box Office, Associated Site Offices, Stores and Ancillary Facilities (amended application for festive period 2021-2022). (application reference 20/03708/FUL).

Other relevant applications:

22 September 2021 - Planning application submitted for the Erection of Edinburgh's Christmas at East Princes Street Gardens and the Mound Precinct including Christmas market stalls, fairground rides associated site office, stores and ancillary facilities (proposed for 1 year 2021-2022 and variation on Ref: 20/03707/FUL). (application reference 21/04953/FUL) - pending consideration.

22 September 2021 - Erection of Edinburgh's Christmas at West Princes Street Gardens including Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze, Associated site offices, stores, and ancillary facilities (Proposed for one year 2021 - 2022). (application reference 21/04954/FUL) - pending consideration

4 September 2020 - Planning application submitted for the erection of Christmas market stalls, tree, associated site offices, stores and ancillary facilities at High Street and Parliament Square (as amended to cover the festive period for 2021-2022). (application reference number 20/03728/FUL)- Application withdrawn.

11 November 2020- Planning permission granted for the erection of Christmas market stalls, fairground attractions, box office and associated site offices, stores and ancillary facilities at East Princes Street Gardens and Mound Plaza (as amended to cover the festive period for 2021-2022). (application reference number 20/03707/FUL).

## **Main report**

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

The application is for the Erection of Edinburgh's Christmas at George Street including an ice rink, 3 food and drink trading concessions, plant/boot room building and visitor toilets. The proposed operating timescale is from 19 November 2021 to 5 January 2022. The event space is to be operational between the hours of 10am and 10pm.

The application is one of three separate applications for Christmas events proposed by the applicant in the city centre. They would operate in place of the much larger single event in East Princes Street Gardens and the Mound Piazza which had operated without planning permission on previous occasions.

Access to the event is for pedestrians only. Cycle access to the site will be maintained. During loading times (7am to 9.30am) a 3m eastbound lane for delivery vehicles and cycles and a 1.5m westbound lane will be maintained. Delivery vehicles will be walked in and out (eastbound only) with banksmen to ensure cycle safety, and delivery vehicles will park in the designated loading / unloading areas, out-with the cycle lanes.

Alterations from previous permission:

- Ice rink increased in size;
- Number of stalls reduced to 3 concessions;
- Castle Street removed from the proposals - although permission still live and this could be implemented as an alternative.

### 3.2 Determining Issues

Due to its proximity to listed buildings and being a site within the New Town Conservation Area the proposed development first requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The determining issues to consider in terms of assessing the development against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are:

- Would the development harm a listed building or its setting? If it would, are there any advantages of the proposal that are sufficient to outweigh the strong presumption against granting planning permission?
- Would the development conflict with the objective of preserving or enhancing the character or appearance of the conservation area? If it would, are there any advantages to the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

If the Development complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, it then requires to be considered in terms of Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Section 25 requires that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The determining issues to consider in assessing this are:

- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) There will be no significant harm to the setting of any adjacent listed buildings and will not harm the character and visual amenity of the Conservation Area;
- b) the proposed use is appropriate on the site;
- c) There will be no significant harm to the character and appearance of the designed landscape;
- d) there will be no significant harm to the Outstanding Universal Value of the World Heritage site;
- e) Amenity including residential amenity will not be adversely affected;
- f) There are no transport issues;
- g) Representations raise issues to be addressed;
- h) The proposal has any equalities or human rights impacts.

#### a) Impact on Listed Buildings

The proposed ice rink and stalls would be located near to a number of listed buildings including category A listed buildings. Due to their size, scale, positioning, form and their design and appearance, the temporary structures would have minor adverse impact on the setting of these neighbouring listed buildings.

Maybe better to state that the overall scale of the installation on George Street / Castle Street is smaller than previously granted planning permission and as a result will have lesser impact than that previous permission. In addition, with the overall Christmas Event split across 3 separate sites in the city, the scale of the proposal on this site is not so great as to have a profound impact on the above-mentioned heritage assets. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the setting of neighbouring listed buildings would be short term and not significantly detrimental.

Nonetheless, given that there would still be a degree of harm to the setting of neighbouring listed buildings; as explained above, in terms of the legal tests consideration is required to be given to whether there are significant material considerations that justify the development in this particular location; and if so, does this outweigh any adverse impacts.

The Ice Rink and associated stalls will be an interesting additional feature of the city centre that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. It is likely to draw people to the city centre who might not otherwise go there and therefore there will be economic benefit to surrounding businesses. There is also a letter of support from Essential Edinburgh outlining the importance of the Christmas trading period post COVID for the surrounding businesses. The site is exceptionally well placed for public transport owing to it being within the city centre.

The proposal is for a Christmas Ice Rink and stalls for Edinburgh. As such it is appropriate that it is located in a city centre location. Given its proximity to bus routes, and tram there are few locations with better connectivity.

With East Princes Street Gardens potentially being used for a Christmas Market if planning application 21/04953/FUL is granted and West Princes Street Gardens being used for other Christmas installations if planning application 21/04954/FUL is granted, there are unlikely to be other locations that could be better connected. For example, the Meadows or George Square do not have such connectivity.

Other locations in the city centre, given the large number of listed buildings throughout the city centre, are likely to give rise to similar impacts on other listed buildings, if the market was to be put elsewhere. Therefore, the benefits realised by the installation can only realistically be delivered at its proposed location of George Street.

On balance, these benefits; which are a significant material consideration, outweigh any temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

#### Impact on Conservation Area

The New Town Conservation Area Character Appraisal identifies the essential character as being:

The City's collection of civic statuary provides a focus and punctuation point for many vistas creating an outdoor sculpture gallery; The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views; The central position, grid layout and uniform building heights make the area extremely sensitive to the effects of high buildings; and Terminated vistas within the grid layouts and the long-distance views across and out of the conservation area are an important feature.

Temporary events are characteristic of the Conservation Area during the festive season. The temporary use of the site for the proposal would not detract from the character and appearance of the Conservation Area. In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the conservation area is not significant.

Overall, the development is not considered to conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

#### b) Principle of Development

Policy Del 2 (City Centre) of the Edinburgh Local Development Plan (LDP) supports a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. Development which lies within the the City Centre will be supported which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The principle of the proposed temporary use on the site is acceptable. The proposal meets the policy requirements of Del 2, as it will help retain and enhance the character, attractiveness and vitality of the City Centre.

#### c) Impact on Designed Landscape

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the Designed Landscape. Notwithstanding, by splitting the event into 3 separate events in the city the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the character and appearance of the Designed Landscape would be short term and not significantly detrimental.

#### d) Impact on OUV of World Heritage Site

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into 3 separate events in the city the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the OUV of the WHS is not significant.

#### e) Amenity

A service/plant compound is proposed on the western most section of the application site and will be surrounded by a 3 metre high fence. This is in close proximity to 35-39 Charlotte Square (The Roxburghe Hotel). In 2017 a generator and refrigeration plant were positioned at this location in association with an 'Ice Kingdom Display' and no complaints were received by the Council. However, given the high noise levels the ice-rink refrigeration plant will generate, there is a concern with potential for noise nuisance to occupiers of the hotel. In order to mitigate noise nuisance from the plant it should be made a condition of a grant of planning permission that the exact positioning of the plant and generators on the site and the acoustic containment of the plant is such that an acoustic attenuation of NR35 is achieved within the guest bedrooms of the hotel between 23:00 hours and 07:00 hours with the windows closed.

The nearest residential property is located away from the plant area towards the eastern section of the site. Subject to this, there would be no undue noise nuisance to occupiers of the neighbouring hotel or any residential property. This is the same approach that was taken to the previous grant of planning permission for the ice rink on this site (planning application reference 20/03728/FUL).

There will be amplified music and a large number of people attending, including in the evening. Any noise nuisance relating to this could be addressed with the operator by the Council's Environmental Protection Section.



The applicant has confirmed that a private waste collection service will be in place for the development.

#### f) Transport Issues

To facilitate the proposal the western part of George Street would have to be closed to eastbound traffic. The temporary closure of the road does not raise any transportation concerns. A permit to close the road would be required to be obtained from the Council in advance of its closure. The proposal does not raise any road safety concerns.

The existing temporary structures located within the carriageway are scheduled to be removed by the end of October. There will be no restrictions to pedestrian flow on the pavements adjacent to the site. The proposal raises no pedestrian safety concerns.

The existing cycle lane provision is included within the submitted plans.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

#### g) Representations

##### Material Representations - Objection:

- Disruption to traffic; - addressed in section f);
- Public transport impossible; - addressed in section f);
- Impact on adjacent business from noise; - addressed in e)
- Street cleaning and waste disposal issues; - addressed in e);
- Impact on access to premises - access to all businesses is retained.
- Permanent businesses deprived of trade; - letter of support submitted from Essential Edinburgh on the importance of the Christmas Festivals to local trade/business.
- Insufficient detail of structures to be erected- sufficient detail is submitted to make a planning assessment of the proposals and
- Impact on cycle route; addressed in section f).

##### Non - material Comments

- Too Commercial - not representative of Scotland.
- Inadequate toilet provision: - toilets are provided on the site.
- Limitations on existing business being able to carry out repairs- applicant will contact adjacent building owner directly.
- Ability of fire service to access premises on George Street ' the proposals have been through an EPOG Meetings which have included full engagement with the Fire service who are satisfied with the arrangements.
- Concerns about the Festival proceeding where other City events are cancelled and a civic duty to restrict public gatherings.

## Support Comments

- Westerly block of George Street well suited to hosting events of this kind;
- Crucial City Centre retail and hospitality businesses have a successful Christmas trading period. Ice rink and stalls have a key role in this.

## New Town and Broughton Community Council Comments

Community Council consider that the overall Edinburgh Christmas offering needs to be considered in totality across the three amended application. In respect of the George Street proposals the key points are:

- Proposed Footprint - In principle location acceptable but query the loss of outdoor seating for existing businesses. Potential impact on cycle route.
- Proposed Generators - it is assumed that the generators will use diesel as fuel and more environmentally acceptable fuels should be used.
- Level of Detail submitted - what boundary treatments are proposed around the ice rink - this is unclear and should be resolved prior to the issuing of any permission.
- The Community Council recognises and acknowledges the importance of the Winter Festival but have significant concerns as detailed above.

## Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the ice rink and market stalls, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. The ice rink and associated stalls will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits, which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the Edinburgh Local Development Plan. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

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

#### **Conditions :-**

1. Planning permission is granted for the limited period of between 19 November 2021 and 5 January 2022 only.
2. The temporary market and attractions including timber stalls, ice rink and ancillary structures shall only operate between the hours of 10am and 10pm on the dates specified in condition 1.
3. The temporary structures and installations and ancillary structures, plant and generators shall be removed from the site within 14 days of the date of expiry of the temporary period specified in condition 1.
4. Notwithstanding the location of the George Street ice rink plant and generators delineated on drawing UB-ECH 20-003B and the detailed of them specified on other application drawings, the positioning of them on the site and the acoustic containment/enclosures installed/erected around them shall achieve an acoustic attenuation of NR35 within the neighbouring hotel at 35-39 Charlotte Square or any residential property between 22:00 hours and 07:00 hours. The noise measurements shall be taken within any affected hotel bedroom/ residential bedroom with the windows closed.

#### **Reasons:-**

1. In recognition of the temporary nature of the proposals.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In order to safeguard visual amenity.
4. In the interests of safeguarding the amenity of occupants of the neighbouring hotel from undue noise nuisance.

## **Financial impact**

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

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

## **Equalities impact**

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

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 1 October 2021 and a total of 13 letters of representation were received including a letter from the Cockburn Association. A letter was also received from the New Town and Brought Community Council which has been treated as a consultation response and is available in full within the consultation section.

## **Background reading/external references**

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- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development Plan Provision**

**Date registered** 21 September 2021

**Drawing numbers/Scheme** 1 - 8,

**David Givan**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Elaine Campbell, Team manager  
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## **Links - Policies**

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### **Relevant Policies:**

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

### **Other Relevant policy guidance**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

**Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS'** provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## **Application for Planning Permission 21/04950/FUL at Christmas Market, George Street, Edinburgh Erection of Edinburgh's Christmas at George Street including an ice rink, Christmas market stalls associated site offices, stores and ancillary facilities (Proposed Application for one year 2021 - 2022 & variation on granted planning permission ref 20/03708/FUL).**

### **Consultations**

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#### **Historic Environment Scotland**

In November 2020 an application was approved for structures associated with Edinburgh's Christmas Market on George Street - this included stalls, ice rink and associated facilities. A condition of permission restricted operation from 20 November 2021 to 2 January 2022. This application proposes changes to the use of the area on George Street - removal of stalls and increase in the size of the ice rink.

We do not consider the proposed changes from the existing approval would have any major impact on the historic environment. Our advice has always been that these events should be temporary, and we would therefore expect, if your Council approve the application, that a similar condition be added to limit the duration of this development.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

#### **New Town and Broughton Community Council**

The New Town & Broughton Community Council (NTBCC) has been involved in various discussions regarding the future use / layout of George Street including several 'George Street and First New Town' project workshops.

We note that this application is seeking to amend the permission for the Winter event (for 2021 only) under 20/03708/FUL, which was granted on 13th November 2020.

Whilst we note that the proposed footprint for the amended application has reduced significantly from the one that was approved previously, now proposing to occupy the street space along George Street from the Castle Street / North Castle Street junction to Charlotte Square only - this application, when viewed as a single application, is perhaps attempting to reduce the apparent impact of this element but setting aside the

intensification and expansion of the new proposals respectively for East and West Princes Street Gardens.

We take the view that the overall Edinburgh Christmas offering needs to be considered in totality across the three amended applications.

The community council recognise both the popularity of the Edinburgh Christmas event historically, especially the Ice Rink and the contribution to the vibrancy of the city (and city centre) in past years. However, we also share the view stated by the Cockburn that they have increasingly become major commercial events rather than cultural activities and with an increasing amount of commercial market stalls being added to the overall mix.

It is worth noting that despite some misgivings with the previous application, NTBCC did not submit a representation to the previous scheme.

With respect to the current application, NTBCC would also wish to register the following comments.

#### 1. Proposed Footprint

In principle, the proposed location of the ice rink is acceptable and preferable to siting an ice rink either in St Andrew Square or Princes Street gardens on soft-standing. This section of George Street has often been closed as part of various events, and there is no major reinstatement issue once it is over.

However, the extent of the footprint does not take account of the outdoor seating areas used by the various bars and restaurants along the north side of George Street. Whilst it's not clear to NTBCC whether the extent of outdoor seating will remain in place through the winter months, what is currently in place is not too obtrusive and does bring some life to the street.

Further, the proposed set-up proposed by Underbelly, rather than being harmonious and complementary to the current street scene, could be seen as trying to undermine the current businesses there and be in competition with them, rather than embracing what is currently available in the locality.

As far as we can ascertain from the documents supplied, the site boundary runs up the kerb line on both sides of the street, directly abutting the existing pavement where many of the hospitality businesses have set up substantial outdoor dining arrangements especially on the north side of the street. These have been set up (& supported by recent Council policies) to mitigate the impacts on their business from the Covid pandemic.

The implication of Underbelly's application is that these outdoor facilities will either need to be moved or reduced before the erection of the ice rink can begin.

As we understand, it seems likely that the relaxation of licensing will continue, therefore this potential conflict needs to be clarified as a matter of some urgency.

In addition, the potential crowding of restricted pavement space would seem likely, and could make crowd management more challenging. Finally, the proposed



footprint will close off a key part of the CCWEL cycle route with no alternative route being proposed.

George Street is a very wide street at this point - being 4-lanes as well as end-on parking in the centre of the street. There should be sufficient street space to accommodate both the proposed Christmas ice-rink as well as the needs of other current users of this space.

NTBCC therefore believe that the footprint made available for the ice rink should be reduced in width to prevent conflict as outlined above with other current uses. This could be achieved by removing or reducing the proposed food and beverage offering from the proposal which is more than adequately catered for by existing businesses along that stretch of George Street.

We should therefore urge that that the ice rink is redesigned to accommodate existing businesses, and that there are fewer or no food-and-drink stalls included in the scheme.

## 2. Proposed Use of Diesel Generators

The proposed set-up included 2x50 kVa generator sets. Although the detail of these is not provided, we assume, similarly to previous years, that these will be diesel fuelled. Whilst we fully understand the need for external power sources for the ice rink (given the infrastructure that exists there currently), we do not believe that the use of diesel generators is unacceptable at this location on a number of grounds.

We are aware from recent discussions relating to the FLY event in West Princes Street gardens that there are a number of alternate options that could and should be explored to mitigate the impact of these generators. One option would be to explore more environmentally-acceptable fuel source e.g. HVO (or hydrogenated vegetable oil) which as a significantly lower carbon footprint than diesel. It also has significantly lower NOx and Particulate Matter (PM) emissions compared with conventional diesel.

Although this may be a higher cost option and the minimum supply volumes may be higher, we firmly believe that this option should be explored more fully. The use of large diesel generators in this location should not be permitted, due both to the impact on the immediate environment (air quality in the proposed city centre Low Emission Zone) but also it is inconsistent with wider carbon reduction (GHG) considerations.

## 3. Level of Detail included in Application Documents Lodged

From the documents lodged by Underbelly in support of this application, it is difficult to be clear as to the boundary details of the compound surrounding the Ice rink. Whilst we understand the need to prevent unauthorised access to the ice rink, the overall set-up should be inclusive and inviting. Whilst it is clear that the back of house facilities at the western end of the compound is surrounded by 3 metre hoarding panels, it is unclear to the community council what hoarding / railing is proposed for the outer boundary of the proposal (on the '(07) Boundary Treatment' drawing. Furthermore, no details are provided of the actual structure to be erected to facilitate the figure of eight ice rink and the cross-over, aside from a plan view.

We would urge the Planning officer to request more details of what is actually proposed in this regard and that no consent should be issued until this information has been

submitted. It is essential that any development here respects the qualities of George Street and the World Heritage Site.

Finally, we could not see specific details or mitigation steps associated with the lengthy periods required for set up and take down of the temporary structures and the disruption that this will cause for pedestrians and businesses alike.

In summary, whilst NTBCC recognise and acknowledge the importance to many within the wider community to have a Christmas event; as well as the possible increased footfall being attracted to the city centre which could potentially benefit established city centre businesses, we have significant concerns as outlined above with what is precisely proposed.

Although NTBCC is largely focussed on the impact on residents, we also have an obligation to support local businesses within our area appropriately, who all year round contribute business rates and create longer-term employment. It is clear that the hospitality industry is slowly recovering, and it is regrettable that the opportunity they have to recoup some of their losses - at Christmas - will be negatively impacted in favour of outside contractors with little or no commitment to the city.

We understand that there will be pressure on the Council to progress the determination of these applications timeously but we believe that we have highlighted options to refine them in a number of areas. There is also an opportunity for several enhancements highlighted to inform events in future years and ultimately achieve something worthy of Edinburgh.

Finally, we would also stress again that these consents should not set a precedent.

## **Edinburgh World Heritage**

The scope and emphasis of our comments reflects our principal remit associated with impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (‘World Heritage Site’).

This application lies within the context of two associated applications for dispersed Christmas markets in the city (references 21/04954/FUL and 21/04953/FUL). For the benefit of the Planning Department we have provided separate responses to these associated consultations, though clearly they merit consideration as a cumulative whole.

### Edinburgh World Heritage Advice

George street is at the heart of Edinburgh’s First New Town and retains a high degree of both its historic character and authenticity with respect to the World heritage site’s Outstanding Universal Value (OUV) associated with Enlightenment urban planning, historic architecture and monuments.

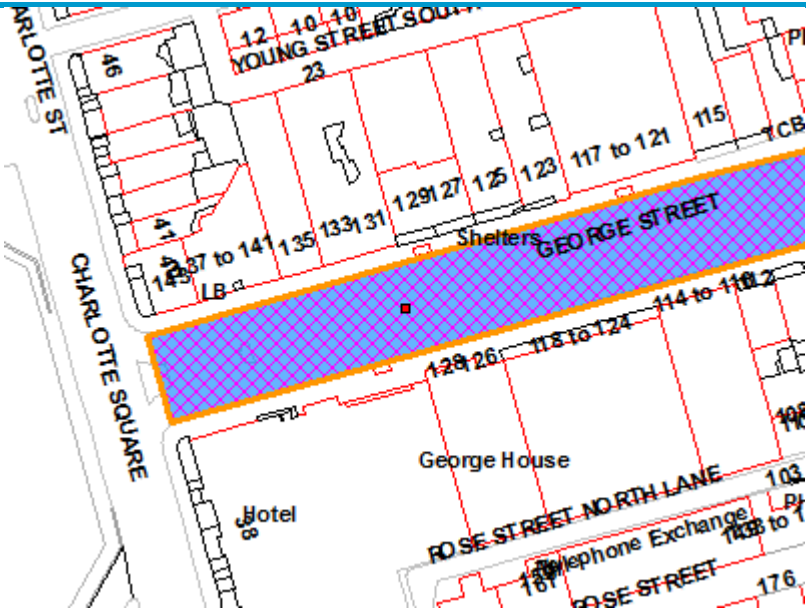
With regards to impact on OUV and in relation to the previous associated proposals (20/03708/FUL), the proposals would still result in a level of harm, infilling of public realm specifically designed for high quality open space with structures which are not in keeping with the character of the environment. It is acknowledged that this harm is temporary in nature (we advise a condition applied to any consent to ensure this is the minimum time period necessary) and relates only to this coming Christmas/ winter

period and the unique challenges surrounding it. In light of the above circumstances, and the understanding of further consultation and engagement by the City of Edinburgh Council this year to inform a balanced future for the winter markets, we do not object to the current application.

We look forward to further engagement from the City Council on the positive re-forming of the Winter Festivals moving forward, alongside communities and wider stakeholders. This welcome process will be key in ensuring that the future of the winter festivals supports the legislative and policy requirements to protect and preserve the OUV of the World Heritage Site.

### Location Plan

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