

# Notice of Meeting and Agenda



## Planning Committee

**Venue:** Council Chambers/Hybrid,  
Midlothian House, Dalkeith, EH22 1DN

**Date:** Tuesday, 12 March 2024

**Time:** 13:00

**Executive Director : Place**

**Contact:**

Clerk Name: Democratic Services  
Clerk Telephone:  
Clerk Email: [democratic.services@midlothian.gov.uk](mailto:democratic.services@midlothian.gov.uk)

**Further Information:**

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## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declaration of Interest**

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

## **4 Minute of Previous Meeting**

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| <b>4.1</b> | Minute of 28 November 2023 submitted for approval | 5 - 14  |
| <b>4.2</b> | Minute of 23 January 2024 submitted for approval  | 15 - 22 |
| <b>4.3</b> | Action Log  | 23 - 24 |

## **5 Public Reports**

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|------------|--|-----------|
| <b>5.1</b> | Dalkeith Regeneration Development Framework – Masterplan for Dalkeith Town Centre  | 25 - 218  |
| <b>5.2</b> | Listed building enforcement notice appeal decision (appeal dismissed) with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik  | 219 - 234 |
| <b>5.3</b> | Certificate of lawful use development (CLUD) appeal decision (appeal dismissed) with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggar Road, Hillend               | 235 - 242 |
| <b>5.4</b> | 24/00076/PAC - Pre application consultation for the erection of a high school, ASN (additional support needs) facility and community facilities, swimming pool, veterinary clinic and associated works at land to the east and west of Seafield Moor Road, Bilston | 243 - 248 |
| <b>5.5</b> | Update report regarding the Torfichen Wind Farm, East of Gladhouse Reservoir   | 249 - 276 |
| <b>5.6</b> | 23/00595/DPP – Procedural report relating to the formation of recycling facility and waste transfer station; and the continuation of landfill operations and associated works at Middleton Lower Quarry, Gorebridge  | 277 - 282 |



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|-------------|--|-----------|
| <b>5.7</b>  | 23/00694/PPP – Application for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith   | 283 - 308 |
| <b>5.8</b>  | 23/00700/S42 – Section 42 application to amend condition 14 to enable the installation of an adoptable (by Scottish Water) sustainable urban drainage system (SUDS), rather than the SUDS approved as part of the original planning application at the former Rosslynlee Hospital, Roslin                              | 309 - 322 |
| <b>5.9</b>  | 22/00878/DPP – Change of use from scrap yard (sui generis) to waste transfer site (class 5 General Industry) and contractor's yard (sui generis); and associated groundworks and construction works (part retrospective) at the site of the former Ramsay Colliery in the centre of Loanhead (called in by Cllr Parry) | 323 - 344 |
| <b>5.10</b> | MLDP2 update   |           |

## **6 Private Reports**

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No items for discussion

## **7 Date of Next Meeting**

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The next meeting will be held on Tuesday 30 April 2024 at 1.00pm.



# Minute of Meeting

Planning Committee  
Tuesday 12 March 2024  
Item No 4.1



## Planning Committee

Date	Time	Venue
Tuesday, 28 November 2023	13:00	Council Chambers, Midlothian House/Hybrid

### Present:

Councillor Alexander	Councillor McManus
Councillor Bowen	Councillor Milligan
Councillor Cassidy	Councillor Parry
Councillor Curran	Councillor Pottinger
Councillor Drummond (Attended virtually)	Councillor Russell
Councillor Imrie (Chair)	Councillor Scott
Councillor McCall (Attended virtually)	Councillor Smail
Councillor McEwan (Attended virtually)	Councillor Virgo
Councillor McKenzie	Councillor Winchester

### In Attendance:

Kevin Anderson	Executive Director Place (Attended virtually)
Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Morag Barrow	Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB (Attended virtually)
Lucy Roddie	Democratic Services Officer
Gary Leadbetter	Democratic Services Officer

## **1. Apologies**

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No apologies for absence were received.

## **2. Order of Business**

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The order of business was as set out in the Agenda.

## **3. Declarations of interest**

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Councillor McManus made a declaration of transparency in relation to Item 5.4. Councillor McManus reported that he had previously sat on the Newbattle Abbey College board. The land in question within the Eskbank and Ironmills Conservation Area is adjacent to Newbattle Abbey College.

Councillor Cassidy declared an interest in Item 5.4 and would leave the meeting during the discussion.

Councillor Scott declared an interest in Item 5.6 and would leave the meeting during the discussion.

## **4. Minutes of Previous Meetings**

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The minute of the meeting of 31 October 2023 was submitted for approval.

In relation to the discussion that took place around Item 5.6, Councillor McCall asked how access to the care home amenities would be safeguarded for the general public. In response, Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, reported that the Planning Committee had granted planning permission subject to the addition of a condition which would safeguard access to care home amenities for local residents.

Councillor Smaill sought confirmation that once the Local Development Plan is approved by the Council, Councillors may not speak against it or have any further dialogue with community councils and others. In response, Peter Arnsdorf provided further information on the Local Development Plan process and noted that once the Council have adopted the Local Development Plan, this constitutes the Council's formal strategy. After adoption, Elected Members are still permitted to discuss the Local Development Plan with all parties.

In relation to the discussion that took place on Item 5.6, Councillor McKenzie clarified that the waste services he was referring to related to the retail units. The minute will be amended for accuracy.

The minute of the meeting of 31 October 2023 was approved subject to the amendment as noted above. Moved by Councillor Pottinger, seconded by Councillor Virgo.

## 5. Reports

Agenda No	Report Title	Submitted by:
5.1	MLDP2 Engagement - Position Update	Chief Officer Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to present a summary of the evidence collated (to date) in response to the Midlothian Local Development Plan 2 (MLDP2) engagement programme, which has been ongoing since the launch of the local development plan review in February 2023. In addition, the Committee is requested to start considering an indicative Local Housing Land Requirement (LHLR).</p> <p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none"> <li>a) the evidence collated to date in response to the Midlothian Local Development Plan 2 engagement programme; and</li> <li>b) the issues set out with regard the indicative Local Housing Land Requirement (LHLR).</li> </ul> <p>Councillor Imrie, the Chair, thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Discussion took place around affordable housing provision, with Peter Arnsdorf providing further information in relation to the requirements of the Local Development Plan. An allocation of 25% affordable housing is currently required, but NPF4 will enable a higher percentage of development to be allocated to affordable housing provision. Councillor Alexander raised concerns around the length of the housing waiting list and suggested the percentage allocation should be significantly higher.</p> <p>Discussion took place around the format of affordable housing. It was noted that much of the provision is in the form of one or two bedroom flats and it was suggested that a range of property sizes should be offered. In response, Peter Arnsdorf commented that provision reflects demand and assured the Committee that housing waiting lists are reviewed to ensure need is met.</p> <p>Discussion took place around the definition of affordable housing with the Committee noting that a further conversation regarding affordable housing requirements would be useful. Peter Arnsdorf commented that the definition of affordable housing is set out in NPF4.</p> <p>Discussion took place around the requirement for development to be adequately supported by infrastructure. Some discussion took place around growth emanating from Edinburgh. It was suggested that the Midlothian Council should work in collaboration with City of Edinburgh Council to ensure growth was adequately supported.</p>		
<b>Decision</b>		

The Planning Committee agreed to note the evidence collated to date in response to the Midlothian Local Development Plan 2 engagement programme, and the issues set out with regard the indicative Local Housing Land Requirement (LHLR).

#### Action

All

Agenda No	Report Title	Submitted by:
5.2	Planning Performance Framework Annual Report 2022/23	Chief Officer Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report provides an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian. Specifically, it provides feedback from Scottish Government on the Council's submitted PPF for 2022/23.</p> <p>It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted PPF for 2022/23.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.</p>		
<b>Decision</b>		
The Planning Committee noted the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2022/23.		
<b>Action</b>		
All		

Agenda No	Report Title	Submitted by:
5.3	Listed Building Enforcement Appeal Decision regarding installation of signage, vinyl graphics and change of colour at 118 High Street, Dalkeith (USA Nails)	Chief Officer Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of a listed building enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).</p>		

It is recommended that the Committee notes the enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).

The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.

#### Decision

The Planning Committee noted the enforcement notice appeal decision with regard the installation of signage, vinyl graphics and change of colour of shop frontage at 118 High Street, Dalkeith (USA Nails).

#### Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.4	Wilful destruction of trees within the Eskbank and Ironmills Conservation Area and the non-compliance with a Planning Contravention Notice issued in relation to land adjacent to Old Golf House, Eskbank, Dalkeith	Chief Officer Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Given their declaration of interest, Councillor Cassidy left the Planning Committee meeting for this Item.</p> <p>At this point, Councillor Pottinger made a declaration of interest and left the Planning Committee for this Item.</p> <p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report relates to the wilful destruction of trees within the Eskbank and Ironmills Conservation Area and the non-compliance with a planning contravention notice issued in relation to land adjacent to Old Golf House, Eskbank, Dalkeith.</p> <p>It is recommended that the Planning Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Parry stated that she fully supported appropriate action being taken and asked if it would be possible to re-plant the felled trees. Mr Arnsdorf reported that the Council can issue a re-planting notice, once a dispute regarding the ownership of land is resolved.</p>		

Councillor Bowen noted there were lengthy delays to prosecutorial action and asked if this case could be expedited. In response, Derek Oliver Chief Officer Place, commented that this would be at the discretion of the Crown Office and Procurator Fiscal Service.

Moved by Councillor Virgo. Seconded by Councillor Parry.

#### Decision

The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.

#### Action

The Planning, Sustainable Growth and Investment Manager

### **Councillor Cassidy and Councillor Pottinger re-entered the Chamber at 13.43.**

Agenda No	Report Title	Submitted by:
5.5	23/00657/PAC – Pre-application consultation regarding remediation works to proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage at the site of the former Monktonhall Colliery, Newton Village, Dalkeith	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for remediation works to the proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage. The land comprises part of the former Monktonhall Colliery, Newton Village, which is located within the Shawfair new settlement area.</p> <p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none"> <li>a) the provisional planning position set out in the report;</li> <li>b) that any comments made by Members will form part of the minute of the Committee meeting; and</li> <li>c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.</li> </ul> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p>		



Councillor Curran reported that a local constituent had raised a concern regarding the proximity of the proposed education campus to a recycling plant. Mr Arnsdorf provided reassurances that the site would be thoroughly assessed for suitability as part of the detailed planning application.

Councillor Curran raised safety concerns in relation to the requirement to cross the A6106 road to reach the campus. Mr Arnsdorf provided reassurances that safe routes to school would be considered as part of the detailed planning application.

Councillor Virgo noted that a decision had not yet been made with regards to the capital commitment to Shawfair High School and was therefore reluctant to make a decision at this stage. In response, Mr Arnsdorf noted that this was a pre-application only, and the Committee's view would not fetter consideration of any subsequent formal planning application.

In response to a question from Councillor Scott, Peter Arnsdorf confirmed that condition 26 of planning permission 17/00650/S42 had been carried forward.

#### Decision

The Planning Committee noted:

- a) the provisional planning position set out in the report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

#### Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.6	23/00662/PAC – Pre-application consultation regarding extension to existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge	Chief Officer Place

#### Outline of Report and Summary of Discussion

Given their declaration of interest Councillor Scott left the Planning Committee meeting for this Item.

At this point, Councillor Smail made a declaration of interest and left the Planning Committee for this Item.

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to advise the Committee of the submission of

a Proposal of Application Notice (PAN) and corresponding pre-application consultation for an extension to an existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge.

It is recommended that the Committee notes:

- a) the provisional planning position set out in the report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made.

#### Decision

The Committee noted:

- a) the provisional planning position set out in the report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

#### Action

The Planning, Sustainable Growth and Investment Manager

**Councillor Smail and Councillor Scott re-entered the Chamber at 13.55.**

Agenda No	Report Title	Submitted by:
5.7	23/00532/S42 – Amendment to phasing regarding the redevelopment of the Midlothian Snowsports Centre to enable construction on site whilst the access is being constructed	Chief Officer Place

#### Outline of Report and Summary of Discussion

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report is a Section 42 application (23/00532/S42) to amend Condition 11 (phasing of construction works relative to site access enabling works) imposed on a grant of Planning Permission (19/01018/PPP) for the redevelopment of existing Snowsports centre to include additional leisure facilities, hotel, function suite, ancillary retail and restaurant uses, formation of access road and car parking at Midlothian Snowsports Centre, Biggar Road, Hillend, to enable onsite work on the enhanced leisure and commercial facilities to commence in advance of the new access arrangements and car park being completed.

It is recommended that planning permission is granted subject to the conditions as set out in the report.

The Chair thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Virgo commented that, while he supported the commercial advantages of certain aspects of the development, part of the proposed development was still up for discussion as part of the ongoing Capital Plan Prioritisation work, and he was therefore unwilling to endorse the proposed amendment to Condition 11 at this stage. Councillor Virgo further commented that the costs of the development had not yet been determined.

The Chair stated that the amendment to Condition 11 was required to enable works to begin on the access road and that necessary approvals for the development had already been secured. Councillor Virgo stated that this was not his understanding.

Councillor Smaill noted that the temporary traffic lights would now be required to remain in place for a longer period at additional cost. Councillor Smaill commented that no assurances had been provided that the development will reach completion. Councillor Smaill stated he was unwilling to endorse the proposed amendment to Condition 11.

Councillor Cassidy noted the importance of making a decision in order to progress the work, given the potential for the project to overrun.

Councillor Cassidy, seconded by Councillor Imrie, moved to grant planning permission subject to the conditions as set out in the report.

Councillor Virgo, seconded by Councillor Smaill, moved to reject the application for planning permission.

On a vote being taken, 3 members of the Committee voted against granting planning permission being granted. 15 members of the Committee voted in favour of granting planning permission. This then became the decision of the Committee.

#### Decision

The Committee granted planning permission subject to the conditions as set out in the report.

#### Action

The Planning, Sustainable Growth and Investment Manager

## 6. Private Reports

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No items for discussion

## 7. Date of Next Meeting

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The next meeting will be held on Tuesday 23 January 2024 at 1:00pm.

The meeting terminated at 14:14.



# Minute of Meeting

Planning Committee  
Tuesday 12 March 2024  
Item No 4.2



## Planning Committee

Date	Time	Venue
Tuesday 23 January 2024	13:00	Council Chambers, Midlothian House/Hybrid

### Present:

Councillor Alexander	Councillor Milligan
Councillor Bowen	Councillor Parry
Councillor Cassidy	Councillor Pottinger
Councillor Curran	Councillor Russell
Councillor Drummond	Councillor Scott
Councillor McCall	Councillor Smail
Councillor McEwan	Councillor Virgo
Councillor McKenzie	Councillor Winchester
Councillor McManus	

### In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Lucy Roddie	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

## 1. Apologies

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Lucy Roddie, Democratic Services Officer, welcomed Elected Members to the Planning Committee and noted that apologies were offered from the Chair. Due to the absence of the Chair, Lucy Roddie invited nominations for another Elected Member to be interim Chair for the purposes of this meeting. Councillor McEwan, seconded by Councillor Pottinger, nominated Councillor Milligan. Councillor Milligan accepted.

## 2. Order of Business

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The Chair advised the Committee that Item 5.5, '23/00694/PPP – Application for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith' had been deferred a cycle to address a procedural matter. The order of business was otherwise as set out in the Agenda.

## 3. Declarations of interest

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Councillor Bowen and Councillor Scott made a declaration of transparency in relation to Item 5.6. It was noted that they had attended meetings in relation to this matter but had not expressed an opinion.

## 4. Minutes of Previous Meetings

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4.1 No minutes of previous meetings were approved.

4.2 The Action Log was noted.

## 5. Reports

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Agenda No	Report Title	Submitted by:
5.1	<b>MLDP2 Engagement - Local Place Plans Update</b>	<b>Chief Officer Place</b>
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of this report is to update Elected Members on the production of Local Place Plans (LPPs) by Midlothian community groups.</p> <p>It is recommended that the Committee notes the contents of the report, in particular:</p> <ul style="list-style-type: none"><li>i. the list of Midlothian community bodies who have submitted draft local place plans to the Council, and the summaries of the plans provided in Appendix A of the report; and</li><li>ii. the intention to bring finalised local place plans to the 30 April 2024 Committee for consideration for validation and registration by the Council.</li></ul>		

Councillor Milligan, the Chair, thanked Mr Arnsdorf for the report and opened it up to questions.

In response to a question from Councillor McEwan, Peter Arnsdorf confirmed that all Community Councils had been advised of the deadlines for submitting Local Place Plans.

#### Decision

It is recommended that the Committee notes the contents of the report, in particular:

- the list of Midlothian community bodies who have submitted draft local place plans to the Council, and the summaries of the plans provided in Appendix A of the report; and
- the intention to bring finalised local place plans to the 30 April 2024 Committee for consideration for validation and registration by the Council.

#### Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.2	<b>Issuing of TPO at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik</b>	<b>Chief Officer Place</b>
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. This report seeks the Committee's approval to issue a Tree Preservation Order (TPO) on woodland located at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik.</p> <p>It is recommended that the Committee:</p> <ol style="list-style-type: none"><li>Agrees to the issuing of a TPO to protect the identified trees at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik; and</li><li>Agrees to receive a further report to consider confirming the TPO once the owner(s) of the land and other interested parties have had the opportunity to make comment.</li></ol> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions. No questions were received or comments made and the Committee unanimously agreed to the recommendations as set out in the report.</p>		
<b>Decision</b>		
<p>The Committee:</p> <ol style="list-style-type: none"><li>Agreed to the issuing of a TPO to protect the identified trees at land adjacent to Meyerling and land at Little Moss and Nether Moss, Howgate, Penicuik; and</li></ol>		

b) Agreed to receive a further report to consider confirming the TPO once the owner(s) of the land and other interested parties have had the opportunity to make comment.
<b>Action</b>
Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
<b>5.3</b>	<b>Non-compliance with a Listed Building Enforcement Notice related to installation of 16 uPVC windows issued in relation to 130 High Street, Dalkeith</b>	<b>Chief Officer Place</b>
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report relates to the non-compliance with the requirements of a listed building enforcement notice served by the Council with regard the removal of sixteen singled glazed, timber framed, sash and case windows, and the installation of sixteen double glazed, uPVC (un-Plasticised Polyvinyl Chloride) framed, tilt and turn windows in the front, rear and side facades at 130 High Street, Dalkeith.</p> <p>It is recommended that the Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Alexander commented on the need to consider the benefits of making older buildings more energy efficient and suggested that landlords and owners should be encouraged to take such measures. In response, the Chair commented that the enforcement notice had been served in accordance with Scottish Government planning enforcement policy. In this context, the Planning Committee's role is to determine whether the enforcement notice should be served.</p> <p>Councillor McManus asked about the implications if the Planning Committee decided to not refer the case for prosecutorial action. Peter Arnsdorf commented that the breach of planning control would remain outstanding. Reputational damage could be caused, and the decision to not refer the case could give hope to others that the Council will not enforce breaches of planning control. The owner could re-apply for listed building consent and planning permission but it would be unlikely a decision would be made in their favour. Councillor Drummond noted her concern that by not referring this case for prosecutorial action, a precedent would be set whereby the Council is seen to ignore Scottish Government planning enforcement policy. Councillor Parry noted her concern that an outstanding breach of planning control would be inherited by any future owners.</p>		



Councillor McCall, seconded by Councillor Virgo, moved to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.

Councillor Alexander, seconded by Councillor Cassidy, moved an amendment to the motion, namely, to not refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.

On a vote being taken, 2 members of the Committee voted for the amendment and 15 members of the Committee voted for the motion. This then became the decision of the Committee.

#### Decision

The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.

#### Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.4	<b>Non-compliance with a Listed Building Enforcement Notice related to erection of fascia sign issued in relation to 41 High Street, Dalkeith</b>	<b>Chief Officer Place</b>
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. This report relates to the non-compliance with the requirements of a listed building enforcement notice served by the Council with regard the erection of a fascia sign at 41 High Street, Dalkeith. Peter Arnsdorf reported that since the publication of this report, the occupier had indicated their intention to remove the signage within the next two weeks.</p> <p>It is recommended that the Committee determine to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Virgo, seconded by Councillor Parry, moved to instruct the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action.</p>		

Decision
The Planning Committee instructed the Planning, Sustainable Growth and Investment Manager (or an alternatively appropriately appointed officer) to refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action pursuant to Sections 126 and 172 of the Town and Country Planning (Scotland) Act 1997 as amended.
Action
The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.5	<b>23/00694/PPP – Application for planning permission in principle for residential development (indicative 78 units) and associated works at the Scotts Touring Caravans site, land north of Mayfield Industrial Estate, Mayfield, Dalkeith</b>	<b>Chief Officer Place</b>
Outline of Report and Summary of Discussion		
Withdrawn		
Decision		
Action		

Agenda No	Report Title	Submitted by:
5.6	<b>23/00674/LBC and 23/00675/DPP – Installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange (called in by Cllr Bowen)</b>	<b>Chief Officer Place</b>
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The applications are for the installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange. The recommendation is to refuse listed building consent and planning permission. It was noted that no representations had been received.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Smaill remarked that the church is a prominent listed building of historical significance and he would not support the installation of solar panels due to the</p>		

impact of the proposed works on the character, appearance and historic interest of the listed building.

Some discussion took place in relation to the present climate emergency. The Planning Committee noted the requirement to reduce reliance on unsustainable energy sources and support measures to improve energy efficiency. It was suggested that a review of the relevant policies, in consultation with Scottish Government where appropriate, should be undertaken to ensure alignment with the requirement to address the present climate emergency.

The Planning Committee noted that the Newtongrange Community Council, and the community more widely, were supportive of the applications and considered the redevelopment project as beneficial to the local area. Several members of the Committee noted their desire to support the redevelopment project and ensure the survival of the building. Councillor Smaill remarked that it had not been demonstrated that the installation of solar panels was critical to the success of the project, and a cost-benefit analysis had not been completed.

Councillor Virgo noted his concern that it had not been demonstrated that the church roof could sustain the solar panels. Councillor Virgo suggested a structural assessment be undertaken and a report be brought to the Planning Committee before a decision is taken. Councillor Smaill echoed these comments and, in addition, called for a cost benefit analysis of the solar panels and an architectural impact assessment to be brought before the Planning Committee. Councillor Smaill suggested establishing an expert group with an understanding of architecture to provide professional advice to the Planning Committee in relation to matters such as this.

Councillor Alexander, seconded by Councillor Drummond, moved to grant listed building consent and planning permission.

On an amendment to the motion, Councillor Smaill, seconded by Councillor Virgo, moved to refuse listed building consent and planning permission with a structural assessment, cost benefit analysis and architectural impact assessment to be undertaken and further reports to be brought back to the Planning Committee.

On a vote being taken, 4 members of the Committee voted for the amendment and 13 members of the Committee voted for the motion. This then became the decision of the Committee.

#### Decision

The Planning Committee granted listed building consent and planning permission for the installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange.

#### Action

The Planning, Sustainable Growth and Investment Manager

## **6. Private Reports**

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No items for discussion

## **7. Date of Next Meeting**

---

The next meeting will be held on Tuesday 12 March at 1:00pm.

The meeting terminated at 13:56.

## Action Log

No	Date of meeting	Item No and Title	Action	Action Owner	Expected completion date	Comments
1.	10/10/2023	Motion - Old Craighall Road	Report on protocols when dealing with road closures around new developments be presented to a future Planning Committee	Executive Director Place	TBC	





---

## PLANNING GUIDANCE: DALKEITH REGENERATION DEVELOPMENT FRAMEWORK

Report by Chief Officer Place

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### 1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek agreement to the adoption of the Dalkeith Regeneration Development Framework as Planning Guidance (a copy of which is attached to this report).

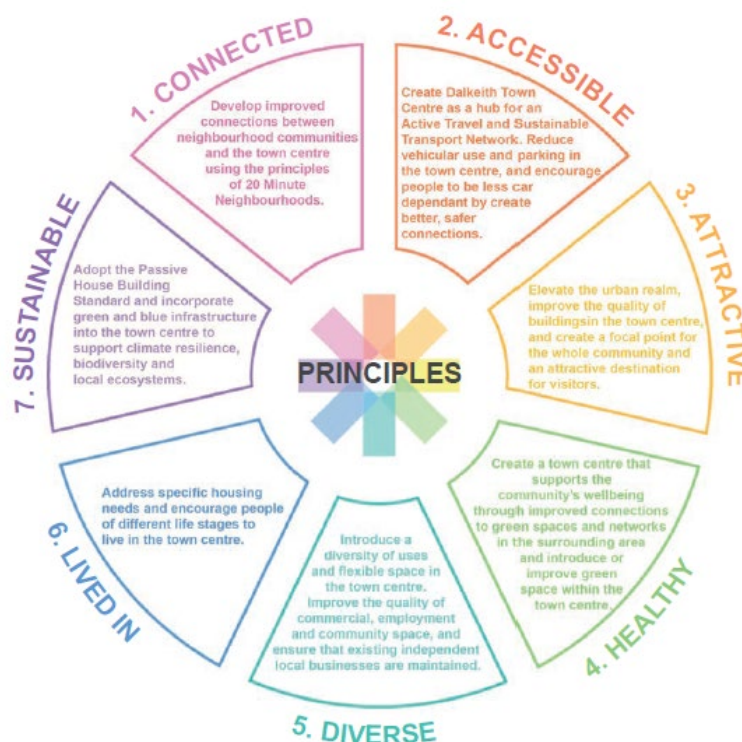
### 2 BACKGROUND

- 2.1 At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP). The MLDP included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). In addition to those topic areas set out in the MLDP the Council has the scope to adopt additional guidance to provide further detail and interpretation of the policies and strategy set out in its development plan and/or in response to other corporate placemaking ambitions. One of the topic area that needs further clarification is with regard to the Council's ambition to see the redevelopment of Dalkeith Town Centre.
- 2.2 Planning authorities may issue non-statutory Planning Guidance without going through the formal statutory procedures for Supplementary Guidance, which include undertaking public consultation. Unlike Supplementary Guidance, Planning Guidance does not form part of the development plan but the Council's adoption of it will give it weight in planning decisions, help towards securing external funding and provide the policy support for compulsory purchase orders (CPO) to delivery strategic redevelopment.
- 2.3 In December 2021 Council supported the commissioning of a new vision for Dalkeith and then subsequently considered that evolving vision at its meetings of August 2023 and November 2023. The finalised vision, the masterplan, is attached to this report as the Dalkeith Regeneration Development Framework.
- 2.4 The Dalkeith Regeneration Development Framework has been subject to engagement - between February and April 2022, Nesta People

Powered Results worked alongside key representatives across the Council, voluntary and community sector and businesses to co-design a community engagement approach, using the Place Standard Tool, to allow people who live and work in Midlothian to share their views on the town centre. 315 people participated. A further consultation was held in September 2022 on draft proposals for the town centre. Further details of the engagement and its outcomes are set out in the Dalkeith Regeneration Development Framework.

### 3 DALKEITH REGENERATION DEVELOPMENT FRAMEWORK PLANNING GUIDANCE

- 3.1 The overarching vision for the regeneration of Dalkeith Town Centre and a strategy for delivery is set out within the Dalkeith Regeneration Development Framework. The Framework sets out a vision for Dalkeith Town Centre that will create a greener, more attractive, more welcoming and more prosperous place for our communities to thrive in, with a specific focus on the redevelopment of the key sites in the town centre that encompasses Jarnac and Eskdail Court.
- 3.2 The Framework incorporates a set of key principles that will apply to all development in the town centre. These are below:



- 3.3 The Framework also contains a set of strategies that set out how these principles will be achieved in the town centre. These set out to achieve the following:
- Connect neighbourhood communities and the town centre;



- Transforming connections to create a 20 minute neighbourhood;
- Improve public transport;
- Improved opportunities for active travel;
- Optimise existing town centre parking sites;
- Pedestrianisation of the High Street;
- Improve town centre square and enhance civic space;
- Provide a mix of housing tenure and types;
- Create flexible space for commercial, employment and community use;
- Introduction of green space into the town centre;
- Housing with access to gardens, balconies and roof terrace; and
- Sustainable development and buildings.

## **4 STRATEGIC ENVIRONMENTAL ASSESSMENT**

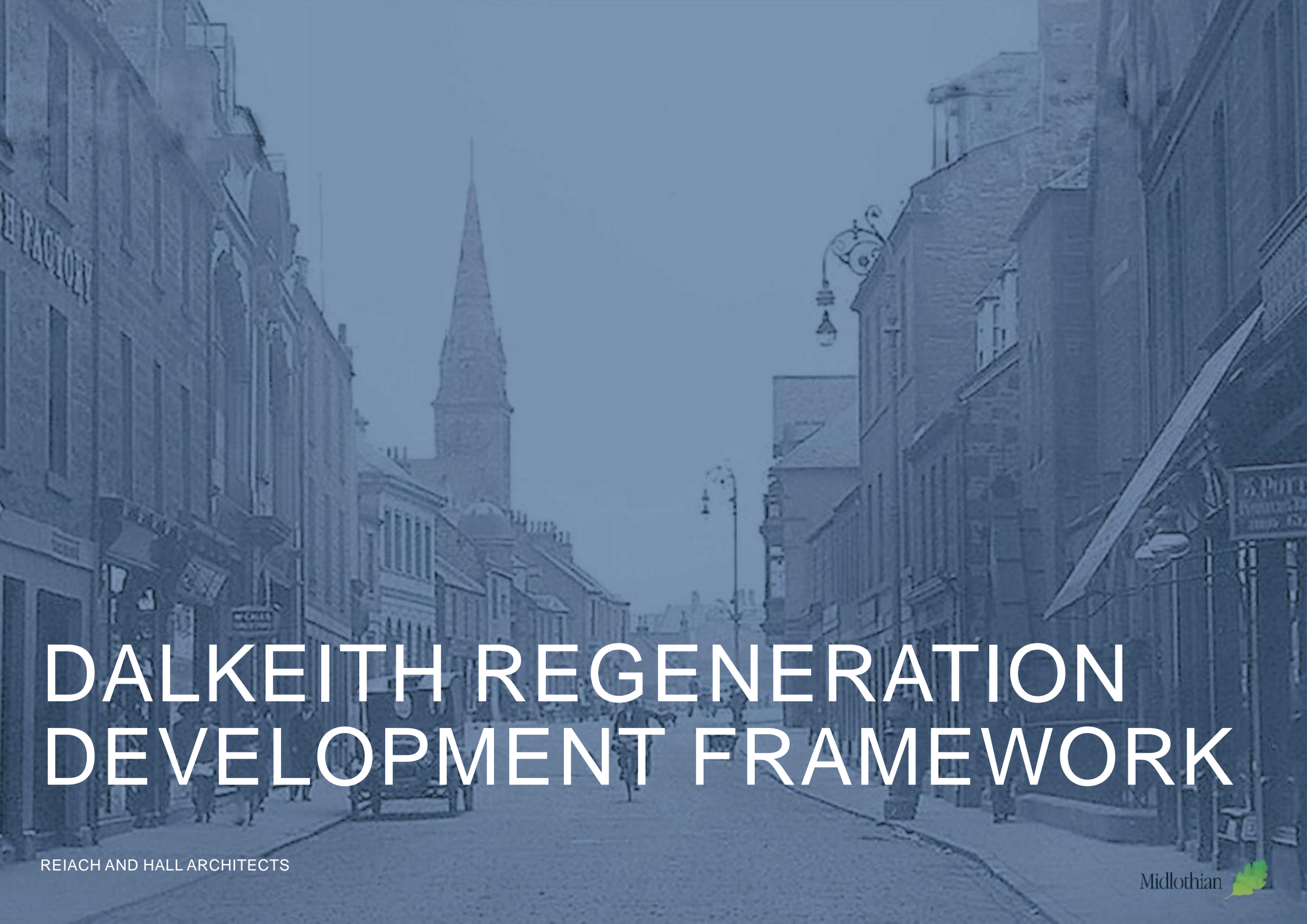
- 4.1 All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. This is known as a Strategic Environmental Assessment (SEA) process.
- 4.2 The Council is of the view that no detrimental environmental effects are likely because of the guidance, thereby exempting the Planning Guidance from any requirement for a SEA. However, the adoption of the Planning Guidance cannot take place until; a SEA determination has taken place; and, 14 days have lapsed from advertising the SEA decision in a local paper and copying it to the Consultation Authorities. If the Committee is minded to adopt the Dalkeith Regeneration Development Framework the Council should under the Environmental Assessment (Scotland) Act 2005 screen the Planning Guidance with the Consultation Authorities - SEPA, NatureScot and Historic Environment Scotland, then reach a determination (no SEA is required) and advertise that conclusion for 14 days.

## **5 RECOMMENDATION**

- 5.1 The Committee is recommended to:
1. Note the content of this report and agree to the adoption of the Dalkeith Regeneration Development Framework Planning Guidance (subject to the SEA process as per recommendation 2); and
  2. Instruct the Planning, Sustainable Growth and Investment Manager to undertake the required screening and notification/advertisement advising that the Dalkeith Regeneration Development Framework Planning Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 1 March 2024  
**Report Contact:** Fiona Clandillon, Head of Development  
[fiona.clandillon@midlothian.gov.uk](mailto:fiona.clandillon@midlothian.gov.uk)  
**Background Papers:** Council papers of December 2021, August 2023  
and November 2023  
**Attached:** Dalkeith Regeneration Development Framework



# DALKEITH REGENERATION DEVELOPMENT FRAMEWORK

REIACH AND HALL ARCHITECTS

Midlothian 

# PROJECT TEAM

---



Client - Midlothian Council

Midlothian House - Midlothian Council HQ  
40-46 Buccleuch Street,  
Dalkieth EH22 1DN

W: [www.midlothian.gov.uk/](http://www.midlothian.gov.uk/)

## REIACH AND HALL ARCHITECTS

Architects - Reiach and Hall Architects

8 Darnaway St, Edinburgh EH3 6BG

T: 0131 225 8444

W: [www.reiachandhall.co.uk](http://www.reiachandhall.co.uk)

E: [contact@reichandhall.co.uk](mailto:contact@reichandhall.co.uk)



Principle Designer - Alliance CDM

The Station Masters Office, Station Road,  
South Queensferry EH30 9JP

T: 0131 319 2100

W: [www.alliancecdm.co.uk](http://www.alliancecdm.co.uk)

E: [nicky@alliancecdm.co.uk](mailto:nicky@alliancecdm.co.uk)



Quantity Surveyor - Doig and Smith

The Malt house, 2 Canning Street,  
Edinburgh, EH3 8EG

T: 0131 656 5820

W: [www.doigandsmith.co.uk](http://www.doigandsmith.co.uk)

E: [ijamieson@doigandsmith.co.uk](mailto:ijamieson@doigandsmith.co.uk)



Property Consultant - Ryden

7 Exchange Crescent, Conference Square,  
Edinburgh, EH3 8AN

T: 0131 225 6612

W: [www.ryden.co.uk](http://www.ryden.co.uk)

E: [general.mail@ryden.co.uk](mailto:general.mail@ryden.co.uk)



Transport Consultant - ARUP

1 West Regent Street,  
Glasgow, G2 1RW

T: 0131 635 6032

W: [www.arup.com](http://www.arup.com)

E: [edinburgh@arup.com](mailto:edinburgh@arup.com)

# FOREWORD



## VISION FOR DALKEITH

Dalkeith is a historic town centre and our administrative centre. Its long held prosperity is evident in its many fine buildings and despite the many challenges faced by town centres across Scotland, it continues to provide a thriving centre for commerce and community.

However, the way we think about our town centres has changed in recent years. The COVID 19 pandemic has brought many people closer to their local centres as more people work from home. For many, this has meant a fresh appreciation of what is on our doorstep. It has also meant people challenging us to do more to make our town centres healthier, more accessible and more welcoming places to be.

For many years, there has been a recognition that, despite its many attractive qualities, the centre of Dalkeith needs a rethink. This Development Framework sets the long term vision for how we want the town centre to be developed. It should be lived in and loved. It should be better connected to the neighbourhoods that surround it. People of all ages should be able to spend time here easily and confidently.

This Framework sets out how a renewed Dalkeith could look and the strategies needed to get us there. This is the start of a new story for Dalkeith.

Cllr Cassidy



# DALKEITH TOWN CENTRE DEVELOPMENT FRAMEWORK

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## 01 SITE & CONTEXT

# 1.1 DEVELOPMENT FRAMEWORK SITE

## LOCATION OF DALKEITH

The historic market town of Dalkeith is located 7 miles south-east of the City of Edinburgh.

The town is sited in the north of Midlothian and is the seat of Midlothian Council and the main administrative centre for the district.

The estimated population of Dalkeith rose from 11,823 in 2011 to 15,010 in 2021, reflecting the wider population trend in Midlothian.

The town is served by good railway and road networks.

### RAIL LINK

The Borders Railway which connects the City of Edinburgh with Galashiels and Tweedbank in the Scottish Borders, is routed via Eskbank Station which is located to the south-west of Dalkeith Town Centre.

### ROADS

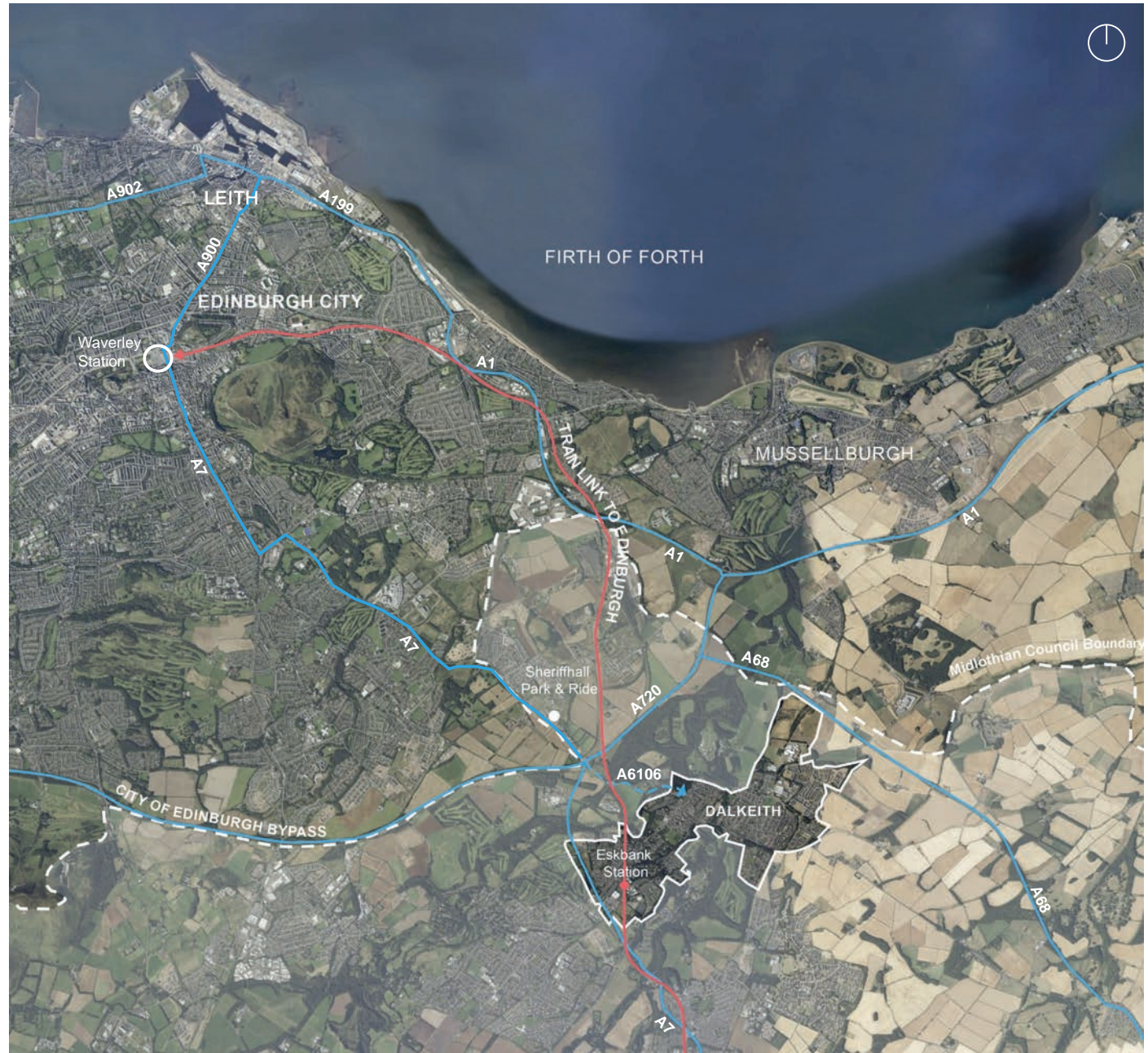
Dalkeith is well connected to the City of Edinburgh and the surrounding towns. The City of Edinburgh Bypass sits to the north of the town which provides a convenient route to the outskirts of Edinburgh, Edinburgh Airport and onto the motorways and road network to the rest of Scotland.

### BUS NETWORK

Dalkeith is served by a number of bus routes that connect the town to the rest of Midlothian and the City of Edinburgh.

### PARK AND RIDE

Sheriffhall Park and Ride is 1.6 miles north of Dalkeith. Frequent buses link the site to central Edinburgh via the Edinburgh Royal Infirmary.





# 1.1 DEVELOPMENT FRAMEWORK SITE

## DALKEITH COMMUNITIES

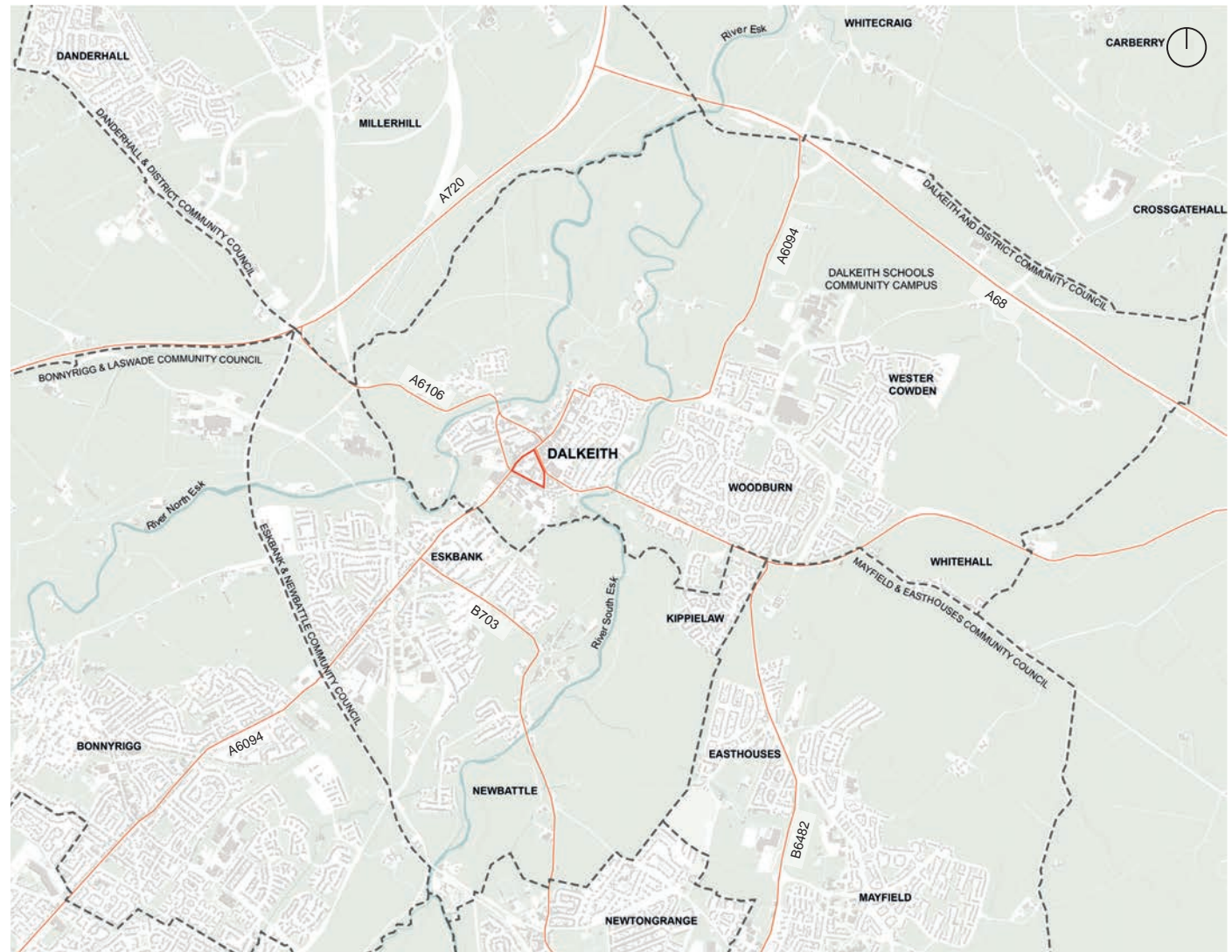
Dalkeith is characterised not by one central area but by a series of overlapping local centres.

The town is divided into four distinct areas -

- Dalkeith with its town centre and historic core, is situated between the two branches of the River Esk, the North Esk and South Esk.
- Eskbank to the town's south-west, is characterised by large Victorian villas.
- Woodburn to the east of the town centre is a residential neighbourhood that was developed by the council in the 1930s. This area of the town was formerly the site of Woodburn House which was part of Newbattle Estate.
- Newbattle to the south is semi-rural and is the location of the historic Newbattle Abbey, which now houses a college.

To the north of Woodburn is the Dalkeith Schools Community Campus which was opened in 2003. Dalkeith High School, St David's Roman Catholic High School, Saltersgate School and, the Community and Leisure Facilities are all located here. Woodburn Primary School is located to the south of the campus.

In recent years many new housing estates have been developed towards the north-east of Woodburn.



*Dalkeith & Midlothian Communities Map*



# 1.1 DEVELOPMENT FRAMEWORK SITE

## DALKEITH TOPOGRAPHY

The historic core of the town occupies a narrow ridge between the two branches of the River Esk.

The historic High Street which led from Dalkeith Palace, is orientated on a north-east to south-west alignment and follows the ridge top between the rivers.

For much of its history, Dalkeith was essentially one street - the High Street. The land behind the street frontage to the north steeply falls down to the Esk and historically this restricted the development on this side of the town.

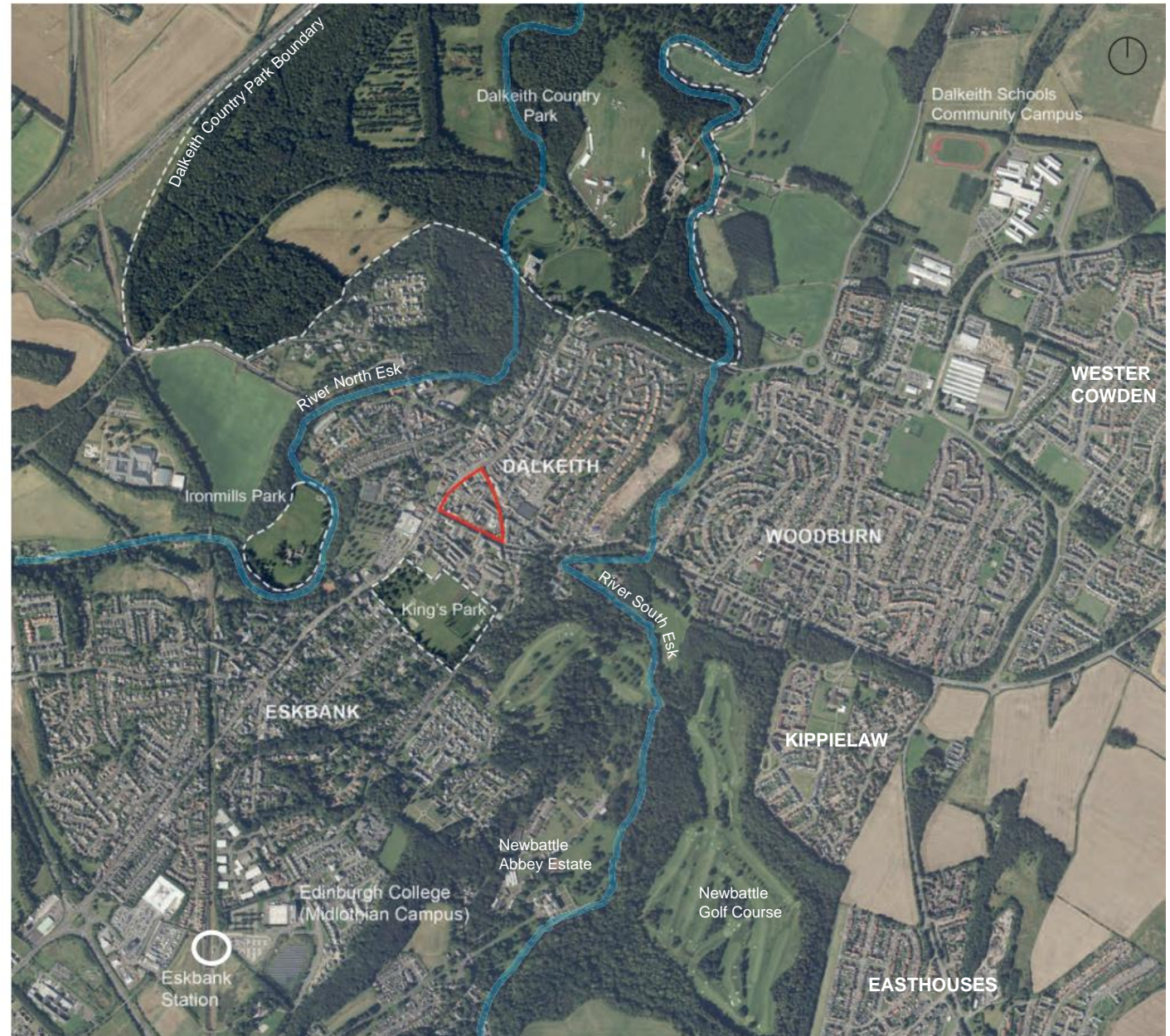
The location of Dalkeith Palace and the Buccleuch Estate limited any expansion of the town towards the north-east. Now named Dalkeith Country Park, the estate is open to the public and offers woodland and park walks, family and community events and activities such as Fort Douglas Adventure Park, a restaurant and cafés.

In addition to Dalkeith Country Park, the town centre is surrounded by a number of other green spaces, parks and woodlands.

Ironmills Park is located to the south-west of the town centre, on an area of land that is significantly lower than the rest of the town, and was formerly home to the water-powered Ironmill. The park features a large tree-lined green space, alongside the South Esk and a woodland. The park pavilion is occupied by a dance school which has a cafe that is open to the public. Currently the walkway and bridge to the park from the town centre is closed due to subsidence on the river bank. Access to the park can only be gained via Ironmills Road.

South of the town centre site is King's Park Primary School. The Victorian listed building overlooks the town's municipal King's Park which is home to many sports clubs, including Dalkeith Thistle Football Club. The park hosts various community and sport events and carnivals. The west area of the park is protected by a Fields in Trust Agreement.

Directly to the south of King's Park is the district of Eskbank, which sits on flat land above the North Esk valley. Further to the opening of the Eskbank railway station in the 1840s, substantial villas were constructed in this part of the burgh.





# 1.1 DEVELOPMENT FRAMEWORK SITE

## DALKEITH TOWN CENTRE

A triangular shaped site within Dalkeith town centre is the focus for the redevelopment proposals within this Development Framework. The site is located on the southern-most section of the High Street, and was historically less developed than the northern section which housed the town market.

Plots of land in this area were broken up for redevelopment and comprised of small islands of buildings separated by narrow wynds, rather than the 'fishbone' pattern of narrow closes leading off the spine formed by the High Street.

The section of the High Street between the Coach and Horses Bar and Duke Street is noted on historic maps as the *Market Place*.

During the 18th century, weekly markets were held on the High Street. These included grain, meal and cattle markets, which attracted local farmers and this in turn generated wealth within the town.

The annual October fair which catered for the trade in cattle and horses was held at the junction of South Street and Lothian Street.

Throughout the 19th and 20th centuries Dalkeith was an important market town, drawing in produce from the farms to the south to sell to Edinburgh's consumers to the north. The Corn Exchange was built in 1853 and was the largest indoor grain market in Scotland.

The influx of farmers, grain merchants and other traders on market days encouraged the growth of inns and hotels, and these buildings continue to characterise the town centre.

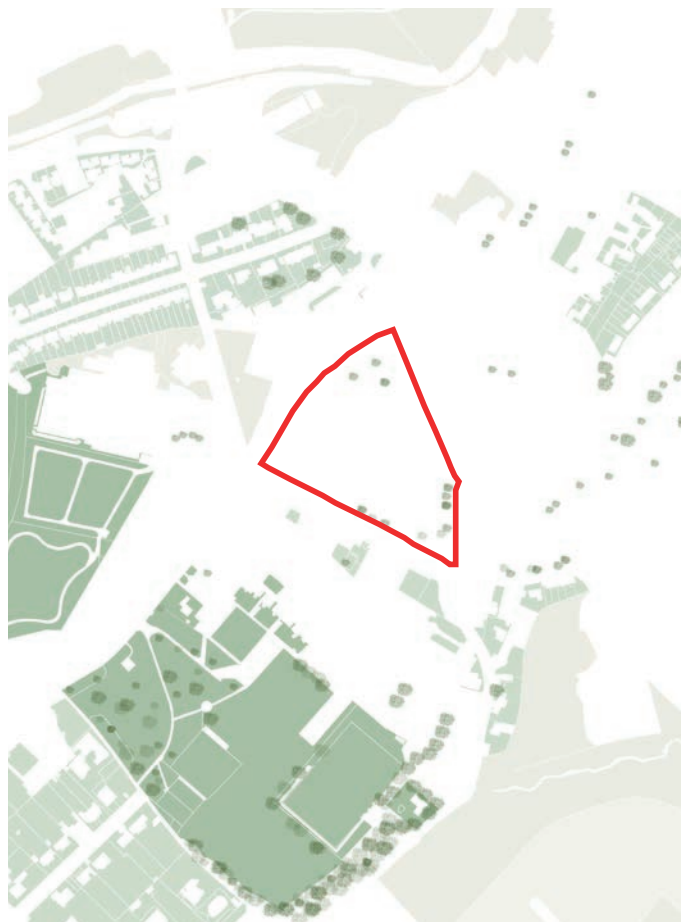
In 1831 the introduction of the railway forged closer links with Edinburgh and connections to other parts of the country. The substantial Victorian villas and the 1870s Water Tower in Eskbank demonstrate Dalkeith's growth and prosperity, and the population significantly increased during this period.

The triangular site was redeveloped in the 1960s to provide a shopping precinct arranged around a new public square with housing on the upper floor levels. This development maintained the historic 1822 street pattern of South Street, Lothian Street and Buccleuch Street, and the layout of the historic vennels.



# 1.1 DEVELOPMENT FRAMEWORK SITE

## FIGURE GROUND MAPS



### GREEN SPACE

The town centre is surrounded by large areas of high quality green space, woodlands and parks. However very little green space is evident in the town centre.



### HARDSCAPE

Large areas of the existing streetscape, courtyards and outdoor spaces are hard landscaped. The town centre site is dominated by tarmac and concrete paved ground finishes.



### EXISTING BUILDINGS

The historic 'fishbone' pattern of narrow closes leading off the spine formed by the High Street remains. The existing 1960s layout on the site was developed to facilitate a phased construction that minimised disruption in the town centre and also maintained the historic street pattern of the main streets.

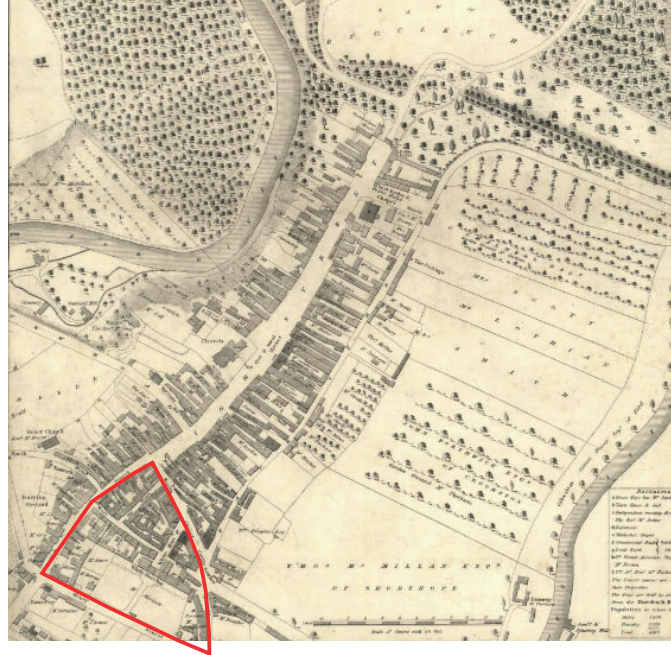


## 1.2 HISTORIC MAPS



1770

The historic High Street is illustrated on this map. Dalkeith Palace can be seen to the north of the High Street. The surrounding area is agricultural land. By 1724 it was said that Dalkeith was *'perhaps the greatest grain market in Scotland'*.



1822

The triangular shape of the town regeneration site can be seen on the narrower southern section of the High Street. The historic pattern of closes on the High Street did not extend onto this area of the town, and the site comprised of a series of streets, wynds and lanes between clusters of buildings (some of which featured smaller scale closes). The surrounding area is predominantly agricultural land and mill buildings are sited nearby the South and North Esk rivers.



1905

The expansion of Dalkeith has been towards the east, south and west only. Dalkeith Country Park located to the north of High Street limits any extension of the town in this direction. The Dalkeith to Edinburgh railway line, shown on this map, was opened in 1831. The Smeaton Railway line is located to the west of the town regeneration site. The growth of Eskbank is evident in this map.



## 1.2 HISTORIC MAPS

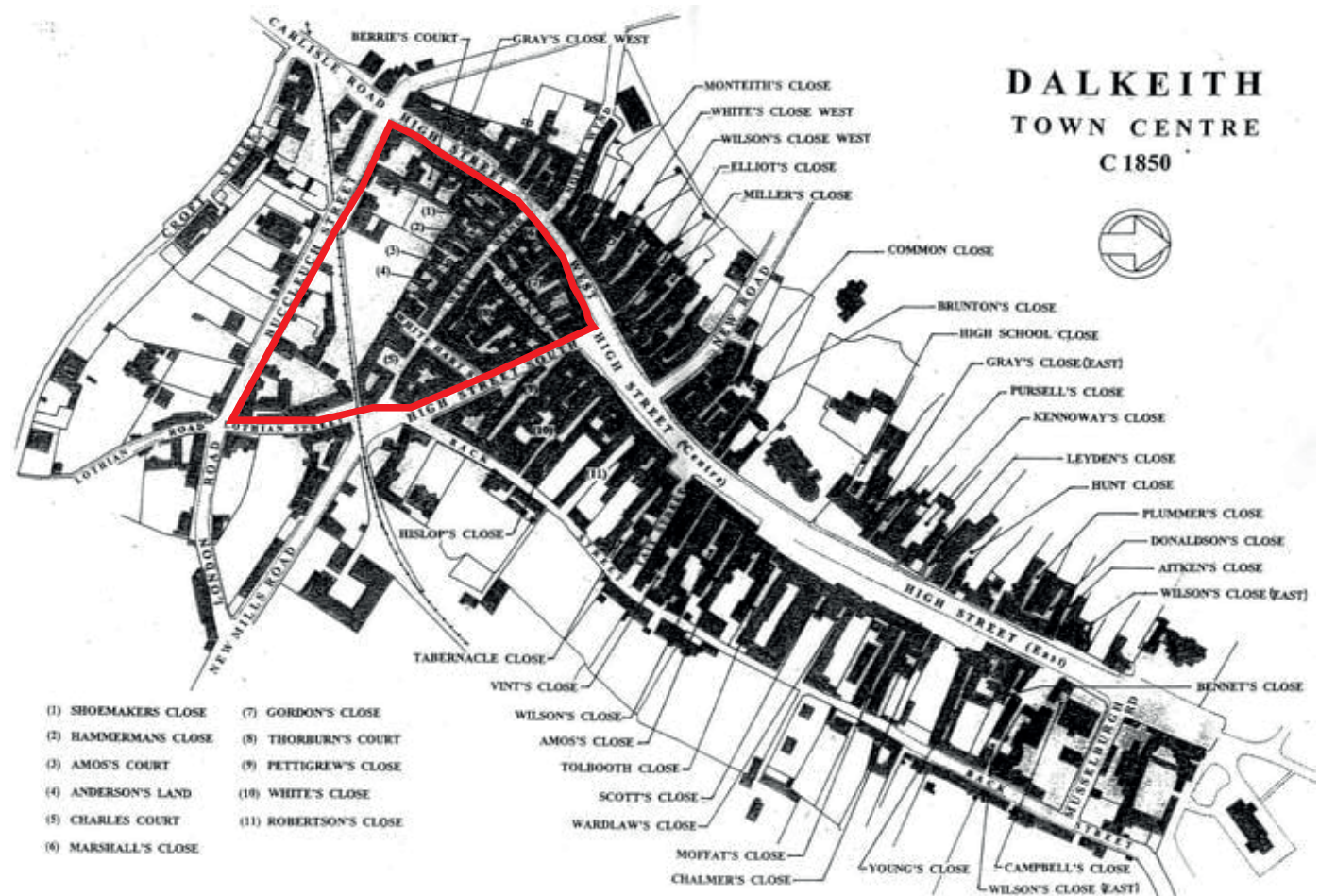
### 1850 HISTORIC MAP

The site now occupied by Jarnac Court and Eskdail Court is outlined in red on the 1850 map opposite.

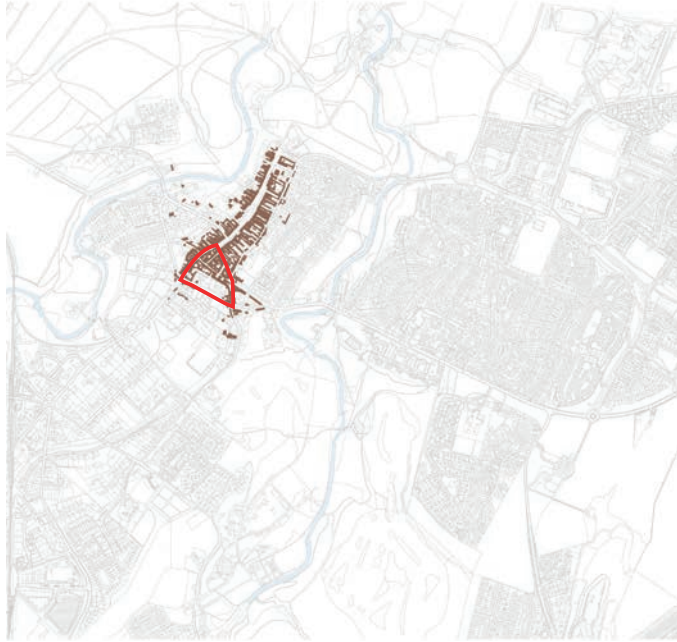
Within this area, larger plots of land were subdivided for redevelopment and comprised of small islands of buildings separated by narrow wynds, rather than the 'fishbone' pattern of narrow closes leading off the spine formed by the High Street.

The Dalkeith Colliery Railway bisected the site. This served a coal depot to the north of the line and a timber yard was located to the south. This line was later diverted in the 1870s when the coal depot on the site was closed.

The street pattern of South Street, Lothian Street and Buccleuch Street is evident on this map.

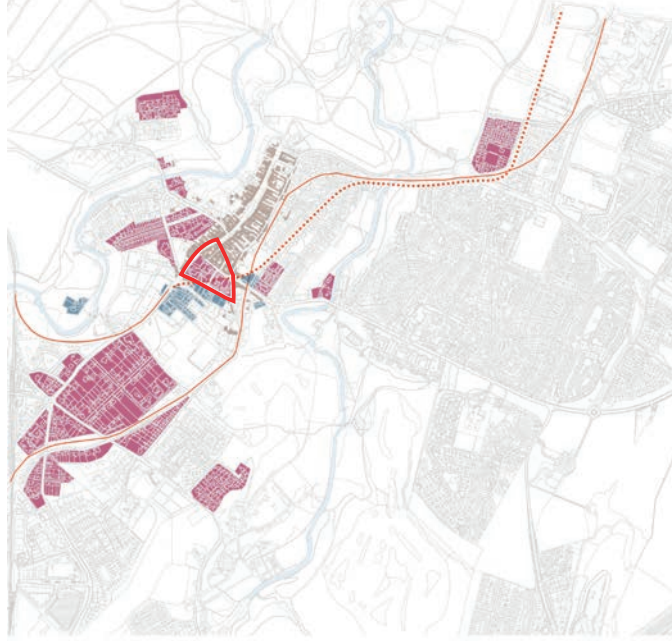


## 1.3 DEVELOPMENT OF DALKEITH



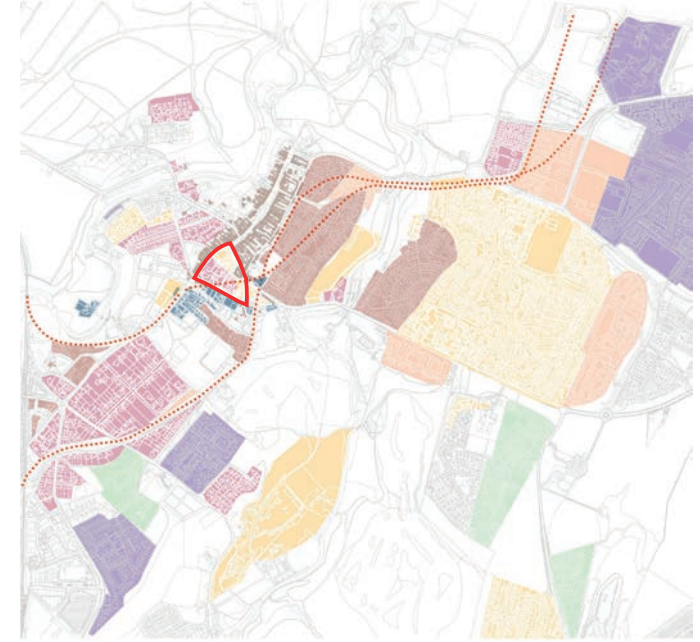
1822

The small but historic market town buildings comprise a 'fishbone' pattern of narrow closes leading off the spine formed by the High Street to create a tight urban form. The surrounding area is agricultural land.



1894

The role of Dalkeith as a market town brought prosperity and expansion. This was compounded by the introduction of the railway links to Edinburgh and to other parts of the country. There was also significant growth around Eskbank with the construction of substantial villas and the opening of the Eskbank Railway Station in the 1840s.



2000

The the location of Dalkeith Country Park to the north, the local topography, and the green belt located to the west prevented a coherent expansion of the settlement. New housing areas have been concentrated to the east and south, and are removed from the town centre. This has resulted in a series of neighbourhoods that are detached from the commercial and administrative centre.

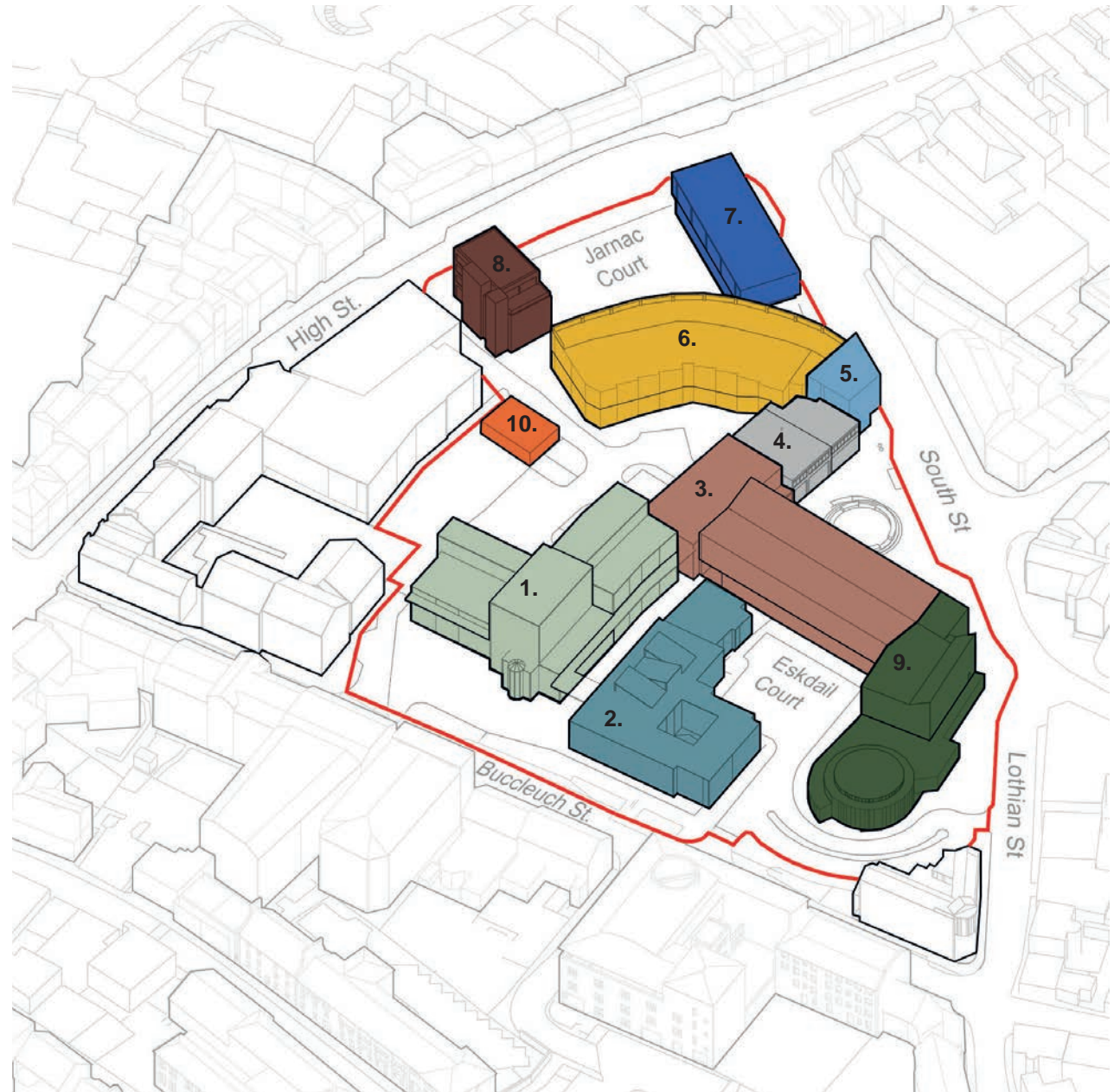


## 1.4 TOWN CENTRE REGENERATION SITE

### BUILDING COMPONENTS

The 1960's redevelopment of Dalkeith town centre created a new commercial core. The existing building components are analysed below.

- 1** 21-23 Buccleuch St, 1-11 White Hart St, 1-7 Eskdail St - Buccleuch House, former Midlothian Council offices, is no longer fit for purpose and is vacant. The 4-storey building is flanked on two sides by 3-storey buildings with retail space at ground floor level and 2-storey maisonette flats located above.
- 2** Dalkeith Library and Arts Centre – this single storey building offers multi purpose flexible space for community use. To the north of the library is a single storey building with retail and commercial space.
- 3** 7 - 38 Eskdail Court - comprises of retail space at the ground floor level with 2-storey maisonettes located above. There is a 2-storey commercial space located on White Hart Lane where Midlothian Council Children and Families Department are currently located.
- 4** 1 - 3 Eskdail Court - 2-storey commercial space. The Union and MALANI are currently located in this building.
- 5** 1 Eskdail Court / 21 - 23 Jarnac Court - 4-storey building. Retail units at ground floor level and commercial space on upper floor levels.
- 6** 1 - 36 Jarnac Court - 1960s 3-storey building. Retail units at ground floor level and 2-storey maisonette flats located above.
- 7** Jarnac Court - 1960s 3-storey building. Retail units at ground floor level and the upper levels provide temporary and emergency accommodation. Owned and operated by Midlothian Council, extensive refurbishment was completed in 2022.
- 8** Soutra Point - 4-storey privately owned building. Retail (Farmfoods) at ground floor level and commercial space located above. Two office spaces are currently vacant.
- 9** One Dalkeith – privately owned single storey building. Extensive refurbishment works have recently been completed. This community hub offers multi-purpose flexible space for community events, workshop space and flexible start-up business accommodation. 6No. 2-storey maisonette flats bridge onto the north section of this building.
- 10** Public Toilets



Axonometric View of Existing Town Centre



# 1.5 SCOTTISH INDEX OF MULTIPLE DEPRIVATION

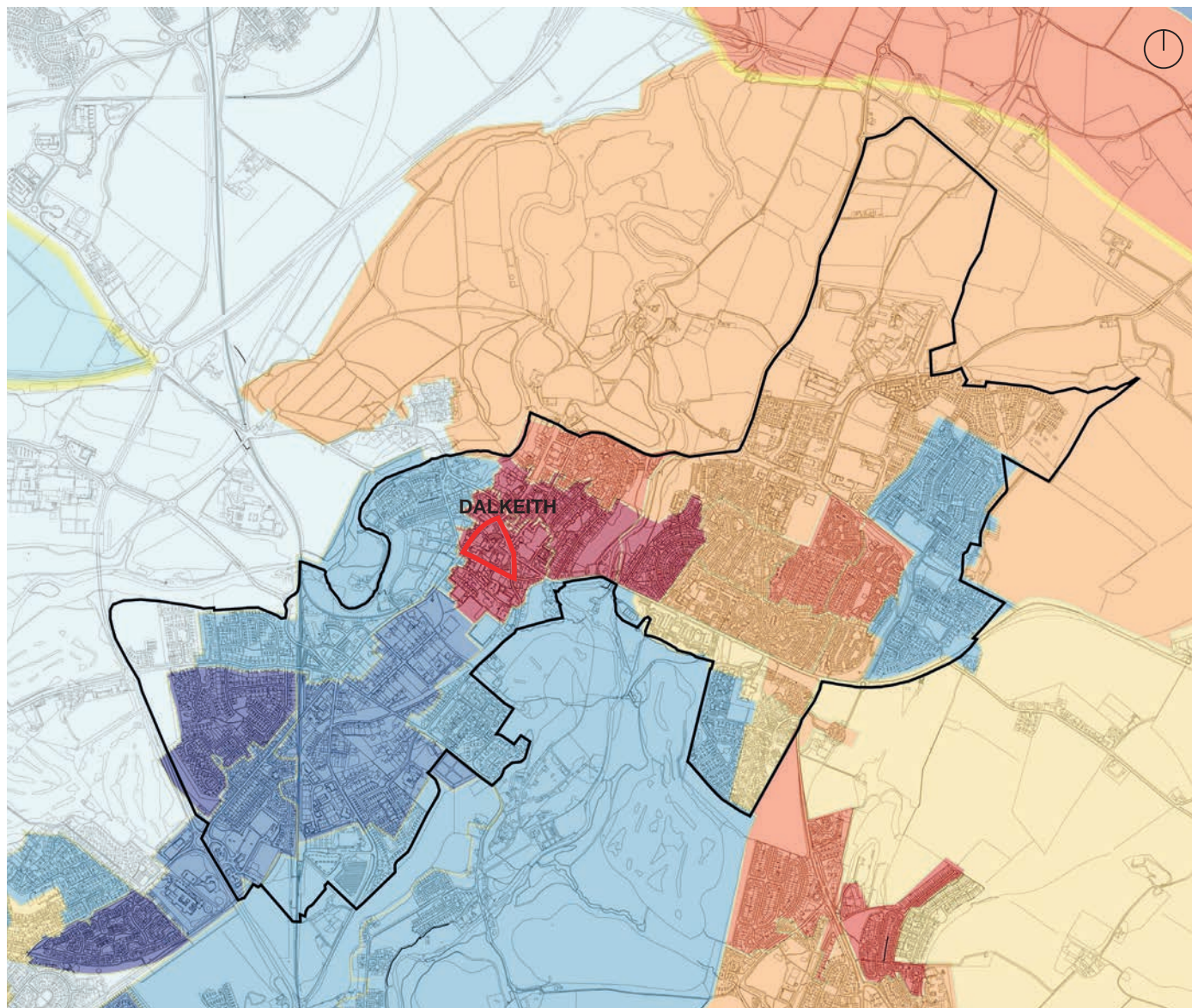
## SIMD - DALKEITH

The Scottish Index of Multiple Deprivation (SIMD) is a tool for identifying the places in Scotland where people are experiencing disadvantage across different aspects of their lives. SIMD looks at the extent to which an area is deprived across seven domains: income, employment, education, health, access to services, crime and housing.

SIMD looks at multiple deprivation. 'Deprived' does not just mean 'poor' or 'low income'. It can also mean people have fewer resources and opportunities, for example in health and education.

SIMD ranks data zones from most deprived (ranked 1) to least deprived (ranked 6,976). The SIMD data for Dalkeith Town Centre is noted below:

Overall rank	404	<b>Most deprived 10%</b>
Income domain rank	725	<b>2nd</b>
Employment domain rank	157	<b>Most deprived 10%</b>
Health domain rank	838	<b>2nd</b>
Education/skills domain rank	733	<b>2nd</b>
Housing domain rank	2991	<b>5th</b>
Geographic access domain rank	5844	<b>9th</b>
Crime rank	47	<b>Most deprived 10%</b>



KEY:

Most Deprived 10%

2nd

3rd

4th

5th

6th

7th

8th

9th

Least Deprived 10%

# 1.6 CONSULTATION FEEDBACK

## COMMUNITY CONSULTATION

Between February and April 2022, Nesta People Powered Results worked alongside key representatives across the Council, voluntary and community sector and businesses to co-design a community engagement approach, using the Place Standard Tool, to allow people who live and work in Midlothian to share their views on the town centre. 315 people participated and the Insights report is appended to this report. A further consultation was held in September 2022 on draft proposals for the town centre.

Key points about the town centre were:

There was enthusiasm to build on what is already there in the town centre and maintain the open space.

While there is love for the town's historic buildings and the old 'closes', many told us that there is too much concrete and that buildings feel neglected and in need of redevelopment.

There was a strong consensus that the buildings in the town centre do not look properly cared for, and that this affects the feeling of Dalkeith as a whole. Although some people felt fond of the buildings, or appreciated them as good examples of post-war architecture, they were frequently described as 'tatty' and an 'eyesore' in their current state.

People were keen to see more green in the town centre to counteract the 'concrete jungle' feel.

Dalkeith Country park is a great asset and people would like to see more done to recognise parks and natural spaces and make the journey to get to them easier for people and families.

People also suggested simple ways to make it easier to spend time in green spaces by using gazebos and covered areas to 'weatherproof' them.

Residents and business owners were keen to see cafés and other business allowed to 'spill out' onto the street in nice weather, adding to the 'central square feel'.

The quotations used within the Strategies section of this report are extracts from the Dalkeith Town Centre Regeneration Engagement Insights Summary July 2022, and Overview Survey Results September 2022, by Nesta People Powered Results. Refer to Appendix 03 for the full reports.



### A pedestrianised central square as a focal point for cultural events, markets and socialising

To give the town centre a vibrant feel, support local independent businesses and encourage people to linger



### More diversity in the facilities and businesses located and operating in the town centre

To support the local economy, improve options for shopping and eating out and support the health and wellbeing of residents



### Improve connections between green spaces, key transport links and the town centre

To help people transit easily between Dalkeith Country Park, Dalkeith town centre and transport links such as Eskbank station



### Refresh and brighten the appearance of the town centre

Ensure the buildings look cared for, introduce trees, flowers and greenery, and commission street art to soften buildings and add colour

*Insights Summary Report, Key Themes, People Powered Results, July 2022*

# 1.6 CONSULTATION FEEDBACK

## WHAT THE COMMUNITY SAID

### MOVING AROUND

- Reduce traffic on the High Street to make it safer for pedestrians and cyclists.
- Reopen walking routes to Ironmills Park
- Highlight walking routes around the town centre and to Dalkeith Country Park.
- Improve cycle routes and cycle parking.
- Introduce protected cycle lanes in key locations.
- Re-introduce e-bikes to town centre.
- Introduce a shuttle bus to and from town centre, Eskbank Station and Dalkeith Country Park.
- Improve parking and ensure access for disabled people and shoppers.
- Introduce EV Charging points.

### SERVICES AND AMENITIES

- Prioritise improvements to Jarnac Court, Eskdail Court and Buccleuch Street to improve housing conditions
- Create space for independent businesses and local farmers to have pop-up market stalls in the town centre.

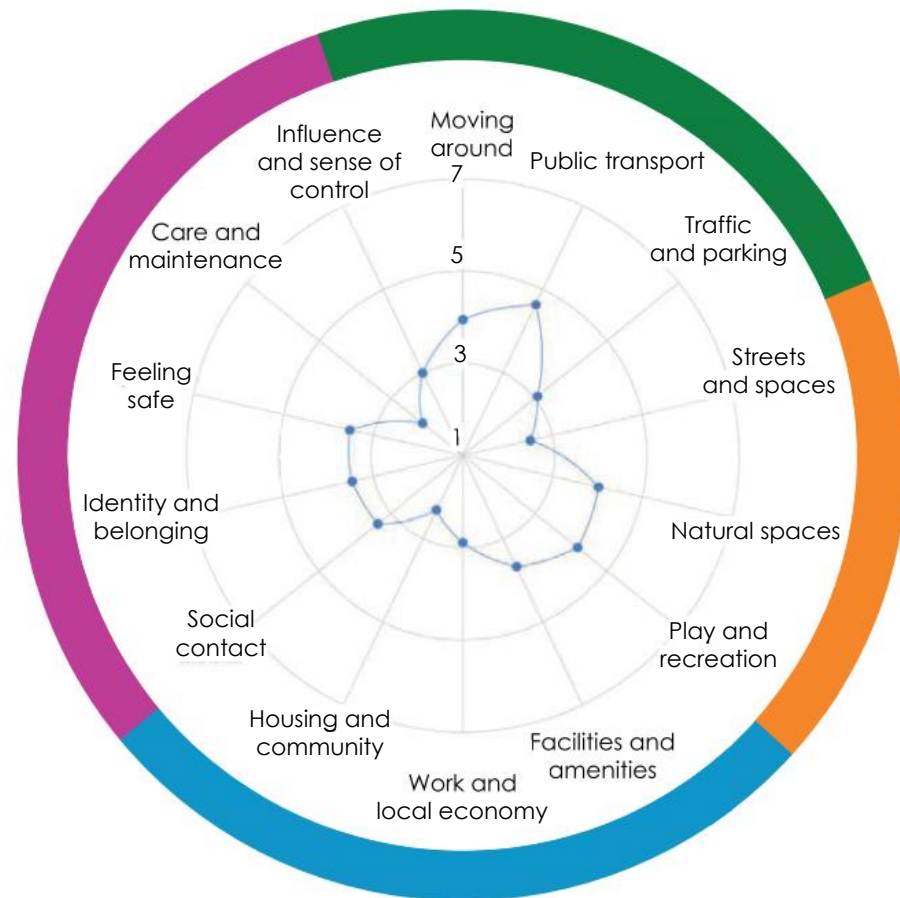
### PLACES AND SPACES

- Want to see a well maintained, updated and green town centre with independent shops and more non-retail social and cultural opportunities.
- Pedestrianisation of the central area, including the High Street.
- Encourage local street art to add vibrancy and colour.
- Building covered areas to weatherproof parks and outdoor spaces.
- Adding trees, shrubs, flower beds and planters to central spaces
- Incentivising a diverse range of independent businesses to set up in the town centre.

### IDENTITY AND FEELING SAFE

- Preserve a town centre 'focal point' possibly including a market or outdoor seating.
- Opportunity for residents to feed into decisions e.g. Community Board.
- Improve safety and lighting in the town centre and closes at night
- Improve the condition of the shops and housing in the town centre.
- Doing more to maintain greenery e.g. planters and trees

Refer to Appendix 03 for the Dalkeith Town Centre Regeneration Engagement Insights Summary July 2022, and Overview Survey Results September 2022, by Nesta People Powered Results.



*Insights Summary Report, Place Standard Tool Voting Results.  
Voting was made on a scale of 1 (not working well at all) to 7 (couldn't be better) - people considered the 14 place standard indicators to reflect on life in Dalkeith.  
People Powered Results, July 2022*



## 1.6 CONSULTATION FEEDBACK

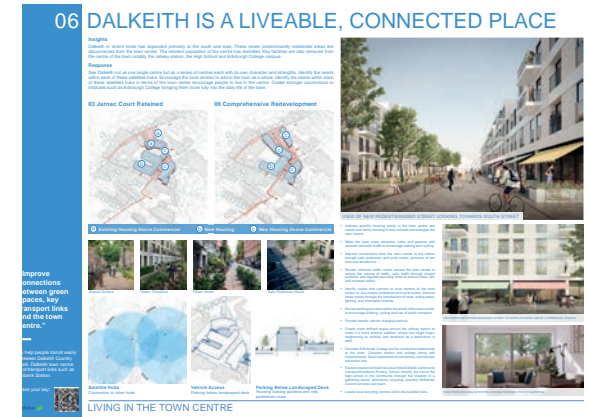
# DRAFT PROPOSALS CONSULTATION

During August 2022, Midlothian Council invited residents, local groups, and businesses to view and comment on draft proposals for the town centre. A community drop-in event was held in Dalkeith Arts Centre, representatives from Midlothian Council and Reiach and Hall Architects were available to discuss the proposals and to listen to people's views. The draft proposals outlined two approaches to the town regeneration site, the first approach, Jarnac Court Retained, illustrated how the site could be redeveloped whilst also retaining the existing buildings located on Jarnac Court. The second approach, Comprehensive Redevelopment, demonstrated opportunities for a more extensive redevelopment through the removal of the existing buildings throughout the town centre regeneration site.

The proposals were displayed in Dalkeith Library, and online during August and September 2022, giving more people the chance to see what was being proposed and to share their views. 182 survey responses were received and are summarised below:

- The survey findings show that many people are in favour of some demolition and redevelopment, particularly around Jarnac Court and Eskdaill Court.
- A number also said that they want to see high quality, green, sustainable buildings that will stand the test of time.
- There is support for pedestrianising some of the town centre, where people can feel safe walking, wheeling and cycling.
- People want a greener town centre, with more trees, planters and places to sit.
- There is support for providing new, safe transport connections between local places and the town centre, especially Eskbank station, with some suggesting cycle routes and improved accessibility for pedestrians and wheelchair users.
- The survey shows that people want more independent businesses and a more diverse range of 'higher quality' shops, restaurants and cafes.
- There is support for providing more events, activities and facilities in the town centre to encourage health and wellbeing. In particular, there were many comments about film, cinema, theatre, and sports, and free or affordable activities for teenagers.
- There is also a desire to see Dalkeith develop its own cultural identity and programme of events, separate to Edinburgh.

It was clear from the consultation that the majority of those who visited the drop-in event favoured the Comprehensive Redevelopment proposal. It was felt that this ambitious approach offered a real opportunity to respond effectively to the issues encountered in the town centre while addressing the needs and ambitions of the local community. These views endorsed the council's vision for a regenerated and reinvigorated town centre.



*Draft Proposals - Examples of Boards Displayed at Dalkeith Library and online, August to September 2022*

# 1.7 PROPERTY MARKET REVIEW

## INTRODUCTION - RYDEN

Ryden was appointed by Midlothian Council to provide commercial property advice for the Dalkeith Town Centre Development Framework in order to guide the Council and Masterplanners on the redevelopment potential to support the regeneration of the area.

The study area generally includes existing buildings and townscape which are in a poor state of repair.

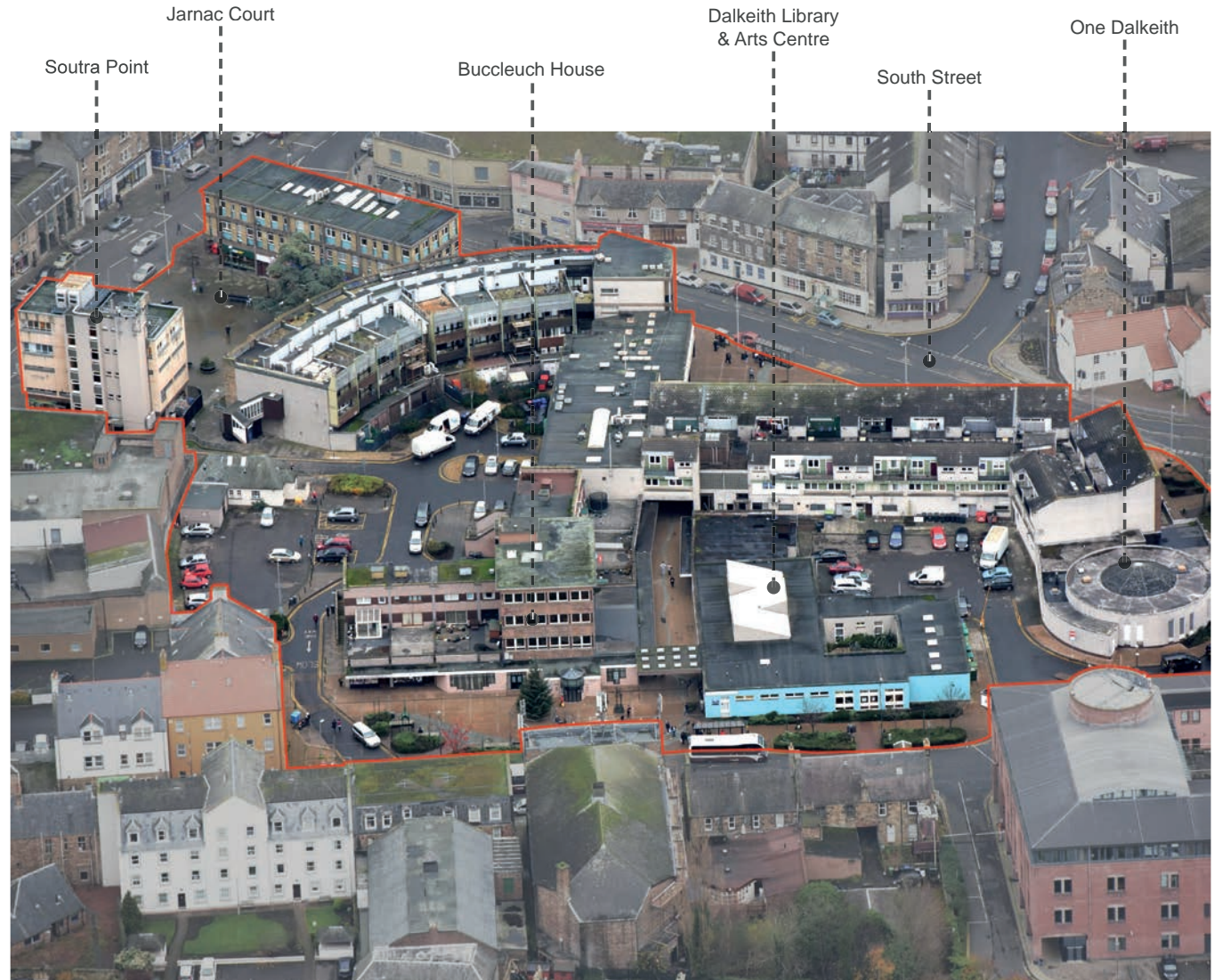
The existing residential accommodation located within the town centre regeneration site, has poor amenity and outlook and the community spaces lack active frontages and feel detached from the town centre. Midlothian Council is located within multiple buildings on the site however new patterns of working mean that some buildings are only partially occupied or vacant.

There are also a number of existing local traders and small multiple retailers and other services operating from the town regeneration site.

The Development Framework area is understood to include the following:

- 44 residential flats and Council provision of 22 rooms for temporary or emergency accommodation
- 49 commercial properties, 2 ATMs and 2 car parks
- 11 vacant commercial properties - the total net area of commercial space is approximately 10,070m<sup>2</sup> (108,400 sq.ft.)
- In relation to the wider LDP town centre, the redevelopment site has 13% of residential units, 20% of commercial units and 65% of commercial unit vacancies.

Refer to Appendix 02 for the Ryden Dalkeith Town Centre Development Framework Property Market Review Report.



*Aerial view of Dalkeith Town Centre Regeneration site*



# 1.7 PROPERTY MARKET REVIEW

## HOUSING PROPERTY REVIEW - RYDEN

Dalkeith has an active residential sale and rental market and has benefited over the past 15 years from new build stock however the focus has tended to be on the outskirts of the town and in the provision of family housing.

### EXISTING TOWN CENTRE REGENERATION SITE

There are 44No. 2-bed maisonette flats located on the existing site.

All maisonette flats are located on the upper floor levels and are accessed by communal stairs. There is no lift access to housing.

All properties have access to a roof terrace or balcony space, however these spaces are in a poor condition and there are no green spaces associated with the housing.

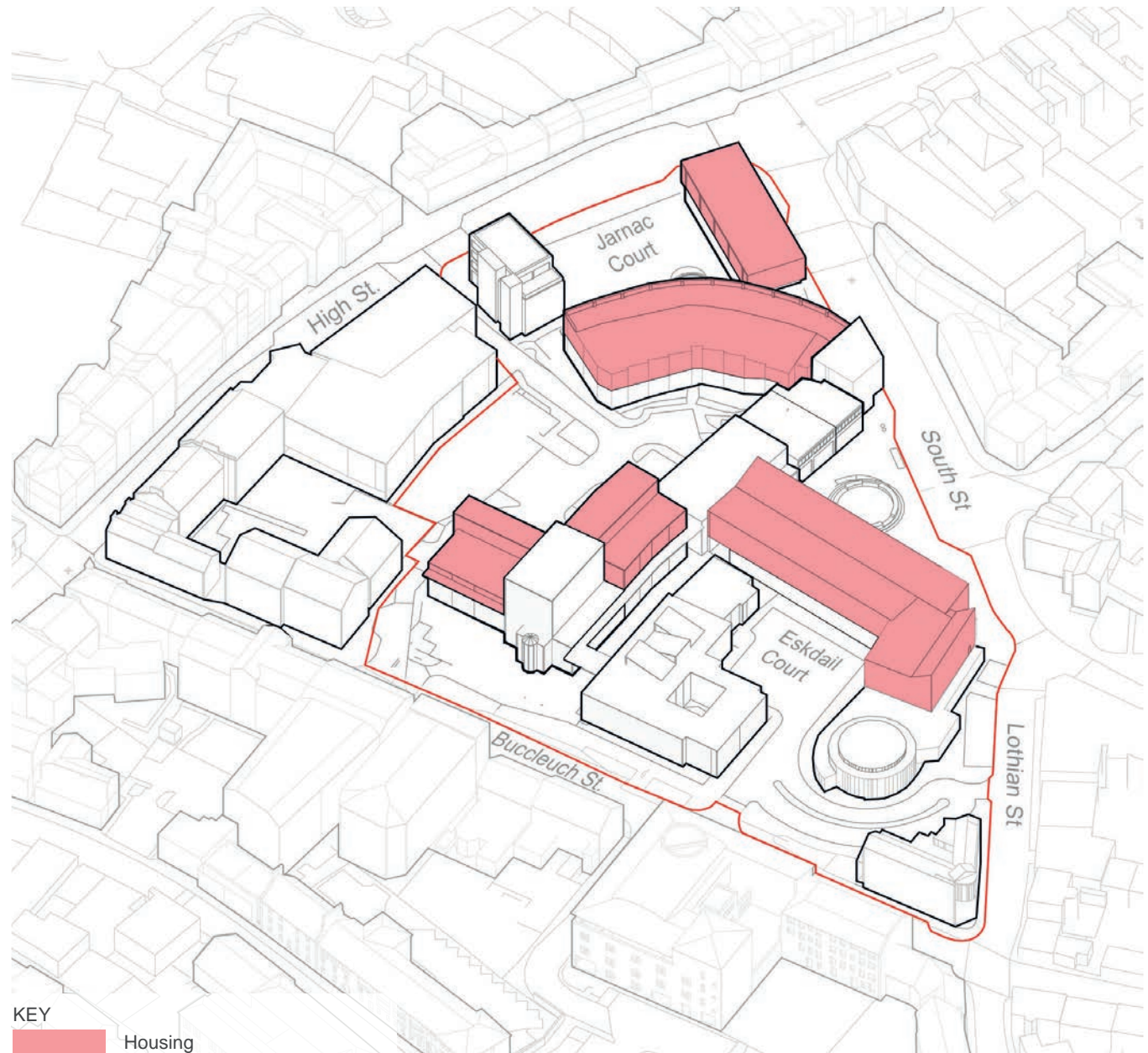
There are 20No. privately owned flats on the site, and 24No. properties are owned by Midlothian Council.

Temporary and Emergency Housing accommodation is provided on two upper floor levels of the recently renovated Jarnac Court building.

Refer to Appendix 02 for the Ryden Dalkeith Town Centre Development Framework Property Market Review Report.



2-bed maisonette flats are located above retail units on Buccleuch Street, White Hart Street, Eskdail Court and Jarnac Court



Existing Buildings Axonometric Showing Housing on Upper Floor Levels



# 1.7 PROPERTY MARKET REVIEW

## COMMERCIAL PROPERTY REVIEW - RYDEN

The town centre regeneration site comprise of 49 occupied commercial properties and 11 vacant commercial properties.

The approximate total net area of commercial space is 10,070m<sup>2</sup>.

There is a mix of commercial properties, retail units, and community facilities. The majority of buildings are owned by Midlothian Council however there are 16No. privately owned commercial/retail properties on the site.

With the exception of Soutra Point, the net floor area of the majority of the individual retail units located on the site are in the region of 90m<sup>2</sup>. The commercial space at 21 Eskdail Court, is currently occupied by One Dalkeith and provides over 800m<sup>2</sup> of community use space.

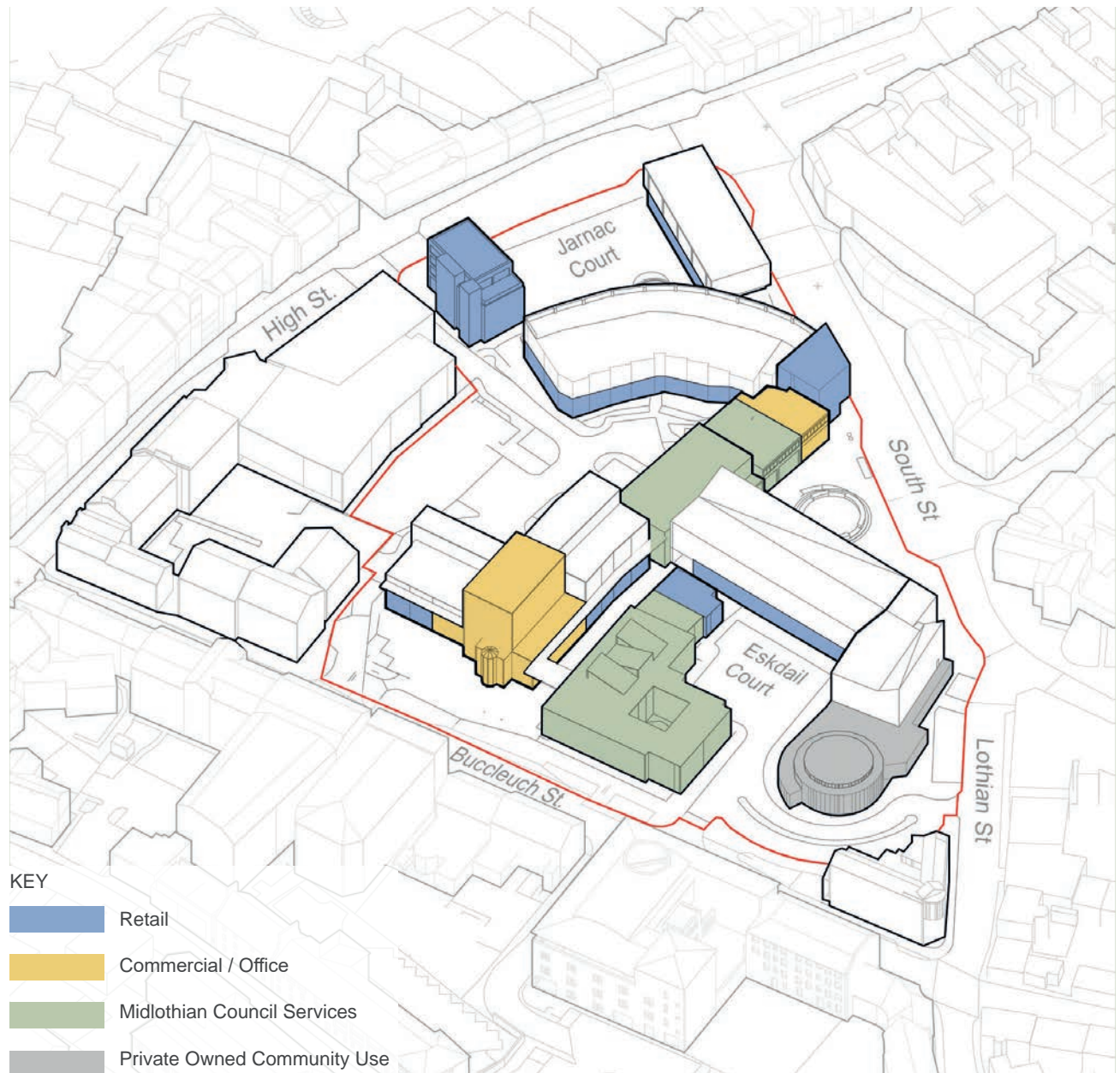
Midlothian Council occupies a number of properties on the site, these include Midlothian Children and Families, and the Midlothian Housing Project. Dalkeith Library and Arts Centre provides a range of community services and the Arts Centre is also used by various Community Groups and Clubs.

The Dalkeith town centre vacancy rate is only 2%. However, the regeneration site contains 65% of all commercial unit vacancies within the LDP town centre. Vacant properties include Buccleuch House, 8 White Hart Street, 37 Jarnac Court and some upper floor levels of Soutra Point.

Refer to Appendix 02 for the Ryden Dalkeith Town Centre Development Framework Property Market Review Report.



Retail units located at ground floor level on Jarnac Court and Eskdail Court, Buccleuch House and many upper floor levels of the commercial buildings are vacant.



Existing Buildings Axonometric Showing Commercial/Employment/Community Use at Ground Floor Level

## 1.8 TRANSPORT OBSERVATIONS

The following key findings have been provided by Midlothian Council Sustainable Transport Department and ARUP, refer to Appendix 02 for the ARUP Transport Input Report.

### TRAFFIC AND MANAGEMENT OPERATION

Analysis of typical traffic movements within the town centre identifies congestion on the majority of the approach roads and internal links, including the High Street.

The streets and routes which surround the study area are very busy with car traffic which limits active travel. Road surfaces in general are in a poor state of repair and there are unsatisfactory servicing arrangements on and around the site which present issues of safety and environmental health.

Pavements are narrow, at times are blocked by vehicles and bins, and parts of the site feel unsafe whilst walking in the evenings. Whilst King's Park is in close proximity to the town centre and the Town Regeneration site there are no clear, safe linkages and it again feels disconnected.

The town centre experiences high traffic volumes and low vehicle speeds due to queuing, particularly at the junction between High Street and Buccleuch Street, and the staggered junction between High Street, South Street and Edinburgh Road. These levels of congestion contribute to increased levels of pollutants with a subsequent impact on air quality.



*No cycle lanes and insufficient street width for cycle routes on High Street*

### PUBLIC TRANSPORT

Existing bus stops and shelters are located at Jarnac Court, Buccleuch Street and South Street. The bus stops located on Jarnac Court and Buccleuch Street are well served and are often busy throughout the day.

The taxi rank located on Eskdail Court is disconnected from the High Street.

Public transport to Eskbank Station is routed via Bonnyrigg Road rather than via a direct route on Dalhousie Road. The nearest bus stop to the station is located at Tesco Supermarket, which is on the opposite side of the railway line station.

### PARKING

Midlothian Parking Strategy Report 2017, indicates an under provision of parking by 60% within the immediate town centre, however, it should be noted that there are surrounding existing public car parks in close proximity to the site. There is an area of private parking for residents and tenants on Eskdail Street. The car park located on Eskdail Court is owned by Midlothian Council, however this parking is currently being used by Eskdail Court residents.



*Service access to Jarnac Court via the public realm*

### ACTIVE TRAVEL

The NCN 1 and 196 bypasses the town centre and there are no cycle lanes to connect this route to the town centre. The cycle lane located on Gilmerton Road/Melville Road ends at Eskbank roundabout, and there are no safe cycle lanes leading from this roundabout to the town centre or to the surrounding area.

Routes into King's Park are accessed via Eskbank Road and Abbey Road, and there are no cycle lanes routed to the park.

E-bikes have been removed from the town centre. E-bikes are currently located at Edinburgh College and are within a short walking distance of Eskbank Station. Cycle parking is provided on the High Street and at Eskdail Court.

There are proposals to introduce a new active travel route along the A7 between the Sheriffhall Roundabout and Eskbank Railway Station. This will create a strategic active travel link within Midlothian that will connect to further links toward Edinburgh and other locations within Midlothian. This new route will also promote multi-modal travel by tying in with rail services at Eskbank Station. Midlothian Council are currently in the process of updating their Active Travel Strategy which will identify this route as a key project.



*Taxi Rank located on Eskdail Court is disconnected from the High St.*



# 1.9 ARCHITECTURAL OBSERVATIONS

## REIACH AND HALL ARCHITECTS



**Jarnac Court** - Buildings and townscapes in a poor state of repair and lack of green space in the public realm.



**Eskdail Court** - Buildings and townscapes in a poor state of repair and lack of green space in the public realm.



**Dalkeith Library** - The library facilities and arts centre have no active frontage.



**White Hart Lane** - Forbidding route towards Eskdail Court.



**Jarnac Court** - Existing housing overlooking car park and retail services, and lack of amenity space.



**Eskdail Court** - Housing overlooking car park and service access. Housing lacks amenity space and are in poor condition.

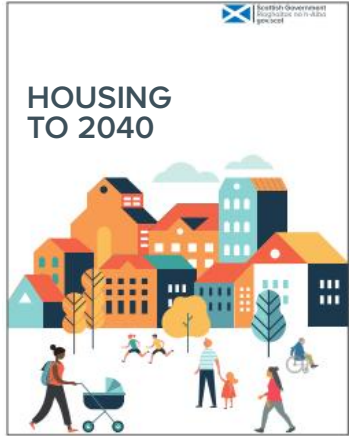


**Eskdail Street** - Existing buildings in poor condition and forbidding routes.



## 1.10 POLICY AND GUIDANCE DOCUMENTS

### NATIONAL POLICY AND GUIDANCE DOCUMENTS



Housing to 2040. A vision for future homes and communities  
March 2021



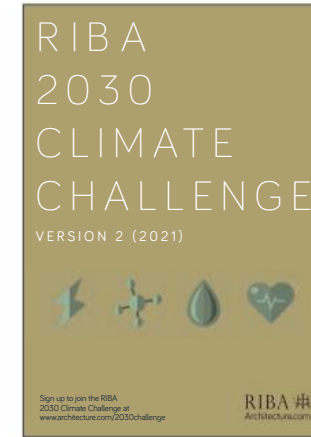
A New Future for Scotland's Town Centres  
February 2021



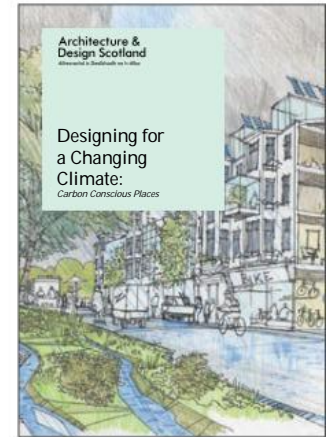
National Planning Framework 4  
February 2023



Designing Streets – A Policy Statement for Scotland.



RIBA 2030 Climate Challenge  
2021



Architecture and Design Scotland – Carbon Conscious Places

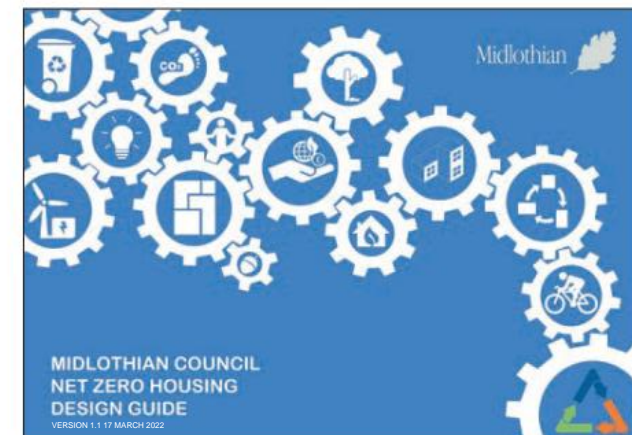
### MIDLOTHIAN COUNCIL POLICY AND GUIDANCE DOCUMENTS



Midlothian Local Development Plan 2017



Midlothian Active Travel Strategy 2018 - 2021



Midlothian Council Net Zero Housing Design Guide - 2023

## 1.11 MIDLOTHIAN LOCAL DEVELOPMENT PLAN 2017

The current development plan for Midlothian is made up of two plans –

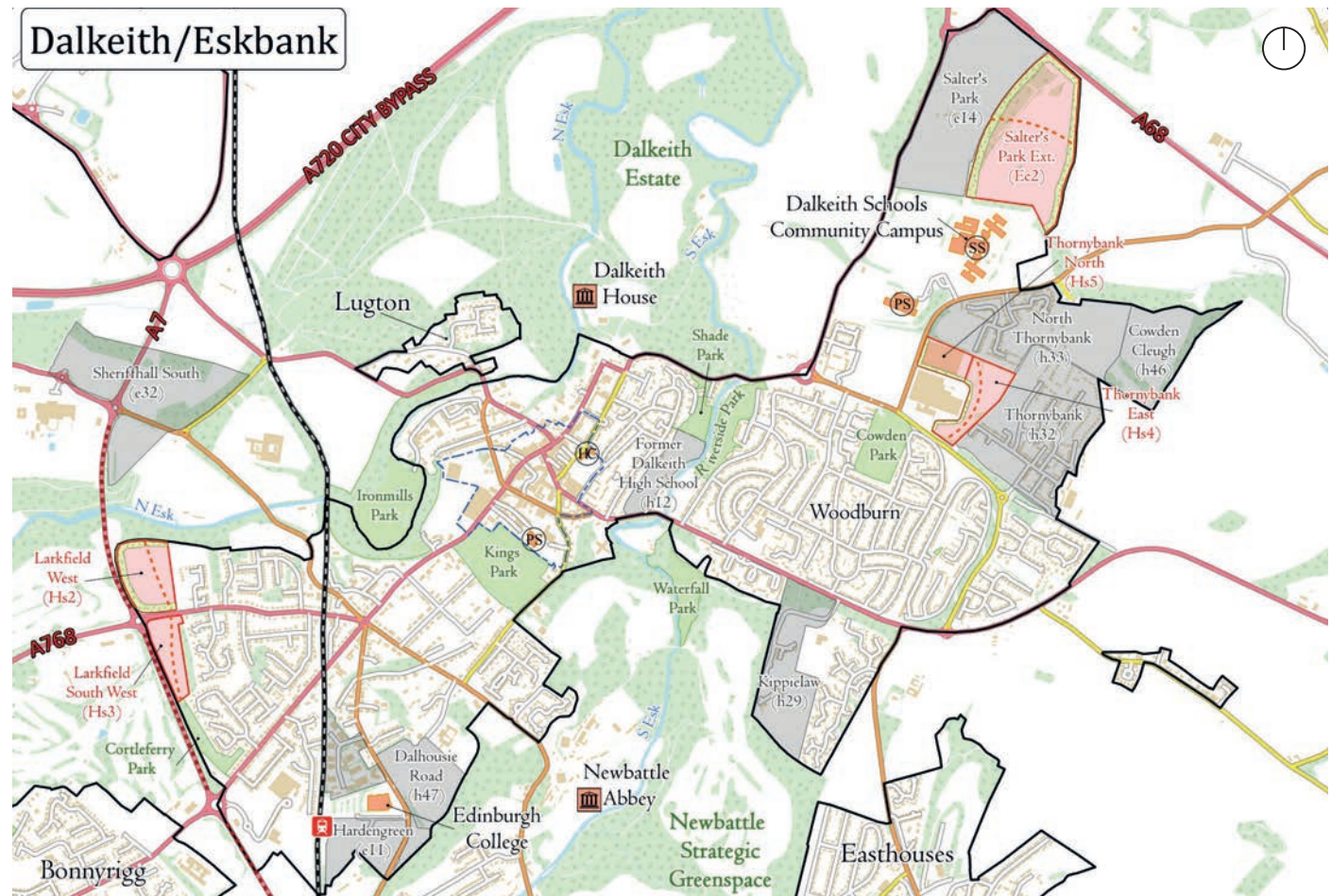
- The Midlothian Local Development Plan, adopted 7 November 2017.
- The Strategic Development Plan (SDP) for Edinburgh and South-East Scotland, which was approved in 2013.

The 2017 Midlothian Local Development Plan sets out the development strategy for Midlothian for the next 10 years including the housing and economic land requirements identified in the SDP. It also sets out the detailed policies used to determine planning applications in Midlothian.

The further residential expansion to the north-east of Dalkeith has now largely been delivered.

The further residential expansion to the north-east of Dalkeith has now largely been delivered.

On 11 January 2023, the National Planning Framework 4 was approved by the Scottish Parliament. Midlothian Council has now commenced the replacement of the LDP with Midlothian LDP2.



Midlothian Local Development Plan 2017 - Dalkeith/ Eskbank Settlement Statement Map



# 1.11 MIDLOTHIAN LOCAL DEVELOPMENT PLAN 2017

The following policies will be particularly important for any development within Dalkeith town centre:

## DEV 2 - Protecting Amenities within in Built Up Areas

Development will be permitted within existing and future built-up areas, and in particular within residential areas, unless it is likely to detract materially from the existing character or amenity of the area.

## ENV19 - Conservation Areas

Dalkeith House and Park Conservation Area  
Eskbank and Ironmills Conservation Area  
Newbattle Conservation Area

## TCR1 - Town Centres

Proposals for retail, commercial leisure development or other uses which will attract significant numbers of people, will be supported in Midlothian's town centres, provided their scale and function is consistent with the town centre's role, as set out in the network of centres and subject to the amenity of neighbouring uses being preserved.

Change of use from retail will only be permitted if the subsequent use is one which contributes positively to footfall in, and the vitality of, the town centre\* and subject to the Council being satisfied that the proposals are acceptable in terms of the amenity, environment, traffic and parking arrangements of the town centre, with reference to the relevant Supplementary Guidance (paragraph 4.6.4).

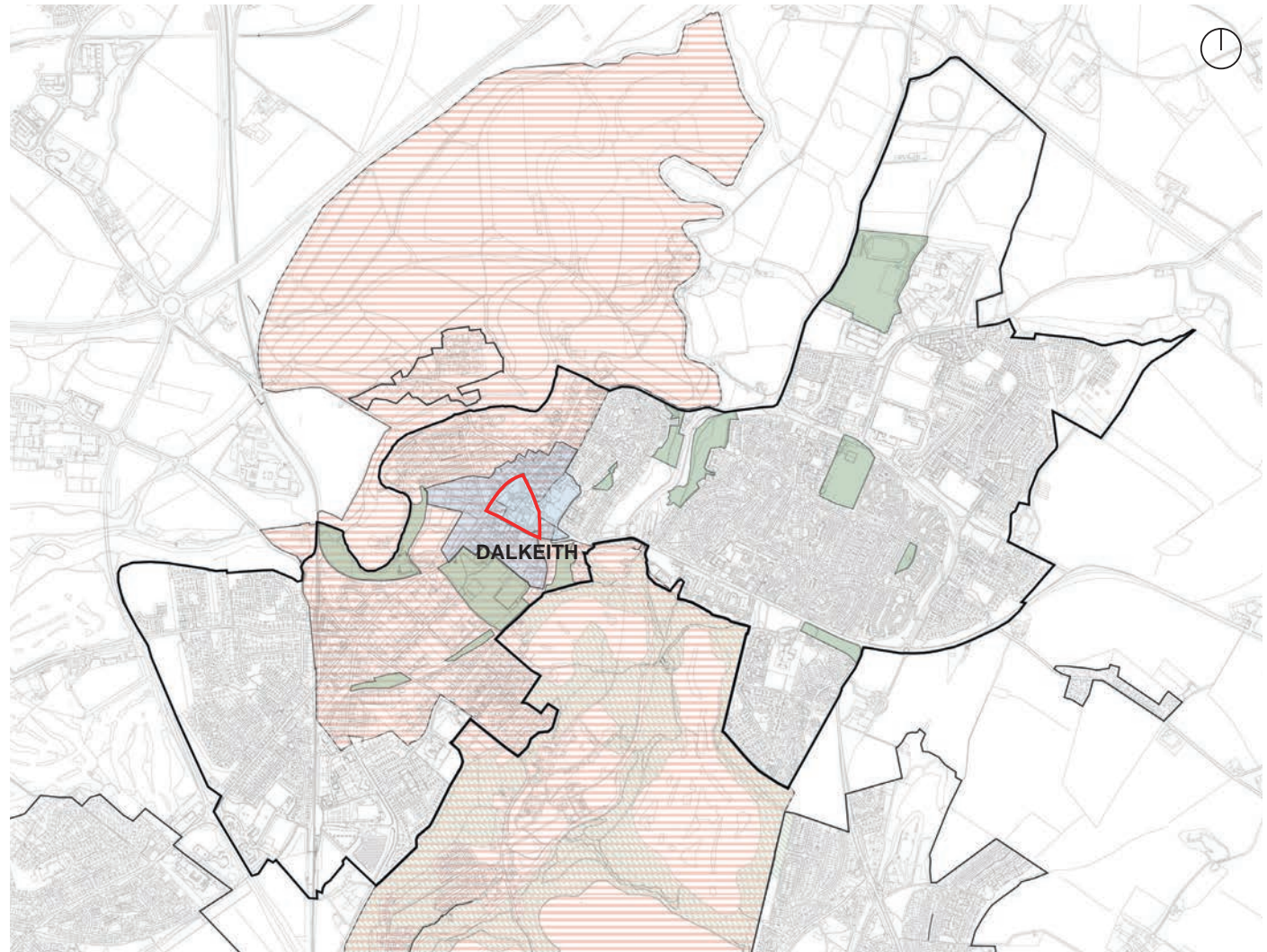
Conversion of ground level retail space to residential uses will not be permitted. The conversion of upper floors to housing and the formation of new residential space above ground-level structures in town centres is supported.

Proposals for open air markets will be supported in Midlothian's town centres provided the amenity of neighbouring uses and the functioning of the road network is not adversely affected.



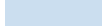
## DEV 8 - Open Spaces



The Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:

- A. result in a permanent loss of the open space; and/or
- B. adversely affect the accessibility of the open space; and/or
- C. diminish the quality, amenity or biodiversity of the open space; and/or
- D. otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.



### KEY:

	DEV 2 - Protecting Amenities within in Built Up Areas
	ENV19 - Conservation Areas
	TCR1 - Town Centre

	DEV 8 - Open Spaces (Within Settlement Area)
	DEV 8 - Open Spaces (Outside Settlement Area)

# 1.12 SITE ANALYSIS IN TOWN CONTEXT

## EXISTING TRAVEL ROUTES

### BORDERS RAIL LINE

The Borders Rail Line connects the City of Edinburgh to Galashiels. The train line runs via Eskbank Station. The station is a 25 minute walk from the town centre. The nearest bus stop is located at Eskbank Tesco Superstore. Trains run daily every 30 minutes to Edinburgh Waverley between the hours of 0625 and 2000hrs, after which the service is hourly until 2355 hrs, the weekend services is also hourly. Journey time is approximately 20 minutes.

### BUS ROUTES

Dalkeith has 19 bus routes. The town is served by a number of bus routes that connect the town to the rest of Midlothian and the City of Edinburgh.

### WALKING PATHS

A number of core paths are located in and around Dalkeith. Some paths are undefined such as the route adjacent to the cemetery and Midlothian Indoor Bowling Club.

### MULTI-USER PATHS

The multi-user path which passes along the B6392 connects to the A7 and on to the dumbbell interchange over the city by-pass, this route continues north-west along the A772 towards Gilmerton and Edinburgh. Another multi-user path links Sheriffhall Roundabout to Lugton Brae. There are also a small number of shorter multi-user paths/routes located within parks and dedicated green spaces.

### ON-ROAD CYCLE LANES

There are no on road cycle routes within the town centre. An on road cycle route is located on Melville Road (B6392).

### CYCLE ROUTES

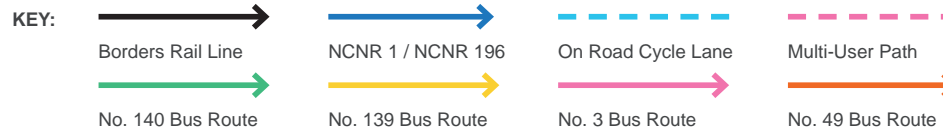
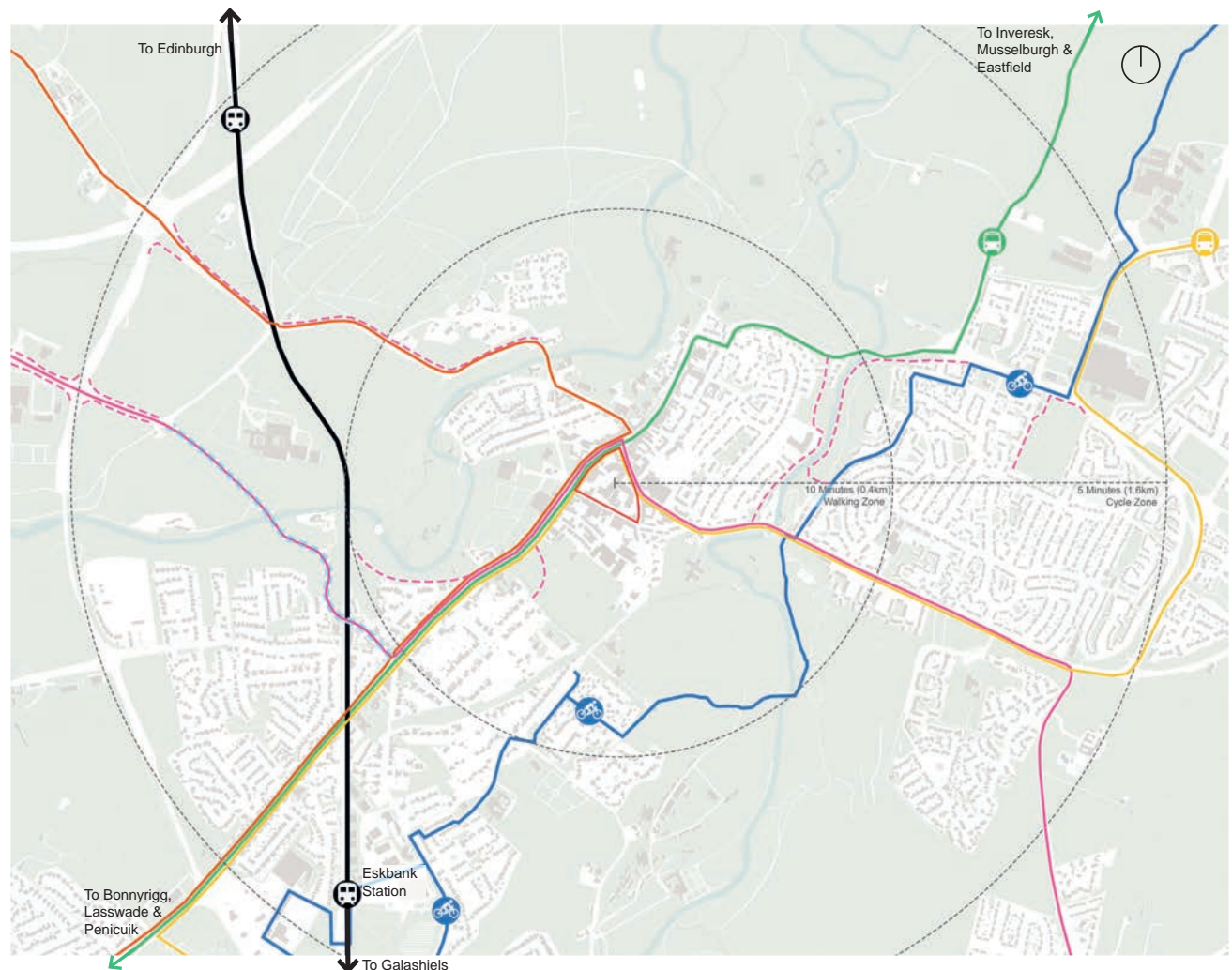
The NCN routes at Dalhousie Road housing estate and St David's Terrace have no road markings and cycle route signage is unclear and difficult to navigate. Cycle routes bypass Dalkeith Town Centre completely. There are a number of junctions (eg. Ancrum Bank/Newbattle Road) where there are no dedicated traffic lights/crossings for cyclists.

### NCN Route 1 - Newcastle to Edinburgh (Coast to Castles) (25km)

The Coast to Castles route passes through Midlothian on quiet roads from the Borders, northwards towards Bonnyrigg. The route becomes mainly on-road in Bonnyrigg and continues towards Dalkeith campus. The route then continues towards Whitecraig in East Lothian and connects into Musselburgh and Edinburgh.

### NCN Route 196 - Penicuik to East Lothian via Dalkeith (16km)

A 16km cycleway begins at Valleyeld in Penicuik and extends eastwards through Auchendinny, Roslin Glen, Rosewell, Bonnyrigg, Eskbank and Dalkeith. The route also connects to Haddington via the Pencaitland cycleway.





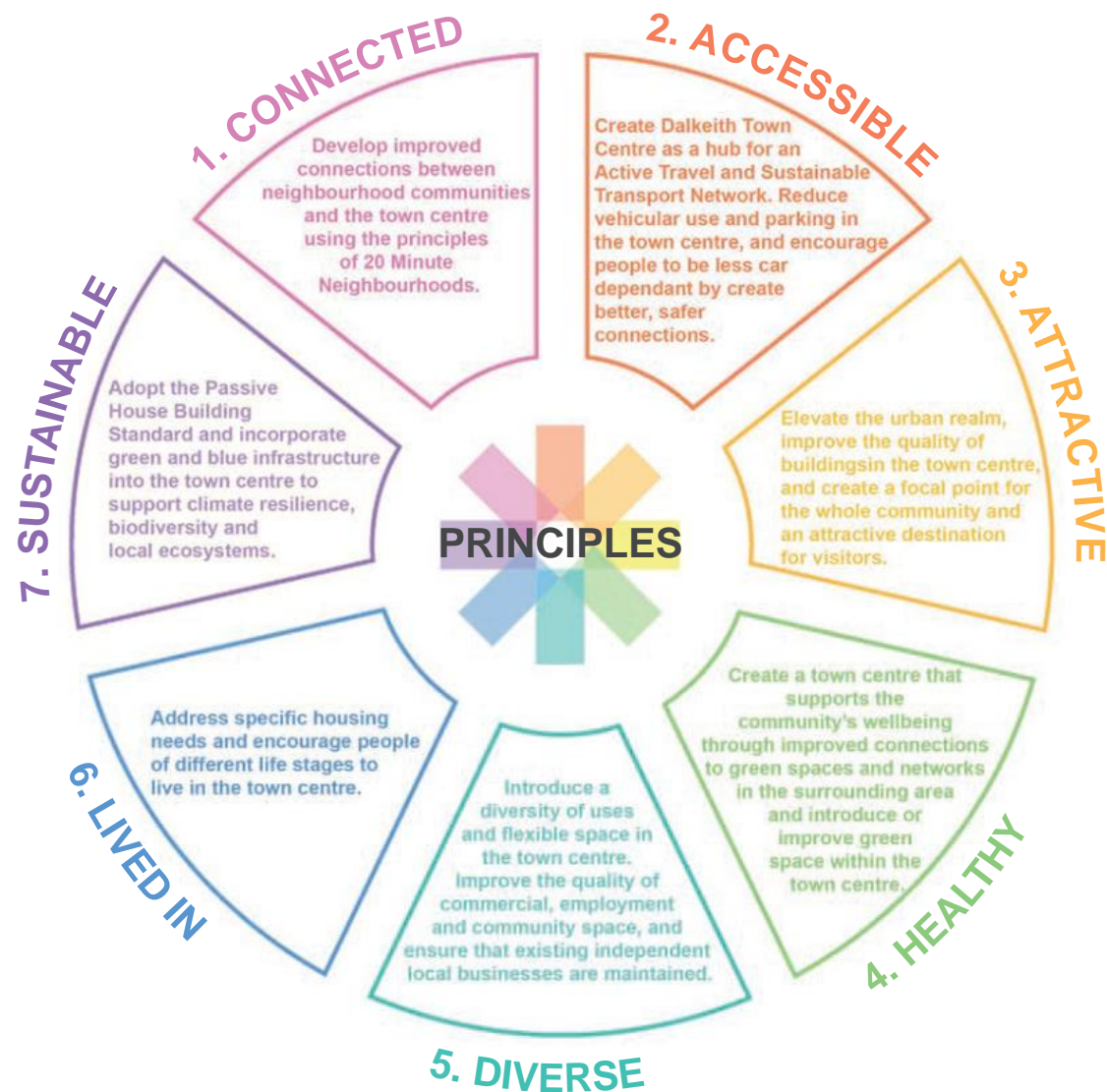
# DALKEITH TOWN CENTRE DEVELOPMENT FRAMEWORK

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## 02 DEVELOPMENT FRAMEWORK

## 2.1 VISION AND PRINCIPLES



## 2.2 DALKEITH 20-MINUTE NEIGHBOURHOOD



DALKEITH 20 MINUTE NEIGHBOURHOOD

*Dalkeith has developed as a series of neighbourhoods, many of which are separated from the commercial and administrative centre due to geographic constraints. There is an opportunity to embed a 20 minute neighbourhood approach in Dalkeith to better connect communities and services. This will require the transformation of the active travel network in and around the town centre.*



DALKEITH TOWN CENTRE MASTERPLAN

*This study identifies the town centre as a key hub. The site highlighted above has been identified as a development opportunity. The Development Framework Key Principles, alongside findings from community consultation have generated the Strategies for the regeneration of Dalkeith town centre.*



## 2.3 DALKEITH TOWN CENTRE MASTERPLAN

To deliver the vision and principles, a framework is needed to guide the future development of Dalkeith town centre. This framework is to be taken into account when generating proposals for a better connected, regenerated and redeveloped town centre.

The outline design of the Town Centre Regeneration Framework looks to the traditional townscape patterns of street and squares that characterise the older parts of Dalkeith. Streets that are designed primarily for the pedestrian, streets on which people live, work and shop, squares that invite people to pause and chat, a place that promotes a sense of community and well-being.

Developments over time have eroded the idea of active frontages be it shops, front doors or gardens onto the public realm. New residential and commercial facades will look out onto the streets and squares while also creating enclosed backyards and gardens that provide privacy and amenity for the residents.

The proposed framework connects the High Street to Buccleuch Street and Kings Park beyond through a series of connected streets, predominantly traffic free. Landscape and the introduction of trees back into the town centre is a key aspect of the design. Trees moderate climate and offer an attractive green amenity for residents and visitors alike to enjoy.

While the scale of the proposals adds some density and activity to the town centre through an increase in the resident population the overall massing retains a human scale that is wholly appropriate to the scale of the existing historic townscape. The regeneration of the town centre offers an opportunity to rediscover a liveable and walkable town that is centred on people and place while retaining the business and energy of the existing town centre.

The strategies outlined in section 3.0 demonstrate how this framework could be delivered.



# DALKEITH TOWN CENTRE DEVELOPMENT FRAMEWORK

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## 03 STRATEGIES



## 3.1 CONNECT NEIGHBOURHOOD COMMUNITIES AND TOWN CENTRE



*You asked us to “Improve connections between green spaces, key transport links and the town centre.”*

The principles of the 20 Minute Neighbourhood underpin the following strategies to connect Dalkeith town centre to neighbouring communities and surrounding areas.

See Dalkeith not as one single centre but as a series of centres each with its own character and strengths. Identify the needs within each of these satellite hubs. Encourage the local centres to add to the town as a whole. Identify the needs within each of these satellite hubs in terms of the town centre, and encourage people to live in the centre.

Identify routes that connect the local centres to the town centre i.e. bus routes, pedestrian and cycle routes. Improve these routes through the introduction of trees, sitting areas, lighting, and information boards.

Review parking provision within the whole of the town centre, to encourage walking, cycling and use of public transport.

Develop connections from the town centre to the station through safe pedestrian and cycle routes, alongside taxi rank and shuttle bus provision.

Help people transit easily between Dalkeith Country Park, Dalkeith town centre and transport links such as Eskbank Station.

Create more defined space around the Eskbank Railway Station to make it a more positive addition, where you might linger, heightening its visibility and attraction as a destination in itself.

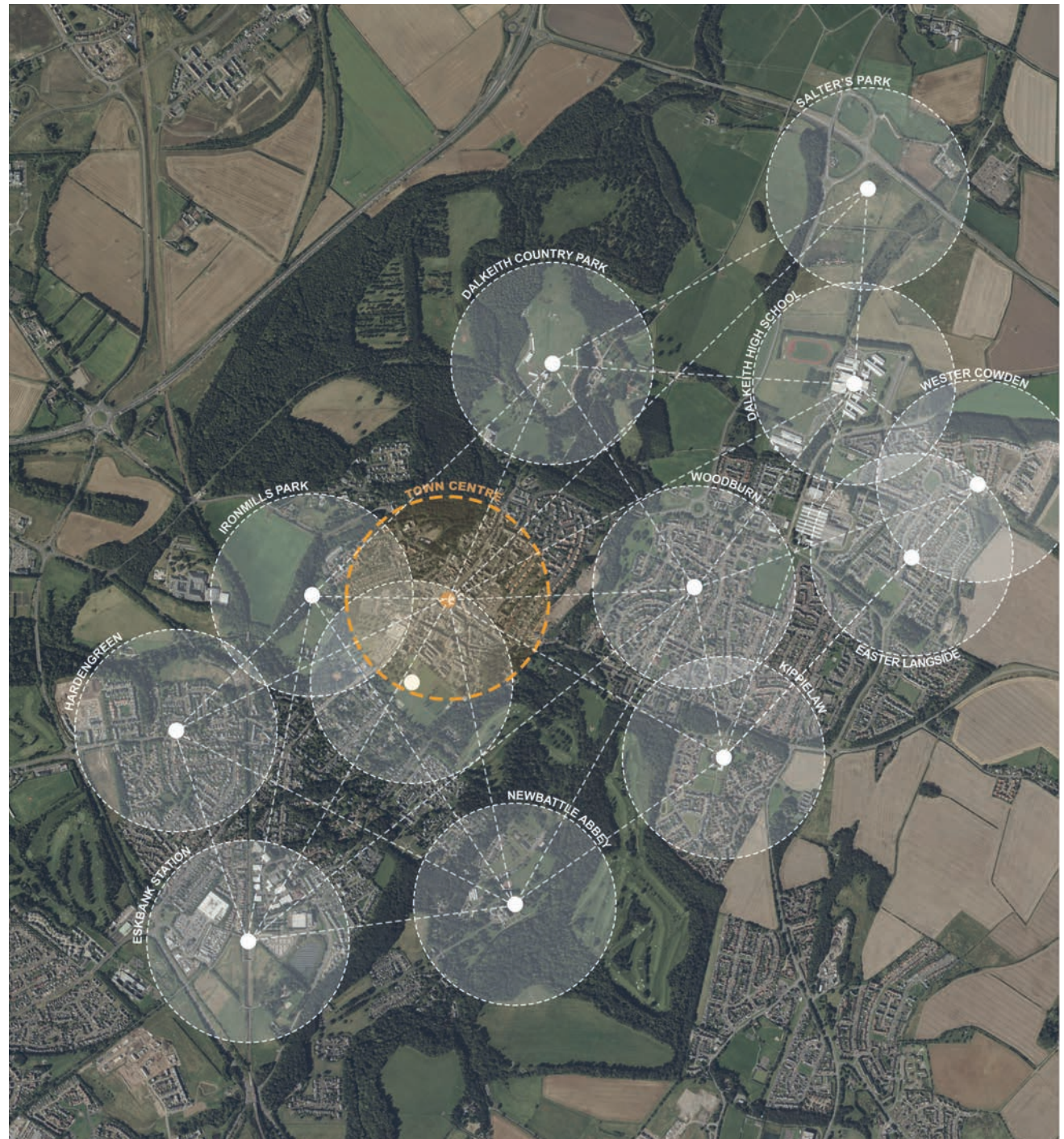
Consider Edinburgh College and its connection/relationship to the town. Consider station and college along with industrial estate, Tesco superstore as a business, commercial, education hub.

Create stronger connections to institutions such as Edinburgh College bringing them more fully into the daily life of the town.

Explore creation of a local hub around the Dalkeith Community Campus/ Woodburn Primary School. Amplify the role of the Dalkeith Schools Community Campus in the surrounding community through the creation of a gathering space, allotments, recycling, services out-reach.

Provide clear information on extended walks within the town and out into Midlothian, making this information available to locals and to those outside the town.

Improve connections to the North and South Esk valleys, these offer fantastic walks and critical ecological networks which can be more fully developed as learning spaces.



Satellite Hubs surrounding Dalkeith Town Centre



## 3.2 TRANSFORMING CONNECTIONS TO CREATE A 20 MINUTE NEIGHBOURHOOD



*You said “people want the town centre to be more walking and cycling friendly, with less and slower traffic.”*

The following aspirational proposals transforming connections to create a 20 Minute Neighbourhood are subject to funding and detailed design studies:

### ACTIVE TRAVEL ROUTE - TOWN CENTRE AND KING'S PARK

The town centre regeneration includes for the redevelopment of White Hart Street. This will see the erection of new residential and mixed-use buildings with an opportunity to provide a new pedestrianised route with green infrastructure as well as improvements to the public realm. As part of a separate study, the Development Framework offers an opportunity to extend this route directly to King's Park through the reallocation of land within Midlothian House Carpark and the redevelopment of King's Park Primary School.

### CONNECTED CYCLE ROUTES TO TOWN CENTRE

The opportunity to create safe and direct cycle routes to connect the town centre to the existing National Cycle Route Network could be explored as part of a separate design study.

### ACTIVE TRAVEL ROUTE - TOWN CENTRE AND ESKBANK RAILWAY STATION

A more direct active travel route to Eskbank Station could be developed as part of a separate design study to support multi-modal travel.

### DIRECT PEDESTRIAN ROUTE TO IRONMILLS PARK

A new direct and safer pedestrian route could be explored to connect the town centre to Ironmills Park.

### ACTIVE TRAVEL ROUTE - TOWN CENTRE AND DALKEITH COUNTRY PARK

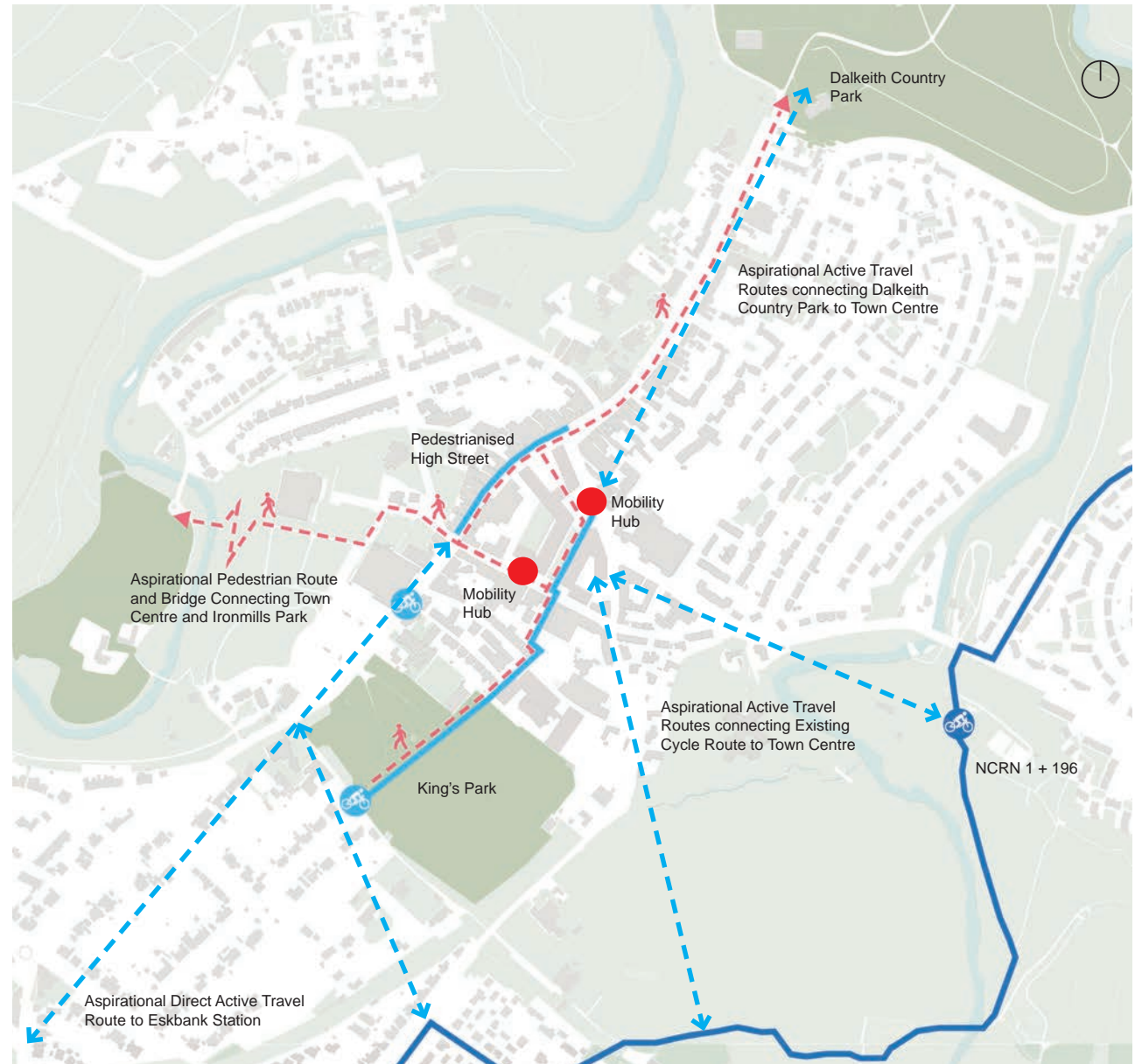
The introduction of a safe active travel route that directly connects the town centre to Dalkeith Country Park could be developed.

### REGENERATION SITE - PEDESTRIANISED HIGH STREET

It is proposed that a section of the High Street (A6094) between Buccleuch Street and South Street be pedestrianised allowing for public realm enhancements as well as dedicated walking, wheeling, and cycling infrastructure. The introduction of pedestrianisation would also allow for air quality improvements via a reduction in harmful pollutants and improved streetscape.

### REGENERATION SITE - MOBILITY HUBS

Mobility Hubs are proposed on Buccleuch Street and South Street. Hubs are sited to support Multi Modal travel and include bus shelters with phone charging and integrated art, cycle parking, e-bikes and e-scooters, taxi ranks, and pick up/drop off bays.



## 3.2 TRANSFORMING CONNECTIONS TO CREATE A 20 MINUTE NEIGHBOURHOOD



*You said “public transport is good, but it needs to be affordable and easy to use.”*

### ASPIRATIONAL MULTI-MODAL TRAVEL AND CONNECTIONS TO EXISTING ROUTES

A low proportion of the housing in Dalkeith can be accessed within a 10 minute walking distance of the town centre. The majority of housing within Dalkeith can be accessed within the 10 minute cycling zone. However the routes to and from the town centre are busy with traffic and there are no safe routes connecting the NCN route to the town centre and town amenities. The aspirational proposals noted below are subject to funding and detailed design studies:

#### CYCLE ROUTES

New safe cycle routes could be explored as part of a separate study to connect the existing NCN1 to the town centre and to the High School Campus.

#### BUS ROUTES

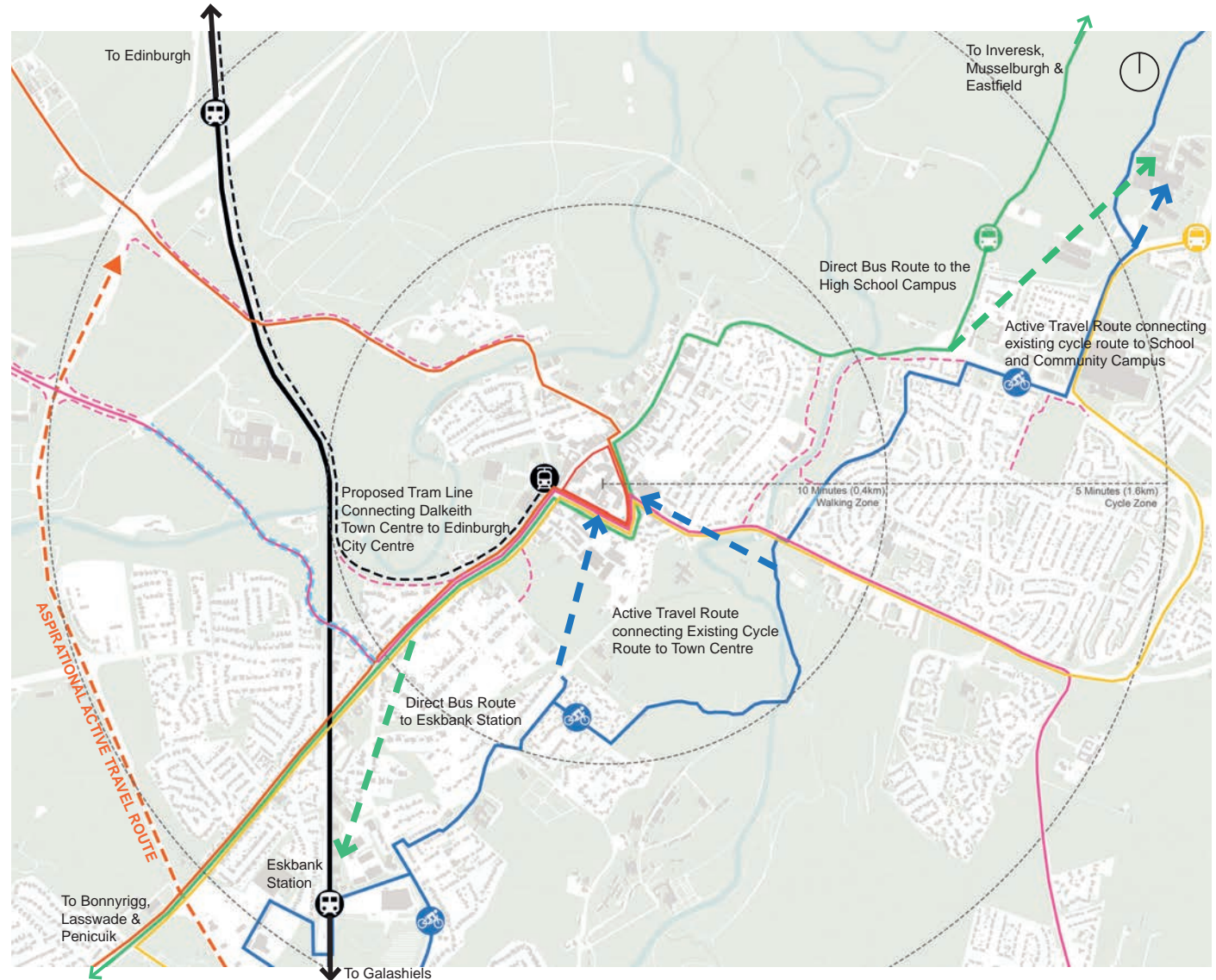
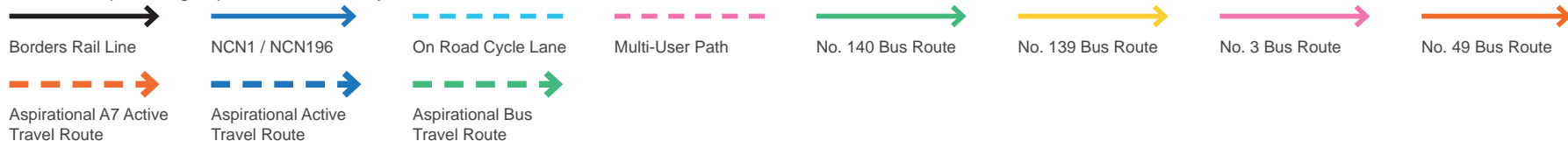
With the removal of buses from the south section of the High Street, it is proposed that Buccleuch Street and South Street become key bus routes within the centre of Dalkeith. There is an opportunity to widen footways and provide mobility hub concepts within the corridor. There is also an opportunity to introduce traffic calming measures through the use of raised tables.

Connections to Eskbank Railway Station through an improved direct bus route to connect the town centre to Eskbank Station could be developed to support multi-modal travel. The Midlothian Council A7 Active Travel Feasibility Study will include looking at the feasibility of a link from the A7 to Eskbank Train Station.

#### EDINBURGH TRAM EXTENSION

The National Planning Framework 4 (NPF4) identifies Edinburgh and South East Scotland Mass Transit as a key project, with a potential connection from the Edinburgh BioQuarter to Shawfair and, on to Dalkeith as a potential future tram extension in the longer term. The extension of mass transit would enhance the level of public transport provision in the region, including Bus Rapid Transit (BRT) and Tram. It would complement and integrate with the current bus, tram and heavy rail networks, providing improved connectivity.

#### KEY:





### 3.3 IMPROVED PUBLIC TRANSPORT



*You asked for “Improved sustainable transport that is accessible, affordable, frequent and reliable.”*

As the transport sector strives to decarbonise, it is essential to rethink how we integrate public transport services with walking, cycling, and micro-mobility to make it easier for people to travel seamlessly.

The concept of a Mobility Hub grows from a basic bus shelter to incorporate a range of other modes and place-specific services in response to local needs within Dalkeith.

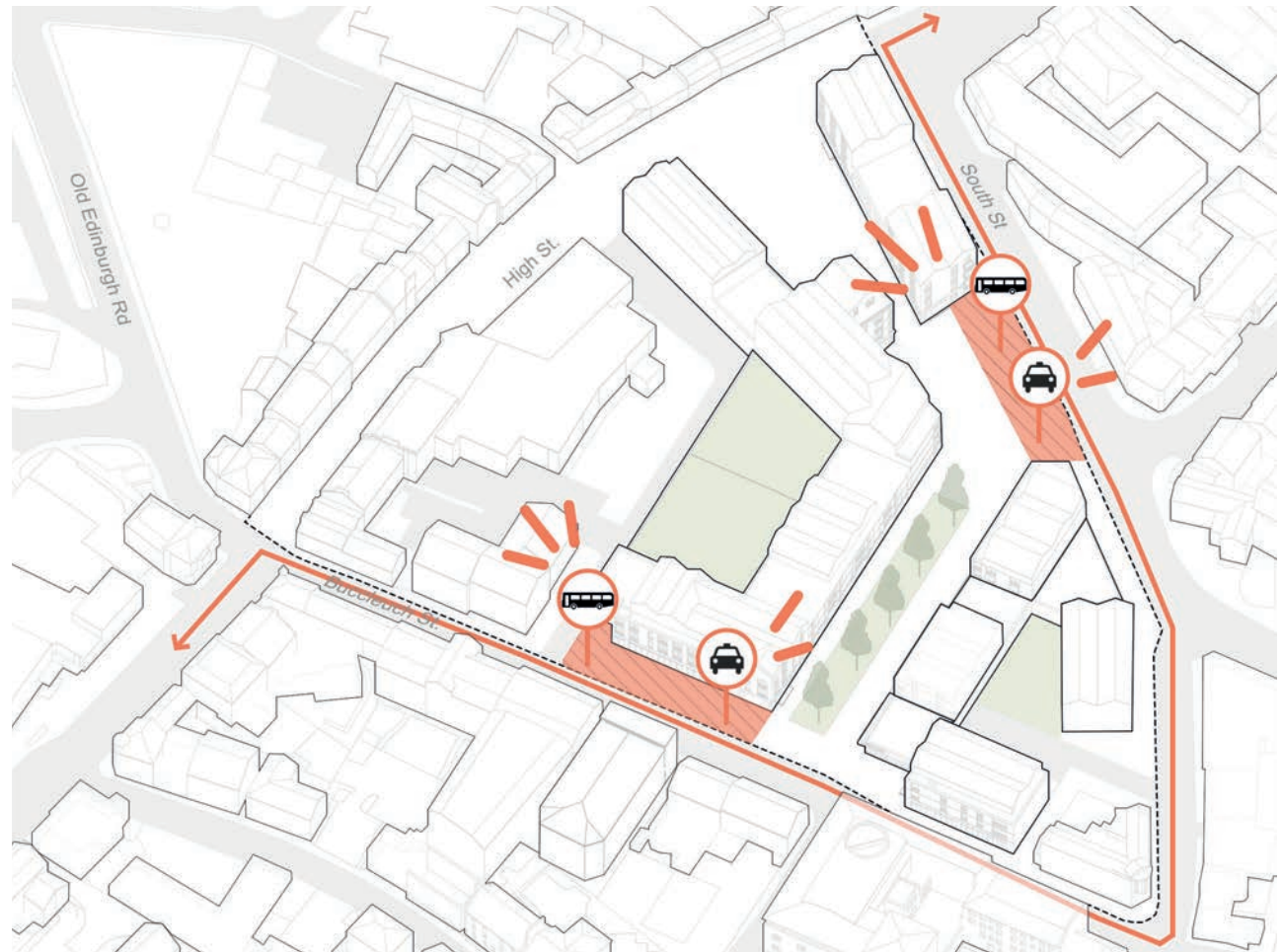
The town centre will benefit from the provision of Mobility Hubs on Buccleuch Street and South Street as a means of integrating public transport with other modes, focused primarily on walking and cycling.

Mobility Hubs are places where people can switch from one mode of transport to another, with convenient facilities designed for a low-carbon society. They form a network of structures that cluster together a full suite of complementary transport modes to enable sustainable journeys.

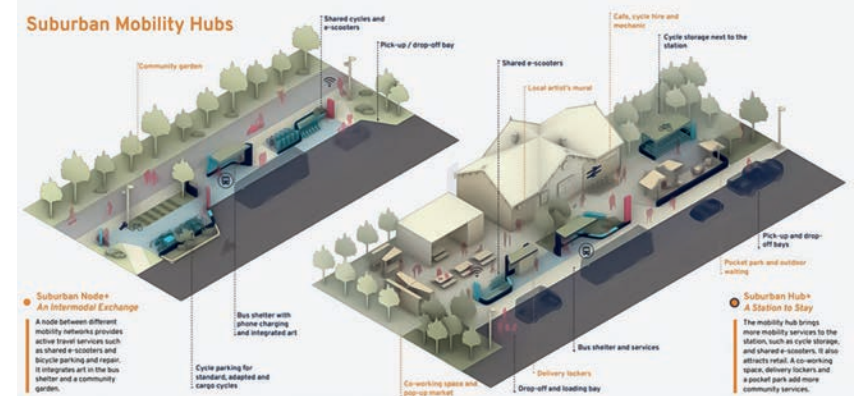
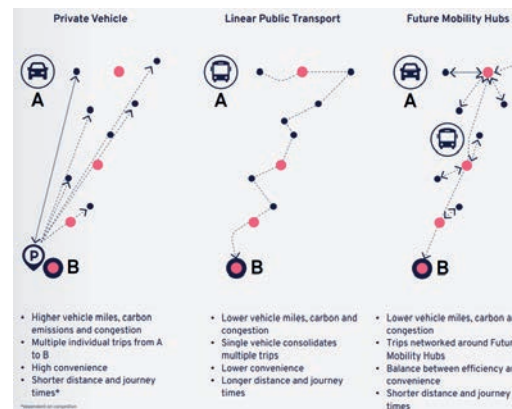
The modular approach provided by Mobility Hubs will allow them to be delivered in response to the specific requirements and space available along Buccleuch Street and South Street. They will use the existing bus stop locations as a base from which to provide local residents and visitors with increased movement options and promote the message that non-car based travel modes are both realistic and practical options.

Crucially, Mobility Hubs are not simply bus stops or taxi ranks. Dalkeith town centre will benefit from encouraging the incorporation of an improved public transport offering with other travel modes and user facilities (i.e. e-bike charging stations, etc.). These facilities, combining public transport with active travel, will help make the town centre a more inviting, safer and greener space.

Findings from the Midlothian Council Parking Strategy suggest that the existing car parking provision within the town centre is currently under-utilised. Provision of the Mobility Hubs on Buccleuch Street and South Street will help to encourage a further reduction in the use of existing car parking facilities while at the same time invigorating the existing streetscape, encouraging non-car based trips and enhancing the public realm.



*Proposed introduction of Mobility Hubs on Buccleuch Street and South Street support the re-routing of traffic away from the High Street*



*Mobility Hubs - refer to Appendix 02 - ARUP Transport Input Report*



## 3.4 IMPROVED OPPORTUNITIES FOR ACTIVE TRAVEL

Further work will be undertaken in conjunction with Midlothian Council and key stakeholders, including Sustrans and SEStrans, to look at wider active travel connections from the centre of Dalkeith and key destination points throughout the wider area.

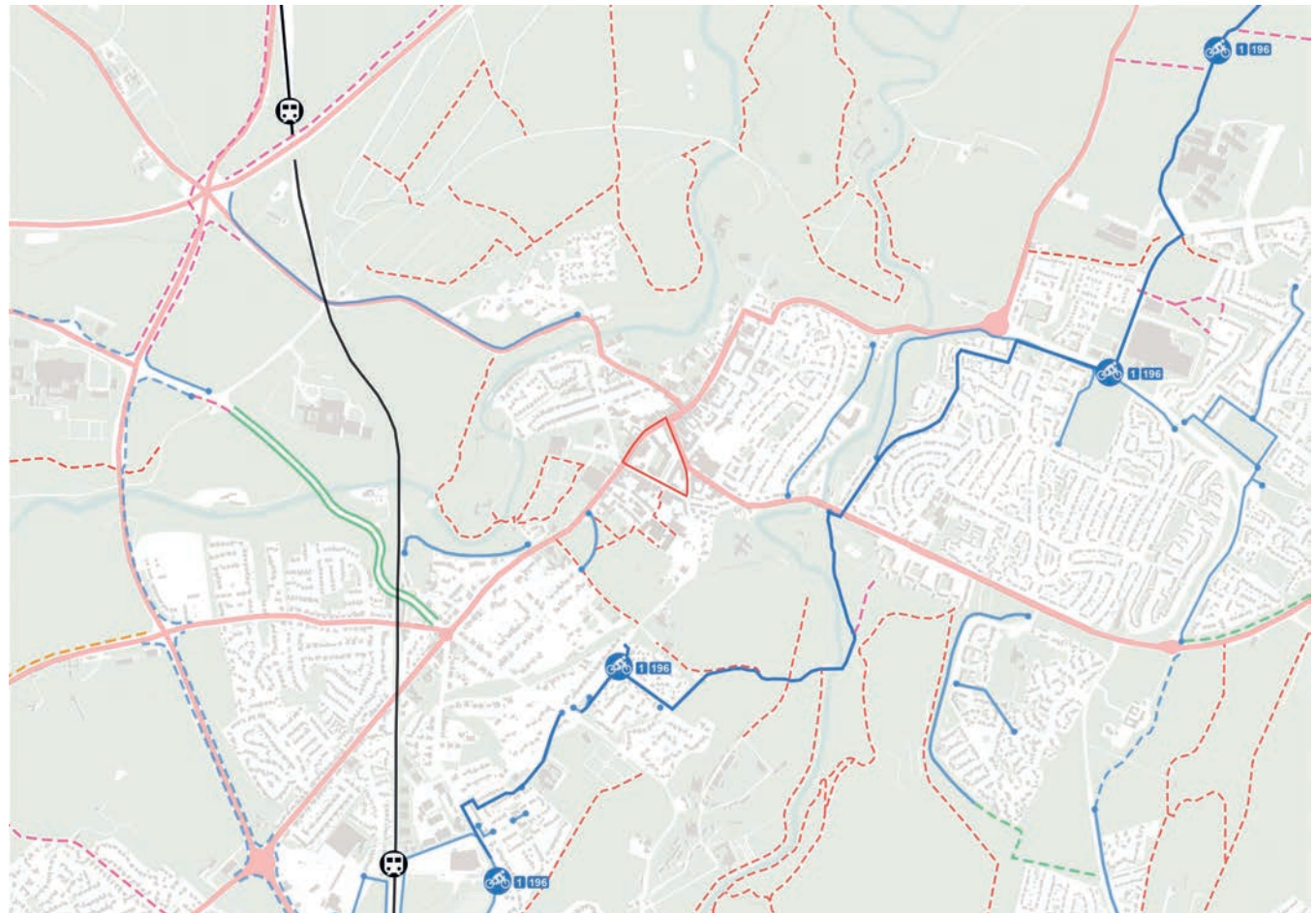
The key principle that must form the basis of any new mixed-user infrastructure is that routes must be attractive, direct and safe.

Future opportunities will be developed in accordance with Midlothian Council's Active Travel Strategy and SEStrans region-wide active travel network strategy, where connections to Dalkeith are proposed as part of the development of the network.

Further 'next steps' include:

- Midlothian Council's Sustainable Transport Team will look to utilise funding opportunities to improve active travel connections to/from the town centre, and will look to improve active travel provision where missing links within the town centre exist.
- Applications to Sustran's Places for Everyone Stage 0-2 funding will be made in summer 2023 to look into connections to/from Dalkeith along key travel routes - assessing potential routes and designs for active travel provision linking Dalkeith town centre to Eskbank, the A7 corridor, Dalkeith Country Park, communities to the East, as well as existing on and off-road provision.
- Applications will also be made to Sustran's Networks fund where applicable. Midlothian Council's Active Travel Strategy will identify aspirational routes within the Dalkeith and surrounding area, for which suitable funding will then be sought.

<b>KEY:</b>	Footpath	--- Aspirational Active Travel Routes
	Cycleway/MUP	— Short Term ---
	On Road Cycle lane	— Medium Term ---
	Proposed Cycleway	— Long Term ---
	National Cycleway	1 196
	Borders Railway	—



Midlothian Active Travel Strategy - Dalkeith



Active Travel Route along Key Routes



Segregated Cycle Paths



## 3.5 OPTIMISE EXISTING TOWN CENTRE PARKING SITES



*You said “people want to ditch their cars, but they need help to do it.”*

Midlothian Council are currently developing a new parking strategy for the area. All future proposals will need to comply with this guidance. There are opportunities to use the existing underutilised parking sites that are a short walk from the town centre.

Consideration should also be given to the wider context of how future parking within the town centre will interface with the provision of Mobility Hubs and public transport improvements, as these would reduce the need for people to use a car to come into the town centre.

Midlothian Council's 2017 Strategy highlights underutilised parking sites that are within a 5-minute walk of the High Street. There is an opportunity to explore ways to maximise the use of these existing car parks, and to provide safe walking routes linking them.

Future next steps should be based upon the findings from a survey of existing parking usage, therefore providing an accurate set of contemporary baseline data.

The proposed reduction of parking within the town centre regeneration site creates an opportunity for the introduction of green space and space for walking and cycling, thereby creating a more attractive environment.

A review of the *Midlothian Council Parking Standards 2014* will consider town centre parking standards and guidance to encourage reduced dependency on vehicular use and to support Active Travel.

### KEY:

 EXISTING CAR PARKING

 PROPOSED CAR PARKING

\*Parking numbers taken from Midlothian Parking Strategy Report 2017





## 3.6 PEDESTRIANISATION OF HIGH ST.



*You said “Dalkeith should be a place to travel to and live in, not somewhere people drive through.”*

To implement this strategy Dalkeith town centre should be a place for people. Pedestrianisation of the High Street, coupled with a regenerated central square, will give the town centre back to the community, local residents and visitors alike.

Community consultation identified a need for the town centre to become, safer, more accessible, healthier, with simple, liveable, dignified spaces and streets. Pedestrianisation of the High Street will help deliver these positive ambitions and a longer-term vision for a thriving community.

The challenges created through pedestrianisation, particularly on local businesses, public transport provision, and traffic movements in and around the town centre will be carefully and respectfully considered as part of a series of future studies which aim to look at the specific details on further developing the principles presented by this development framework.

Future studies will help define the specific requirements to ensure that any pedestrianisation is both appropriate and feasible, and has the desired effect of enhancing the town centre space and encouraging future investment opportunities.

These studies will also help to determine the most appropriate level of pedestrianisation for the High Street - opportunities for full pedestrianisation or pedestrianisation on specific days or during certain times of days could be explored.

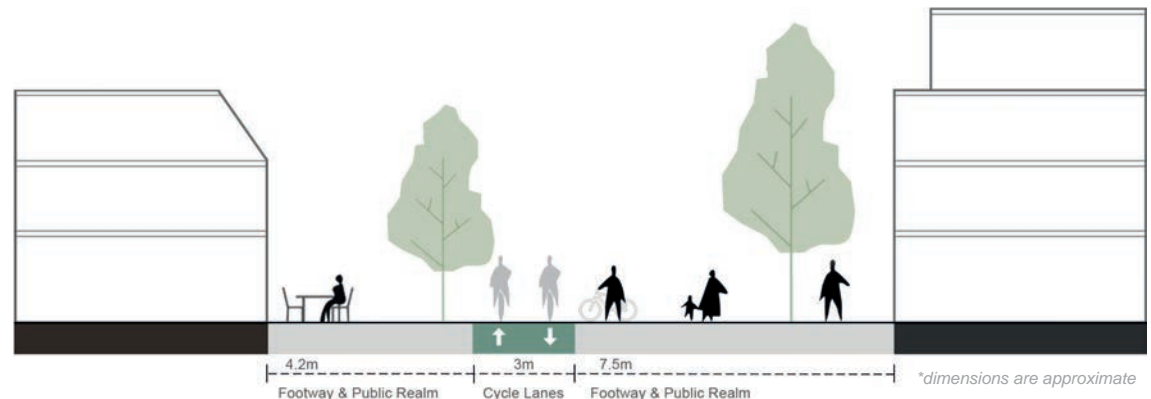
Pedestrianisation of the High Street would help to provide a more attractive, safer and greener space with reduced levels of vehicular traffic where the emphasis is on walking, cycling and public transport.

The enhancement of the public realm through pedestrianisation would encourage cafés and restaurants to spill out onto pavements, and the creation of a vibrant feel in the town centre would support the local independent businesses and encourage people to linger.

The configuration of the enhanced public realm at Jarnac Court and Eskdail Court forms a direct and safe connection to the proposed Active Travel route on the new Walk. Public spaces will be accessible to all ages and abilities, and, safe and engaging for Midlothian’s many young families. Pedestrianisation will help create streets where older people feel able to confidently walk, knowing that they can rest if they need to.



*Pedestrianisation of High Street Axonometric Diagram*



*Pedestrianisation of High Street Section View*



## 3.6 PEDESTRIANISATION OF HIGH ST.



*You said “Dalkeith should be a place to travel to and live in, not somewhere people drive through.”*

Following on from the Development Framework outline proposals, the next design stages and areas of further study will consider in much greater detail a number of key local issues, namely:

- Engagement with local businesses to understand their needs and requirements, and respond to their perceptions and opinions on the potential impacts of pedestrianisation.
- Potential impact on servicing arrangements.
- Existing public transport provision and how this will be integrated into the delivery of Mobility Hubs on Buccleuch Street and South Street.
- Vehicle tracking to ensure buses can easily manoeuvre on proposed new bus routes and to develop Mobility Hub infrastructure.
- Undertaking traffic modelling to demonstrate the potential impact resulting from possible traffic displacement, including the operation of junctions.

The outcomes of these studies will help inform the specific measures and levels of pedestrianisation that are appropriate for the High Street.

Further information, along with a series of real-life case studies which set out the benefits of pedestrianisation in town centre locations, is provided in the Arup Transport Report in Appendix 02.



*Frans Halsstraat, Amsterdam*



*Illustrative View of Pedestrianised High Street*



## 3.7 IMPROVED TOWN SQUARE & ENHANCED CIVIC SPACES



*You asked for “A pedestrianised central square as a focal point for cultural events, markets and socialising.”*

The regeneration of the town centre site offers an opportunity to improve and enhance the existing town square and civic spaces to create an energised attractive central core that encourages the local and non-local to visit, increasing opportunities for business, enterprise and social engagement.

These enhancement would give the town centre a vibrant feel, support the local independent businesses and encourage people to linger.

Create a more obvious central gathering space which becomes an orientation space for visitors and residents alike, and an opportunity for information from across the county to be displayed and easily accessed by everyone.

Opportunity to create a market /civic space as town centre core. Focal point for sharing information, resources and skills and focal point for events, open to all.

Incorporate public art and to give the public realm a focal point.

Introduce play within the public realm and create a town centre that is attractive to all ages.

Ensure civic spaces are a focus for public generated ideas and initiatives such as food markets, music events, carnivals, art festivals, book fairs, and antique fairs. Create flexible, simple and available public space.

Enhance the appearance of external public spaces, introduce more green space and increase access to council facilities and services.



*Improved Civic Spaces & Town Square Axonometric Diagram*



### 3.7 IMPROVED TOWN SQUARE & ENHANCED CIVIC SPACES



*You asked for “A pedestrianised central square as a focal point for cultural events, markets and socialising.”*



*Public art installation, Madrid*



*Farmer's Market*



*Play park, Amsterdam*



*Outdoor Seating Spaces*



*Illustrative View of Improved Jarnac Square*



## 3.8 THE WALK & A ROUTE FROM THE TOWN CENTRE TO KING'S PARK



*You asked for “A town centre that is walking and cycling friendly, with less and slower traffic.”*

### THE WALK

Create an improved route within the masterplan site to prioritise pedestrians and cyclists, and reduce vehicular use.

Create a safe, accessible and attractive town centre with simple, liveable, dignified spaces and streets.

Encourage cafés, restaurants and community spaces to spill out onto the new walk.

Create an environment with reduced air and noise pollution and opportunities to connect with nature.

Ensure that street design and public spaces are accessible to all ages and abilities.

Encourage overlooking from new housing and activities to limit antisocial behaviour.

### ROUTE FROM THE TOWN CENTRE TO KING'S PARK

Create a direct Active Travel route that connects the town centre to King's Park Primary School and King's Park.

Form a route that creates wider connections into other green networks within and around the town centre.

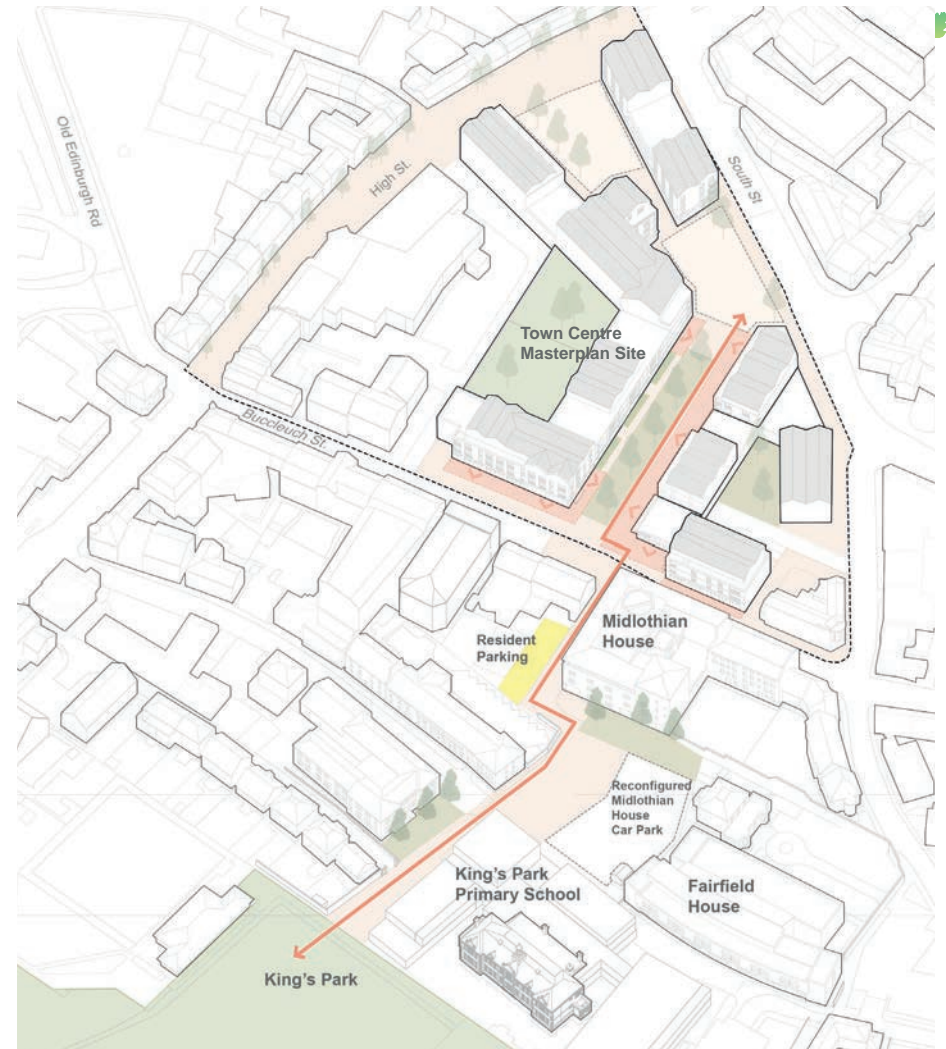
Improved links create an opportunity to expand the use of green space out with the Town Centre Masterplan site.

The extension of the Active Travel route from the town centre site through to King's Park will require the character of the existing route to change.

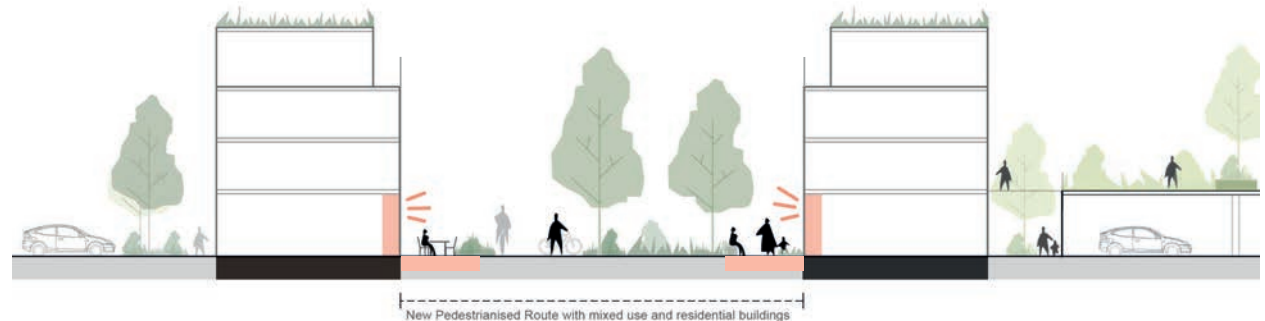
Access to Midlothian Council's Passivhaus development on Buccleuch Street, including access to residents parking, will be maintained through careful and appropriate design and signage. Pedestrian and cycle movements will be prioritised through the use of pavement surfaces which promote open, inviting and liveable spaces, while at the same time providing restricted single-user vehicular access.

Opportunity to reconsider vehicular access to and the extent of Midlothian House car park to carve out space for a new public realm.

The extension of an enhanced route into King's Park is dependant on the reconfiguration of the King's Park Primary School site and the school campus masterplan being delivered.



*Axonometric View of the New Walk and proposed route connecting town centre to King's Park*



*Section of New Walk showing Active Frontage and Proposed Active Travel Route*



### 3.8 THE WALK & A ROUTE FROM TOWN CENTRE TO KING'S PARK



*You asked for “A town centre that is walking and cycling friendly, with less and slower traffic.”*



*Shared Surface*



*Attractive Green Route*



*Safe Active Travel Route*



*Illustrative View of New Walk*



### 3.9 PROVIDE A MIX OF HOUSING TENURE & TYPES



*You asked for “A variety of housing tenure options and housing that meets the needs of families and older people”*

Activate the town centre through people living and working there.

Increase the resident population within the centre by creating affordable, good quality housing in the town centre.

Address specific housing needs in the town centre and create new family housing to help activate and energise the town centre.

Introduce a mix of housing tenures and types that reflect local housing needs and support people at all stages of life, including social housing, mid market rent, build to rent and housing for sale. This will allow people to move home as their needs change without leaving the neighbourhood.

The town centre regeneration proposal enhances the residential provision on the site from 44 No. 2-bed maisonette flats, to around 136 No.\* Residential units that are a mix of 2-bed and 3-bed flats.

The approximate net gain for residential use on the site is 7800m<sup>2</sup>.\*

In order to maximise the ground floor area within the development for commercial/employment/community use, a small number of ground floor flats are located on the new walk, the majority of flats are located on the upper floor levels.

There is significant affordable housing demand in Dalkeith. The Town Centre Regeneration site offers an opportunity to incorporate not just properties for social rent but other affordable housing models such as mid-market rent and shared equity/low-cost home ownership.

Through residential developer consultation and consideration of future demographics the site is considered to offer a particular opportunity in terms of its location for housing for older people or those with other supported living requirements.

Private for sale housing could also form part of a wider tenure mix.

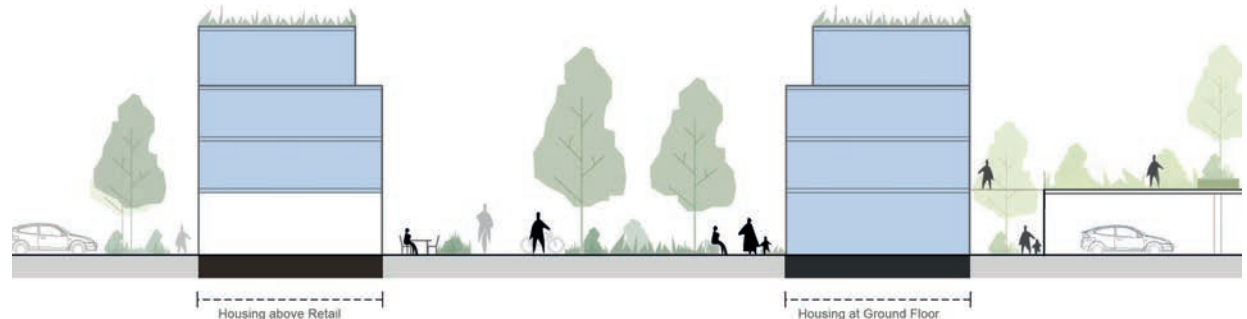
There is demand in the area for two and three bedroom properties, and flats are the most appropriate construction type for this site.

Opportunities for partnering with a lead developer with the capacity to deliver an affordable housing-led development could be explored during the next project stage.

*\*Note – all floor areas are approximate. All area measurements have been generated using OS Map site information only. A full site survey and building surveys are required during the next stage. Further to these detailed surveys, the site area and building floor areas will need to be recalculated and reappraised. Financial appraisals should not rely on the measured information until verified by accurate measured surveys.*



*Axonometric View of Housing on Upper Levels*



*Section of New Walk showing Housing Types*



### 3.9 PROVIDE A MIX OF HOUSING TENURE & TYPES



*You asked for “A variety of housing tenure options and housing that meets the needs of families and older people”*



*Mix of Housing with Balconies*



*Housing with Setbacks/ Terraces*



*Housing with landscaping*



*Illustrative View at Eskdail Court showing housing mix*



### 3.10 CREATE FLEXIBLE SPACE FOR COMMERCIAL, EMPLOYMENT & COMMUNITY USE



*You asked for “More diversity in the facilities and businesses located and operating in the town centre”*

The proposed increase to the level of development within the town centre will create flexible commercial/employment/community space alongside new housing, and so encourage a diverse range of facilities and community uses. The masterplan shows the potential of increasing the total GIFA of the existing buildings by approximately 50%.\*

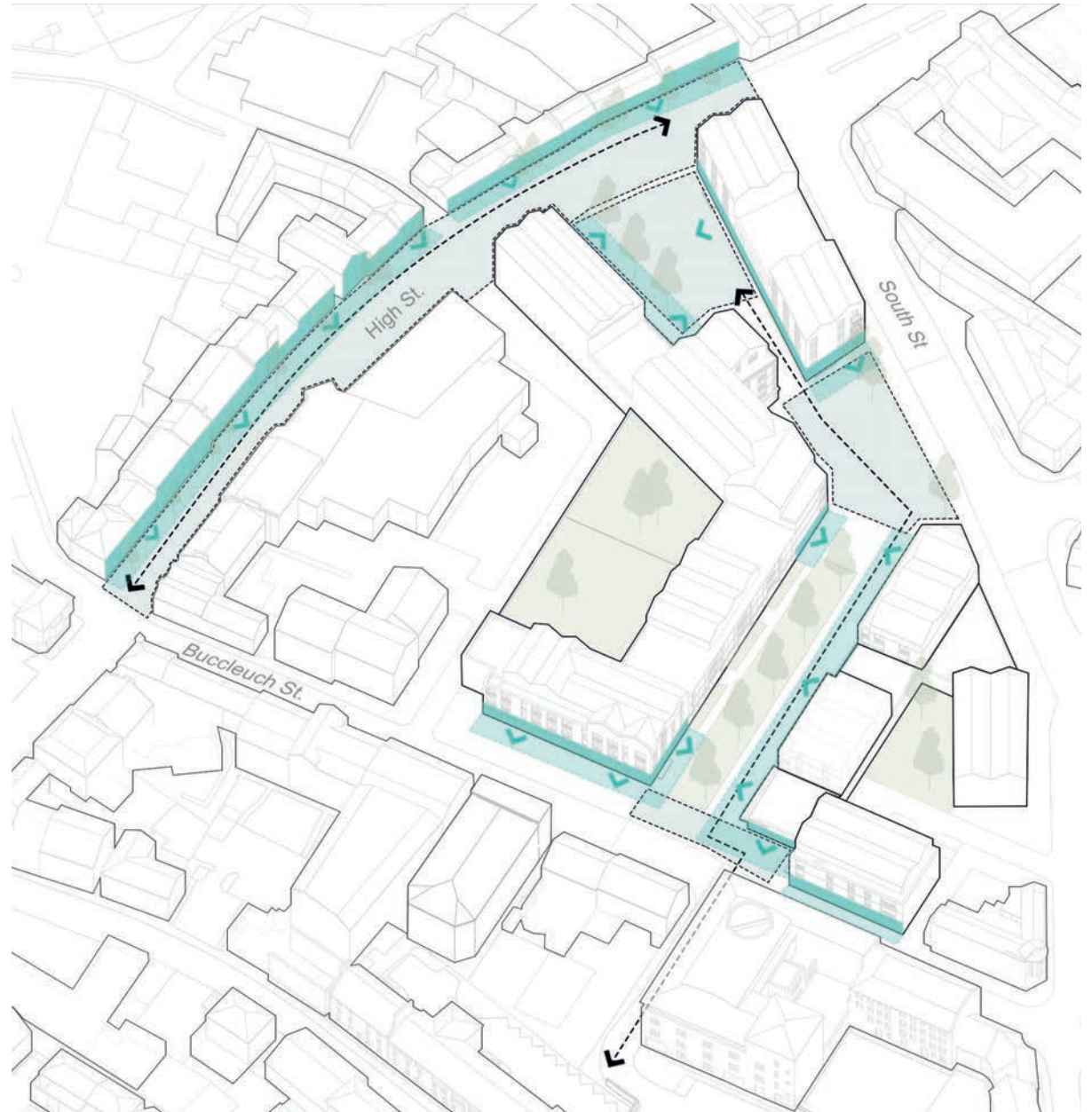
A lack of demand for commercial space on upper floor levels has led to high vacancies within the town centre regeneration site. Therefore, the proposed use of the ground floor space is predominantly commercial/employment /community use and upper floor levels are dedicated to housing.

Locating commercial/education/community use at ground floor level only, results in an overall reduction in the total area of commercial use space on the site. Should market demands change, increased commercial/employment/community use space can be achieved by introducing this at upper floor levels.

Other strategies include:

- Offer flexible spaces that meet local economy demands, improve options for shopping and eating out and support the health and well-being of residents.
- Create more opportunities for both existing and start-up businesses. Business could be assisted through the pedestrianisation of areas of the town centre thereby creating more footfall rather than spaces dominated by traffic.
- Improve the flexibility of commercial spaces and include affordable start-up spaces and workshops, imagining Dalkeith as a “making place”.
- Develop strong connections to local colleges and create opportunities in priority skill areas.
- Engage with local business to see how visitors could be encouraged to come to Dalkeith and linger.
- Create opportunities in the regeneration process that local communities can benefit from to enhance prosperity and community wealth.
- Explore new ways to deliver services to support the community in the town centre e.g. shared space for public and third sector service providers.
- Support connections between local suppliers and the Community Kitchen developed by One Dalkeith and seek to expand opportunities for local food initiatives.

*\*Note – all floor areas are approximate. All area measurements have been generated using OS Map site information only. A full site survey and building surveys are required during the next stage. Further to these detailed surveys, the site area and building floor areas will need to be recalculated and reappraised. Financial appraisals should not rely on the measured information until verified by accurate measured surveys.*



Axonometric View of Proposed Town Centre with Ground Floor Commercial/ Employment/ Community Space and Active Frontage



### 3.10 CREATE FLEXIBLE SPACE FOR COMMERCIAL, EMPLOYMENT & COMMUNITY USE



*You asked for “More diversity in the facilities and businesses located and operating in the town centre”*

There is demand for flexible ground floor units that can accommodate a range of uses including retail, food and drink, office and community uses.

The quality of commercial/employment/community space will be improved as will the surrounding environment making the Town Centre Regeneration site an attractive location for business and community activities.

The design and configuration of commercial space should offer flexibility across the relevant planning use classes and should be capable of adaption and reconfiguration to offer varying unit sizes.

Commercial units should be priced on a basis that offers efficiencies in terms of non-domestic rates burdens and reliefs and are therefore attractive to small local businesses, as there is a limited market for larger anchor occupiers.

Refer to Appendix 02 for the Ryden Dalkeith Town Centre Development Framework Property Market Review Report.



*Outdoor Gathering Spaces and Markets*



*Illustrative View of New Dalkeith Library & Arts Centre*



## 3.11 INTRODUCTION OF GREEN SPACE



*You said “Refresh and brighten the appearance of the town centre”*

Health and well-being, biodiversity, climate change resilience and sustainability are key issues that society as a whole is grappling with. Dalkeith is extremely well placed to address these issues not only for local residents but also for those farther afield.

The Development Framework offers an opportunity to extend the green network of the town centre regeneration site and connect to other existing assets such as King's Park, Ironmills Park, Dalkeith Country Park and to the river networks.

The extension of the Active Travel route beyond the town centre regeneration site is an opportunity to increase amenity through more clarified and safe connections to King's Park. Imagine King's Park and town centre as two complementary and connected civic spaces around which the life of the town engages and flourishes.

There is an opportunity to broaden the work of the Dalkeith Guerrilla Gardeners and to incorporate initiatives such as allotments and community gardens in conjunction with the redevelopment of King's Park Primary School.

The introduction of a new route from the town centre to Ironmills Park improves connections to river and woodland walks and provides direct access to the pavilion community facilities and café.

The proposed active travel routes within the town centre could also be extended to provide a safe direct connection to Dalkeith Country Park.

Identify opportunities to introduce pocket parks and areas for wildlife throughout the town, with wider use of trees to mitigate the impacts of climate change.

Capitalise on local expertise to imagine Dalkeith town centre as a park, provide opportunities to cultivate productive green spaces, share gardening advice, plant fruit trees and offer free plants in the community.



Axonometric View of Introduction of Green Spaces and Active Travel Route to King's Park



## 3.11 INTRODUCTION OF GREEN SPACE



*You said “Refresh and brighten the appearance of the town centre”*

The Development Framework is an opportunity to introduce green space within the public realm of the town centre, along pedestrian routes and, through the creation of public and private gardens around the residential development.

Tree and plant species to be selected to support the local eco-systems and to enhance biodiversity.

Gardens and green spaces to support a sustainable productive urban landscape. Encourage gardening, and an interest in ecology and wildlife.

Commission street art to bring fun and add colour to public spaces.

Introduce a central play space within the public realm to offer opportunities for play and engagement with green space in the town centre. Create inclusive civic spaces that are accessible to everyone and for all age groups.



*Housing with Gardens*



*Green Routes*



*Housing with Green Thresholds*



*Illustrative View of New Housing with Green Spaces*



## 3.12 HOUSING WITH ACCESS TO GARDENS, BALCONIES & ROOF TERRACES



*You said “Provide new housing options with access to green space, parking and to ensure residents feels safe.”*

Propose an emphasis on green space as a fundamental element of the new residential developments with high quality gardens and balconies for new flatted dwellings.

Residential parking and service access to the ground floor commercial spaces, is concealed below a raised shared landscaped garden deck that can be accessed by the housing residents.

Create housing that offers residents views to green spaces and tree canopies.

The provision of private outdoor garden space to ground floor flats and balconies on the upper floor levels can foster a sense of ownership and allows for personalisation.

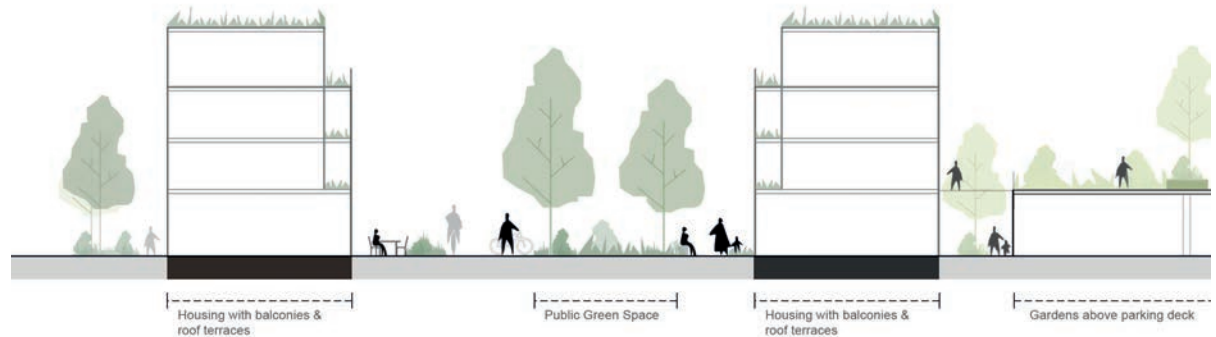
Private gardens create a threshold and margin of green space between public pavements and the windows of residential properties.

Access to private and shared green space encourage residents to create wildlife areas in their gardens.

The introduction of vegetation and greenery provides shade, shields against external noise, heat and filters pollution from the air.



*Axonometric view of terraces, private gardens and public green spaces*



*Section of housing with private gardens, roof terraces and balconies*



### 3.12 HOUSING WITH ACCESS TO GARDENS, BALCONIES & ROOF TERRACES



*You said “Provide new housing options with access to green space, parking and to ensure residents feels safe.”*



*New housing with share green space and roof terrace*



*Residential gardens*



*Community gardening*



*Private Courtyard Gardens*



*Illustrative View of New Housing with Balconies & Terraces*



## 3.13 SUSTAINABLE DEVELOPMENT & BUILDINGS



*You asked for “Redevelopment that supports a future ‘Green Dalkeith’ ”*

Integrate the 20 Minute Neighbourhood approach in Dalkeith to create a connected and walkable place for people to live - allow everyone to choose to live, work and play more locally.

Higher density development maximises the use of infrastructure, its cost and carbon weight.

Introduce new active travel networks that prioritise and encourage walking, cycling and the use of public transport, and discourage vehicular use.

Review the parking provision within the whole of the town centre and reduce parking provision within the new development.

Provide electric vehicle charging stations in car parks.

Provide access to secure short stay cycle parking for visitors and long stay cycle parking for residents at homes, for employees at workplaces and for passengers/visitors at mobility hubs. Cycle parking to be near destination entrances and to be more convenient than car parking spaces.

E-bike provision and charging points to be integrated within proposed Mobility Hubs located on Buccleuch Street and South Street.

Minimise the need for operational energy, and design buildings to meet Passive House Standards where possible.

Use of robust, environmentally friendly materials with low embodied energy.

Opportunities for the re-use of materials from demolitions within the site to be explored.

Design for easy maintenance and conversion.

Design for durability and long-life spans, and incorporate circular economy principles.

Encourage biophilic design in architecture i.e. landscape at centre of town and new residential areas.

Support and identify opportunities for sharing of assets and services.

Encourage recycling and a sustainable economy through furniture exchange, clothes exchange etc.



*Introduction of Active Travel Routes*



*Design for Durability*



*Electric Car Charging Points*



*E-Bike Hire*

# DALKEITH TOWN CENTRE DEVELOPMENT FRAMEWORK

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## 04 DESIGN GUIDELINES



## 4.1 SUSTAINABILITY

These guidelines not intended to be a definitive statement of Midlothian Council requirements. Any additional requirements will be clarified by Midlothian Council on a project-by-project basis. Reference should be made to the design principles contained within the Local Development Plan.

### SUSTAINABILITY

All projects should consider and implement the principles of responsible sustainable design.

### SOCIAL SUSTAINABILITY

Social sustainability at the heart of the Development Framework for Dalkeith. The masterplan for the town centre regeneration advocates the principles of the 20 minute neighbourhood through the creation of mixed use development that encourages residential use as well as commercial, civic and cultural. All uses must be accessible and inclusive to all age groups and abilities. Introduce a mix of housing tenures and types that reflect local housing needs and support people at all stages of life, including social housing, mid market rent, build to rent and housing for sale.

### ACTIVE TRAVEL

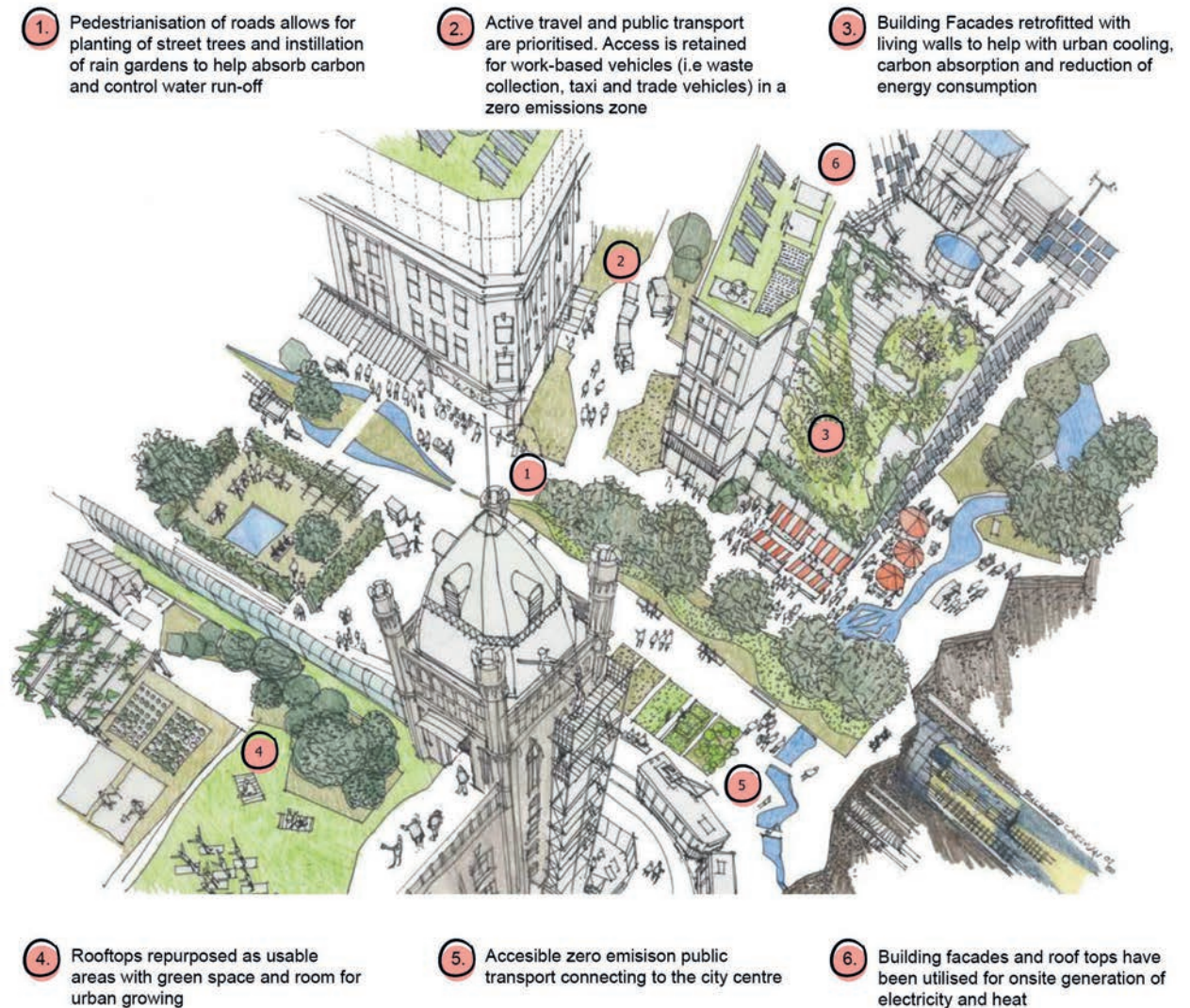
The Development Framework for Dalkeith town centre seeks to embed an Active Travel network in order to reduce reliance on the car within the centre of the town while supporting walking, cycling and increased use of public transport. The Framework promotes active travel through the quality of the proposed pedestrianised public spaces and routes.

### ENERGY EFFICIENCY

All projects should minimise energy use through careful and responsible design, adopting strategies of fabric first, Passivhaus and Enerphit approaches in the case of existing buildings.

### MINIMISING EMBODIED ENERGY

All projects should consider the careful and economic use of environmentally friendly, robust materials with low embodied energy characteristics. Projects should be designed for ease of maintenance and should consider future conversion i.e. designing for durability and long life spans. Designs should incorporate circular economy principles.



*Principles of a Scottish City Centre in 2050, Designing for a Changing Climate: Carbon Conscious Places by Architecture & Design Scotland*



## 4.2 DALKEITH CONSERVATION AREA

Reference is made to Dalkeith House and Park Conservation Area Appraisal that contains sections on the High Street. This comprehensive document details the history and characteristics of Dalkeith. It is a highly informative and useful source for the designer.

A number of sections from the Conservation Area Appraisal are quoted below to give a flavour of the quality the contents.

*"Midlothian Council designated Dalkeith conservation area in 1972. This included the High Street. The conservation area was extended to include Dalkeith House and Park in 1981. Dalkeith has a fascinating history with a surviving mediaeval street layout and many historic buildings dating from the 17th, 18th and 19th centuries. Many of these are listed because of their historic and architectural value. Dalkeith was an important market town, at its most prosperous during the 19th century*

*In a conservation area it is the buildings and also the spaces between them that make the area special. It is this special and unique character that planning controls seek to preserve and enhance. Care should therefore be taken to ensure that new development is appropriate and contributes positively to the character and appearance of the area."*

### CHARACTER ANALYSIS

*"Pleasant Dalkeith! With its bonny river, its gardens full of gooseberry bushes and pear trees, its grass parks spotted with sheep, and its grand green woods." (David Moir, Mansie Wauch)*

Massing and Composition. A continuous street frontage straight onto the pavement with articulation achieved by certain blocks being advanced and differences in height. Walls are predominantly of squared, dressed and coursed sandstone, sometimes with ashlar dressings. Nos 196-198 set the standard with exemplary snecked grey and pink masonry. Others such as No 115 are random rubble with squared quoins. Some walls are harled.

In the East High Street the urban space and the materials and the quality of the buildings combine to produce a street which has many attractive qualities which should be more positively recognised. The mediaeval street plan of the East High Street and the development of its backlands along the lines of the old burgage plots is important. The burgage pattern has often been lost to redevelopment but where this remains it is a visible testimony to the history of the town and adds to its character, as at Brunton's Close. This pattern

should be respected in future redevelopment. To date the 19th and 20th century architecture, through the use of appropriate scale and materials, has appreciated the quality of the street and this should continue. In particular the existing scale, proportion, and materials of the buildings should be respected.

### ARCHITECTURAL CHARACTER

The High Street is the commercial centre of Dalkeith, largely developed in the 19th century. The buildings included within the conservation area face the open pedestrian area created by Jarnac Court in the 1960s. There are some high quality buildings along the street frontage but many have been altered unsympathetically and there have been a number of unfortunate 20th century intrusions.



View of High St looking East



View of High St, Dalkeith



## 4.3 CIVIC SPACES & STREETSCAPE

### CIVIC SPACES

A fundamental aim of the regeneration proposals is the creation of dignified, well designed and robust public spaces. These spaces are literally central to the regeneration ambitions as such their design and materiality are critical not only for their spatial quality but for their long-term durability. Civic spaces need to cater for all ages and enhance the lives of both young and old citizens. These spaces should incorporate designs that encourage and support outdoor play and family recreation.

### SHARED STREETS

The proposals are designed to promote active travel and invite residents and visitors not only to move safely and enjoyably through the pedestrianised streets but also to linger, to enjoy the shared spaces along with the retail, cultural and commercial provision. Quality of materials and detail resolution as in the civic spaces is critical.

### THRESHOLDS/ FRONTAGES

The main pedestrianised walks and squares are lined by active commercial and retail frontages. Where residential accommodation does front the pedestrianised routes landscape elements and small private gardens mediate between private and public.

### GREEN SPACES/ SOFT LANDSCAPING

The introduction of green landscaped elements is critical to the proposals. The landscape not only improves the ecology of the town centre it adds scale, texture and colour as well as improving the citizens' well-being and air quality. The species of trees and plants selected should be both robust and indigenous to Scotland. Trees should be considered for their townscape qualities of scale and presence as well as be easily maintained.

### HARD LANDSCAPING

All hard landscaping should be of a high quality and robust in nature, preference for natural stone and clay paviours. Hard landscaping should add texture and material quality as well as delineating pedestrian, vehicle and cycle routes. Through simple patterns the hard landscaping must add scale and rhythm to the scene while avoiding large monolithic areas of poor material i.e. tarmac or concrete paviours.

### STREET LIGHTING

Street lighting should be carefully considered both to create safe, well-lit public spaces and routes and to create spaces that are attractive at night. Consideration should be given to light pollution and effect on residents.

### STREET FURNITURE

Street furniture should be well designed, robust and invite dignified use. Location of seating, litter bins etc. should consider the privacy of residential accommodation.



*Improved Civic Spaces*



*Shared Streets*



*Thresholds/ Frontages*



*Improved Civic Spaces*



## 4.4 BUILDING FORMS

### MASSING

The Development Framework carefully considers the existing town centre scale and character while introducing increased density to the centre. The creation of pedestrianised routes and squares promotes walking and cycling while introducing green spaces into the centre of the town making it an attractive and safe place to live in, do business and visit. Key to these ambitions is an enhanced height and density of occupation at the centre. The overall massing of the proposals step down where they address and connect to existing buildings. The increased height at the centre addresses vistas across the two key public spaces and also responds visually to the key vista north along South Street.

### BUILDING HEIGHTS

Buildings heights vary across the site in response to the adjacent existing buildings. Buildings heights are generally 4-storey with the exception of the buildings located to the south of Jarnac Court and Eskdail Court - these are 5-storey, and a 3-storey building is proposed on Lothian Street. In response to the retention of the existing One Dalkeith building in the longer term, the proposed buildings on the east side of the new walk comprise a single storey continuous ground floor level with a series of 3 storey towers above that are positioned to maintain daylight to the existing housing above the One Dalkeith building. The gable walls of the towers offer the opportunity for housing to overlook new roof gardens and ensure that view are

### ROOFSCAPES

Roofs should be pitched to echo the traditional roofscape of much of the town centre. The roofs should be tonally dark grey to match the traditional slates.

Where the building mass drops to lower flat roofs these roofs should be accessible to adjacent residential accommodation incorporating green roof technologies which contribute to sustainable rainwater retention, ecology and the well-being of the residents.



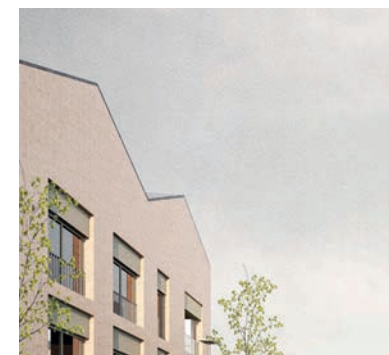
*Axonometric View of proposed Housing with Pitched Roofs, Setbacks, Terraces & Dual Aspect Views*



*Massing*



*Building Heights*



*Roofscapes*



## 4.5 ARCHITECTURE

### ROOF TERRACES/ BUILDING SETBACKS

The general massing of the proposed blocked places emphasis on the creation of safe landscaped pedestrian streets and squares. The massing of the buildings responds to the scale of the spaces the buildings address. Where the building mass drops to acknowledge a given situation or to allow daylight and outlook to flats it is proposed that these flat roofs should be designed as landscaped roof terraces.

### PRIVATE BALCONIES

Private balconies should be provided to flatted apartments. Balconies are considered an important aspect of a liveable city centres. Balconies offer the residents a measure of private external space while contributing to increased security through overlooking of public realm. Balconies also offer opportunities for planting while improving the ecology of the town centre.

### DUAL ASPECT/ NATURAL DAYLIGHT

All apartments should be dual aspect to increase the opportunities for natural daylighting of all apartments.

### SHARED GARDENS

In addition to balconies and landscaped roof terraces residents in the main residential flatted block have access to shared private green spaces. These are located as landscaped decks above car parking and service areas.



*Axonometric View of proposed Housing with Pitched Roofs, Setbacks, Terraces & Dual Aspect Views*



*Roof Terraces/ Building Setbacks*



*Private Balconies*



*Dual Aspect Views*



*Shared Gardens*

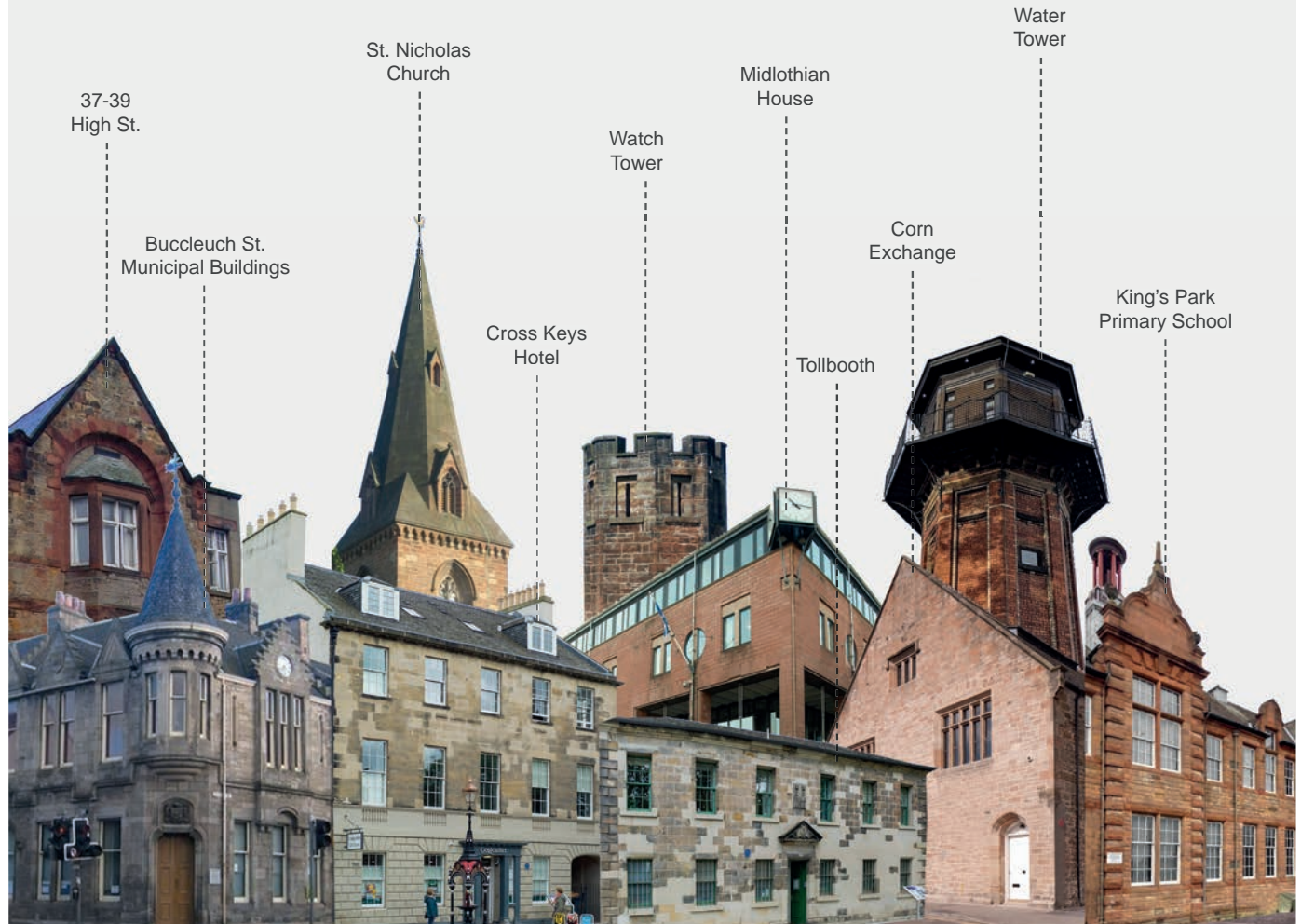


## 4.6 COLOUR AND MATERIALITY

The outline guide to materiality and colour looks to the existing buildings for its direction and content.

A “capriccio” or collage of key existing buildings from the town centre creates a palette of texture, material and colour. This image has been simplified to create a potential palette of colour. This palette would form the base colour spectrum for the masterplan. Materials could vary as long as they sit within this overall sense of muted natural colour.

The base materiality of any proposed buildings can then be layered with detail, i.e. shop canopies, metal balconies, railings, rainwater goods etc.. These secondary elements could work with complimentary colour and finish to activate and enliven the base palette.




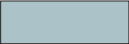







## 4.7 PHASED TOWN CENTRE DOWNTAKINGS

In order to minimise disruption to the community, residents and businesses a phased approach for the redevelopment of the town centre site has been developed to illustrate how this project could be taken forward.

The proposed phasing of the mixed use development facilitates the decant of existing commercial and residential properties to newly completed buildings within the town centre site.

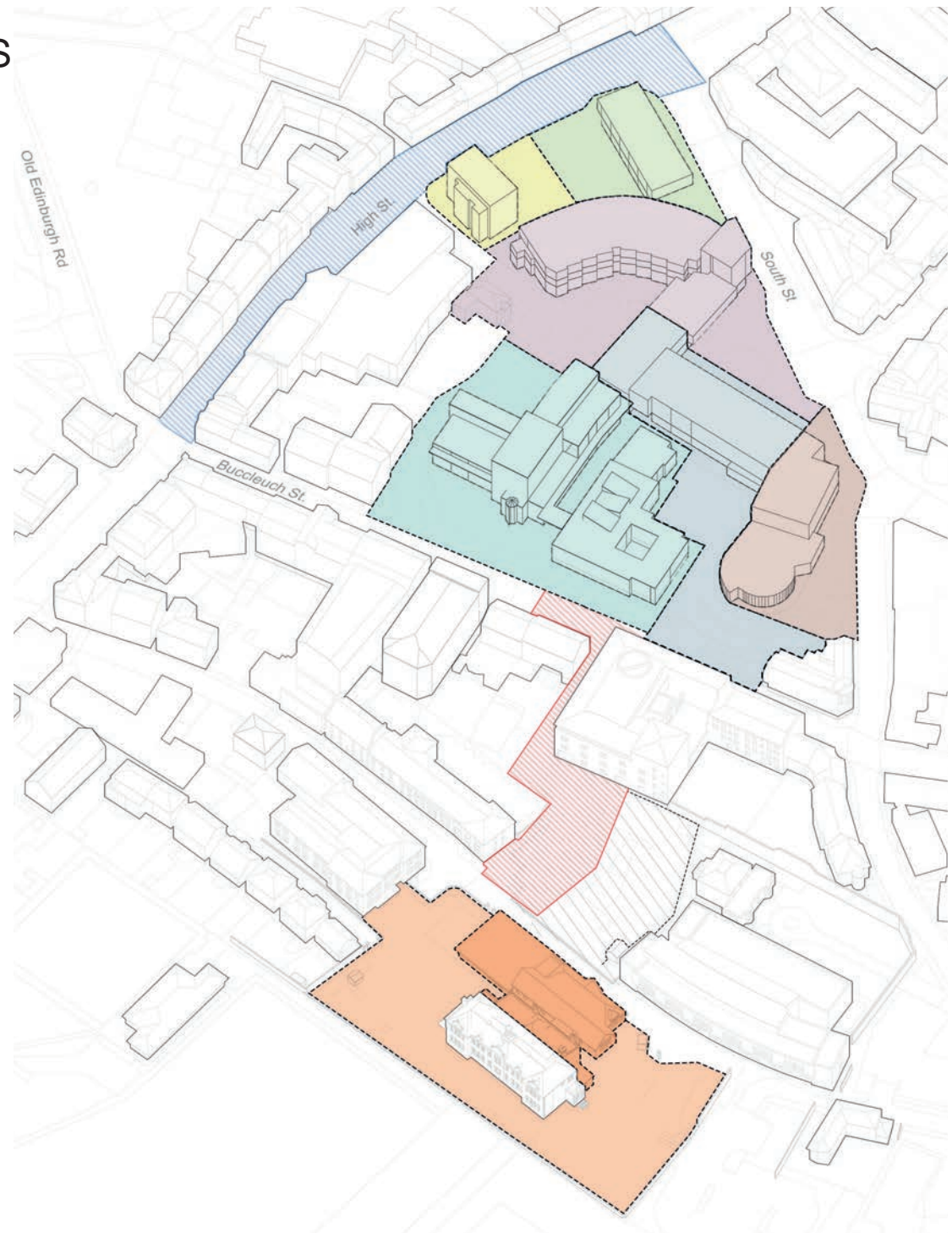
The order of the existing building dismantlings has been developed to support the proposed phased redevelopment of the town centre site that is shown on the following page.

-  PHASE 1A  
Existing streetscape dismantlings.
-  PHASE 1B  
Existing streetscape dismantlings.
-  PHASE 2  
Eskdaill Street site including Buccleuch House, Dalkeith Library and Arts Centre.
-  PHASE 3  
Eskdaill Court.
-  PHASE 4  
Jamac Court curved building.
-  PHASE 5  
One Dalkeith.\*
-  PHASE 6  
Jamac Court rectangular building\*
-  PHASE 7  
Soutra Point.\*
-  KING'S PARK PRIMARY SCHOOL  
Proposed dismantlings of existing nursery and dining room building.

\* Phase 5, 6 and 7 - potential future developments that can be carried out in an alternative order to suit site requirements and the needs of the community.

Refer to Appendix 01 for the *Project Delivery Study*.

Refer to Appendix 02 for the *Dalkeith Town Regeneration Study CDM Considerations*.







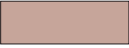



## 4.8 PHASED TOWN CENTRE REGENERATION

The phased approach to the redevelopment of the town centre site has been developed in consultation with Alliance CDM. Consideration has been given from a CDM perspective to the site constraints and the exiting environment to ensure that the safety of the public is maintained at all times.

Surveys of the existing site and existing buildings (including condition surveys, measured building surveys, structural surveys, utilities and services surveys and asbestos surveys) will be required in order for the phasing proposal to be further developed during the next stages.

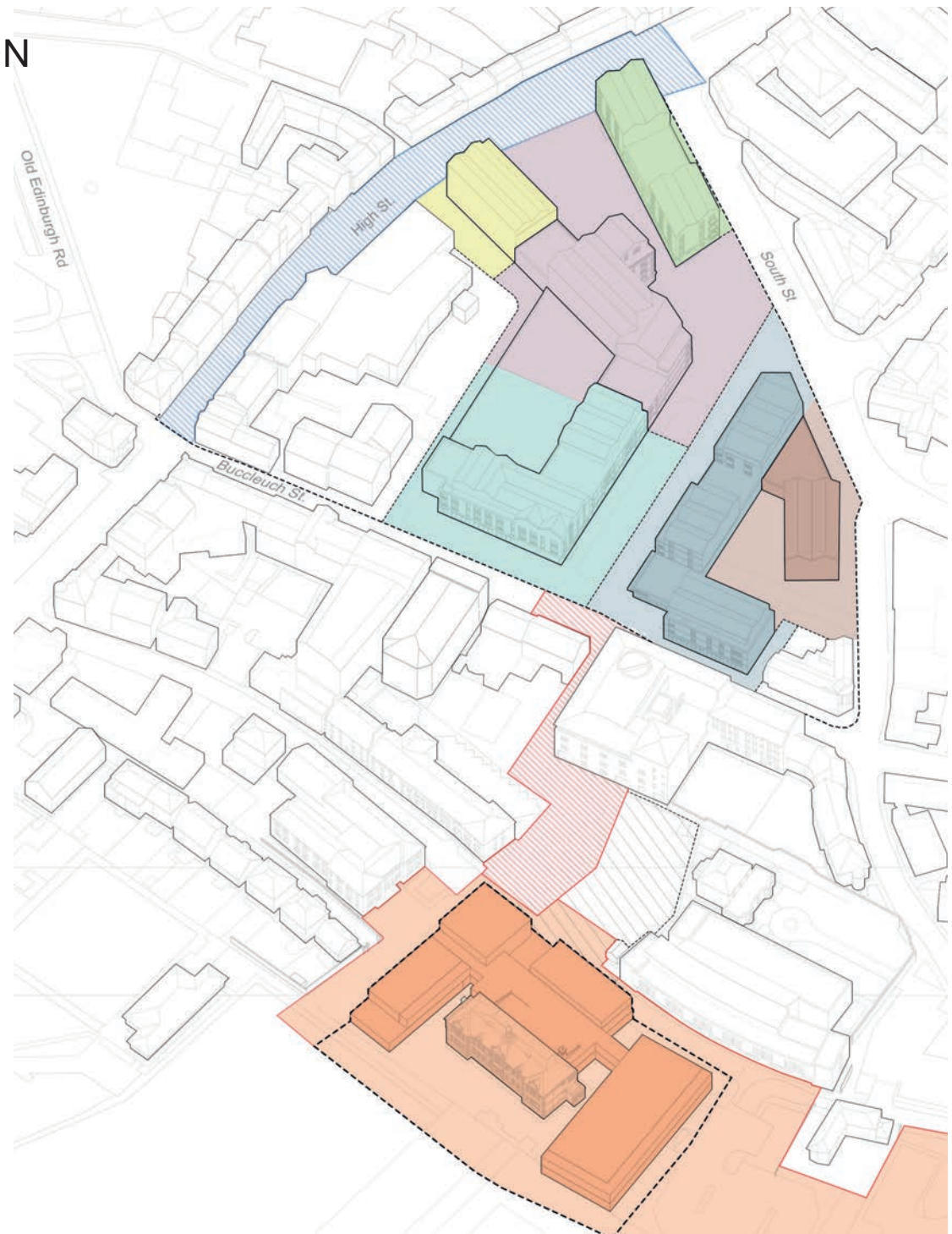
The delivery of all proposals contained within the Dalkeith Regeneration Development Framework will require further design and modelling work relating to each individual project or phase of development.

-  PHASE 1A  
Pedestrianisation of High Street between Buccleuch Street and South Street
-  PHASE 1B  
Active Travel route connecting the town centre and King's Park.
-  PHASE 2  
Redevelopment of the Eskdail Street site including Buccleuch House, Dalkeith Library and Arts Centre.
-  PHASE 3  
Redevelopment of Eskdail Court.
-  PHASE 4  
Redevelopment of the curved mixed use building on Jarnac Court .
-  PHASE 5  
Opportunity for redevelopment of the One Dalkeith site.\*
-  PHASE 6  
Opportunity for redevelopment of the Jarnac Court site.\*
-  PHASE 7  
Opportunity for redevelopment of the Soutra Point site.\*
-  KING'S PARK PRIMARY SCHOOL  
The reconfiguration of this site and the extension to the existing building, creates an opportunity for the new town centre active travel route to extend to King's Park.

\* Phase 5, 6 and 7 - potential future developments that can be carried out in an alternative order to suit site requirements and the needs of the community.

Refer to Appendix 01 for the *Project Delivery Study*.

Refer to Appendix 02 for the *Dalkeith Town Regeneration Study CDM Considerations*.



# 05

## IMAGE CREDITS



# 5.1 IMAGE CREDITS



Fig.1 Jarnac Court 1965  
Auld Dalkeith



Fig.2 20 Minute Neighbourhood  
Plan Melbourne 2017-2050



Fig.2 Cycle superhighway  
Cycling Embassy of Denmark



Fig.3 Bourke St. Cycleway  
Group GSA



Fig.4 Frans Halsstraat, Amsterdam  
Thomas Schlijper



Fig.5 Earthtime 1.78 Madrid  
Janet Echelman



Fig.6 Farmers Market, Pilsen  
Alamy



Fig.7 Play park, Amsterdam  
futurearchitectureplatform.org/



Fig.8 Dimes Square  
Robert K. Chin



Fig.9 Pedestrianised Street  
Thomas Schlijper



Fig.10 BIGyard / Zanderroth Architekten  
Micheal Feser



Fig.11 Dutch Cycling Culture  
Modacity



Fig.12 Berkshire Road  
Mikhail Riches



Fig.13 Colville Estate, London  
Karusavic Carson



Fig.14 Accordia Housing  
Maccleanor Lavington



Fig.15 Scrán Academy  
www.scranacademy.com



Fig.16 Slovenia Outdoor Food Festival  
www.slovenia.info



Fig.17 BIGyard / Zanderroth Architekten  
Micheal Feser



## 5.1 IMAGE CREDITS



Fig. 18 BiGyard / Zanderroth Architekten  
Micheal Feser



Fig. 19 South Gardens, Elephant Park  
Gillespies



Fig. 20 Accordia Housing  
Maccreehan Lavington



Fig. 21 Accordia Housing  
Maccreehan Lavington



Fig. 22 Landscaping  
John Ryan



Fig. 23 BiGyard / Zanderroth Architekten  
Micheal Feser



Fig. 24 CBS, Copenhagen Business School  
Marianne Levinskab



Fig. 25 Abode at Great Kneighton  
Proctor & Matthews



Fig. 26 Electric vehicle charging points  
nationaltrust.org



Fig. 27 E-Bikes Midlothian Campus  
Edinburgh College

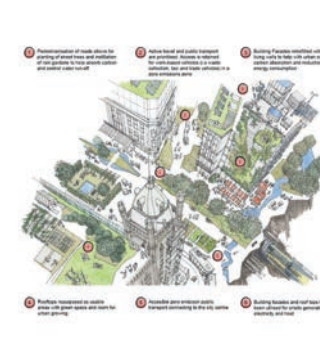


Fig. 28 Principles of a Scottish City Centre  
2050, Architecture & Design Scotland



Fig. 29 View of High St looking East  
Auld Dalkeith



Fig. 30 Burns Monument, Dalkeith  
Auld Dalkeith



Fig. 31 Accordia Housing  
Maccreehan Lavington



# DALKEITH TOWN CENTRE REGENERATION

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## 6.1 APPENDIX 01 - PROJECT DELIVERY STUDY

– Phased Downtakings and Construction

# 6.1 PROJECT DELIVERY STUDY

# PHASED DOWNTAKINGS AND CONSTRUCTION



## COMPREHENSIVE REDEVELOPMENT PROPOSAL

### CONTENTS

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# PHASED DOWNTAKINGS AND CONSTRUCTION

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## INTRODUCTION

This document has been prepared by Reiach and Hall Architects in consultation with Midlothian Council and Alliance CDM.

The information contained within this report outlines an approach to the phased construction of the Comprehensive Redevelopment Proposal.

The proposed phasing will require further development during the next stages of the project.

Proposed Construction Phase 5, 6 and 7 are potential future phases that can be carried out separately, and the phasing order can be changed to suit the site and the development requirements.


Surveys of the existing site and existing buildings (including condition surveys, measured building surveys, structural surveys, utilities and services surveys and asbestos surveys) will be required in order for the construction phasing proposal to be further developed.

A separate phased decant study has been carried out to support the phased construction proposal. This study will require further development during the next stages of the project.

This document should be read alongside Appendix 02 Alliance CDM Report - *Dalkeith Town Regeneration Study CDM Considerations*.

# PHASED GROUND/LANDSCAPE WORKS

## COMPREHENSIVE REDEVELOPMENT PHASING

- 1A** Pedestrianisation of High Street - new ground surface treatment to create a shared surface between Buccleuch Street and South Street. Include for new trees, benches and hard and soft landscaping.
- 1B** King's Park Primary School - proposed works to be carried out under a separate contract.
- 2** New vehicular access to car park and service access route. New hard landscaping to Buccleuch Street and the new walk associated with the Phase 2 New Build. Include for Phase 2 private gardens, and soft landscaping within the new walk. Mobility Hub with bus stop, e-bikes, taxi rank to be included within this phase.
- 3** New hard landscaping associated with Phase 3 new build.
- 4** New layout to existing residential car park - new hard landscaping to be included to this area. Note - existing sub station retained. New vehicular access to car park and service access route. Include for Phase 4 private gardens, and soft landscaping on the new walk.
- 5** New courtyard formed between Phase 5 and Phase 3 buildings - include for hard and soft landscaping. New vehicular access to be constructed with access to service area and car park.
- 6** New hard landscaping associated with Phase 6 new build. Existing memorial wall and tree in Jarnac Court retained. Mobility Hub, with bus stop, e-bikes and drop off area on South Street to be included in this phase. New soft landscaping to create threshold between South Street and the public gathering space.
- 7** New hard landscaping associated with Phase 7 new build.
- L1** Traffic calming to be introduced on Buccleuch Street - raised table to be incorporated.
-  New hard landscaped shared surface proposed on section of route located between Midlothian House and the New Midlothian Council Passivhaus Housing Development (access required to 9no. parking spaces only). Forming part of the aspirational Active Travel route that links King's Park and King's Park Primary School to the town centre.
- L2** Traffic calming to be introduced on South Street - raised table to be incorporated.





# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 2 DOWNTAKINGS

A separate phased decant study has been carried out to support the phased construction proposal. The decant study report outlines property addresses, property types, building uses and a proposed decant location for existing owners and tenants. This study will require further development during the next stages of the project.

The following town centre properties are included in the Phase 2 Downtakings:

### COMMERCIAL

- 21 Buccleuch Street
- 23 Buccleuch Street
- 1-7 White Hart Street (Buccleuch House - vacant)
- 8 White Hart Street (vacant)
- 9-11 White Hart Street

### MLC FACILITIES

- 4 - 6 White Hart Street (Voluntary Action)
- 2 & 2A White Hart Street (Library and Arts Centre)

### HOUSING

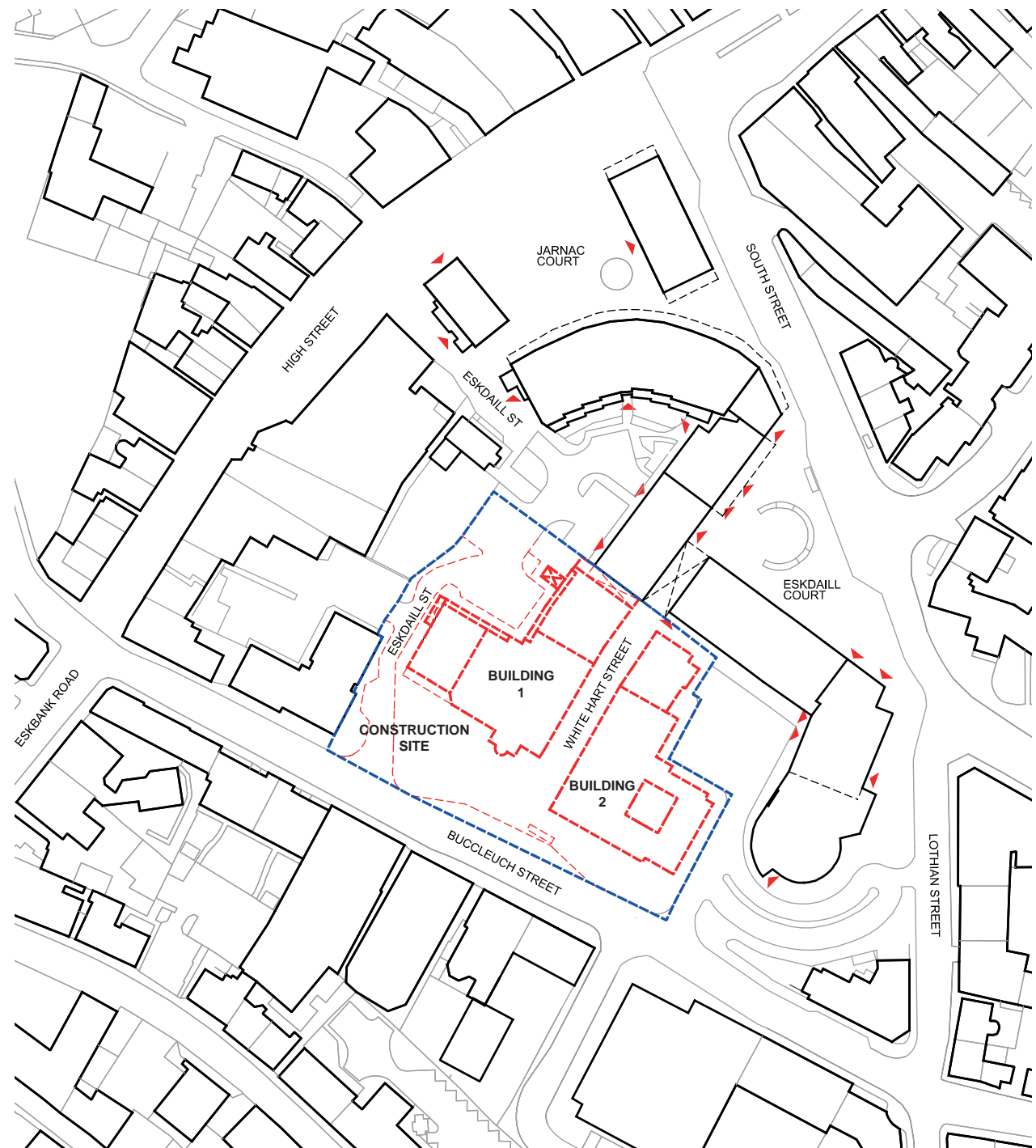
- 1 Eskdaill Street
- 2 Eskdaill Street
- 3 Eskdaill Street
- 4 Eskdaill Street
- 5 Eskdaill Street
- 6 Eskdaill Street
- 7 Eskdaill Street

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Downtakings



# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 2 CONSTRUCTION

### PHASE 2 NEW BUILD

- 1 Commercial/Employment/Community at Ground Floor Level and Housing on upper floor levels of new building.
- 2 Parking and service access to Commercial units located below a raised landscaped garden deck.
- 3 Green spaces associated with ground floor flats and the green area on the new 'walk' are to be constructed.
- 4 Existing residents parking and access to Eskdail Street to be reconfigured to allow for the Phase 1 construction works.

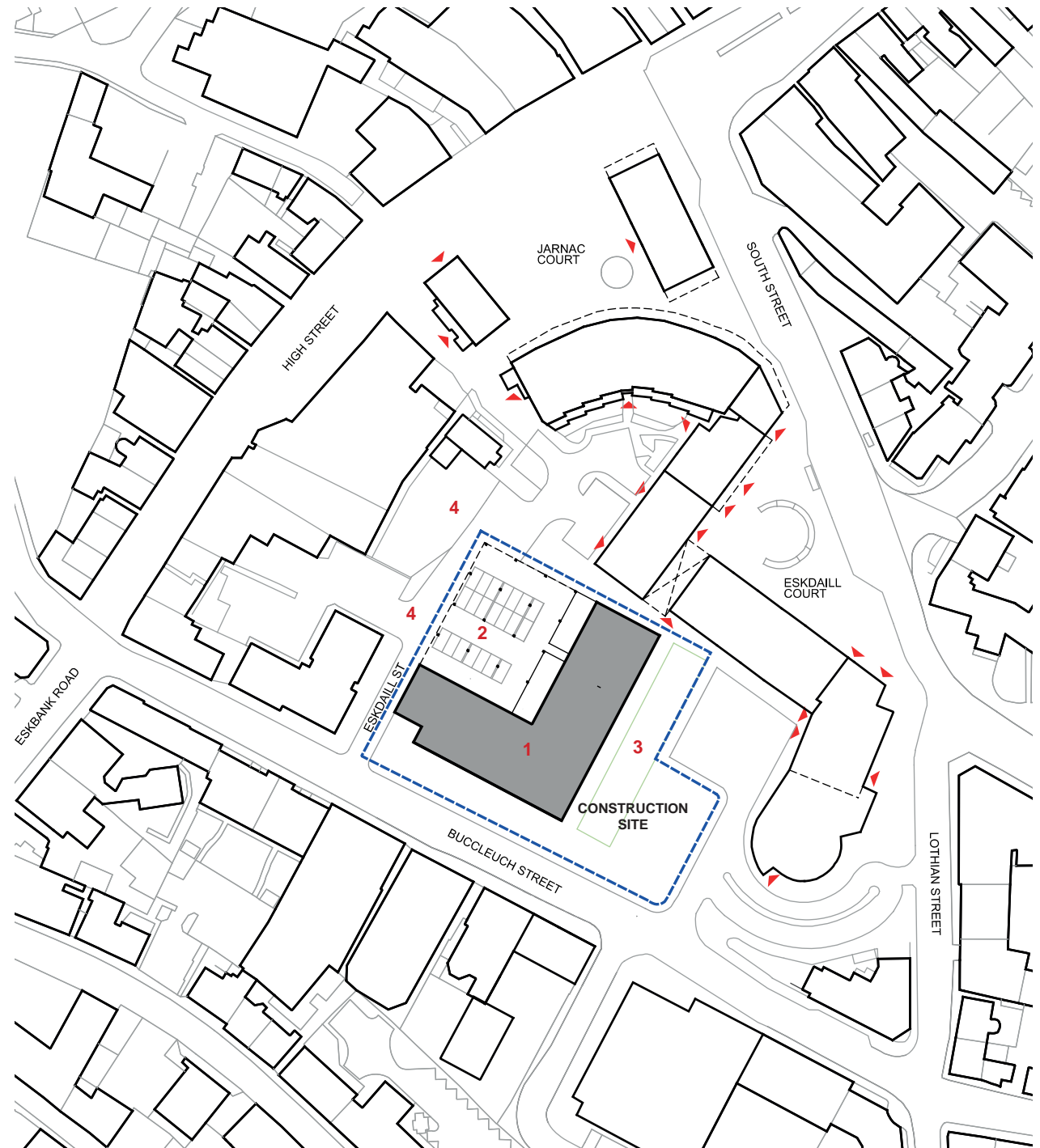
### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

----- Construction Site Boundary

■ Building to be Constructed





# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 3 DOWNTAKINGS

A separate phased decant study has been carried out to support the phased construction proposal. The decant study report outlines property addresses, property types, building uses and a proposed decant location for existing owners and tenants. This study will require further development during the next stages of the project.

The following town centre properties are included in the Phase 3 Downtakings:

### COMMERCIAL

- 9 Eskdail Court
- 11 Eskdail Court
- 13 Eskdail Court
- 15 Eskdail Court
- 17 Eskdail Court
- 19 Eskdail Court

### MLC FACILITIES

- 7 Eskdail Court (Children and Families)

### HOUSING

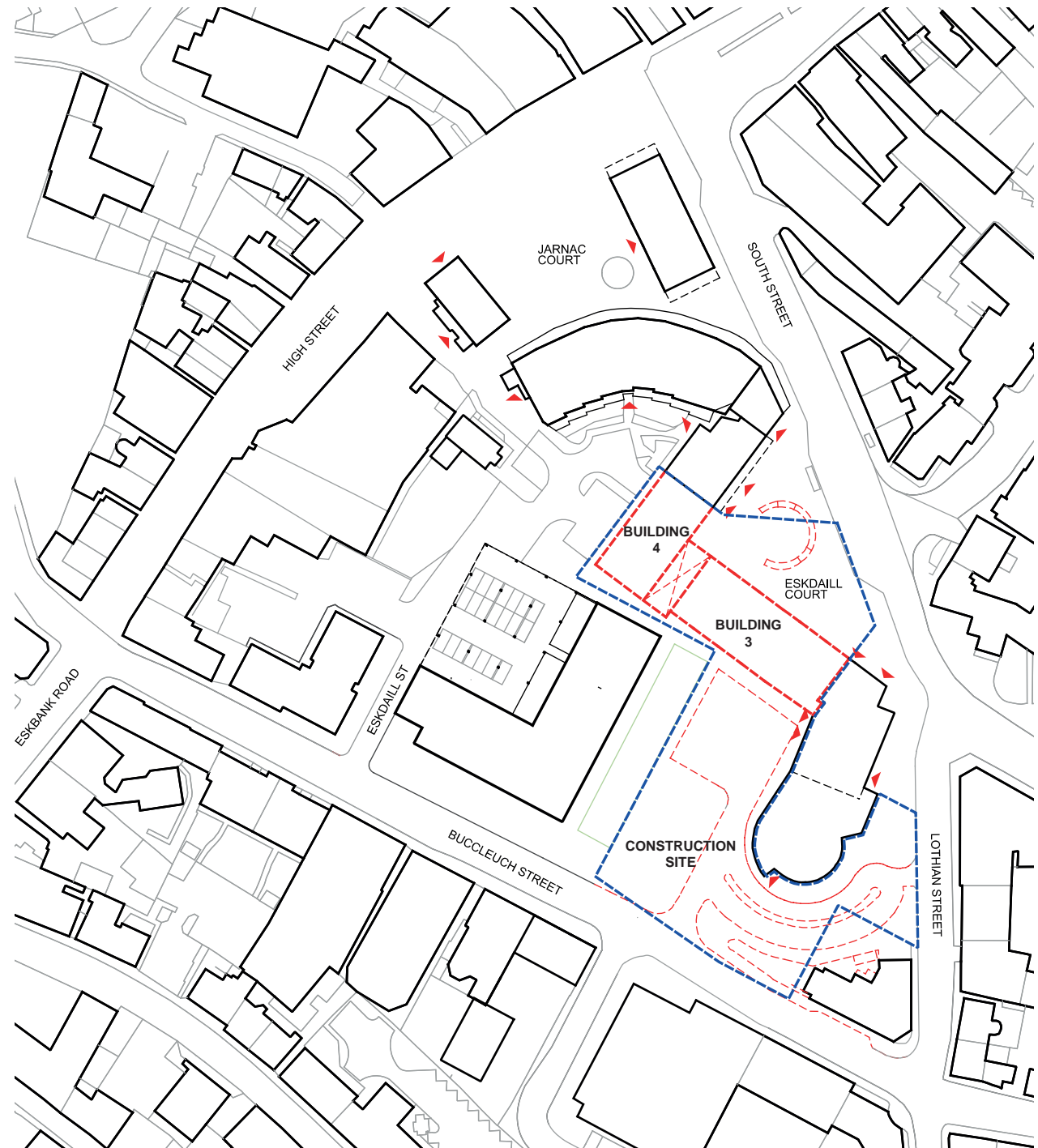
- 2 Eskdail Court
- 4 Eskdail Court
- 6 Eskdail Court
- 8 Eskdail Court
- 10 Eskdail Court
- 12 Eskdail Court
- 14 Eskdail Court
- 16 Eskdail Court
- 18 Eskdail Court
- 20 Eskdail Court
- 22 Eskdail Court
- 24 Eskdail Court
- 26 Eskdail Court

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Downtakings



# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 3 CONSTRUCTION

### PHASE 3 NEW BUILD

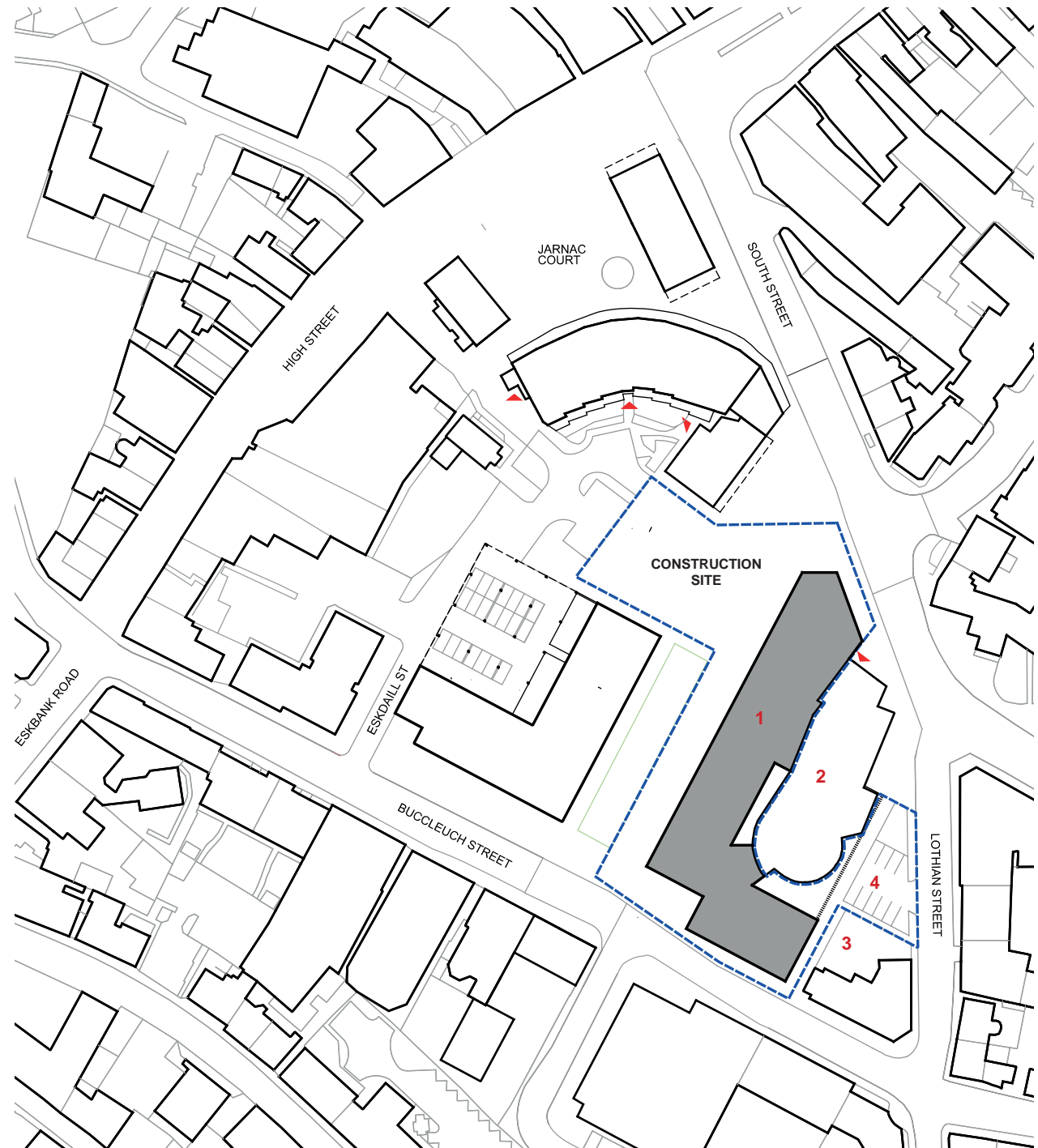
- 1 Commercial/Employment/Community at Ground Floor Level and Housing on upper floor levels of new building.
- 2 Existing One Dalkeith building to be retained with existing housing retained on upper floor levels.
- 3 Opportunity to reconfigure an area of land to the north of the existing Black Bull Bar to create a new outdoor social space.
- 4 New parking to be accessed via Lothian Street

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Building to be Constructed





# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 4 DOWNTAKINGS

A separate phased decant study has been carried out to support the phased construction proposal. The decant study report outlines property addresses, property types, building uses and a proposed decant location for existing owners and tenants. This study will require further development during the next stages of the project.

The following town centre properties are included in the Phase 3 Downtakings:

### COMMERCIAL

- 1 Jarnac Court
- 5 Jarnac Court
- 9 Jarnac Court
- 13 Jarnac Court
- 17 Jarnac Court
- 21 Jarnac Court
- 1 Eskdaill Court
- 3 Jarnac Court
- 7 Jarnac Court
- 11 Jarnac Court
- 15 Jarnac Court
- 19 Jarnac Court
- 23 Jarnac Court

### MLC FACILITIES

- 3 Eskdaill Court (MALANI)
- 5 Eskdaill Court (Midlothian Housing Project)
- 12A Eskdaill Street (Public Toilets)

### HOUSING

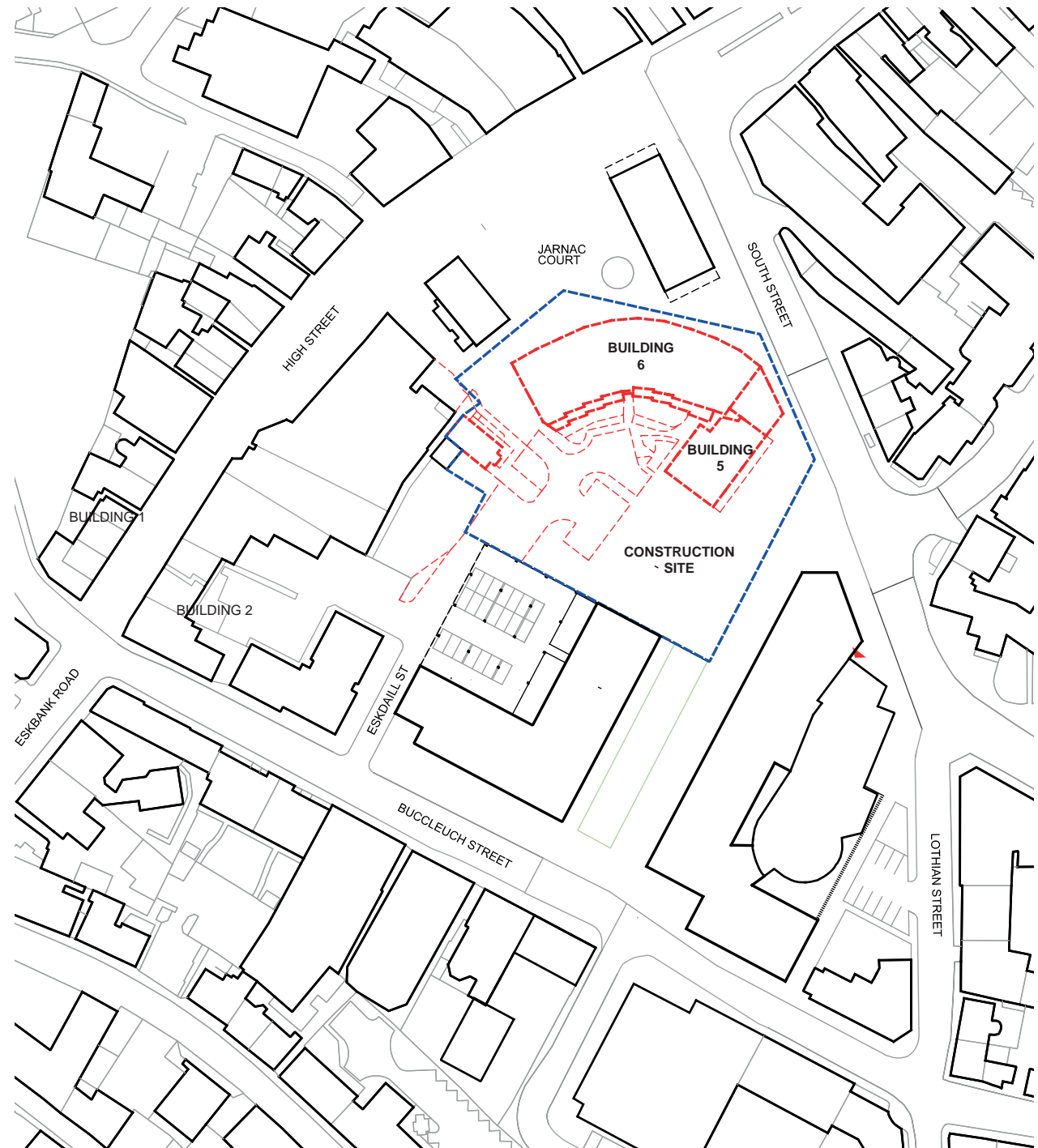
- 2 Jarnac Court
- 6 Jarnac Court
- 10 Jarnac Court
- 14 Jarnac Court
- 18 Jarnac Court
- 22 Jarnac Court
- 26 Jarnac Court
- 30 Jarnac Court
- 34 Jarnac Court
- 4 Jarnac Court
- 8 Jarnac Court
- 12 Jarnac Court
- 16 Jarnac Court
- 20 Jarnac Court
- 24 Jarnac Court
- 28 Jarnac Court
- 32 Jarnac Court
- 36 Jarnac Court

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Downtakings



# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 4 CONSTRUCTION

### PHASE 4 NEW BUILD

- 1 Commercial/Employment/Community at Ground Floor Level and Housing on upper floor levels of new building.
- 2 Parking and service access to Commercial units located below a raised landscaped garden deck.
- 3 Green spaces associated with ground floor flats and the green area on the new 'walk' are to be constructed.
- 4 Existing residents parking and access to Eskdail Street to be reconfigured to allow for Phase 4 construction works.

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

----- Construction Site Boundary

■ Building to be Constructed





# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 5 DOWNTAKINGS

A separate phased decant study has been carried out to support the phased construction proposal. The decant study report outlines property addresses, property types, building uses and a proposed decant location for existing owners and tenants. This study will require further development during the next stages of the project.

The following town centre properties are included in the Phase 3 Downtakings:

### COMMERCIAL/COMMUNITY

- 21 Eskdaill Court (One Dalkeith)

### HOUSING

- 28 Eskdaill Court
- 30 Eskdaill Court
- 32 Eskdaill Court
- 34 Eskdaill Court
- 36 Eskdaill Court
- 38 Eskdaill Court

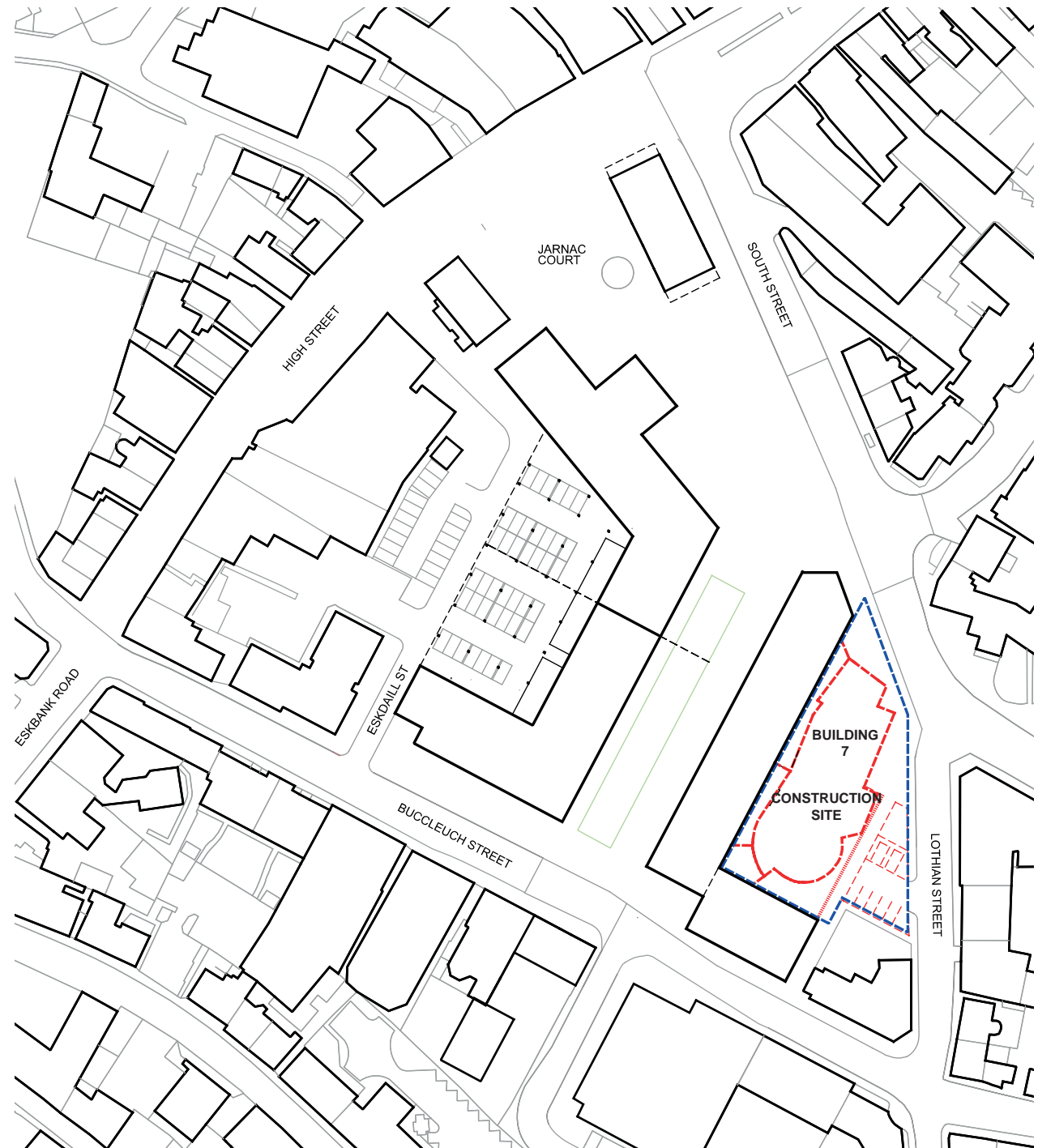
### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

----- Construction Site Boundary

----- Downtakings



# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 5 CONSTRUCTION

### PHASE 5 NEW BUILD

- 1 Commercial/Employment/Community at Ground Floor Level and Housing on upper floor levels of new building.
- 2 New parking and service access via Lothian Street
- 3 New social space / courtyard serving ground floor Commercial/Employment/Community spaces

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

----- Construction Site Boundary

■ Building to be Constructed





# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 6 DOWNTAKINGS

A separate phased decant study has been carried out to support the phased construction proposal. The decant study report outlines property addresses, property types, building uses and a proposed decant location for existing owners and tenants. This study will require further development during the next stages of the project.

The following town centre properties are included in the Phase 3 Downtakings:

### COMMERCIAL

- 27 Jarnac Court
- 29 Jarnac Court
- 31 Jarnac Court
- 33 Jarnac Court
- 37 Jarnac Court
- 

### MLC FACILITIES

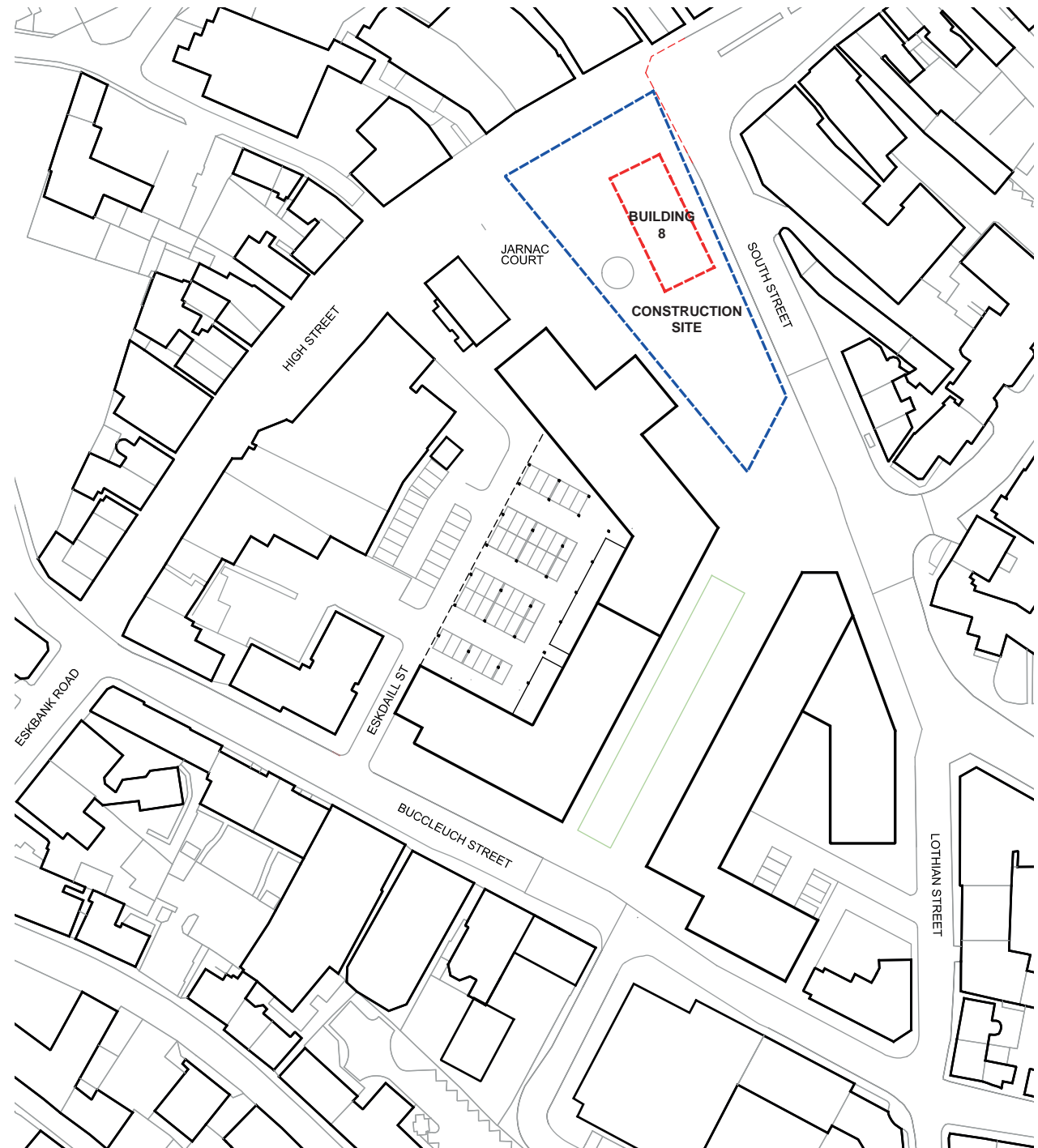
- 29 - 35 Jarnac Court (Temporary Housing Accommodation)

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Downtakings



# PHASED DEVELOPMENT BUILDING CONSTRUCTION



## PHASE 6 CONSTRUCTION

### PHASE 6 NEW BUILD

- 1 Commercial/Employment/Community at Ground Floor Level and Housing on upper floor levels of new building.

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Building to be Constructed





# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 7 DOWNTAKINGS

A separate phased decant study has been carried out to support the phased construction proposal. The decant study report outlines property addresses, property types, building uses and a proposed decant location for existing owners and tenants. This study will require further development during the next stages of the project.

The following town centre properties are included in the Phase 7 Downtakings:

### COMMERCIAL

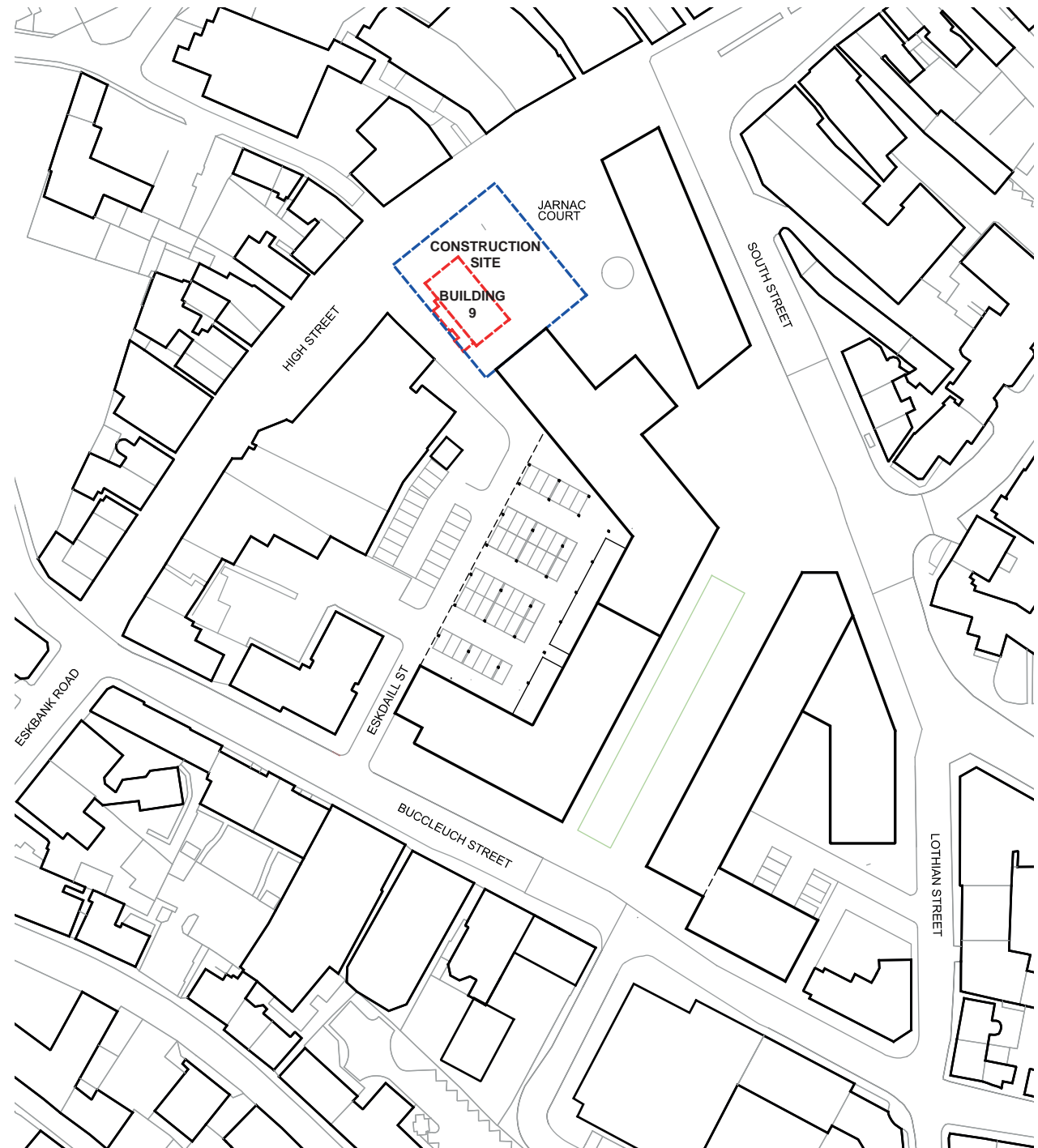
- 39 - 41 Jarnac Court

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

- Construction Site Boundary
- Downtakings



# PHASED DEVELOPMENT BUILDING CONSTRUCTION

## PHASE 7 CONSTRUCTION

### PHASE 7 NEW BUILD

- 1 Commercial/Employment/Community at Ground Floor Level and Housing on upper floor levels of new building.

### CDM CONSIDERATIONS

Refer to Appendix 02, Alliance CDM Report: *Dalkeith Town Regeneration Study CDM Considerations*.

### KEY

----- Construction Site Boundary

■ Building to be Constructed





# DALKEITH TOWN CENTRE REGENERATION

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## 6.2 APPENDIX 02 - CONSULTANT REPORTS

- Ryden  
*Market Analysis Report*
- ARUP  
*Transport Input*
- Alliance CDM  
*CDM Considerations*

## 6.2 CONSULTANT REPORTS

DALKEITH TOWN CENTRE REGENERATION

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# RYDEN - MARKET ANALYSIS REPORT

REIACH AND HALL ARCHITECTS



**MIDLOTHIAN  
COUNCIL**

**DALKEITH TOWN  
CENTRE  
DEVELOPMENT  
FRAMEWORK:  
PROPERTY MARKET**

**Ryden**

- 01** INTRODUCTION
- 02** TOWN CENTRE POLICY AND  
DEMOGRAPHICS
- 03** PROPERTY MARKET REVIEW
- 04** SUMMARY

**APPENDICES**

- A** FLOORSPACE STOCK

## INTRODUCTION

- 1.1 Ryden has been appointed by Midlothian Council to provide commercial property advice for the Dalkeith Town Centre Development Framework. This is to guide the Council and masterplanners Reich & Hall on redevelopment potential to support the regeneration of Dalkeith Town Centre.
- 1.2 The context for the regeneration of Dalkeith town centre has changed in recent years:
  - A new national planning framework (NPF4) and economic strategy have been published, while regional and local strategies respond to the challenges of post-pandemic recovery.
  - EU funding streams are being replaced by UK alternatives, and the Edinburgh and South East Scotland City Region Deal is significantly invested.
  - In the property markets, the pandemic accelerated online shopping and triggered widespread hybrid working, creating both challenges and opportunities for large county towns such as Dalkeith, where the Council's commitment to housing-led regeneration for its town centres is the key driver alongside commercial rejuvenation.
- 1.3 This report provides a property market review to support the Development Framework. Ryden has worked with the masterplanning and client teams and contributed to the Development Framework during its evolution. This report is a write-up of this work and is not intended to be a separate report.

## THE DEVELOPMENT FRAMEWORK SITE

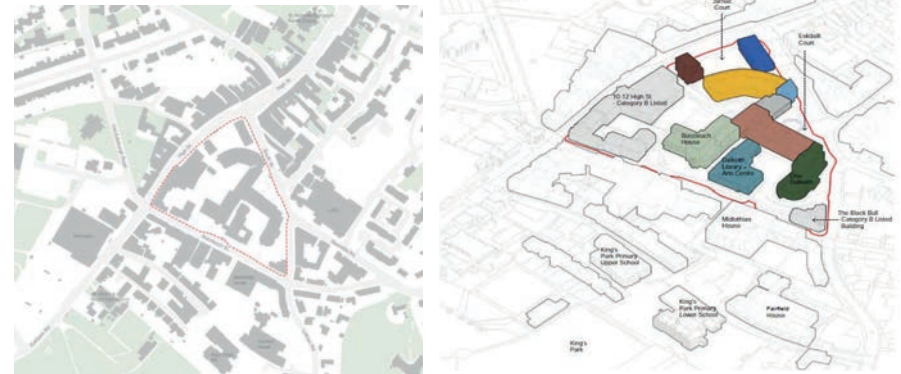
- 1.4 The town centre in Dalkeith is defined in the Local Development Plan (2017) as per Figure 1. This is referred to throughout the report as the LDP town centre. However, the focus for the Development Framework is purely on the site identified in Figure 2, noted to be the study area. This triangular shaped site, which forms part of the town centre, is located on the southernmost section of the High Street. The site currently contains a range of uses including residential, retail, offices, community space, public realm and car parking.

### FIGURE 1: DALKEITH LDP TOWN CENTRE



Source: LDP 2017

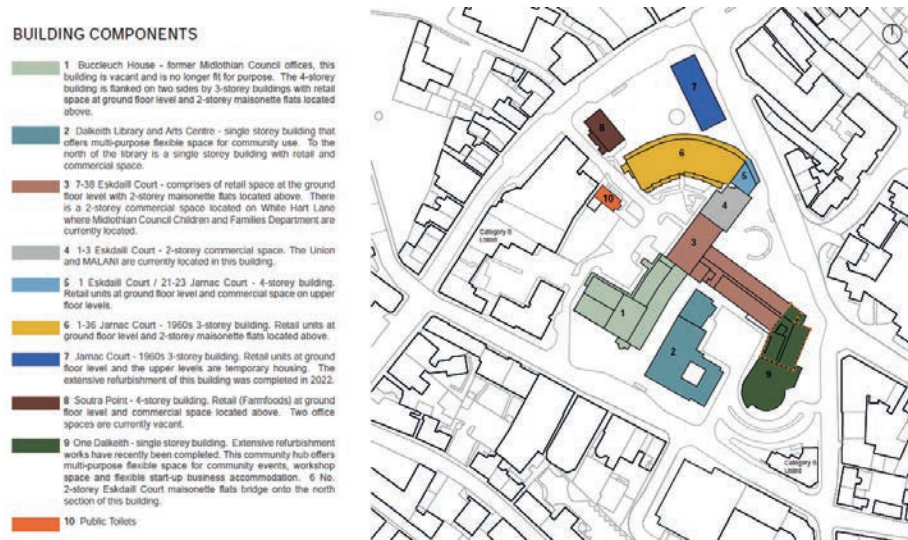
## FIGURE 2: DALKEITH DEVELOPMENT FRAMEWORK STUDY AREA



Source: *Reiach & Hall, 2023*

- 1.5 Initial analysis of the site undertaken by Reiach & Hall notes that the study area generally includes existing buildings and townscape which are in a poor state of repair. Existing residential accommodation has poor amenity and outlook and the community spaces which include Dalkeith Library and Arts Centre and One Dalkeith lack active frontages and feel detached from the town centre. Midlothian Council is located within multiple buildings on the site however new patterns of working mean that some buildings are only partially occupied. This includes Buccleuch House which is vacant and no longer fit for purpose. There are however, some existing local traders and small multiple retailers and other services operating from the site, as well as residents.
- 1.6 The streets and routes which surround the study area are very busy with car traffic which limits active travel. Road surfaces in general are in a poor state of repair and there are unsatisfactory servicing arrangements on and around the site which present issues of safety and environmental health. Pavements are narrow, at times are blocked by vehicles and bins, and parts of the site feel unsafe whilst walking in the evenings. Whilst King's Park is in close proximity to the town centre and the Development Framework site there are no clear, safe linkages and it again feels disconnected.
- 1.7 The existing components of the study area are shown at Figure 3. This excludes the 2 listed buildings contained within the study area, which are to be excluded from the Development Framework. This area is referred to as the Development Framework area.

## FIGURE 3: EXISTING DEVELOPMENT FRAMEWORK SITE BUILDING COMPONENTS



Source: Reiach & Hall, 2023

1.8 The Development Framework area is understood to include:

- 44 residential flats and Council provision of 22 rooms for temporary or emergency accommodation
- 49 commercial properties, 2 ATMs and 2 car parks
- 11 vacant commercial properties
- C. 10,070 sq.m. (108,400 sq.ft.)  
= 13% of residential, c. 20% of commercial floorspace and 65% of commercial unit vacancies of the LDP area

1.9 A full breakdown of the floorspace associated with the LDP town centre, study area and Development Framework area is provided in Appendix A.

1.10 The key principles for the Development Framework are:

1. Develop improved connections between neighbourhood communities and the town centre using the principles of 20 Minute Neighbourhoods.
2. Support Active Travel and promote Sustainable Transport. Reduce vehicular use and parking in the town centre, and encourage people to be less car dependant.
3. Elevate the urban realm, improve the quality of buildings in the town centre, and create a focal point for the whole community, and an attractive destination for visitors.
4. Address specific housing needs and encourage people of different life stages to live in the town centre.
5. Introduce a diversity of uses and flexible space in the town centre. Improve the quality of commercial, employment and community space, and ensure that existing independent local businesses are maintained.
6. Improve connections to green spaces and introduce green space within the town centre.
7. Adopt the Passive House Building Standard and incorporate green and blue infrastructure.

## 02

### TOWN CENTRE POLICY AND DEMOGRAPHICS

2.1 This section highlights some of the key issues surrounding town centres including current policy. Recent demographics for Dalkeith are also provided.

#### TOWN CENTRE POLICY

2.2 The Midlothian Local Development Plan 2017 defines town centres within a strategic hierarchy which includes regional town centres, strategic town centres, other town centres, commercial centres, out of centre locations and local centres. Dalkeith is defined as an 'other town centre' which services needs arising in Midlothian primarily. Settlement statements provide preliminary conclusions on what action might be taken to support the town centres. In Dalkeith town centre, the redevelopment of the post-war buildings in the central triangle with modern shop units, or refurbishment of the current buildings, together with provision for other uses, improved car parking and further residential development on upper levels is supported.

2.3 Flourishing and vibrant town centres are essential for Scotland's social and economic wellbeing however in recent years the nature and function of town centres has changed. The onset of recession from 2008 exacerbated an emerging crisis in a number of Scotland's towns, town centres and high streets and the Covid-19 pandemic has had a major effect on people, businesses, organisations and places. Town centre resilience has become of major concern. This, together with the increasingly recognised need to address issues around community and climate, has further focused attention on the need for town centre social and economic renewal.

2.4 In 2020, the Scottish Government reviewed its Town Centre Action Plan originally produced in 2013 and considered how to make towns and town centres greener, healthier and more equitable and inclusive places and set out a revised plan<sup>1</sup>. The vision adopted is that:

*"Towns and town centres are for the wellbeing of people, planet and the economy. Towns are for everyone and everyone has a role to play in making their own town and town centre successful".*

2.5 The review identified challenges including decentralisation, operating costs (higher than out-of-town sites and the internet), limited local stake-holding via ownership, and over-reliance on cars versus people access and movement. This is comparable with Dalkeith town centre which has suffered as a result of out of town shopping and particular issues around traffic and movement.

2.6 Dalkeith is a good example of a 20-minute neighbourhood which has significant policy support. Enhancing this role to ensure that everyone can meet most of their daily needs within a short walk, wheel or cycle from their home whilst providing excellent transport and travel links for wider services should be key to any Development Framework. The Development Framework site as it currently stands provides a wide range of community, business and residential provision however physically the site is unattractive and disjointed and doesn't perform as well as it should do given its prime town centre location.

2.7 Retail is an important feature to any town centre and its economy and the importance of the independent retail sector is also noted. However, the sector faces a number of challenges and town centres need to be re-generated to embrace not only retail and commercial but also community and cultural initiatives as well as town centre living. Dalkeith has its own identity, community, history and future and there is policy support for the creation of a long term Town Plans<sup>2</sup>.

2.8 Comparative town centre case studies, published by the Scottish Government<sup>3</sup>, were produced to understand different challenges and responses. Recurring critical success factors include: a decision to take action rather than wait; bolder approaches do not necessarily mean greater risks; ensuring the right individuals with the

<sup>1</sup> Scottish Government (2021) A New Future for Scotland's Town Centres, February 2021

<sup>2</sup> Scottish Government (2022) Inquiry into Retail and Town Centres in Scotland

<sup>3</sup> 4consulting, Benton Scott-Simmons (2023) Town Centre Comparative Case Studies



right experience are in the right seats; make the CPO/CSO powers more streamlined; removing barriers within local government; civic stewardship/positive collaboration; creative or entrepreneurial spark. The re-development of the Development Framework site in Dalkeith, could seek to incorporate these lessons.

- 2.9 The Scottish Government is currently undertaking a review of Permitted Development Rights (Phase 2 Consultation). Of particular interest is the consideration of a 'Town Centre Use Class', which could involve the merging of shops, financial and professional services, and food and drink (Classes 1, 2 and 3) within a single use class. Again this would create flexibility for a town centre like Dalkeith and potentially make it easier to fill vacant units.

DEMOGRAPHICS

- 2.10 The population of Midlothian accounts for 1.6% of the total population of Scotland. In June 2018, the population for Midlothian was 91,340. It is projected that by 2026 the population of Midlothian will increase to 100,410 which is an increase of 10% compared to the population of Scotland which is projected to increase by only 3% during the same period. The population of all age groups is projected to increase but it is anticipated that the 75+ age group will see a doubling by 2041.
- 2.11 In terms of the total number of households in Midlothian, they are projected to increase from 39,363 to 47,856 between 2020 and 2039, representing a 22% increase. In Scotland as a whole, the projected number of households is set to increase by 30% over the same period.
- 2.12 It is also projected that different household types will change by 2039, for example:
- The number of single person households are projected to increase by 46%
  - Households headed by 60-74 year olds are projected to increase by 17%
  - Households headed by the 75+ age group are projected to increase by 96%. The average household size continues to decrease and is projected to decrease from 2.33 people per household to 2.23 by 2039.
- 2.13 Dalkeith is one of three towns within Midlothian and has a population of 14,330<sup>4</sup>. It is the main administrative centre for Midlothian. According to Scotland's Towns Partnership Understanding Scottish Places Dalkeith is comparable with Carluke (South Lanarkshire), Broxburn (West Lothian), Kirkintilloch (East Dunbartonshire) and Kilmarnock (East Ayrshire). This is based on a methodology which considers geography, socio-demographics, size and their inter-relationships. The demographics above are key features which impact housing need and demand in the area and will be considered as part of a housing led Development Framework.
- 2.14 For purposes of small area data analysis, the Scottish Government breaks Scotland down into 6,976 datazones. The town centre of Dalkeith does not fit neatly into datazones however the Development Framework area fits wholly within datazone S01011010. The remainder of the LDP town centre contains a small part of both datazones S01011011 and S01010999. Figure 4 shows the LDP town centre boundary overlaid in red onto the Scottish Government's statistics Datazone map. The Development Framework area is overlaid in green.

<sup>4</sup> National Records of Scotland, Mid 2020 Population Estimates for Settlements and Localities in Scotland

FIGURE 4: DALKEITH TOWN CENTRE DATAZONES, LDP TOWN CENTRE AND DEVELOPEMNT FRAMEWORK AREA



Source: statistics.gov.uk / Midlothian Council / Ryden

- 2.15 Table 1 shows the estimated population of the town centre datazones as well as information on the dwellings they contain. It is noted that the majority of dwellings in the town centre currently are flats.

TABLE 1: SCOTTISH GOVERNMENT

DATAZONE	S01011010	S01011011	S01010999
Population (2020)	579	838	895
Number of dwellings (2020)	400	489	462
Dwellings per hectare (2020)	27.41	31.85	8.86
Dwellings by type (2017)			
All	396	484	461
Detached	7	4	176
Flats	365	421	167
Semi-detached	10	46	29
Terraced	14	13	89
Unknown	0	0	0

Source: statistics.gov.scot

- 2.16 Given there is no actual town centre datazone fit, the estimated LDP town centre population (see Figure 4) is c 600 (Datazone S01011010), with c 400 dwellings. With regard to the Development Framework area, it contains 44 flats and 22 rooms for temporary or emergency accommodation (maximum capacity 36 people). It is therefore likely to have a resident population of under 100 people.

# 03

## PROPERTY MARKET REVIEW

3.1 This section presents the Development Framework strategy alongside the property market review for all relevant sectors including residential, retail, hotel and leisure and office/business. For each sector comment is made on current market trends and activity in the Dalkeith market. The nature of the Development Framework is residential-led regeneration and specific consultation was undertaken with residential developers. Potential for investment and development within the town centre, including indicative values are also provided. This review has informed the Development Framework development mix options.

### DEVELOPMENT FRAMEWORK STRATEGY

- 3.2 The Development Framework aims to create affordable, good quality housing in the town centre and increase the resident population. It will address specific housing needs in the town centre via a mix of tenures and types that will support people at all stages of life. There will be an emphasis on improved green space and access to gardens, balconies and roof terraces. Residential parking will be concealed below a raised, shared landscaped garden deck that can be accessed by all housing residents.
- 3.3 The Development Framework will develop the town centre more intensively via a mixed development of commercial/employment/community use space alongside new housing. There is a desire to create a vibrant feel, support local independent businesses and improve retail options. Pedestrianisation is proposed and the introduction of green space will create an improved environment for traders.
- 3.4 A new active travel route that connects the Development Framework site and wider town centre to King's Park is key. The route will prioritise pedestrians and cyclists, reduce vehicular use and connect two important civic spaces within the town. There will also be a greater amount of green space within the Development Framework site itself which will encourage gardening, interest in ecology and wildlife. Trees, flowers and greenery will be introduced and maintained. This improved environment will also support cafes and restaurants on the Development Framework site.

### RESIDENTIAL







#### OVERVIEW

- 3.5 The new build residential market in Scotland in 2022 saw the average house price rise from £258,000 to just over £300,000. In part this reflected a greater demand for larger family homes, continuing the trend following the pandemic. Over the three-year period October 2019 to September 2022 the average price for a new build property increased by £100,000 which again will have been influenced by fewer apartments compared to family housing being developed.
- 3.6 In terms of supply there was a strong rebound after lockdown with the Scottish Housing Market Review (Scottish Government, January 2023) reporting 20,767 new build completions across all sectors in Scotland in the year to end March 2022, an increase of 39.7% (5,900 homes) on the previous year. However, activity remains below pre-pandemic levels.
- 3.7 The economic downturn, escalation of cost of living and increased mortgage rates are now prompting obvious predictions that house prices will decline in 2023, with a broad consensus suggesting somewhere between a 5% and 15% drop on average across the UK. A number of volume house-builders are anticipating a slowdown in sales rates as is already being evidenced in noticeably fewer reservations compared with last year's levels.
- 3.8 Conversely, the traditional rental market in Scotland is expected to continue to perform strongly particularly in University towns and cities where there is significant under supply. This imbalance will be further exacerbated by recent rent control regulations which are currently hindering the previously burgeoning interest from Build to Rent developers and investors in this growing sector of the market.

### DALKEITH

- 3.9 Midlothian has continued to attract the volume house builders and a particular focus in recent years has been at nearby Shawfair, which is to the north of Dalkeith and within the A720 City Bypass and therefore very accessible to Edinburgh. To the south west there has also been significant development around Eskbank.
- 3.10 Dalkeith has benefitted over the past 15 years with new build stock and developers such as Bellway are active at Wester Cowden. Current and proposed residential development in the area is shown in the Table below. New build housing in the area has tended to focus on family houses outwith the town centre.
- 3.11 According to Rightmove, the average property price in Dalkeith is £262,815 over the last year, up 8% on the previous year. As noted above, it is predicted that house prices will decline in 2023.

**TABLE 1: RESIDENTIAL DEVELOPMENT**

DEVELOPMENT		DESCRIPTION
Buccleuch Street (town centre)		Midlothian Council's first 'Passivhaus' housing project. The 3-storey block currently under construction will comprise six 1 and 2-bed apartments with 2 retail units on the ground floor.
Newmills Road		Midlothian Council are developing 44 new homes, an intermediary care facility and 8 extra care bungalows on Newmills Road on the site of the former Dalkeith High School. Development is underway by Ogilvie. Just outside the LDP town centre boundary.
Newmills Road		A 0.35 acre residential development opportunity on Newmills Road close to the town centre is currently for sale (Graham & Sibbald). The site has planning permission for 4 semi-detached, 2½ storey houses
Eskbank Gardens		Development of 188 homes by Dandara. Comprises 3, 4, and 5 bedroom detached, semi-detached and terraced homes
Summerville Gardens, Wester Cowden		Development of c. 110 homes by Bellway. Comprises 3, 4 and 5-bedroom homes. A 4-bed home is currently available from £379,995
Carberry Grange, Whitecraig		Development of c. 180 homes by Miller Homes. Comprises 3, 4 and 5-bedroom homes. Prices from £244,995.

Source: Ryden/Developers/Agents

- 3.12 As noted in the previous section, Dalkeith has an LDP town centre (see Figure 4) population of c. 600 people accommodated within c. 400 residential dwellings. The majority of these town centre properties are flats.
- 3.13 Properties in the LDP town centre currently on the market are shown in Table 2. Asking prices range from £90,000 - £170,000.
- 3.14 According to CityLets, at the end of Q4 2022, the average private rent in Scotland for a 2 bed property was £924 per calendar month. The average rent of a 2 bed property in Dalkeith is £840 per calendar month with an average Time to Let of 16 days<sup>5</sup>. This suggests a buoyant rental market.

<sup>5</sup> CityLets, Quarterly Reports, 2022 Q3

**TABLE 2: RESIDENTIAL AVAILABILITY (LDP TOWN CENTRE)**

ADDRESS	SIZE	DESCRIPTION
104g High Street 	2-bedrooms	Upper flat. For sale £140,000 (Zoopla / Warners)
50 Croft Street 	4-bedrooms	Semi-detached period home. For sale £420,000 (Zoopla / Neilsons)
High Street 	1-bedroom	Top floor flat. For sale £90,000 (Zoopla / Your Move)
50e Buccleuch Street 	1-bedroom	Top floor flat. For sale £125,000 (Zoopla / Your Move)
Bowmans View 	2-bedrooms	Flat within purpose-built retirement complex. o/o £170,000 (Zoopla / MJ Brown Son & Co)
Bowmans View 	1-bedroom	Top floor flat within purpose-built retirement complex. o/o £120,000 (S1 Homes / Express Estate Agency)

Source: Ryden / Zoopla/ Right move / s1 Homes / Agents

- 3.15 There have been 28 recorded residential sales transactions in the town centre since January 2021. Within the Development Framework area, the most recent residential transactions<sup>6</sup> have been as follows:
- 20 Jarnac Court, 2-bedroom property - sold in February 2023 for £110,000
  - 16 Eskdail Court, 2-bedroom property – sold in February 2023 for £100,000
  - 26 Jarnac Court, 2-bedroom property – sold in May 2021 for £97,000
- 3.16 In general terms, prices within the Development Framework area are below that being obtained in the rest of the LDP town centre and the rest of Dalkeith.
- 3.17 It is not possible to ascertain the number of lettings.
- 3.18 In addition to the above there is significant affordable housing demand across Midlothian and it will form part of the equation for the redevelopment of the Development Framework site. Between 2009-2019, there has been 1,883 affordable housing completions across Midlothian. In Dalkeith, this has included 129 Council units, 118 Registered Social Landlord (RSL) units and 14 RSL Mid-Market Rent units. RSLs active in Midlothian include Melville Housing Association (own 60% of all RSL units), Places for People, Dunedin Canmore Housing Association and Bield Housing Association.
- 3.19 In June 2022, the Council noted it had 661 applicants on its waiting list for Dalkeith. This coupled with population increase noted in the earlier demographics section means that demand for affordable housing

<sup>6</sup> Taken from ESPC

within Dalkeith is expected to continue. It could also include more specific requirements for housing for older people.

- 3.20 The Development Framework is residential led and there are currently residential units of mixed ownership on the Development Framework site. There are currently 20 units occupied by private owners and 24 under Midlothian Council ownership.
- 3.21 It is also noted that upper floor offices at Jarnac Court were recently converted to provide temporary housing accommodation for the Council. This facility offers 22 individual rooms with communal kitchen and dining facilities. This facility opened in 2021 following significant investment and as such there could be resistance to the further re-development of this part of the block. If this facility was re-developed for alternative uses, temporary housing provision would require to be provided elsewhere in Dalkeith by Midlothian Council. There will be a cost associated with this re-provision.

## RESIDENTIAL DEVELOPER CONSULTATION

- 3.22 In February 2023, Ryden undertook a series of 'soft market testing' consultations with residential developers as well as its own residential development team. This was done in agreement with the client and consultant team, because the Development Framework is residential-led. All consultees had access to the high level copies of the Development Framework options and have recent experience of residential development in the local area.
- 3.23 Dalkeith was generally noted as a desirable housing location as is Midlothian given its proximity to Edinburgh and range of attractive towns. The Development Framework site is considered to be well located in the town centre with good connectivity to bus routes as well as a train station is relatively close proximity. All developers were supportive of developing the Development Framework site and had interest in being further involved once plans are in a position to be able to progress.
- 3.24 With regard to suitable tenures for the location it was considered that any residential scheme would likely be affordable housing led however it was felt this could incorporate not just social rent but other affordable models such as mid-market rent and shared equity/low cost home ownership. There was also considered to be particular opportunities for the location in terms of housing for older people or those with other supported living requirements. This was generally down to the accessible town centre location and its range of nearby local amenities. The site was generally seen as less appropriate for family housing.
- 3.25 There were mixed views on the market for private housing with some not considering that location to be particularly desirable for the private market but as part of a wider redevelopment of the site it was acknowledged it could form part of a re-development. It was noted there is demand in the area for two and three bedroom flats (and houses).
- 3.26 Private rented build to rent was not considered appropriate for the site as the preference for this type of operator model is usually city locations and much higher density. Whilst it was considered residential unit density could be increased on site (no more than 4 storeys recommended otherwise additional costs would be incurred for lift access) through re-development it still wouldn't be at build to rent levels. However, it was noted that there are institutional funds and private investors interested in the purchase of batches of units for private rent.
- 3.27 It was noted that residential build programmes are now usually tenure blind and therefore there shouldn't be any distinction between the quality of affordable or private rented housing. It was stated however that for future property management reasons it would be appropriate to designate specific blocks for specific tenures.
- 3.28 Beyond residential there was support for other flexible uses as part of the development mix. Given the existing community facilities on site it was considered very important that community space remained a core part of any development and that the community itself was able to feed into plans on what it wanted on the site. Ensuring the community are fully integrated into the Development Framework process was seen as key. An element of retail was felt to be appropriate for the site as well as potentially serviced offices. One consultee noted there could be a good market for small offices in this location for accountants, lawyers, estate agents etc. with some small businesses interested in the purchase of such units as part of pension



funds etc. It was noted that noise can be an issue in locations like this and that any other uses need to be appropriate for a residential led scheme. Flexibility across the relevant use classes was thought to be important as was the ability to have flexibility regarding the size of units.

- 3.29 Environmental sustainability was mentioned a consultee as being important for the site. This included nature based solutions to deal with any flood risks, green roofs, garden access, raingardens etc.
- 3.30 It was recognised by consultees that pedestrianisation of the High Street could make the site more desirable but generally improved public realm would also improve the attractiveness of the site. It was commented that the public realm currently in that area isn't well maintained. There was support for reduced car parking within the Development Framework site, recognising the extent of wider town centre car parking in close proximity. It was considered that a reduction in car parking would not have a negative impact on the development mix proposed with many newer residential developments tending to squeeze car parking ratios where appropriate, notably on centrally located sites such as this.
- 3.31 In terms of the two options shown to consultees there was a general preference for comprehensive redevelopment over the retained Jamac Court option. Consultees considered it better to consider the whole site for redevelopment to avoid the remaining buildings deterring from the full potential impact and attractiveness of the scheme. Consultees were aware of complexities around the multiple ownerships associated with the site and considered that the site should be fully assembled before commencing any re-development. Piecemeal development of the site was considered undesirable and would impact negatively upon timescales and economies of scale for the build programme.
- 3.32 The viability of the site was considered to be very tight and it was recognised that there would a requirement for substantial public sector funding beyond affordable housing grant levels. Developers noted that build costs are currently very high (compared to where they were) and that in some areas they do not merit sales prices or affordable housing grant levels. Making a bid to the Levelling Up Fund was mentioned as was further discussions with the Scottish Government regarding potential CPO costs. The anticipated tenure mix was also noted to affect the overall viability of the site.
- 3.33 A joint venture between the Council and a developer was considered to be the most appropriate delivery model. Getting a developer involved at an early stage was recommended as was having the right people including those with direct experience of similarly complex sites.

## RETAIL

### OVERVIEW

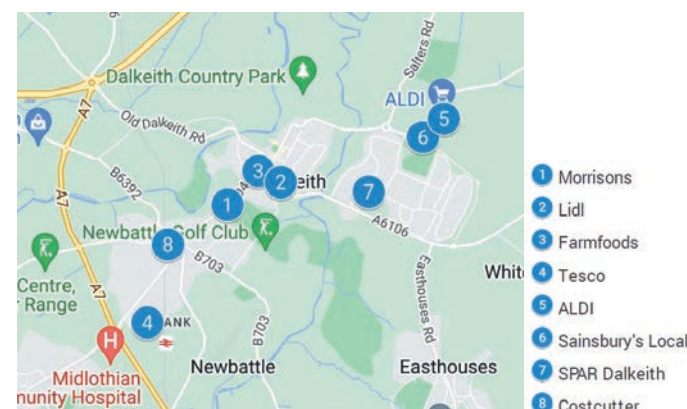
- 3.34 The physical retail market continues to contract due to the significant growth of online shopping. Cost of living and energy prices are expected to impact the first half of 2023 with High Street casualties anticipated. In 2021, PWC and the Local Data Company highlighted that 1,424 chain<sup>7</sup> shops closed in Scotland in 2021, with 673 opening giving a net loss of 751 stores. During the first half of 2022, 536 stores north of the border closed their doors, while 356 shops were open – resulting in a net loss of 180 stores, a significant slowing. Leisure operators make up 3 of the 4 fastest growing categories: takeaways, amusement arcades and DIY shops. On the opposite end of the spectrum, the 4 declining categories were: banking/financial institutions, charity shops, betting shops and fashion retailers.
- 3.35 Shopper numbers in Scotland have slumped by 15% compared to pre-pandemic levels. The latest Scottish Retail Consortium (SRC) and Sensormatic IQ data for November 2022 also shows the number of people visiting shopping centres was down by more than a quarter (27.6%) compared to the same month in 2019. Slightly more positively, in comparison to last year's figures, overall footfall levels in Scotland increased by 15.9%, while the numbers visiting shopping centres was up 23.0% but this is still below pre-pandemic levels.
- 3.36 The Local Data Company recorded a six-year high in its Scottish retail vacancy rate at 16.4% in Q3 2021. This appears to have hit a stubborn plateau with the rate settling at 15.7% over the last three quarters of 2022. This is a fifth higher than during pre-pandemic times and whilst there has been some improvement over the last year, Scotland's store vacancy rate is above that for Great Britain as a whole, with one in six

stores lying empty. In Q4 2022 in Scotland, shopping centre vacancies were 20.5%, high street vacancies were 14.8% and retail park vacancies were 9.8%. As such, retail parks appear to be outperforming other location types which is perhaps an indication that some of the shopping habits formed during the height of Covid are sticking – with consumers favouring drive-to locations and larger format units.

## DALKEITH

- 3.37 Dalkeith's retail provision is centred around the A6904 High Street where a combination of national and local retailers are represented. Traditional retail is accommodated on both sides of the street with a clustering of national traders in the stretch between the High Street's junctions with South Street and Eskdail Street.
- 3.38 The LDP town centre is well served by multiple retailers including B & M, Card Factory, Boots, Superdrug, WH Smith, Max Spielmann, Ramsdens, Baguette Express, Lloyds Pharmacy, and several charity stores (Cancer Research UK, Kidney Research UK, Salvation Army and Oxfam). It also has a good provision of independents including Dalkeith Home & Hardware, Aytouns Butcher and Flowers by Lamb. The pedestrianised section around Jamac Court includes: Baynes Bakers; further national outlets Greggs and Specsavers; and various local traders.
- 3.39 The town's convenience needs were improved when the Morrison's supermarket was developed on the site of the former bus station immediately west of the town centre in 2014. This is closer to the town centre than the Tesco Hardengreen Superstore which is on the edge of town centre near the Eskbank part of the settlement. Lidl and Farnfoods also have supermarkets in the town centre. Aldi and Sainsbury's Local are to the East. In addition, the convenience stores of Spare and Costcutter are located on Woodburn Avenue and Station Road respectively. A map of the town's convenience stores is provided at Figure 5.

**FIGURE 5: DALKEITH CONVENIENCE STORES**





Source: Ryden

- 3.40 There are currently very few retail vacancies in the LDP town centre. Retail units actively being marketed are provided in Table 3. The town centre vacancy rate is only 2%. However, the Development Framework site contains 65% of all commercial unit vacancies within the LDP town centre.

<sup>7</sup> Multiple retailers with 5 or more stores

**TABLE 3: RETAIL AVAILABILITY**

ADDRESS	SIZE (SQ.FT.)	DESCRIPTION
118 High Street 	1,119	Former Polska Spizamia convenience store. For lease £16,200 pa (DM Hall)
26 High Street 	1,018 – 2,037	In town centre. Former TSB Bank unit, over ground and first floors. Potential for a variety of uses subject to planning. Under offer (DM Hall)

Source: Ryden / CoStar / Agents

- 3.41 Table 4 shows the most recent retail letting transactions. It is noted that all transactions seem to be local businesses rather than national/multiples (although one is not known). Half of the lettings have rents of £15,000 or less meaning that if they are sole outlets of those businesses they will pay no non-domestic rates.

**TABLE 4: RETAIL LETTING TRANSACTIONS**

ADDRESS	SIZE (SQ.FT.)	DESCRIPTION
37 Jarnac Court (Development Framework area)	797	Let in February 2023. Former Subway unit on a corner pitch in the town centre.
22-24 High Street (town centre)	10,833	Lease renewal in November 2022 to B & M for 3-years
33-35 High Street (town centre)	2,505	Let in March 2022 at £18,500 pa. Trading as Dalkeith Home & Hardware (former Semi-Chem).
Unit 19 Jarnac Court (Development Framework area)	557	Let in February 2022 on a new 10-year lease at £12,500 pa. (former Fords the Bakers)
22 Buccleuch Street (town centre)	895	Let in January 2022 to Balmoral Highland Beef Supplies on a 3-year lease at £12,020 pa.
114 High Street (town centre)	908	Let in May 2021 on a 10-year lease at £15,000 pa. Trading as Lavender Coffee and Crumbs (former Polish food store)
118 High Street (town centre)	1,143	Let in December 2020 at £14,000. Trading as Spizamia Polish store (former William Hill Bookmakers)
31 Jarnac Court (Development Framework area)	1,829	Let in September 2019 to Harmeet Singh on a 5-year lease at £21,500 pa. Trading as Looks. (former Shoe Zone).

Source: Ryden / CoStar

- 3.42 Rental rates are in the order of £15 per square foot Zone A. Rents for retail units are influenced by the size and configuration of the unit and its positioning within the town centre. Units are also often priced on a basis that offers efficiencies in terms of non-domestic rates burdens and reliefs.
- 3.43 For Dalkeith there are two recorded retail requirements<sup>8</sup> shown in Table 5. Only one of these would suit the town centre while the other is more suited to an estate or roadside location.

<sup>8</sup> The Requirements List is a subscription-based UK database which monitors and tracks retailer requirements within specific locations across the UK. Retailers and their Agents submit their current requirements for publication on the database, these are monitored and kept up to date.

**TABLE 5: RETAILER REQUIREMENTS FOR DALKEITH**

RETAILER	TYPE	REQUIREMENT SIZE (SQ.FT.)	REQUIREMENT DETAILS
PDSA (Scotland)	Charity shop	1,000 – 3,000	High Street / Shopping Centre / Roadside
Toolstation	Tools & building supplier	2,750 – 6,000	Roadside / out of town

Source: The Requirements List

- 3.44 A standalone Sainsbury's Local and terrace of four retail units (4,000 sq.ft.) were constructed on Salters Road / Thorny Crook Gardens to the east of Dalkeith town centre in the early 2010's. Tenants here are The Beauty Boutique, Barnardo's, Bene's Fish and Chips and Bosco Dental Surgery.
- 3.45 Approximately 2 miles to the west of Dalkeith town centre is a Dobbies garden centre which includes several in-store concessions including Sainsburys, Cotton Traders, Lakeland, Mountain Warehouse, Tog24, Pavers Shoes and Puddledub Butchers.
- 3.46 Out of town to the south west, behind the Tesco on Bonnyrigg Road, Eskbank there has been a new-build development of two units beside by London & Scottish Developments, a Greggs drive-thru, the first in Scotland, and a Starbucks which opened in October 2021.



- 3.47 Further out of town retail locations include Straiton Retail Park and the neighbouring Ikea and Costco which is only 10-minutes drive from Dalkeith town centre. In addition, Fort Kinnaird is 10 miles from the town centre and includes over 70 branded and high street shops, restaurants and cafes. Edinburgh City Centre is also c. 10 miles from Dalkeith town centre. All are a draw from Dalkeith's town centre.

## HOTELS AND LEISURE

- 3.48 The tourism and hospitality sector across Scotland was severely impacted by the Covid-19 pandemic with international travel and large events at a standstill and hospitality closed for all but essential uses for a significant period. With Government support measures ending hospitality businesses have come under increasing pressure and the costs of supplies and staffing (limited resources and significant wage pressure) has resulted in distress in less viable businesses and those that have been historically under-invested. However, with the return of international travel as well as large conferences and events, in 2022 the hotel sector began recovering at a rapid pace. In most markets year to date average daily rates have surpassed pre-Covid levels and demand (occupancy) is expected to follow suit during 2023<sup>9</sup>. There are however significant headwinds in the form of rising inflation and interest rates. This is having an effect on gross operating profit and transaction volumes. New development remains difficult and exists only in prime locations and operationally recruitment and operating cost challenges are potentially hampering post pandemic recovery.

## DALKEITH

- 3.49 Throughout the 19<sup>th</sup> and 20<sup>th</sup> Century, Dalkeith was a prosperous market town. The Corn Exchange was built in 1853 and was the largest indoor grain market in Scotland. The influx of farmers, grain merchants and other traders on market days encouraged the growth of inns and hotels in the town. In 1831, the introduction of the railway forged closer links with Edinburgh and connections to other parts of the country.
- 3.50 On the outskirts of Dalkeith, just off the A7 there is a Premier Inn. There is also an Innkeepers Collection hotel outwith the town and adjacent to the Dobbies Garden Centre, also off the A7. Within Dalkeith town

<sup>9</sup> Avison Young (2022) Scotland's Hotel Market Update September 2022

centre the Dalkeith Hotel by Pillow on the High Street has 32 rooms. There is also the Harrow Hotel on Eskbank Road.

- 3.51 Dalkeith has a selection of cafés and restaurants including Continental Café, Café Troy, Cavaliere and Tiger Lotus. There are five hot food takeaways including Franco's, Kebab Mahal and Dominos.
- 3.52 There are five public houses in the town centre: Black Bull, Coach & Horses, The Buccleuch, The Shop Inn and The Horseshoe Bar. While the two town centre hotels noted above also have bars/restaurants.
- 3.53 The town centre also has a library and arts centre both of which are in the Development Framework area. A bowling green is on Old Edinburgh Road, with a Carlton Bingo hall and a snooker centre on Buccleuch Street.
- 3.54 Dalkeith is well represented with regard to parks with Dalkeith Country Park located to the north of the town. The Park is c. 1,000 acres and includes Fort Douglas Adventure Park and Go Ape as well as a restaurant, shop and coffee bar.
- 3.55 In addition, the town centre is surrounded by a number of other green spaces, parks and woodlands. Ironmills Park is located to the north-east of the town centre. It has a park pavilion which is occupied by a dance school and it has a café that is open to the public. South of the town centre site is King's Park which is home to many sports clubs and hosts various community and sport events and carnivals.
- 3.56 Leisure availability in Dalkeith is shown in Table 6.

**TABLE 6: LEISURE AVAILABILITY**

ADDRESS	SIZE (SQ.FT.)	DESCRIPTION
Lavender Coffee and Crumbs, 114 High Street	915	Boutique café and coffee shop. For lease, £13,500 pa. Restricted Class 3 consent. (Cornerstone)
Horseshoe Bar, 14 St Andrew Street		Public house with restaurant / coffee shop. For lease £18,000 pa. (Cornerstone)

Source: Ryden / CoStar / Agents

- 3.57 Leisure transactions have been limited but are shown in Table 7.

**TABLE 7: LEISURE TRANSACTIONS**

ADDRESS	SIZE (SQ.FT.)	DESCRIPTION
5 Newmills Road	7,462	Let in December 2022 at £54,995 pa. Former Former Wetherspoons, The Blacksmiths Forge.
1-3 Buccleuch Street	1,764	Let to Li Guyang in November 2020 on a 15-year lease at £18,500 pa. Trading as Tiger Lotus. Fomer Anema Core restaurant

Source: Ryden / CoStar

## OFFICE / BUSINESS

### OVERVIEW

- 3.58 City office markets staged a recovery in 2021 and early 2022. Occupiers recognise the likely endurance of agile working post-pandemic and are adjusting their space requirements by focusing on top quality space, ESG credentials and future flexibility. As the office emerges as more of a corporate hub for many occupiers, there are emerging signs of interest in flexible offices in regional and smaller towns, alongside home-working.
- 3.59 In 2022, Edinburgh's office market delivered a total of 651,570 sq.ft. of take-up across 159 deals. This marks a small 6% increase in the number of deals but a 15% decrease in overall floorspace take up against 2021, signalling smaller transactions on average. This means that where deals are occurring they are for smaller requirements and many occupiers are currently staying put. The single largest variable is how occupiers adapt their return to work strategies and consequently how much space is needed for existing staff and new recruits in a changing and flexible environment.

### DALKEITH

- 3.60 There is a small office sector within Dalkeith. Within the Development Framework site, Soutra Point Business Centre offers office suites at £6 per sq.ft. The building is arranged on ground and three upper floors and comprises a retail unit at ground floor (2,411 sq.ft) with office accommodation above (3,388 sq.ft). There are currently two offices available to let however it is our understanding all of the office suites are vacant. There is no lift access within the property.
- 3.61 Also within the Development Framework site is community-owned One Dalkeith. This building has recently been extensively refurbished to provide a community hub with events, retail and office space. A number of units are available for businesses to rent to create retail, offices or shop fronts for local businesses, start-ups, and social enterprises who align with One Dalkeith's ethos. A co-working shared office space has also been created. The Bank of Dalkeith located at 98-102 High Street also offers flexible small space for rent generally targeting small, self-employed traders.
- 3.62 The Council itself is a key occupier of office accommodation within Dalkeith town centre. However, as is the case for many other occupiers it is considering rationalisation as a result of changed working patterns accelerated by the Covid-19 pandemic. Within the Development Framework site, the Council no longer occupies Buccleuch House however the Children and Families department are currently located within Eskdail Court. The continued occupation of the nearby Midlothian House and Fairfield House is under review.
- 3.63 Elsewhere within the town centre, office accommodation is mainly contained within traditional buildings, upper floors and in Class 2 retail accommodation. Graham & Sibbald opened an office at 98-100 High Street in January 2022. Other office occupiers are typical for this type of town and include solicitors, accountants, financial services, property services and third sector.
- 3.64 Outwith the town centre there are office suites at McSense Business Park, Hardengreen Business Park on Dalhousie Road and Eskbank.
- 3.65 Office availability is shown in Table 8.





**TABLE 8: OFFICE AVAILABILITY**

ADDRESS	SIZE (SQ.FT.)	DESCRIPTION
Soutra Point office suites, Eskdail Street	746 – 1,653	In town centre. Individual open plan offices, two currently available. Rent £6 per sq.ft. (G & S)
Dundas House, Westfield Park, Eskbank	1,032 - 4,543	Self-contained office suites available over ground and first floors. Suite 2 1,032 sq.ft., Suite 4 630 sq.ft., Suite 6 536 sq.ft., Suite 8 1,247 sq.ft., and 1f 4,543 sq.ft. c £12.80 per sq.ft. (G & S)

Source: Ryden / CoStar / Agents

3.66 Office transactions are provided in Table 9. As shown, the office market in Dalkeith is very thin.

**TABLE 9: OFFICE TRANSACTIONS**

ADDRESS	SIZE (SQ.FT.)	DESCRIPTION
25/27 High Street	2,541	Sold in November 2021. Former Santander branch. Trading as Property Hub by McDougall McQueen
Suite 32/8 Hardengreen Business Park, Dalhousie Road	550	Let in May 2022
4a Newmills Road	687	Let in April 2021 on a new 3-year lease at £8.70 per sq.ft. First floor office / training suite comprising 3 office rooms, kitchen and bathrooms.

Source: Ryden / CoStar

3.67 Rents are in the region of £6-£10 per sq.ft. within the LDP town centre.

## CONCLUSION

- 3.68 Overall, Dalkeith town centre is performing comparatively well however it is clear that the Development Framework site is the underperforming triangle within the town centre. The site and its immediate environs requires redevelopment in order to become a positive asset in its own right and for the wider benefit of the town centre and the settlement.
- 3.69 The proposed Development Framework is led by residential development which will increase and improve the residential offer within the Development Framework site. The site is most suited to a flatted development and would likely be affordable housing led. However, this goes beyond just properties for affordable rent and could also include mid-market rent and shared equity/low cost home ownership. Private housing could also form part of a wider re-development scheme. There is demand in the area for housing for older people and the location of the site would lend itself to this.
- 3.70 There may be some provision for ground floor residential where possible however ground floor units will generally be more appropriate for the provision of flexible space which could accommodate employment, community or leisure uses as the market dictates. These units should be 1,000-2,000 sqft except for target/anchor tenants. Selective larger demand could include convenience stores (which prefer neighbourhoods to centres), larger charity stores, discounters as well as the re-location of existing units, e.g. Farmfoods. The option to sub-divide larger units should be noted.
- 3.71 A major driver for the types of businesses attracted to the Development Framework site is the rental level at which business rates are applicable. Rents up to £12,000 achieve 100% rates relief providing it is a sole premises then a sliding scale of non-domestic rates above that. This is a key factor in attracting local independent businesses. The configuration of ground floor uses should avoid dispersing commercial uses.

# 04

## SUMMARY

- 4.1 In providing property market input to the proposed Dalkeith Town Centre Development Framework we have considered the types of space which are in demand. This includes:
- Residential – there is significant affordable housing demand in Dalkeith which on the site could incorporate not just properties for social rent but other affordable housing models such as mid-market rent and shared equity/low cost home ownership. The site was considered to offer a particular opportunity in terms of its location for housing for older people or those with other supported living requirements. Private for sale housing could form part of a wider tenure mix. There is demand in the area for two and three bedroom properties and flats are the most appropriate construction type for the site. The Council should consider partnering with a lead developer with the capacity to deliver an affordable housing-led development at the next stage of progressing the project.
  - Employment/Community – there is demand for flexible ground floor units which could accommodate a range of uses including retail, food and drink, office and community uses. The quality of this space will be improved as will the surrounding environment making the Development Framework site a quality location for business and community activities. There should be flexibility across the relevant planning use classes as well as the ability to have flexibility regarding the size of units. Units should be priced on a basis that offers efficiencies in terms of non-domestic rates burdens and reliefs and are therefore attractive to small local businesses, as there is a limited market for larger anchor occupiers.
- 4.2 The above has been incorporated into the Development Framework.
- 4.3 It has been acknowledged throughout the report that the Development Framework site is complex with both public and private sector owners and occupiers. A Compulsory Purchase Order strategy will be required.
- 4.4 In terms of the viability of the site, it is recognised that there will likely be a substantial funding gap and that third party funding will be required to support this development. Potential external funding sources worth further exploration would include the UK Government's Levelling Up Fund, the Scottish Government's Place Based Investment Programme, the Regeneration Capital Grant Fund, Affordable Housing Supply Programme and Housing Infrastructure Fund.

# APPENDIX A

## FLOORSPACE STOCK

### FLOORSPACE STOCK

A1 According to the Scottish Assessor Association (SAA) there are 212 commercial subjects comprising 200 properties, 2 ATMs, and 10 car parks/ spaces in the LDP town centre, totalling c. 37,881 sq.m.<sup>10</sup> (407,750 sq.ft.). A breakdown of this floorspace by type is provided at Table A1. For the Development Framework area, there are 70 commercial subjects comprising 64 properties, 2 ATMs and 4 car parks/spaces, totalling 10,072 sq.m. (108,417 sq.ft.). This comprises 27% of the LDP town centre floorspace. While for the Development Framework area itself there are 53 commercial subjects: 40 properties, 2 ATM's and 2 car parks/ spaces, totalling 6,390 sq.m. (68,782 sq.ft.) comprising 17% of the LDP town centre floorspace. These figures may differ from Reiach & Hall estimates which are based on Council data.

**TABLE A1: STOCK WITHIN TOWN CENTRE (LDP AREA)**

TYPE	LDP TOWN CENTRE		STUDY AREA		DEVELOPMENT FRAMEWORK AREA	
	Number	sq.m.	Number	sq.m.	Number	sq.m.
Amusement Centre	2 entries, 1 property	82.09	0	0	0	0
Arts centre	1	0	1	0	1	0
Bank	3	1,193.93	1	183.50	0	0
Betting shop	4	525.42	0	0	0	0
Bingo hall	1	0	0	0	0	0
Bowling rink	1	0	0	0	0	0
Café	4	350.59	3	265.54	3	265.54
Church and Church hall	4	0	0	0	0	0
Clinic	1	0	0	0	0	0
Club	2	205.02	0	0	0	0
Funeral director	3	375.78	0	0	0	0
Hall	1	0	0	0	0	0
Home	1	0	0	0	0	0
Hot food takeaway	5	388.34	0	0	0	0
Hotel	2	0	0	0	0	0
Library	1	0	1	0	1	0
Lock-up	1	0	0	0	0	0
Meeting room	1	0	0	0	0	0
Mission hall	1	0	0	0	0	0
Office	51	13,119.35	23	4,254.35	22	3,512.40
Premises under reconstruction	1	90.32	0	0	0	0
Public convenience	1	0	1	0	1	0
Public house	5	0	1	0	0	0
Restaurant	2	543.15	1	148.64	0	0
Retail warehouse	1	490.38	0	0	0	0
Salon	3	261.57	0	0	0	0
School	1	0	0	0	0	0
Service centre	2	0	0	0	0	0
Shop	73	10,128.65	32	5,220.18	21	2,611.98
Snooker centre	1	0	0	0	0	0
Sorting office	1	588.92	0	0	0	0
Store	5	1241.00	0	0	0	0
Studio	1	108.60	0	0	0	0
Supermarket	2	6,618.43	0	0	0	0
Surgery	4	297.43	0	0	0	0
Training centre	2	178.61	0	0	0	0
Workshop	3	1,093.56	0	0	0	0
Yard	2	0	0	0	0	0

<sup>10</sup> Not all properties have a noted size

ATM site	2	0	2	0	2	0
Car parks	7	0	2	0	1	0
Car space	3	0	2	0	1	0

Source: Ryden / SAA

A2 There are 17 vacancies noted on the SAA database, these are:

- Car space, LDP area, study area and Development Framework area
- Office, 12 totalling 1,852.54 sq.m. of which 10 are in the study and Development Framework area totalling 1,710.04 sq.m.
- Premises under reconstruction, 1 totalling 90.32 sq.m. in the LDP area
- Shop, 2 totalling 107.75 sq.m., both are in the study area
- Yard, 1 with no size in the LDP area

A3 A search of the SAA domestic properties roll indicates 433 residential properties in the LDP town centre, with 104 of them in the study area and 58 in the Development Framework area. Again these figures may differ from Reiach & Hall estimates.

A4 The streets in the LDP town centre, Study area and Development Framework area are in Table A2. This shows the number of subjects in each sector (commercial and residential). Data is taken from the Domestic and Non-domestic valuation rolls by the SAA. Streets within the study area are in Blue. Where a street is only partially in an area only the properties which lie within it are included not the entire street.

**TABLE A2: STREETS IN THE TOWN CENTRE**

TYPE	LDP TOWN CENTRE			STUDY AREA		DEVELOPMENT FRAMEWORK AREA	
	In study area	Non-domestic	Domestic	Non-domestic	Domestic	Non-domestic	Domestic
Brunton's Close	No	0	0	0	0	0	0
Buccleuch Street	Partial	16	38	7	1	0	0
Bowman's View (odd Newmills Road)	No	0	37	0	37	0	0
Croft Street	No	7	44	0	0	0	0
Duke Street	No	0	9	0	0	0	0
Edinburgh Road	No	5	16	0	0	0	0
Eskbank Road	No	16	5	0	0	0	0
Eskdail Court (Development Framework area)	Yes	10	19	10	19	10	19
Eskdail Street (Development Framework area)	Yes	4	21	4	21	4	21
High Street	Partial	70	94	10	6	0	0
Jarnac Court (Development Framework area)	Yes	32	18	32	18	32	18
Komarom Court (Development Framework area)	Yes	0	0	0	0	0	0
London Road	No	0	19	0	0	0	0
Lothian Road	No	0	2	0	0	0	0
Lothian Street	Partial	6	6	0	2	0	0
North Wynd	No	7	4	0	0	0	0
Parkside Court	No	2	6	0	0	0	0
Parkside Place	No	0	12	0	0	0	0

Pettigrew's Close	No	0	0	0	0	0	0
Old Edinburgh Road	No	5	5	0	0	0	0
Newmills Road	No	1	0	0	0	0	0
Robertson's Close	No	0	0	0	0	0	0
South Street	Partial	11	9	0	0	0	0
St Andrew Street	No	12	49	0	0	0	0
Tait Street	No	1	20	0	0	0	0
White Hart Street (Development Framework area)	Yes	7	0	7	0	7	0
White's Close	No	0	0	0	0	0	0
Wilson's West	No	0	0	0	0	0	0
<b>TOTAL</b>		<b>212</b>	<b>433</b>	<b>70</b>	<b>104</b>	<b>53</b>	<b>58</b>

Source: Ryden / SAA



#### EDINBURGH

7 Exchange Crescent  
Conference Square  
EH3 8AN  
0131 225 6612

#### GLASGOW

ONYX  
215 Bothwell Street  
G2 7EZ  
0141 204 3838

#### ABERDEEN

The Capitol  
431 Union Street  
AB11 6DA  
01224 588866

#### LEEDS

Northspring Park Row  
36 Park Row  
LS1 5JL  
0113 243 6777

#### LONDON

Suite 410, Linen Hall  
162-168 Regent Street  
W1B 5TF  
020 7436 1212

#### MANCHESTER

2nd Floor  
28 King Street  
M2 6AY  
0161 249 9778

# Ryden



DALKEITH TOWN CENTRE REGENERATION

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# ARUP - TRANSPORT INPUT REPORT



**Midlothian Council**

# Dalkeith Town Centre Regeneration

Transport Input

Reference: 4-05-06 Trans

| 09 February 2023

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 288807-00

**Ove Arup & Partners Limited**

7th Floor  
1 West Regent Street  
Glasgow  
G2 1RW  
United Kingdom  
[arup.com](http://arup.com)



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Issue Document Verification with Document



# Transport

## Introduction

This section outlines the transport proposals as part of the Dalkeith Town Centre regeneration project. It sets out the key benefits of the proposals as well as the implications on the transport network which will be considered in future stages as the project progresses. The existing transport facilities within and surrounding Dalkeith can be seen in Figure 1 below.

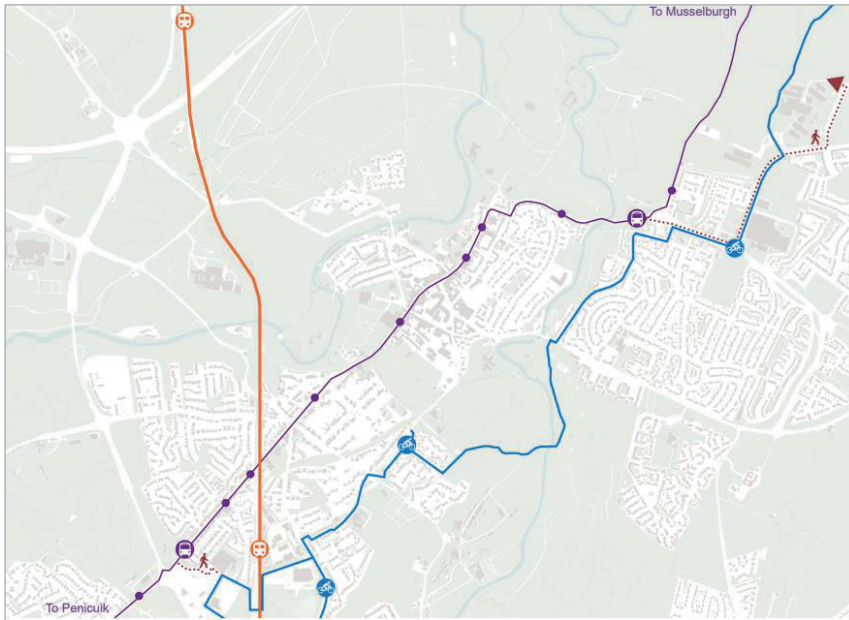


Figure 1: Existing Transport Facilities (© Reich & Hall)

## Proposals

Figure 2 to Figure 11 below demonstrate the potential improvements that could be made through the use of cross-section visualisations throughout the site. The visualisations are indicative and show the vision of the Dalkeith Town Centre Regeneration project, informed by engagement and conversations had to date and are therefore subject to further technical work.

### High Street (A6094)

It is proposed that the section of High Street (A6094) between Buccleuch Street and South Street be pedestrianised allowing for public realm enhancements as well as dedicated walking, wheeling, and cycling infrastructure. Adjacent are indicative cross sections, Figure 2 to Figure 5, illustrating the existing and proposed.

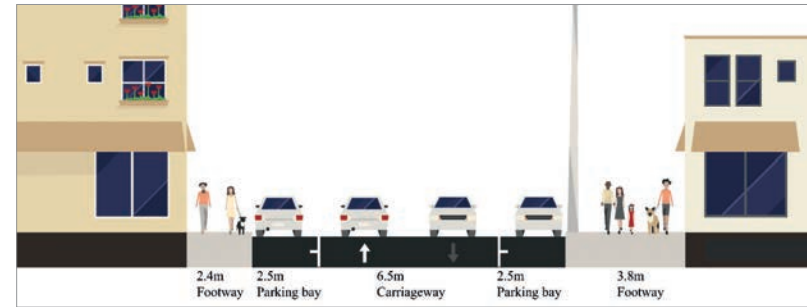


Figure 2: High Street Existing (with side street parking) (© Street Mix)

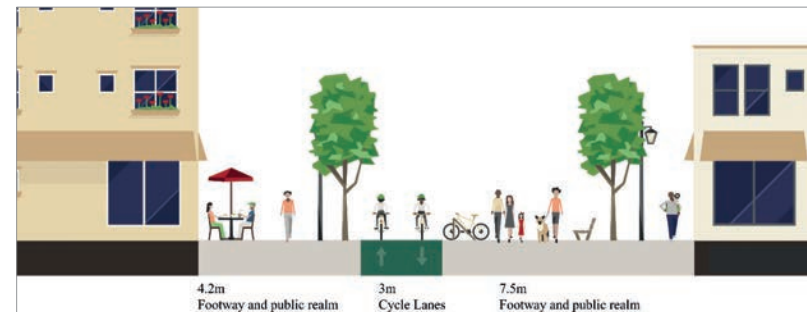


Figure 3: High Street Indicative Proposals (wide cross section) (© Street Mix)

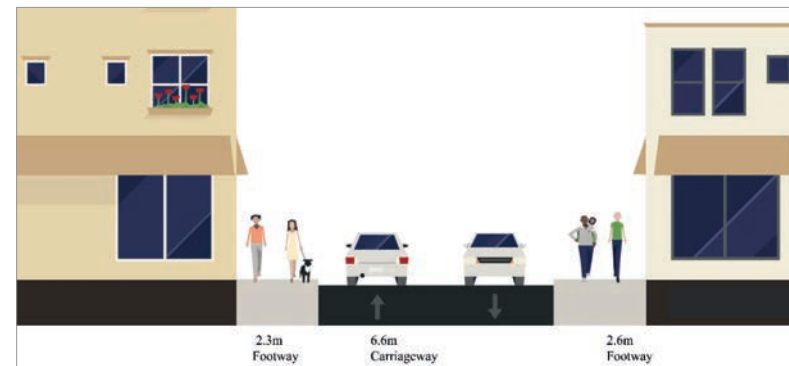


Figure 4: High Street Existing (without side street parking) (© Street Mix)

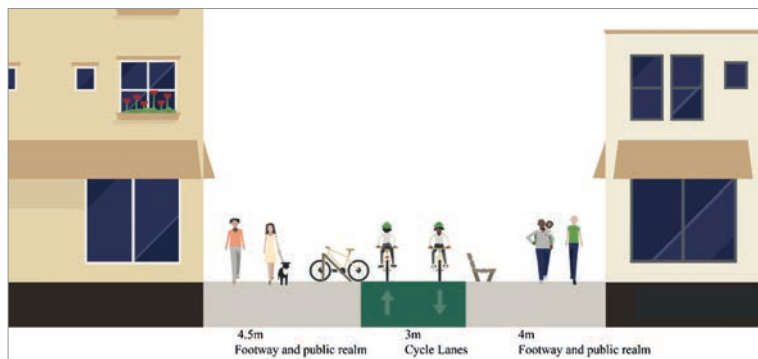


Figure 5: High Street Indicative Proposals (narrow cross section) (© Street Mix)

### White Hart Street/New Walk Pedestrianised Route

There are proposals to redevelop the space around White Hart Street. This will see the erection of new residential and mixed-use buildings with an opportunity to provide a new pedestrianised route with green infrastructure as well as improvements to the public realm. Figure 6 and Figure 7 below illustrate the indicative existing and proposed cross sections.



Figure 6: White Hart Street Existing (© Street Mix)



Figure 7: New Walk Pedestrianised Route (replacing White Hart Street) (© Street Mix)

### Buccleuch Street

With the removal of buses from the High Street, it is proposed that Buccleuch Street becomes a key bus route within the centre of Dalkeith. Through the reallocation of road space there is an opportunity to widen footways and provide mobility hub concepts within the corridor. Figure 8 and Figure 9 below illustrate the indicative existing and proposed cross sections.

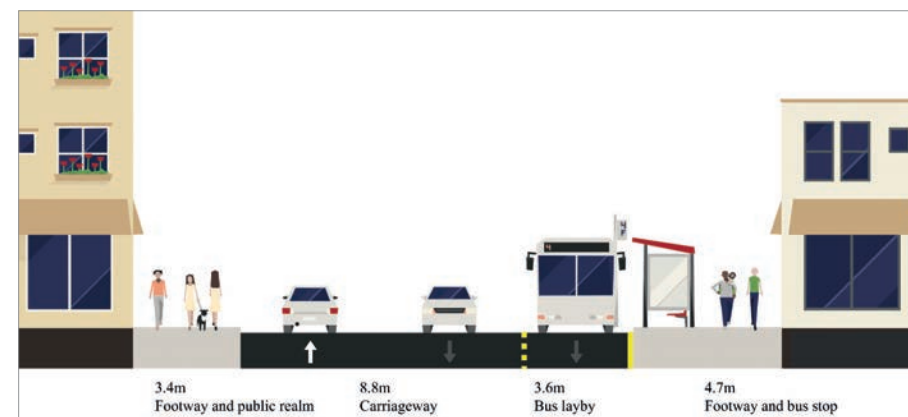


Figure 8: Buccleuch Street Existing (© Street Mix)

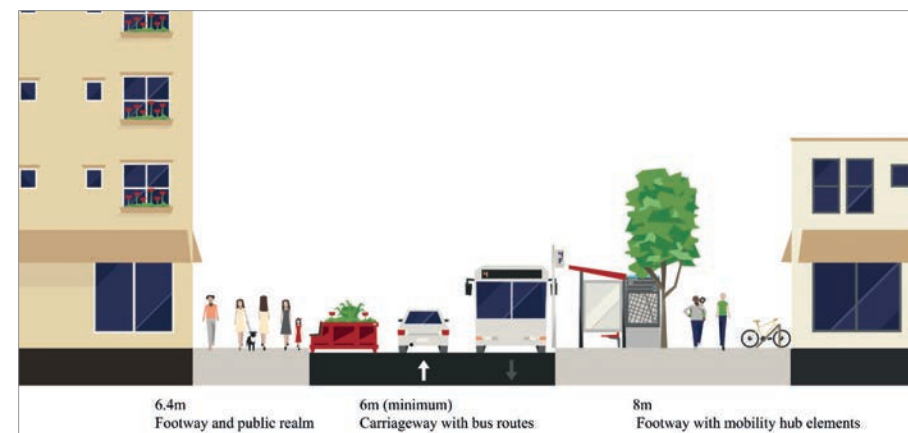


Figure 9: Buccleuch Street Indicative Proposals (© Street Mix)



## South Street

With the removal of buses from the High Street, it is proposed that South Street become a key bus route within the centre of Dalkeith. Through the reallocation of road space and parking spaces, prioritising disabled parking and active travel space. There is also an opportunity to introduce traffic calming measures through the use of raised tables. Figure 10 and Figure 11 below illustrate the indicative existing and proposed cross-sections.

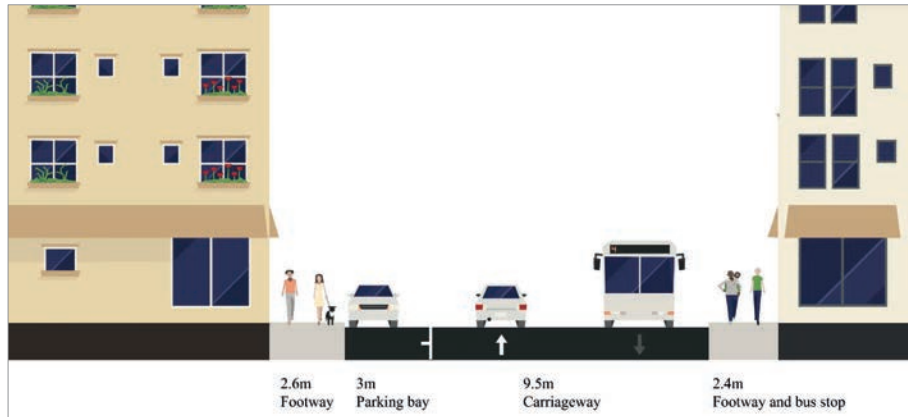


Figure 10: South Street Existing (© Street Mix)

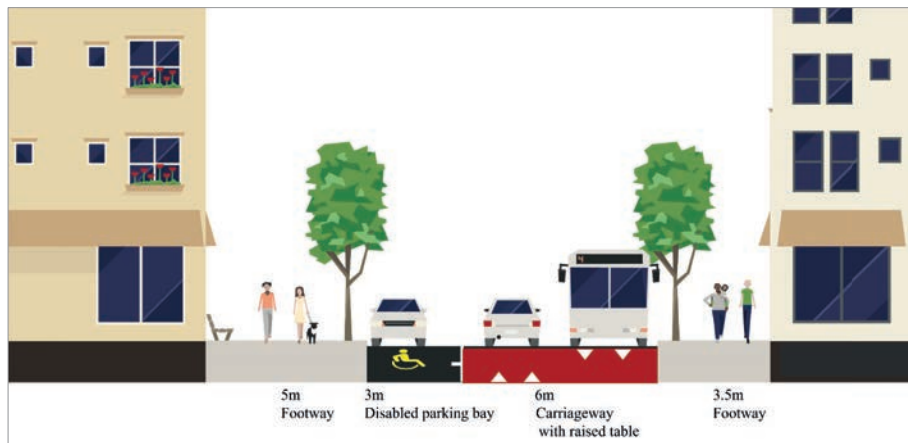


Figure 11: South Street Indicative Proposals (© Street Mix)

## Transport Key Elements

This section discusses the key elements of the transport proposals for Dalkeith Town Centre Regeneration and highlights their benefits and potential impacts; this includes the following:

- Pedestrianisation of the High Street;
- Traffic Calming;
- Reduction/Reallocation of vehicle parking; and
- Mobility hub(s).

## Pedestrianisation of High Street

The early concept proposals show the pedestrianisation of Dalkeith High Street as part of the town centre regeneration, as seen highlighted in Figure 12 below.

There is also an opportunity to explore the idea of a bus gate on the High Street which would restrict access for the majority of vehicles but maintain bus services. Discussions are being held with bus operators on this proposal.

This section of the report outlines the benefits of pedestrianisation as well as providing case studies where pedestrianisation has had a positive impact within a local area.

Discussions have been held with public transport officers at Midlothian Council around the impact of pedestrianisation on the bus services in the local area. The feedback has been positive in that the officers would like to see the pedestrianisation proposal emerge, however, recommendations for next steps suggested by the officers have been incorporated into the 'Next Steps' section at the end of this document.



Figure 12: Location plan of Pedestrianisation

Figure 13 below highlights the key benefits of pedestrianisation.

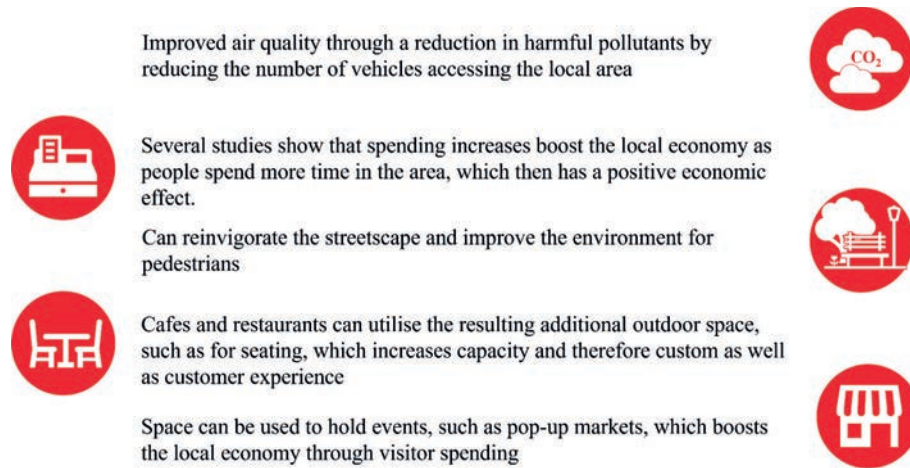


Figure 13: Benefits of Pedestrianisation

The main implications of a reduction or reallocation of vehicle parking on the immediate and surrounding area as well as the potential solutions are outlined in Table 1.

Table 1: Pedestrianisation implications and mitigations/solutions

Implication	Mitigation/Solution
<b>Traffic displacement</b>	Traffic modelling will be undertaken to understand the impact of removing vehicles from the High Street on the surrounding network.
<b>Removal of buses from the High Street</b>	Thorough engagement will be undertaken with bus operators to reduce the impact on bus services and routes. Vehicle tracking will be undertaken to ensure buses can easily manoeuvre any new bus routes. New bus infrastructure will be introduced and active travel routes between stops enhanced.
<b>Perception from business owners that reduced parking will result in reduced custom</b>	Thorough engagement will be undertaken with local businesses to understand their needs and requirements. Improvements will be made to encourage customers to travel actively or sustainably to the area.

Below are a number of case studies where pedestrianisation has been implemented successfully and has had a positive impact across the surrounding area.

## Exeter City Centre

Since the early 2000's Exeter has been revitalising its city centre with a series of improvements to the public realm, see Figure 14. This has included improving the pedestrian environment through the removal of vehicle traffic and by traffic management and an increase in pedestrian and shared spaces (including opportunities for outdoor seating). The improvements have consisted of high quality paving, public art, seating, tree planting and lighting. Permeability and connectivity in the city centre have been improved and the various implemented schemes have allowed pavement cafés to develop, thereby enlivening the city centre.

The aim of the project was to enhance the reputation of Exeter by developing a high quality destination, so encouraging visitors and investment, and to improve the wellbeing of all those who have an interest in the city centre including residents, businesses and cultural organisations.

Exeter City Council in partnership with Devon County Council have encouraged developers and high-end retailers to the city which has helped revitalise the city centre. The project has also resulted in an increase in footfall by 30% between 2002 and 2010 and an increase in retail rent prices compared to other similar towns in 2009 which have seen declining rents.



Figure 14: Exeter City Centre (© Living Streets)

## Gillet Square, London

Gillet Square is located in the London Borough of Hackney and was pedestrianised in 2007 (see Figure 15). The space previously operated as a car park. The aim of the pedestrianisation was to reinvigorate the area with cultural and commercial activity.

The pedestrianisation consisted of removing car parking, introducing new street lighting, tree planting, seating and cycle parking facilities. The square is also brought to life with a 'jazz club', market stall and a café.

The project has enabled many new businesses and organisation to take up residence in the surrounding workspaces for small enterprises. The space is now also used to host a series of events throughout the calendar year, including pop-up playgrounds, bike repair shops and 'games days' for the local community.

The pedestrianisation of Gillet Square has provided local communities with a space they can enjoy as well as attract new businesses.



Figure 15: Gillet Square (© Gilletsquare.org.uk)

### New Road, Bristol

New Road in Bristol is a busy commercial street with bars, restaurants, shops, a library and theatres. A project was promoted to redesign the road and pedestrianise the street with limited access to vehicles (Figure 16). This was delivered by introducing high quality granite paving across the whole area. The area has also been de-cluttered with road markings and signs all but removed. This has resulted in a pedestrian friendly environment without the need to apply formal restrictions to motor traffic. Seating and lighting have been used to ensure the space is attractive to travel through and spend time in.

The improvements on New Road have created an environment which is vibrant and welcoming. It has received overwhelming public support from both users and local businesses. Local restaurants and bars have invested in tables and chairs for outside their premises, enhancing the lively and social atmosphere. Local businesses feel that the pedestrianised space has improved the sense of community in the area, providing a better environment for customers.

The project has seen an increase in pedestrian activity by 162% despite a reduction in traffic volumes by 93%. Respondents who participated in a survey within the business community unanimously agreed that the project had helped to benefit their business.

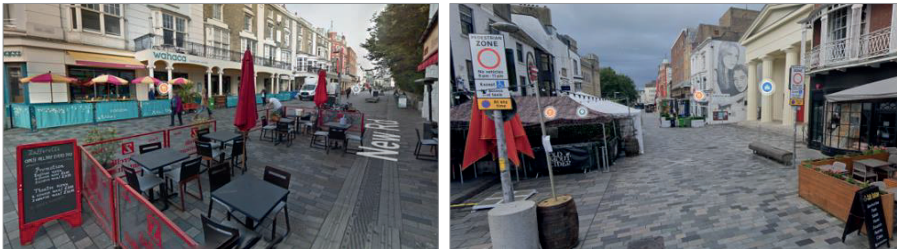


Figure 16: Exeter City Centre (© Google Maps)

### Traffic Calming

The following section outlines the benefits of traffic calming as well as providing case studies where traffic calming has had a positive impact within a local area

The early concept proposals for Dalkeith show traffic calming on streets surrounding the town centre regeneration site. This includes but is not limited to South Street, Buccleuch Street and the A6094, see Figure 17.


The plan on the following page highlights the area in which traffic calming measures will be explored and implemented appropriately. This includes speed limit reductions, widening of footways resulting in carriageway narrowing and raised tables to promote pedestrian crossings.



# Comprehensive Redevelopment

## Phased Ground / Landscape Works

### PHASING OF GROUND / LANDSCAPING WORKS

- 1A** Pedestrianisation of High Street - new ground surface treatment to create a shared surface between Buccleuch Street and South Street. Include for new trees, benches and hard and soft landscaping.
- 1B** King's Park Primary School works - separate budget
- 2** New vehicular access to car park and service access route. New hard landscaping to Buccleuch Street and the new walk associated with the Phase 2 New Build. Include for Phase 2 private gardens, and soft landscaping within the new walk. Travel hub with bus stop, e-bikes, taxi rank.
- 3** New hard landscaping associated with Phase 3 new build.
- 4** New layout to existing residential car park - new hard landscaping to be included to this area. Note - existing sub station retained. New vehicular access to car park and service access route. Include for Phase 4 private gardens, and soft landscaping within the new walk.
- 5** New courtyard formed between Phase 5 and Phase 3 buildings - include for hard and soft landscaping. New vehicular access to be constructed with access to service area and car park.
- 6** New hard landscaping associated with Phase 6 new build. Existing memorial wall and tree in Jarnac Court retained. Travel hub, bus stop, e-bikes and drop off area on South Street. New soft landscaping to create threshold between road and public gathering space.
- 7** New hard landscaping associated with Phase 7 new build.
- L1** Traffic calming to be introduced on Buccleuch Street - raised table to be incorporated.  
 New hard landscaped shared surface proposed on section of route located between Midlothian House and the New Midlothian Council Passivhaus Housing Development (access required to 9no. parking spaces only). Forming part of the new active travel route that links King's Park and King's Park Primary School to the town centre. Include for trees, benches and landscaping.
- L2** Traffic calming to be introduced on South Street - raised table to be incorporated.

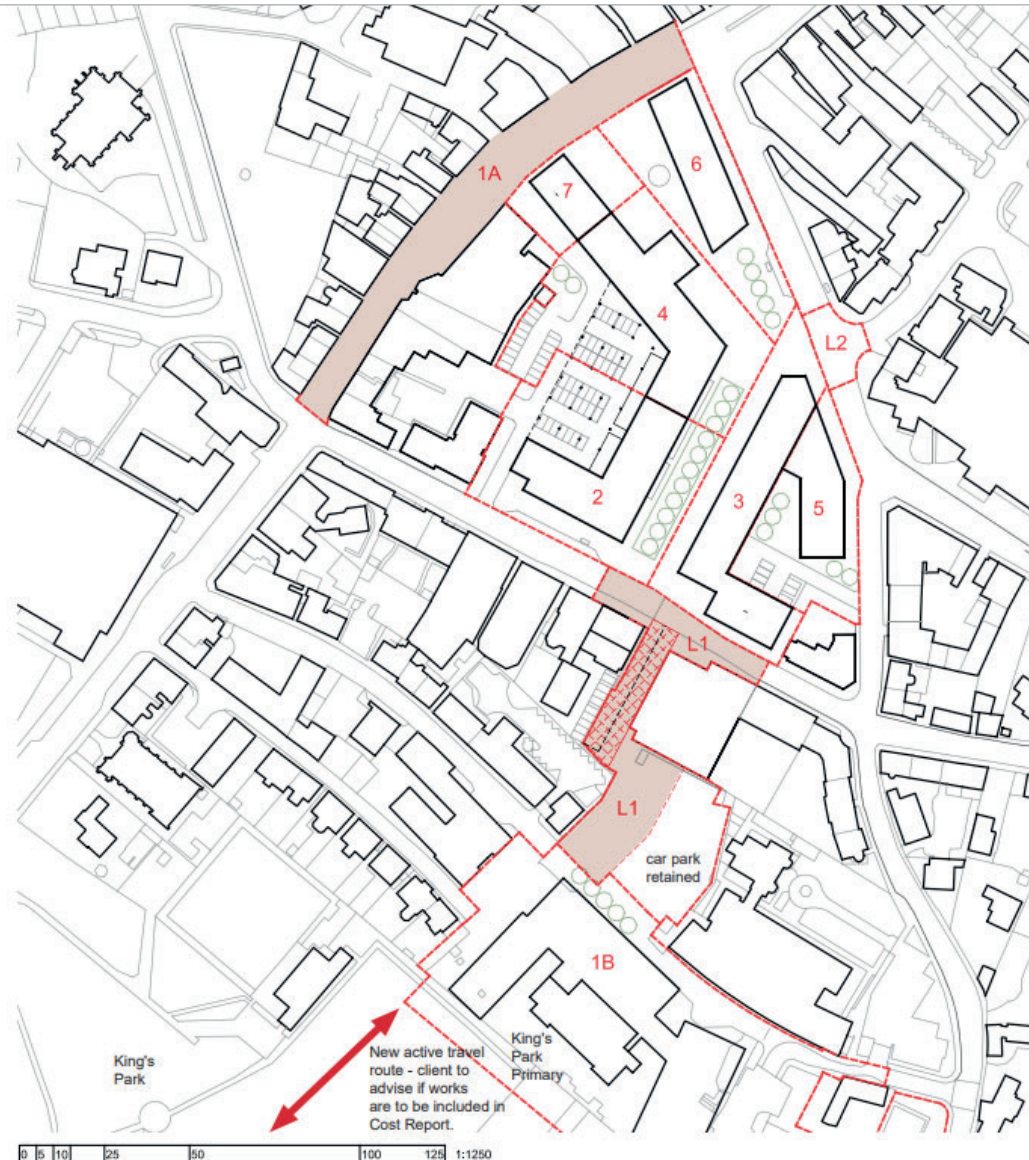
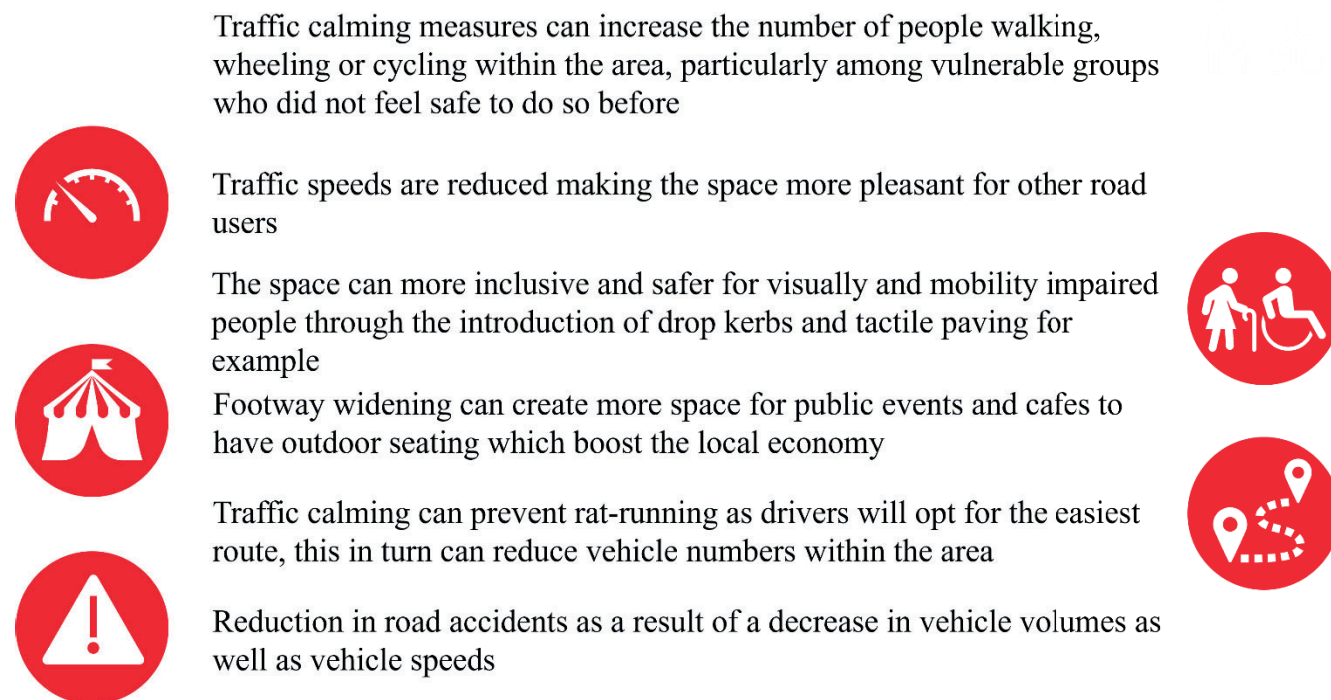


Figure 17: Location plan of traffic calming measures within town centre (© Reich & Hall)

Figure 18 below highlights the key benefits of traffic calming.



**Figure 18: Benefits of Traffic Calming**

The main implications of a reduction or reallocation of vehicle parking on the immediate and surrounding area as well as the potential solutions can be seen outlined below in Table 2.

**Table 2: Traffic calming implications and mitigations/solutions**

<b>Implication</b>	<b>Mitigation/Solution</b>
<b>Rat running along alternative routes</b>	Work will be undertaken to understand the implications of the traffic calming measures on the surrounding road network.
<b>Community push back</b>	Thorough engagement with the local community to understand their needs and requirements and ensure that traffic calming measures have as little negative impact as possible.
<b>New road layout for drivers could be confusing</b>	There will be signage and gateways developed into the design proposals to make drivers aware that they are entering a traffic managed area.

Below are a number of case studies where traffic calming has been implemented successfully and has had a positive impact to the area.



## City of Edinburgh Council's 20mph Speed Limit Roll-out

In 2019 City of Edinburgh Council rolled out a full network of 20mph speed limits across the city, as illustrated in Figure 19. The primary aims of the changes were to reduce traffic speeds and road traffic collisions, to improve conditions for walking and cycling and to enhance air quality.

Monitoring and evaluation were subsequently undertaken to determine the success of the project. This research found that the number of collisions within Edinburgh in one year had fallen by 40%, with 409 fewer casualties. It also found that fatalities had fallen by 23% throughout the city.

There have also been reductions in vehicle speeds recorded at various locations throughout the city, the highest being an average drop of just over 10mph. It can be concluded that the project has had a positive impact on both road safety and the enhancing of the street environment for all users.

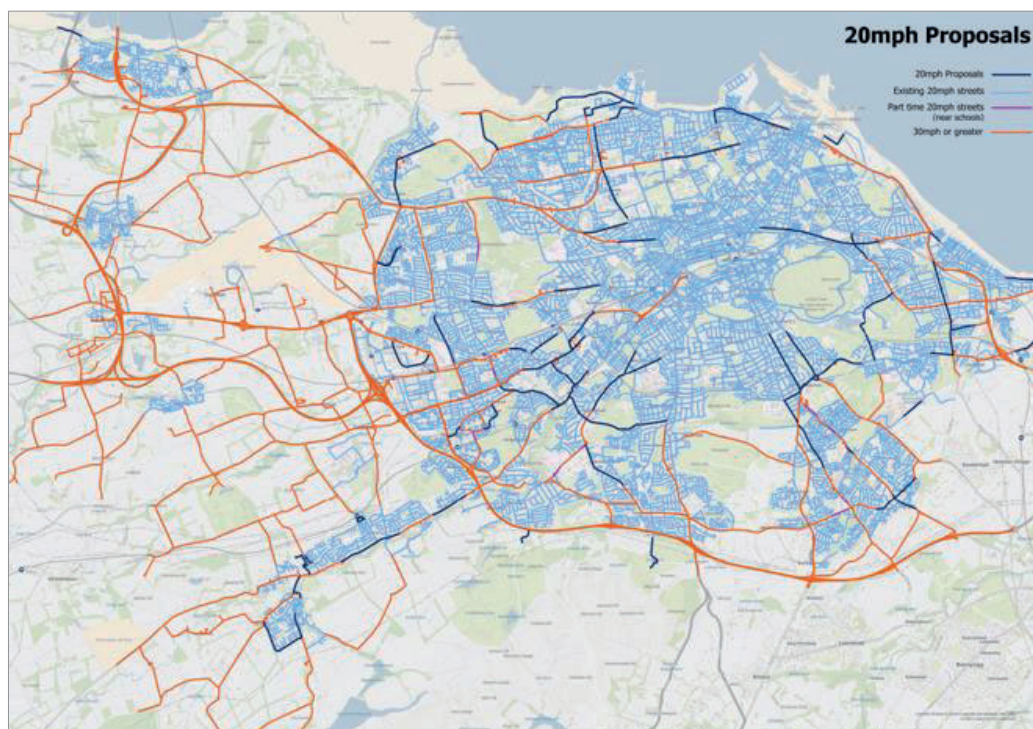


Figure 19: City of Edinburgh's 20mph speed limit roll out (© City of Edinburgh Council)

## **Hornchurch Town Centre, London Borough of Havering**

The London Borough of Havering have improved pedestrian access within Hornchurch Town Centre as part of a project looking at cultural and residential development (Figure 20). The key aims of the project were as follows:

- Make people feel safer and more comfortable within Hornchurch town centre.
- Improve Hornchurch town centre to make it a more attractive, pleasant, vibrant and a memorable place to visit and to spend time in.
- Provide more green spaces to relax and socialise in.
- Make it easier for people travelling to arrive into the town centre.
- Provide a clean and healthy environment within Hornchurch town centre.

The project has had a positive response from the local community and continues to adapt to meet the needs of the local people.



**Figure 20: Hornchurch Town Centre Project (© Hornchurch Borough Council)**

### Parking Reduction/Reallocation

This section outlines the benefits of reducing and/or reallocating parking within a town centre as well as providing case studies on where this has been implemented and has had a positive impact within a local area.

The early concept proposals show the reduction and/or reallocation of parking within Dalkeith town centre. Figure 21 highlights some early proposals relating to the allocation of parking on site. This will be for residential only and will incorporate disabled parking bays. All parking dimensions and geometry will meet Midlothian Council guidance requirements where possible.

This includes proposals for residential parking and limited visitor parking on the site itself, improving linkages to surrounding existing parking areas.

Discussions are being held with Midlothian Council officers who are currently developing the new parking standards for the Council area. It is likely that the proposals will not meet the requirements of the current parking standards, however, there are opportunities to use existing parking sites a short walk from the town centre that are currently being underutilised, as identified in the Midlothian Council Parking Strategy report (2017).





Figure 22 below highlights the key benefits of reducing or reallocation vehicle parking within the town centre.

Can reinvigorate the streetscape and improve the environment for other users as parking spaces can be reallocated for other uses



Uptake in sustainable and active modes of travel as a result of driving becoming a less attractive option, therefore resulting in benefits to the environment

Reducing parking provision can increase spending which boosts the local economy as people tend to spend more time in retail areas when not driving



Opportunity to introduce flexible measures to meet fluctuations in demand for parking, such as the introduction of parklets which can easily be removed and / or introduced

Opportunity to prioritise parking for blue badge holders to ensure they can easily access the services they need



**Figure 22: Benefits of vehicle parking reduction/reallocation\***

*\*Parklets are a quick installation of seating, greenery, cycle parking etc. usually within an existing parking space*

The main implications of a reduction or reallocation of vehicle parking on the immediate and surrounding area as well as the potential solutions can be seen outlined below in Table 3.

**Table 3: Parking reduction/reallocation implications and mitigations/solutions**

<b>Implication</b>	<b>Mitigation/Solution</b>
<b>Loss of parking within the town centre</b>	Opportunity to use underutilised parking sites within 5-minute walk of the High Street and provide safe walking routes linking them (Midlothian House, St Andrew Street and Lidl)
<b>Reduced access for disabled/mobility impaired users</b>	Disabled/blue badge parking spaces will be maintained throughout the site
<b>Perception from business owners that reduced parking will result in reduced custom</b>	Thorough engagement will be undertaken with local businesses to understand their needs and requirements. Improvements will be made to encourage customers to travel actively or sustainably to the area.

On the following pages are a number of case studies where the reduction or reallocation of vehicle parking has been implemented successfully and had a positive impact to the area.



## Oslo City Centre

Oslo has been transforming its city centre through the removal of the majority of its parking and the introduction of tolls to discourage driving. Removing parking has created space for public transport, walking and cycling in the city as seen in Figure 23.

Improvements that could be made as a result of the space made available include improving facilities and journey times for bus and trams, creating more space for walking and a city people could enjoy.

As a result, the city has seen air quality improve, a reduction in carbon emissions, and the city becoming more attractive and 'liveable'. In 2019 the city recorded no cyclist or pedestrian deaths through the authorities regular traffic monitoring programme, which are considered as a direct result of the improvements that have been made.



Figure 23: Oslo City Centre (© Sustrans)

## Sustrans and Living Streets Research

In 2006 Sustrans interviewed 840 shoppers on two neighbourhood shopping streets in Bristol to find out how customers travelled there. They also interviewed 126 retailers to ask how they thought their customers travelled. The results of the survey showed that retailers overestimated the importance of car trips by almost 100%, as shown in Figure 24. They had assumed that approximately 41% of visitors travelled by car when in fact only 22% had done so.

A similar study in Waltham Forest found that businesses believed 62% of their customers arrived by car and only 49% walked, whereas a survey of visitors showed that only 20% had actually arrived by car and 64% had walked.

In addition to this, evidence has shown that cycle parking generates five times higher retail spend than the same area of vehicle parking. Although those who arrive to an area of shopping by car may spend more money in one trip, more customers can access the cycle parking space in comparison to similar sized vehicle parking.



Figure 24: Sustrans parking study (© Sustrans)

## Mobility Hubs

The early concept proposals for Dalkeith show the introduction of a mobility hub within the town centre. Mobility hubs typically allow the integration of transport options and an improved overall user 'experience' through the provision of facilities such as those illustrated in Figure 25 below.

This section outlines the benefits of mobility hubs as well as providing case studies on where this has been implemented and had a positive impact within a local area.

For more information on the concept of mobility hubs please visit [Future mobility hubs – Arup](#).

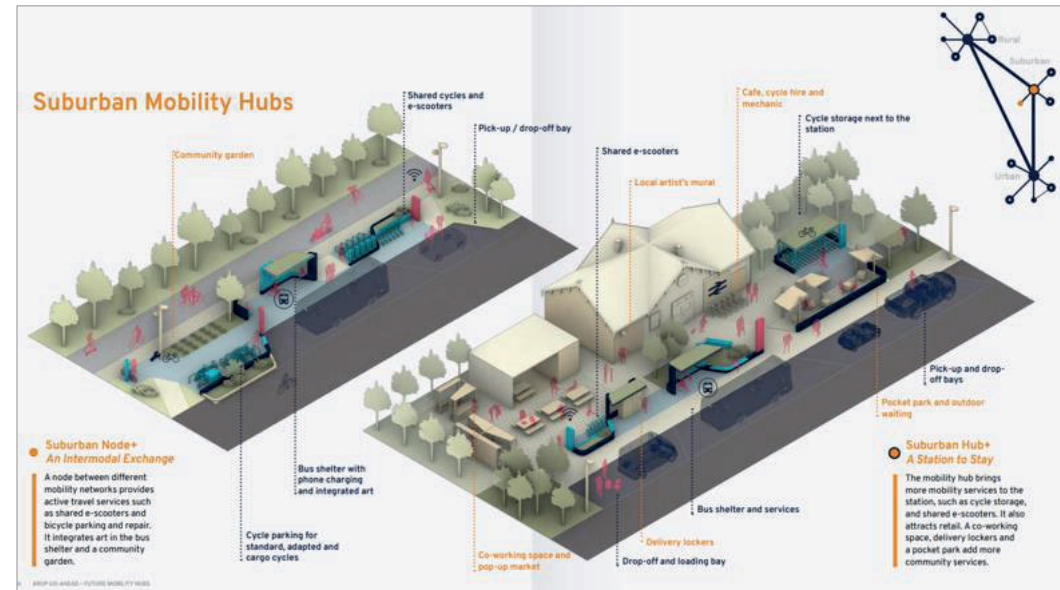


Figure 25: Mobility Hub Example (© Arup)

Figure 26 below highlights the key benefits of introducing mobility hubs into an area.

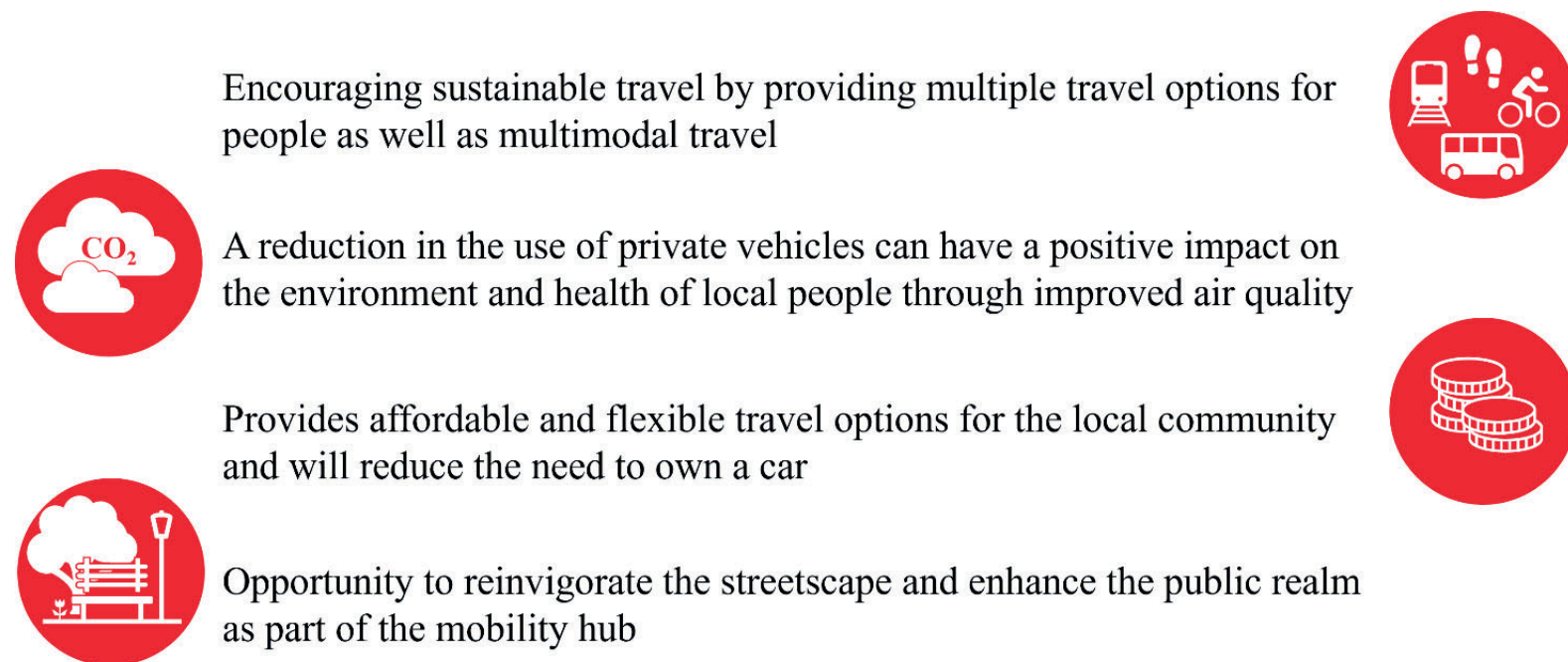


Figure 26: Benefits of Mobility Hubs (©Arup)

The main implications of a reduction or reallocation of vehicle parking on the immediate and surrounding area as well as the potential solutions can be seen outlined below in Table 4.



**Table 4: Mobility hubs implications and mitigations/solutions**

<b>Implication</b>	<b>Mitigation/Solution</b>
<b>Mobility hubs can be expensive</b>	There is national funding now available for mobility hub elements, whether it be for EV charging points, bike hire station or improved public transport facilities for example. There is also not a 'one size fits all' so as little or as many elements can be included as required.
<b>Limited space available within the site</b>	Mobility hubs are a flexible concept and there is not a 'one size fits all', therefore the level of elements implemented within the area will be dependent on availability and space.
<b>Requires the integration of public transport, car club and bike hire operators</b>	Thorough engagement will be undertaken with operators to better understand the feasibility of introducing mobility hub elements within the town centre.

On the following pages are a number of case studies where mobility hubs have been successfully implemented and have had a positive impact to the local area.

## Musselburgh Journey Hub

East Lothian Council have introduced a mobility hub outside Brunton Hall within the centre of Musselburgh (Figure 27). The hub is aimed at promoting the integration between different existing transport modes and supplementing them with enhanced facilities, services and information aimed at encouraging more sustainable travel, creating a sense of place and improving journeys and travel choices.

The site enables electric car club vehicles with dedicated charge points, and electronic information boards to existing bus stops, public EV charge points, local bike shop, a parcel collection point and real-time information, in addition to public bike hire with both standard and electric bikes.

Mobility hubs are still a new concept, and this is one of few currently within Scotland. The hub is therefore continuing to adapt to meet the needs of the local community with the addition of signage, additional bike racks, an additional charging point, the availability of electric car club vehicle and the inclusion of plants.



Figure 27: Musselburgh Journey Hub (© East Lothian Council)

## Bergen, Norway Mobility Hub (CoMo UK)

The City of Bergen launched its first mobility hub in the MØllendal neighbourhood in May 2018. The hub features spaces for car club vehicles, bicycle parking, easy pedestrian access and public transport stops, see **Error! Reference source not found.** (opposite). It also includes rubbish collection facilities and secure bicycle hangers that can be rented by residents to park e-bikes.

The aim of the project was to develop a mobility hub that caters to the wider needs of the local community.

Through the introduction of the mobility hub in 2018, the facility has aided Bergen in reaching its ambitious sustainability goals to better meet the mobility demands of Bergen's citizens. The city plans to expand the number of mobility hubs, as well as collaborate with companies to introduce a sustainable travel plan network for employees and companies.





## Projects within the Wider Area

There are a number of complimentary projects ongoing within the local area that will remain under review as the Dalkeith Regeneration project progresses. Further details on these are illustrated in Figure 28 (below).

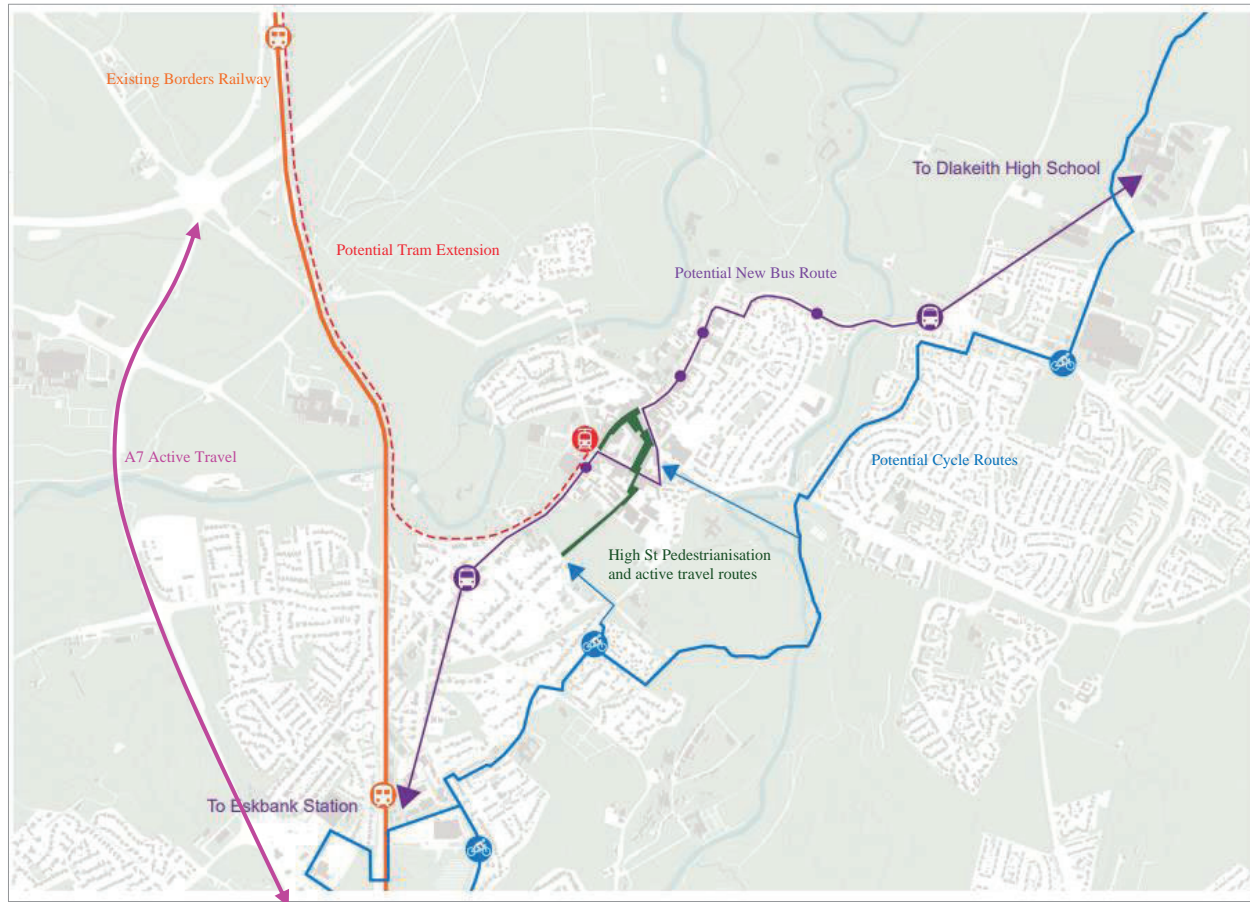


Figure 28: Transport Proposals (© Reich & Hall)

### Edinburgh Tram Extension

Transport Scotland's second Strategic Transport Projects Review (STPR2) identifies Edinburgh Mass Transit as a key project. It is proposed that this will enhance the level of public transport provision across the city region, including both Bus Rapid Transit (BRT) and Tram options. It would complement and integrate with existing bus, tram and heavy rail networks, providing improved connectivity throughout the region. Currently being led by City of Edinburgh Council, the initial focus is on delivering mass transit connectivity from the north of the city (Granton), through the city centre and onwards to the south/east extremities of the city boundary, including East Lothian and Midlothian.

This is likely to include a route that serves the Edinburgh BioQuarter development and onto Dalkeith. It is envisaged that a potential extension to the tram network will be fully electric/ battery/ hydrogen powered from the outset, delivering low emission travel. This would provide a further sustainable option for people to use when travelling to/from Dalkeith and would likely attract businesses to the local area.

Further information on this project can be found at: [stpr2-phase-1-ast-project-9b-edin-mass-transit-3-feb-2021.pdf](https://transport.gov.scot/stpr2-phase-1-ast-project-9b-edin-mass-transit-3-feb-2021.pdf) ([transport.gov.scot](https://transport.gov.scot)).

### A7 Active Travel Route

There are proposals to introduce a new active travel route along the A7 between the Sheriffhall Roundabout and Eskbank Railway Station. This will create a strategic active travel link within Midlothian that will connect to further links toward Edinburgh and other locations within Midlothian. The route will promote multi-modal travel by tying in with rail options at Eskbank Station.

Midlothian Council are currently in the process of updating their Active Travel Strategy which will identify this route as a key project.

### Midlothian Orbital Bus

Midlothian Council, in partnership with the regional transport partnership for South East Scotland, SEStran, have commissioned a study into the potential for introducing enhanced bus priority measures along four key bus corridors in Midlothian, as set out below.

- A6094 Whitecraig to A6094 Eskbank;
- B6293 Eskbank to A772 Gilmerton Junction;
- A7 Gorebridge to A7 Danderhall; and
- A6094 Eskbank to A701 Straiton.

The Whitecraig to Eskbank route includes the A6094 which includes a section of the High Street within the Dalkeith Town Centre Regeneration project. Careful consideration will be taken to ensure that the two projects complement each other and that both active and sustainable travel within the Dalkeith town centre is improved.

More information on this project can be found here: [Consultations - Midlothian Orbital Bus STAG: How can we improve bus travel along four corridors? | Midlothian Council](#).

## Next Steps

Table 6 outlines the next steps in relation to the transport proposals, this includes further discussions with key stakeholders as well as further technical work.

**Table 6: Recommendations for next steps**

Recommendations
1. It is recommended that the Cycling by Design Guidance be referred to when designing active travel infrastructure or route optioneering.
2. Consideration should be given to the displacement of vehicles from the High Street onto surrounding roads, potential modelling of re-routed vehicles may be necessary.
3. It is recommended that further work considers the feasibility of different vehicle types manoeuvring at junctions in the town centre given the proposals of a one-way system, vehicle tracking should be carried out where appropriate.
4. It is recommended that further traffic survey data is collected and analysed, in addition to a traffic modelling exercise at key junctions to determine the impact of introducing a one-way system and the closure of the High Street.
5. It is recommended that any accident data Midlothian Council have is cross checked with the Crash Map data.
6. It is recommended that further discussions are held with bus operators to better understand the degree of flexibility with rerouting services as well as where value could be added to the existing bus infrastructure.

7. It is recommended that further discussions are held with officers of Midlothian Council to determine impact of emerging proposals on bus services within the local area.

8. It is recommended that any new bus routes undergo a technical 'tracking' assessment once a preferred or series of potential options have been developed.

9. It is recommended that discussions are held with officers of Midlothian Council and a survey carried out with local businesses to better understand their needs in relation to servicing.

10. It is recommended that a discussion is held with officers of Midlothian Council in relation to the new parking standards currently being developed and the provision of parking on the site.

11. It is recommended that further work is carried out to look at wider active travel connections from the centre of Dalkeith to key destination points, feeding into Midlothian Council's Active Travel Strategy. The Cycling by Design, Cycling Level of Service assessment tool should be used in the optioneering stage when comparing a number of different routes.

12. It is recommended that the project team keep in touch with key contacts of other emerging projects, such as the bus orbital route, Edinburgh trams extension and the A7 urbanisation project.



# ALLIANCE CDM - CDM CONSIDERATIONS

# **Dalkeith Town Regeneration Study**

## **CDM Considerations**

20.01.23- Revision1



# **Dalkeith Town Regeneration Study**

## **CDM Considerations**



## **Contents**

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### **Surveys**

### **Existing Environment**

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- Traffic Management
- Site Logistics
- Demolition Exclusion Zones
- Existing Services
- Public Services(Emergency Services)
- Works Outside Site Boundaries
- Public Safety

### **Design**

- Phasing





## Introduction

The purpose of this report is to identify the CDM consideration in relation to the proposed Dalkeith Town Centre Regeneration Feasibility proposals.

Reiach & Hall are acting as Principal Designer for the design work carried out during the feasibility study. This report summarises the considerations that require to be addressed from a CDM perspective when assessing the design proposals. Due to the high level nature of the design proposals carried out for feasibility studies the report is focussed predominately on the existing environment, phasing and public safety.

## Surveys

The following surveys have been identified as being required if the proposals are developed further, please note this list is not exhaustive:

- Topographical Surveys
- Asbestos R&D Surveys
- Condition Surveys
- M&E Services Condition Survey
- Existing Utilities Record Information
- Site Investigation Report Phase 1 Desktop Study
- Ground Radar Survey
- Ground Investigation
- Flood Risk Assessment
- Ecology Survey
- Drainage CCTV survey
- Tree Survey
- Intrusive Structural Survey
- Utility Survey including Traffic Management
- Geotechnical Desktop Study
- Scottish Water Flow and Pressure Test

# Existing Environment

Dalkeith lies seven miles south east of Edinburgh City Centre, five miles to the south of Musselburgh with other nearby towns including Loanhead, Lasswade and Bonnyrigg. The centre is well connected by the road network- the A6094 and A768 are the main trunk roads in the area. Access to Edinburgh Airport is good, with a drive time of around 20 minutes. Dalkeith is located on a ridge between the Rivers North and South Esk, on the junction between the route south from Edinburgh to the Borders and the route east west from Eskbank to Musselburgh.

Dalkeith has a surviving mediaeval street layout and many historic buildings dating from the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries. Many of these are listed because of their historic and architectural value. Dalkeith was an important market town, at its most prosperous during the 19<sup>th</sup> century.

The High Street has been the main thoroughfare through Dalkeith since medieval times. The northern section of the street from the gates of Dalkeith House to the junction with South Street is unusually wide (approximately 28m) and formed the historic market town area, this is largely intact. The southern section of the street was characterised by narrow width which had densely packed tenement buildings fronting onto the street with pends and closes providing access to the rear. This urban form is still intact to the north side however the 1960s development of Jarnac and Eskdaill Court to the south side dramatically changed the character of this area of the town.

There are a number of listed buildings within Dalkeith Town Centre with some Category B listed buildings located in the west corner of the study area.

**Site Constraints-** For a town centre construction site to be set up and managed safely it is important for the contractor to be aware of any constraints that are imposed upon the site. This information is conveyed via a site constraints drawing that details but is not restricted to the following:

Defined site area- each construction site for each phase needs to have a defined site boundary to allow traffic routes, both vehicular and pedestrian to be considered to ensure safe traffic movement through the town centre.

Delivery times- the removal of debris from demolition works and material deliveries can result in large vehicles frequently moving through the town. Restrictions need to be applied to ensure that this doesn't happen during morning and evening rush hours and dependant upon location during school drop off and pick up times.

The maximum size and weight of construction vehicles accessing certain areas of the town needs to be confirmed and any restrictions to those communicated to the contractor.

Any height restrictions in relation to underpasses or overhead services need to be highlighted.

Site security- given the public nature of the sites, security will be a priority with solid hoarding and netted or wrapped scaffolding required.

Public Events- any annual events that take place in the town centre will be highlighted and any traffic or work restrictions communicated to the contractor.



**Traffic Management-** Traffic, both pedestrian and vehicular will be impacted throughout every phase of the works. Early engagement with Midlothian Council Roads Department would be beneficial in developing a strategy that would work for public traffic routes and construction traffic routes. Any footpath or road closures will require a permit from Midlothian Council. Consideration will also be given to the requirement for craneage which may require short duration road closures. The potential location for craneage would be identified with restrictions to specific days/dates. Public awareness of changes to traffic routes in advance of their implementation is strongly advised. There will be a permanent change to traffic routes given the pedestrianisation of the High Street. This will impact future phases of the regeneration works. Increased construction traffic will add to congestion within the town centre and out of hours debris removal and deliveries will have to be considered.

**Site Logistics-** When considering the boundary for a construction site, consideration has to be given to ensuring that there is adequate space for welfare facilities, storage areas, skips, office accommodation and plant and equipment. A site logistics plan will be developed and where there are constrained sites, compound locations outwith the construction boundary may need to be considered.

**Demolition Exclusion Zones-** To safely demolish each building a demolition exclusion zone requires to be defined. This can vary due to the height of a building, its construction materials and the demolition technique. The required exclusion zone can impact existing pedestrian and vehicular access routes. Where a site is particularly constrained the demolition technique would have to be altered accordingly to ensure public safety.

**Existing Services-** Existing utility records will be requested from all service providers. A GPR survey will be commissioned to ascertain more accurately the location of underground services on the sites. Any overhead services will be noted on the site constraints drawing. Given the works are being carried out in phases services serving properties both residential and commercial will have to be investigated to ensure that disconnections for demolition of one building does not effect the other. Live services may have to be retained within site confines to ensure continuity of service to surrounding buildings. If service diversions are required then these would be identified as early in the design process if possible to allow enabling works contracts to be carried out if necessary.





**Public Services(Emergency Services)-** Access for refuse vehicles for residential and commercial properties will have to be retained along with deliveries to all operational commercial and public buildings. All current emergency service access routes will have to be assessed to ensure that the works do not impede on any emergency service vehicle reaching all required areas. Shared access routes with construction vehicles may be necessary but this will be limited to outside the construction site boundaries.

**Works Outside Site Boundaries-** Works will have to be carried out outwith each defined site boundary- this is normally related to service connections or diversions. These works require to be identified and noted on a drawing to allow the contractor adequate time to programme these works with minimal disruption to the surrounding public areas. As these works will be outwith the secure site boundary, security will be a priority along with minimising the amount of time the works will take. Possible part and full road closures will be required, these have to be co-ordinated with any other traffic restrictions imposed by the works.

**Public Safety-** The works are being carried out in a very busy city centre with a constant flow of both pedestrian and vehicular traffic. To ensure public safety, the aim is to reduce the interface between public and construction works as much as possible. A robust site constraints drawing would be developed ensuring that safe pedestrian routes are provided with adequate diversion signage posted at strategic locations. The constraints drawing will take in to account all major pedestrian routes through the town, specifically those used for walking to and from school. These will be highlighted on the drawing with delivery times restricted to outwith school drop off and pick up times where necessary.



# Design

The following section looks at the phasing proposals and assesses the risks associated with each phase in relation to the CDM considerations as noted above:

## Ground/Landscape Works

### 1A- Pedestrianisation of the High Street

- Major traffic management undertaking for vehicular(permanent) and pedestrian(temporary) access. Early engagement with MC Roads Department is recommended.
- Consider safe pedestrian routes to commercial properties on the High Street that are to remain operational, school routes and drop off/pick up times to be considered and noted on site constraints plan.
- Public awareness of changes to traffic routes in advance of their implementation is strongly advised.
- Adequate signage clearly identifying diversions, locations of relocated bus stops, shops still accessible to be prominently displayed.
- Construction traffic will have to access the High Street whilst maintaining pedestrian access to the commercial properties. Segregation and security of the works is a priority. Works to the areas immediately adjacent to each commercial property to be carried out in phases to minimise down time.
- Close liaison with the local community and business owners is required throughout the duration of the works.

### 1B- Kings Park Primary School

- Separate contract, programme to be considered in relation to adjacent works proposed specifically L1

### Phases 2-7

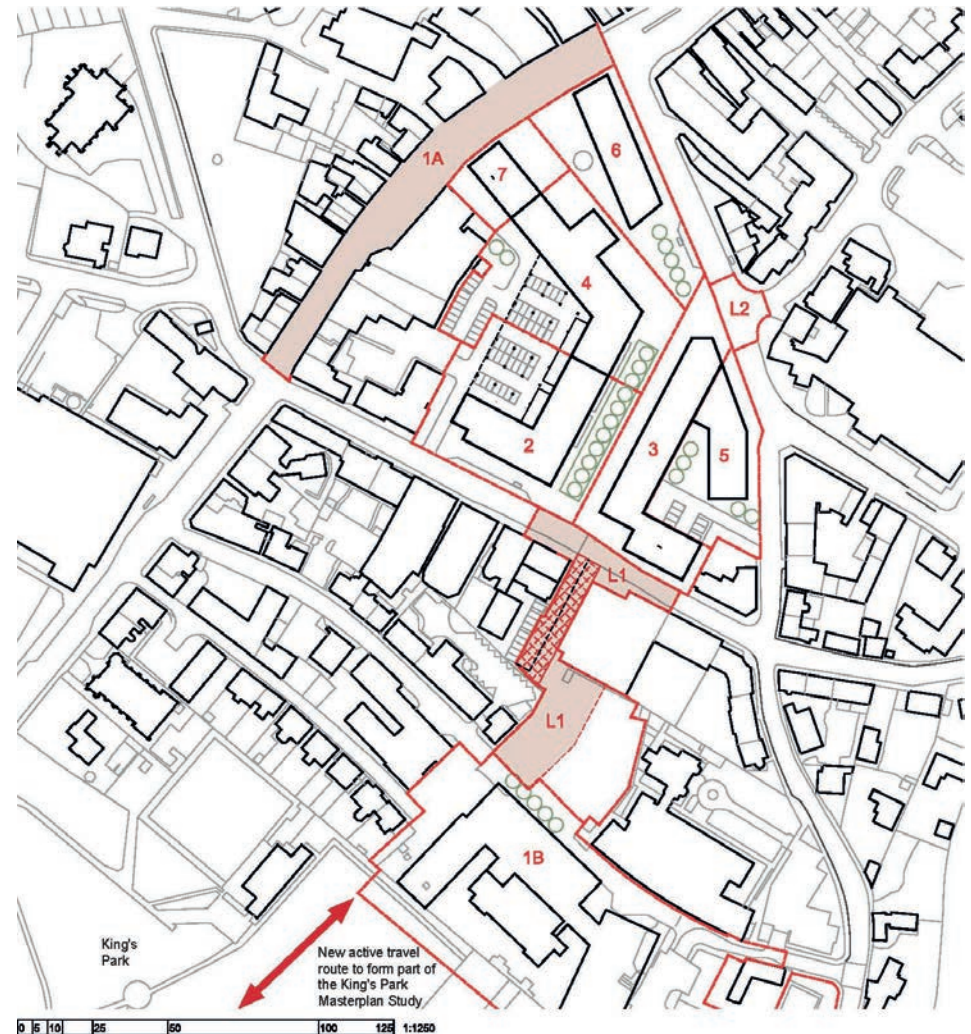
- Refer to the assessment of these specific phases including demolition and construction works as well as ground and landscape works

### L1- Traffic Calming and Hard Landscaping

- The programming of the traffic calming to Buccleuch Street to be carefully considered. With the pedestrianisation of the High Street this will be the only route for vehicular traffic through the town. If these works go ahead after the High Street is closed to vehicles then adequate traffic management will be required and out of hours working is recommended.
- Hard landscaping works to consider pedestrian and traffic routes in this area and ensure any restrictions are adequately signposted. Access to the 9 no. parking spaces to be considered in discussion with MLC.

### L2- Traffic Calming South Street

- The programming of these works to be carefully considered. With the pedestrianisation of the High Street this will be the only route for vehicular traffic through the town. If these works go ahead after the High Street is closed to vehicles then adequate traffic management will be required and out of hours working is recommended.





## Phase 2

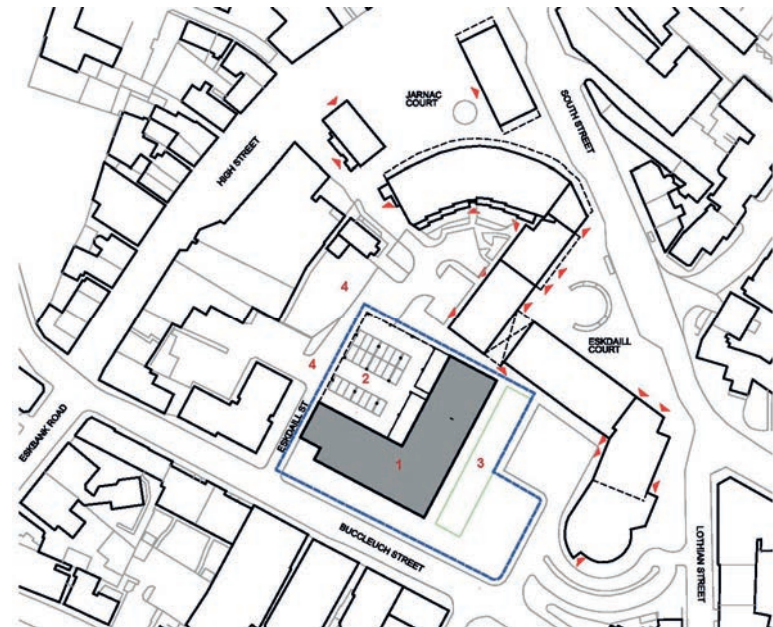
### Demolition

- Proximity to bus stop on Buccleuch Street to be considered, this was a very busy area, can this be retained during demolition for as long as possible, adequate exclusion zone is available.
- Eskdaill Street shared access to parking/refuse collections to be considered with site constraints drawing being developed. Access will have to be retained as much as possible and early dialogue with the owners/occupiers of the adjacent premises will be required.
- Pedestrian access from Buccleuch Street through to South Street will no longer via possible via White Hart Lane. Diversions signs for pedestrian routes will be required.
- Access to Eskdaile Court residential properties adjacent to Building 2 to be considered in relation to safe public access as this is extremely close to the site boundary and building line.
- Building 1 adjoins and adjacent building- structural stability will have to be investigated to ensure that the adjoining building is stable and if required adequate temporary works are provided.
- Shared services to be investigated, there are services fixed externally to the building. Live services will have to be identified, protected and retained on site.
- Demolition exclusion zone to be considered, adequate space requires to be provided



### Construction

- Site access and constraints are challenging, delivery routes, site setup. Site accommodation to be carefully considered, this is a very constrained site
- The location of the site compound including welfare, storage, skips etc to be carefully planned with construction site access being heavily restricted due to the surrounding shared access routes. With the pedestrianisation of the High Street there is very limited options for partial road closures during the day. If craneage is required the constraints of the site may require overnight crane lifts.
- Eskdaill Street shared access to parking/refuse collections to be considered with site constraints drawing developed. Access will have to be retained as much as possible and continued dialogue with the owners/occupiers of the adjacent premises will be required.





### Phase 3

#### Demolition

- Part of Eskdail Ct (Building 3) housing is to be retained- structural stability will have to be investigated to ensure that the building is stable and if required adequate temporary works are provided.
- Shared services to be investigated, there are services fixed externally to the building. Live services will have to be identified, protected and retained on site.
- Safe access to One Dalkeith and the residential properties on the upper floors to be carefully considered. Fire escape routes must not be compromised.
- The safety and privacy of One Dalkeith users must be considered when carrying out the groundworks adjacent to the building.
- Noise and dust to be monitored in relation to the adjacent residential properties.



#### Construction

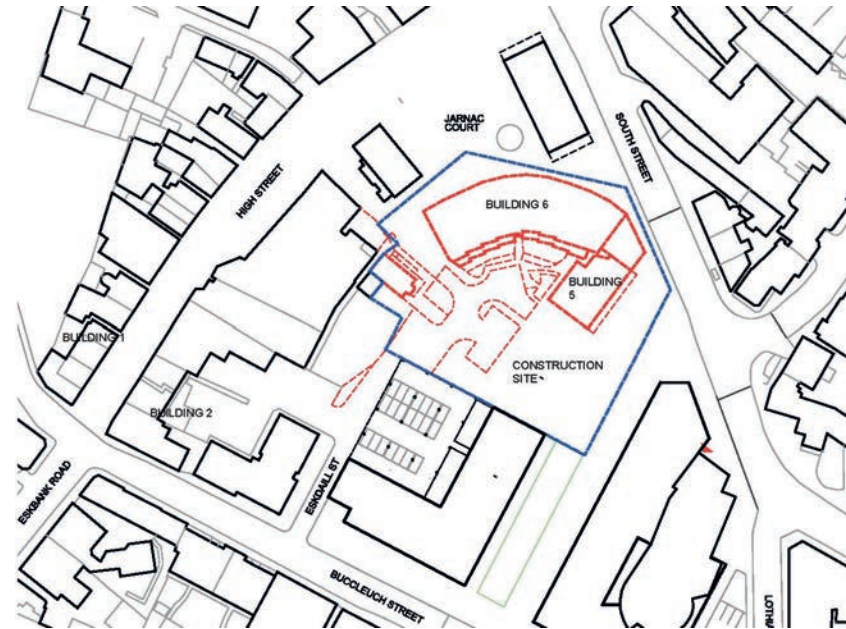
- Site access and constraints are challenging, delivery routes, site setup. Site accommodation to be carefully considered, this is a very constrained site
- The location of the site compound including welfare, storage, skips etc to be carefully planned with construction site access being heavily restricted due to the surrounding shared access routes. With the pedestrianisation of the High Street there is very limited options for partial road closures during the day. If craneage is required the constraints of the site may require overnight crane lifts.
- One Dalkeith will be vacated for these works but the upper floor residential will remain occupied. The fire action plan and risk assessment for the construction site will require to be robust and updated on a regular basis.
- Noise and dust to be monitored in relation to the adjacent residential properties.



## Phase 4

### Demolition

- Much larger site area with access and egress preferred via Eskdail Street where construction vehicles can drive straight into the site.
- With the pedestrianisation of the High Street all town centre traffic will use South Street and Buccleuch Street. The removal of demolition debris will require regular removal by lorries. These to be scheduled out of hours with all construction traffic movements pre planned.
- Where existing pedestrian routes are restricted adequate diversion signage must be posted.
- Noise and dust to be monitored in relation to the adjacent residential properties.



### Construction

- Much larger site area with access and egress preferred via Eskdail Street where construction vehicles can drive straight into the site.
- All construction traffic deliveries to be pre arranged outwith rush hour times.
- Where craneage is required this should be sited within the boundary of the site.
- Where existing pedestrian routes are restricted adequate diversion signage must be posted.
- Noise and dust to be monitored in relation to the adjacent residential properties.





## Phase 5

### Demolition

- Site access and constraints are challenging, delivery routes, site setup. Site accommodation may have to be located off site.
- Single point of access and egress from Lothian Street. The removal of demolition debris will require regular removal by lorries. These to be scheduled out of hours with all construction traffic movements pre planned. Consideration should be given to closing the public footpath along the site boundary and directing pedestrians across the road.
- The demolition exclusion zone is very limited with close proximity to new buildings, demolition techniques to be carefully considered
- Noise and dust to be monitored in relation to the adjacent residential properties.



### Construction

- Site access and constraints are challenging, delivery routes, site setup. Site accommodation may have to be located off site.
- Single point of access and egress from Lothian Street. Construction traffic to be scheduled out of hours with all construction traffic movements pre planned.
- Consideration should be given to closing the public footpath along the site boundary and directing pedestrians across the road.
- If craneage is required the constraints of the site may require overnight crane lifts.
- Noise and dust to be monitored in relation to the adjacent residential properties.





## Phase 6

### Demolition

- Much larger site area but with access and egress directly off of South Street where construction vehicles can drive straight into the site.
- South Street is a very busy pedestrian and vehicular route. Increased vehicular traffic to this road with the pedestrianisation of the High Street. Construction traffic to be scheduled out of hours with all construction traffic movements pre planned.
- Consideration should be given to closing the public footpath along the site boundary and directing pedestrians across the road.



### Construction

- The building footprint makes for a more constrained site with access and egress directly off of South Street where construction vehicles can drive straight into the site.
- South Street is a very busy pedestrian and vehicular route. Increased vehicular traffic to this road with the pedestrianisation of the High Street. Construction traffic to be scheduled out of hours with all construction traffic movements pre planned.
- Consideration should be given to closing the public footpath along the site boundary and directing pedestrians across the road.



## Phase 7

### Demolition

- Adequate site area but the site is located within a fully pedestrianised area. If vehicular service access is available to the High Street out of hours then consideration should be given to the contractor accessing and egressing with demolition lorries in the same way.
- Demolition techniques are to be carefully considered due to the close proximity of the building to adjacent pedestrianised areas.



### Construction

- The building footprint makes for a more constrained site. Site accommodation may have to be located off site.
- . If vehicular service access is available to the High Street out of hours then consideration should be given to the contractor accessing and egressing with delivery vehicles in the same way.
- If craneage is require the constraints of the site will require overnight crane lifts.



# DALKEITH TOWN CENTRE REGENERATION

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## 6.3 APPENDIX 03 - NESTA REPORTS

- Insights Summary
- Overview Survey Results

## 6.3 NESTA REPORTS



DALKEITH TOWN CENTRE REGENERATION

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# NESTA REPORTS - INSIGHTS SUMMARY

REIACH AND HALL ARCHITECTS



REIACH AND HALL  
ARCHITECTS



# Dalkeith Town Centre Regeneration Engagement

## Insights Summary

July 2022

[peoplepoweredresults.org.uk](https://peoplepoweredresults.org.uk)

@ppresults

### COMMUNICATING CLEARLY

We are happy to translate on request and provide information and publications in other formats, including Braille, tape or large print.

如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੰਗ ਕਰਨ ਤੇ ਪੁਸ਼ੀਂ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਵੇਂ ਵਿੱਚ ਬਰੇਲ, ਟੇਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸਮੱਗਰੀ ਹੋਵੇਗੀ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyuyoruz.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (ناچھانے والے لیے) یا بڑے ہونے والے حرف کی لکھائی (میں) ٹیپ پر یا بڑے ہونے والے حرف کی لکھائی میں فراہم کر سکتے ہیں۔

Contact 0131 270 7500 or email: [enquiries@midlothian.gov.uk](mailto:enquiries@midlothian.gov.uk)

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## Context

- What is this work about?
- How did we listen to people?

## What did we hear?

- Overview of key themes
- Theme 1: Moving around
- Theme 2: Places and spaces
- Theme 3: Services and amenities
- Theme 4: Identity and feeling safe

## Appendix

- Moving around: a closer look
- What have people said about this process
- Place Standard voting



# Context

- 1 - What is this work about?
- 2 - How did people participate?



# What is this work about?

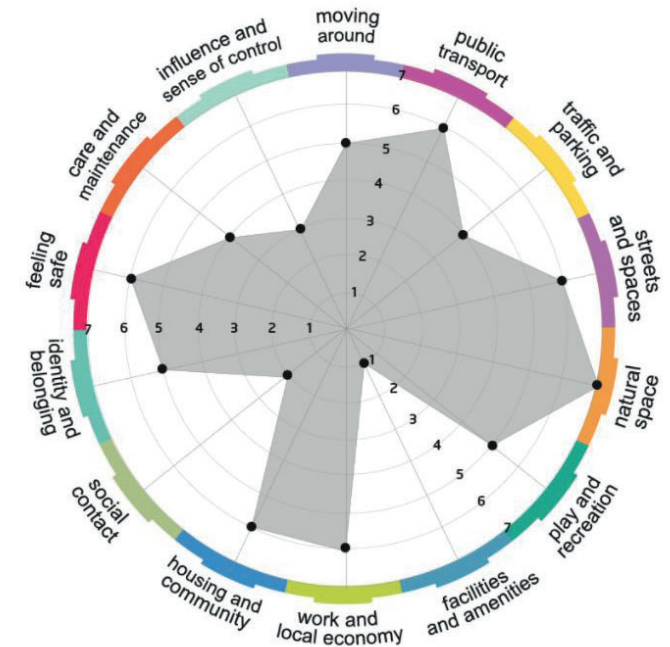
Midlothian Council is **updating the regeneration masterplan for Dalkeith, informed by a new vision for the town centre.**

We want to **build on what people have said in previous consultations and understand what people want from Dalkeith town centre today and in the future.** This new vision also needs to reflect new priorities and different ways of living that have emerged in the last few years.

Over May, June and July 2022 Midlothian Council and [People Powered Results](#) at Nesta have been **listening to people who live and work in Midlothian about their vision for the future of Dalkeith town centre.**

## Did we hear you right? Feedback on what we have heard so far

The views gathered from this engagement work are outlined in this document and have been used by architects to draft proposals for the town centre regeneration. We are sharing this document, along with these draft proposals for the town centre regeneration, with people who live and work in Midlothian for feedback in August. We will then use this feedback, alongside consultation carried out by the architects, to update the proposals and produce an updated masterplan for the town centre.



Throughout this work we have used the **Place Standard tool (above)** to help us understand what people want from Dalkeith town centre now and in the future. This tool was developed by *Scottish Futures Trust*, and is used across Scotland to help start conversations about what matters to people locally.

# How did people participate?

Between February and April 2022 we worked alongside key representatives across the Council, voluntary and community sector and businesses to co-design a community engagement approach for people who live and work in Midlothian. Through this co-designed approach we gathered a diverse set of perspectives from local residents and other stakeholders through a range of different methods and offering multiple opportunities for people to share their views. **315 people** participated so far through:



## Drop-in days

Residents, children and young people dropped in to two local events in partnership with Art Club on Fri and Sat 13- 14th May at the Library and One Dalkeith.

**104 people dropped in**



## Walkabouts

Residents and young people went on virtual and physical walkabouts individually or as self-organised groups to share their thoughts about Dalkeith town centre.

**188 people took part**



## Virtual workshops

People joined three virtual workshops in early June for 1) people who live in Midlothian; 2) people who support Midlothian communities; 3) local businesses.

**23 people joined**



## Literature review

We pulled out key insights from previous consultations, incl. the 2016 Masterplan, 2016 Dalkeith/Woodburn Action Plan, 2018 Destination Optimisation Tool, Introduction to One Dalkeith, 2019 Consultation and 2021 Dalkeith High Street Study



## Feedback survey

We are sharing this document with communities for feedback, and will incorporate comments to produce an updated masterplan for the town centre

N.B. During the co-design process, we heard that Dalkeith communities were experiencing "survey fatigue" due to multiple consultations. In response, we opted to not run an online survey for the first stage of engagement.



# What did we hear?

The following section gives a summary of insights gathered across the drop in days, virtual workshops and via the Walkabouts. These are presented under **4 themes**:

1. **Moving around**
2. **Places and spaces**
3. **Services and amenities**
4. **Identity and feeling safe**

Under each theme we have presented insights about:

- **How people feel now** and their **vision for Dalkeith Town Centre**
- **Key ideas that people felt would make a difference** in each section



# Overview of insight themes

## Moving Around

- Walking
- Cycling
- Public transport
- Driving and parking

## Places and Spaces

- Buildings, streets and public spaces
- Natural space
- Play and recreation
- Shopping and eating out

## Services & Amenities

- A focal point for holistic services
- Services to live and stay well
- Work and local economy

## Identity & Feeling Safe

- Identity and belonging
- Feeling safe
- Care and maintenance



# Moving Around

- Walking
- Cycling
- Public transport
- Driving and parking

**Note:** See [appendix on page 33](#) for more detailed insights on specific changes people wanted to see to help them walk, cycle and travel by public transport.





# Moving around and in Dalkeith town centre - Walking



**Walking:** people were enthusiastic about a pedestrianised town centre, and new infrastructure

## What did people say in previous consultations?

People wanted the town centre to be **more walking and cycling friendly**, with **less and slower traffic**.

They wanted **improved walking and cycling links** to nearby destinations, especially **Eskbank Station** and **Dalkeith Country Park**.

They wanted the **pedestrian routes extended** into Ironmills Park.

## What are we hearing now?

Overall, there was appetite for a **pedestrianised town centre**, with **significantly reduced traffic**. Many people, especially those with children or mobility problems, said that traffic around the town feels scary and **congested**, for example on the High Street. There were requests for new **pedestrian crossings** in multiple locations around the town centre, including functioning **accessibility features**.

Many said that Dalkeith did not feel **accessible** for them when walking: pavements can be **narrow**, at times **blocked by vehicles or bins** and **uneven paving** and **hills** are difficult for those with mobility issues, wheelchairs or prams. Some people told us that **outdoor seating** would make them feel more comfortable.

There were ideas for **new and extended walking routes**, including along the railway line and reopening the route into Ironmills Park. To complement this, some suggested **better signage**.

## Key ideas to make a difference

- ★ Adding pedestrian crossings in key places
- ★ Fixing uneven or obstructed pavements
- ★ Reopening walking routes into Ironmills Park
- ★ Clear signage highlighting walking routes around the town centre and to Dalkeith Country Park

*"I'm less confident walking after lockdown... Not used to being out and about"*

# Moving around and in Dalkeith town centre - Cycling



**Cycling:** people wanted to see new cycling infrastructure, including cycle lanes and bike parking

## What did people say in previous consultations?

People wanted the town centre to be **more walking and cycling friendly**, with **less and slower traffic**.

They wanted **improved walking and cycling links** to nearby destinations, especially **Eskbank Station** and **Dalkeith Country Park**.

They wanted **improved cycle routes** to maximise use of e-bikes.

## What are we hearing now?

Overall, there was enthusiasm for **better cycling infrastructure**, both in Dalkeith itself, and between Dalkeith and surrounding towns and destinations. Current traffic, on roads and roundabouts without **cycle lanes**, make some areas particularly **intimidating** for cyclists. Requests for new cycle routes included to and from **Eskbank Station** and **Dalkeith Country Park**.

Some said that road surfaces need to be repaired, with potholes filled.

Some mentioned that additional infrastructure like more **cycle parking** around the town centre would help them, for example at **shops** and the **children's play park**.

Some mentioned the **e-bike scheme**, and wanted to see the return of bikes for hire in the town centre.

## Key ideas to make a difference

- ★ Putting in protected bike lanes in key locations
- ★ Increasing bike parking
- ★ Fixing potholes and ensuring smooth road surfaces
- ★ Re-introducing e-bikes to the town centre

*"A lot more people would cycle in Dalkeith, if the roads were better adjusted."*

# Moving around and in Dalkeith town centre – Public transport



**Public transport:** public transport is good, but it needs to be affordable and easy to use

## What did people say in previous consultations?

People wanted more bus services to and from local places, including Eskbank Station and Dalkeith Country Park.

## What are we hearing now?

The **importance of local bus services** came through strongly. Current services are appreciated, but many felt that more could be done to **improve sustainable transport** and help people move away from cars. Many people commented on bus services that were important for them, but were **infrequent, unreliable, or recently cut**.

Additionally, new bus services on **orbital routes** or to and from new **housing developments** would help people come into and out of Dalkeith. Residents emphasised that for them to use it, public transport needs to be **affordable, accessible and regular**.

Many people mentioned that they would like to see public transport options to and from **Eskbank Station** and **Dalkeith Country Park**. A 'Park and Ride' or 'Park and Walk' into Dalkeith were suggested.

A **'Dial a Bus', youth bus or bus for disabled people** were also suggested to support mobility in and out of Dalkeith without cars.

## Key ideas to make a difference

- ★ Introducing a 'shuttle bus' to and from the town centre, Eskbank Station and Dalkeith Country Park
- ★ Introducing 'Dial a Bus' or youth bus service

*"People want to ditch their cars, but they need help to do it."*



# Moving around and in Dalkeith town centre- Traffic and Parking



**Traffic and parking:** residents said there was a lot of traffic in their town centre

## What did people say in previous consultations?

People wanted **more free parking** in the town centre.

People also said that **busy car parks felt unsafe** with children.

## What are we hearing now?

Overall, people felt that there was **too much traffic** in the town centre and that this made it feel **unfriendly**. Some wanted to see an **end to through traffic in the town centre**, perhaps opening it to buses only - and this aligns with the vision some have for a pedestrianised 'town square'.

For those who do drive, there were **mixed opinions** about access and parking in the town centre. Some felt that the town centre was already 'well off' in terms of parking, but others disagreed, especially for Council staff and for **disabled and elderly people** accessing banks and other services in the town centre.

There were mixed opinions about **current parking charges** in the town centre. Many wanted parking to be free for longer, while some thought the current parking charges were fair. Some wanted to see **EV charging points** introduced.

**Businesses** emphasised that it was important to them to have **good communication about any changes** to traffic and parking in the town centre.

## Key ideas to make a difference

- ★ Improve parking, for example by extending free parking and ensuring access to the town centre for disabled people and shoppers
- ★ Introducing Electric Vehicle charging points

*"I'd like to see a traffic detour to avoid the town centre."*

# At a glance: moving around

"The only time I feel unsafe in Dalkeith is when walking with my young son and feeling like I need to have eyes on the back of my head due to all of the traffic and junctions. Dalkeith should be a place to travel to and live in, not somewhere where people driving through ... get priority."

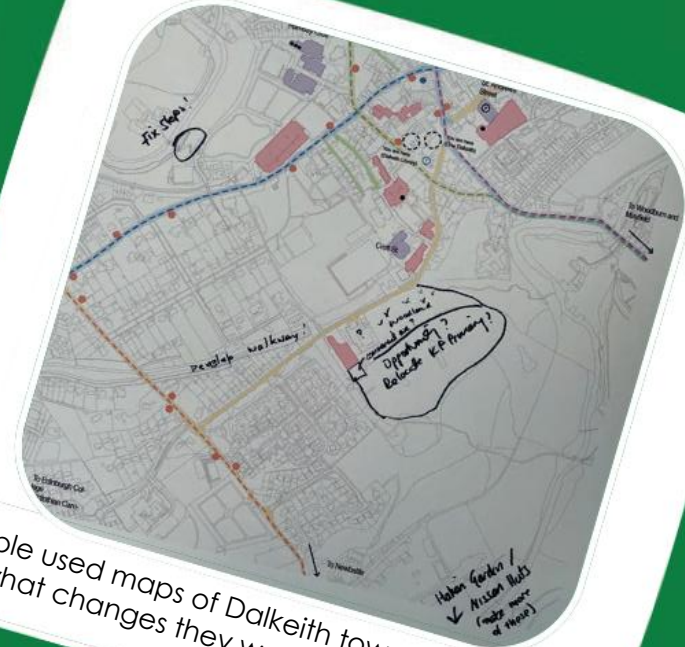
"Buses are a priority, especially orbital routes please!"

"Walking distances for people with disabilities are long"

"Walkers need sloping kerbs, especially with shopping. It's harder to get around"

"Better signage. Cycle and safe walking routes. Better bus service and link to train!"

"The way you need to think about it is - would you do it with a child on the back of your bike?"



People used maps of Dalkeith town centre to tell us what changes they want to see in the future

# Places and spaces

- Buildings, streets & public spaces
- Natural space
- Play and recreation
- Shopping and eating out





# Places and Spaces – Buildings, streets and public spaces



**Buildings, streets and public space:** People were keen for an open, pedestrianised town centre

## What did people say in previous consultations?

People were keen for a **'town square'** to be developed with space for a farmers' market, art exhibitions and a big screen to broadcast events.

They also wanted to see **additional features to improve the appearance and accessibility of public spaces** - such as seating, public toilets, planting and additional lighting.

People were keen to **stay true to original architecture and design** e.g. restoring original tile work at Eskdaill court.

## What are we hearing now?

There was enthusiasm to build on what is **already there** in the town centre and maintain the open space. People remained enthusiastic about the central area being **pedestrianised**, with seating and making space for outdoor cultural events and socialising.

Residents and business owners were keen to see cafes and other business allowed to **'spill out'** onto the street in nice weather, adding to the **'central square feel'**.

While there is love for the town's **historic buildings** and the old 'closes', many told us that there is too much concrete and that **buildings feel neglected and in need of redevelopment**. Young people were keen to see buildings reused for environmental reasons. Street art was suggested as a way of adding much needed colour.

People also commented on the need for **cleaner, better maintained public toilets**.

## Key ideas to make a difference

- ★ Pedestrianising the central area, including the high street
- ★ Maintaining and cleaning public toilets regularly
- ★ Encouraging local street art to add vibrancy and colour

*"People love to congregate in Jarnac Court. Make it more attractive, continental."*

# Places and Spaces – Green Space



**Green space:** People want parks and natural spaces to be easier to access and enjoy

## What did people say in previous consultations?

People were keen to see more attention on the **upkeep of parks**.

People talked about the **green area** around **King's Park Primary School** being unkept, and that this was encouraging anti-social behaviour.

One idea people had to address this was to fence off this green area specifically for Kings' Park Primary School to transform it into a "**school woodland**" space.

## What are we hearing now?

People were keen to see **more green** in the town centre to counteract the 'concrete jungle' feel. Trees, planters, flowerbeds and shrubs would help soften the appearance of the town centre and add much needed colour.

**Parks and natural spaces** near the town centre are really valued. Dalkeith Country park is a great asset and people would like to see more done to recognise these spaces and make the **journey** to get to them **easier** for people and families.

People also suggested simple ways to make it easier to **spend time** in green spaces by using gazebos and covered areas to '**weatherproof**' them, and making well maintained and accessible **public toilets** available.

## Key ideas to make a difference

- ★ Building covered areas to weatherproof parks and outdoor spaces
- ★ Adding trees, shrubs, flower beds and planters to central spaces
- ★ Making well maintained public toilets available
- ★ Using signage in green spaces to encourage people to visit the town centre

*"I'd like to buy my lunch and eat it outside... even if there was just one tree."*

# Places and Spaces – Play and recreation



**Play and recreation:** people wanted more leisure facilities and organised events in the town centre

## What did people say in previous consultations?

People and families were keen to see **more events** in the town centre, in the evenings and at weekends. There was enthusiasm for **outdoor entertainment** in the form of live music and shows.

People wanted to see **more support** for existing **activities** and **clubs**, e.g. tennis club, walking group, rugby club, cycling without age, faith-based and men's sheds. Families wanted to see a **Breakfast Club** and **After School club**.

## What are we hearing now?

Adults and young people told us that they wanted to see more **leisure facilities** in the town. Suggestions included play and water parks, gaming and board games cafes, a skate park, as well as a cinema, bowling alley, children's soft play centre and a 'sensory garden' in Kings Park. Many also wanted a **community centre** to bring people together and offer a range of activities - similar to Brunton Halls or the Steading in Rosewell.

Many were keen to see an **affordable gym** and a **Leisure Centre** as priorities and some suggested that Kings Park Pavilion could be transformed into a changing facility for sports activities.

People were also keen for **organised events and activities** to draw families and visitors into the town centre. There was a big appetite for affordable and accessible leisure activities, run in local venues and spaces, including:

- **Sporting & wellness** activities - running events in Kings Park, dance and yoga classes, other exercise classes, crazy golf and putting in the park.
- **Social, creative & educational** activities - cookery, sewing, art & music classes, theatre, art exhibitions, a community garden, a craft market, independent cinema and projections in Jarnac Court.

## Key ideas to make a difference

- ★ Putting on a range of family-friendly events in the town centre
- ★ Being creative with existing spaces such as Kings Park pavilion to support sporting activities and clubs to flourish

*"[I'd like to see a] community centre where lots happening and you are welcome to join in"*



# Places and Spaces – Shopping and eating out



**Shopping and eating out:** People wanted a wider diversity of places to shop and eat

## What did people say in previous consultations?

A more **diverse** offering of places to **eat out and shop** in Dalkeith was important to people, to encourage them to spend more time in the town centre.

There was enthusiasm to create space for **local markets**, showcasing local produce and providing space for '**pop-up shops**' for local businesses - from farmers' markets to local arts and craft markets.

## What are we hearing now?

While many mentioned that they like the shops in the town centre, there was strong message that people wanted more **variety** in places to **shop and eat out**. They were excited about the potential for **markets and pop up stalls** in a new '**town square**' space, to transform the experience of shopping and eating out in the centre.

The **types of shops** people mentioned that they wanted to see included a shoe shop, bookshop, haberdasher, crafts and clothes shops (including those for young people), a repair cafe and shops focused on ethical/eco-friendly products. People also wanted to see shops made more accessible to those with mobility issues, for example through step-free access and Braille information plaques.

There was also eagerness for **higher quality** restaurants, delis and speciality food shops. While **young people mentioned wanting a Mcdonalds**, others wanted to see **less fast food** outlets. People mentioned vegetarian outlets and those offering 'affordable, healthy food'. Some were keen to ensure that **gentrification** does not erode a sense of belonging for people.

## Key ideas to make a difference

- ★ Creating space for independent businesses and local farmers to have pop-up market stalls in the town centre
- ★ Incentivising a diverse range of independent businesses to set up in the centre

*"We don't want to lose that pleasant, central, open space. A definite focus of the town centre."*

# At a glance: Places and spaces

"I can't get over the quality of the green space that surrounds Dalkeith."

"I want to get away from thinking about just shops... Let's have blue sky thinking... What about activities, entertainment?"

"[I'd like to see] refilleries and eco-friendly shops, including Zero Waste centres like in Dunbar; Tool Library like Edinburgh's Leith Walk; Repair and Refurbish - eg clothing, IT, furniture; bike station to repair and refurbish bikes.."

"I would not want people to feel like the town centre is not for them any more, because it has been gentrified."

"There should be a youth friendly space that supports us with mental health and creates volunteering opportunities"

At the drop in days, **children drew pictures of places they would like to see in Dalkeith town centre**



"Playground"  
by Orla



"Skate park"  
by Marcel



"Gaming Cafe"  
by Peter

I would like  
in as Dalkeith town center  
a gaming cafe

# Services and amenities

- A focal point for holistic services
- Services to live and stay well
- Work and local economy



# Services and Amenities – A focal point for services



**A focal point for holistic services:** People were enthusiastic about bringing services under one roof

## What did people say in previous consultations?

People really valued the **library** and **post office** as focal points in the community, especially for people without transport.

Some made suggestions about **expanding the library's role** as a social space and to extend the reach of other services, e.g. private booths for people to attend digital medical appointments.

People were keen to see a **community pantry**.

## What are we hearing now?

People still highly valued the **post office** and **library** as essential services. Residents and third sector organisations were keen to see a **one stop shop** for services, advice and practical support - bringing together support from Council and third sector organisations under one roof. People wanted to build on the social work centre on St Andrew street, which has been working well on a smaller scale.

A **community hub** could be a place for people to access a **range** of **social, welfare, health and support** services, as well as attending affordable **wellbeing activities** such as yoga, mindfulness and dance.

The approaching cost of living crisis has also reinforced the need to be proactive in setting up services like a **community clothing bank** and **food pantry**, as well as holistic initiatives such as **allotments** that support people to access affordable, healthy food, promote skills development, and improve mental and physical health.

## Key ideas to make a difference

- ★ Setting up a community pantry
- ★ Adding private booths and equipment to the Library for people to attend digital medical appointments

*"Community space that we can book to hold events and bring citizens and service providers together.. We could use it to deliver some services as well that potentially don't require clinical space."*

# Services and Amenities – Services to live and stay well



**Services to live and stay well:** People told us they need better access to housing and health services

## What did people say in previous consultations?

People were keen to see improvements to **housing services and new housing options being developed** to provide more attractive buildings, access to green space, parking and to ensure residents feel safe.

People wanted to see a variety of housing tenure options and housing that **meets the needs of families and older people**.

## What are we hearing now?

**Housing** was still an area that **needs improvement**. While some people were keen to retain the look and feel of the historic buildings in Jarnac Court, others wanted to see the area redeveloped. There is also a need to improve **energy efficiency** and manage costs for residents, through better **insulation** and solar panels. One resident mentioned the need for better access to support from the **Housing Officer**, while another wanted to see more one-bed housing.

People wanted to see improvements in **access to local healthcare and wellbeing services**, including a walk-in facility for health advice and better access to GP appointments, women's health and holistic mental health support. Many told us about **long waiting times** at the existing chemists, and specifically mentioned the need for a **more accessible pharmacy service**.

Residents and businesses wanted to see **free Wi-Fi and access to computers** in the town centre.

## Key ideas to make a difference

- ★ Prioritising improvements to Jarnac Court, Eskdail Court and Buccleuch Street to improve housing conditions
- ★ Providing free Wi-Fi in the town centre

*"It [Jarnac Court] is like a prison sentence.. It's dirty, it's noisy and smelly and it's a horrendous place to live."*

# Services and Amenities – Work and local economy



**Work and local economy:** People wanted more support and incentives for independent businesses

## What did people say in previous consultations?

People were keen to see **incentives for businesses and additional retail space to encourage independent businesses and startups** to set up and thrive in the town centre.

## What are we hearing now?

Businesses echoed the **need for more organised events and activities** to give their customers a reason to visit the centre and stay. There was enthusiasm about the opportunity to use a new pedestrianised town square and other public spaces to

- **Celebrate local produce and talent** through markets
- **House new independent businesses and pop up shops**
- Provide much needed **additional venue space for health and wellbeing businesses** to run classes

Helping independent businesses to thrive was seen as a good route to **providing new jobs and opportunities**, alongside the job centre.

There was excitement about the potential of the new **One Dalkeith premises to provide a hub for businesses and start-ups**, providing much needed co-working and hot desking spaces, a venue for meetings and to incubate start-up businesses.

People noted the Dalkeith is very quiet in the evenings and were keen to see more bars, restaurants, a cinema and theatre to support the night time economy.

## Key ideas to make a difference

- ★ Making the most of the new One Dalkeith space
- ★ Creating space for independent businesses and local farmers to have pop-up market stalls in the town centre

*"Locating our business in the centre means it's good for us strategically. We're able to service Edinburgh but also have local positioning in the marketplace. I love the vibrant, engaged and empowered community we have here."*



## At a glance: Services and amenities

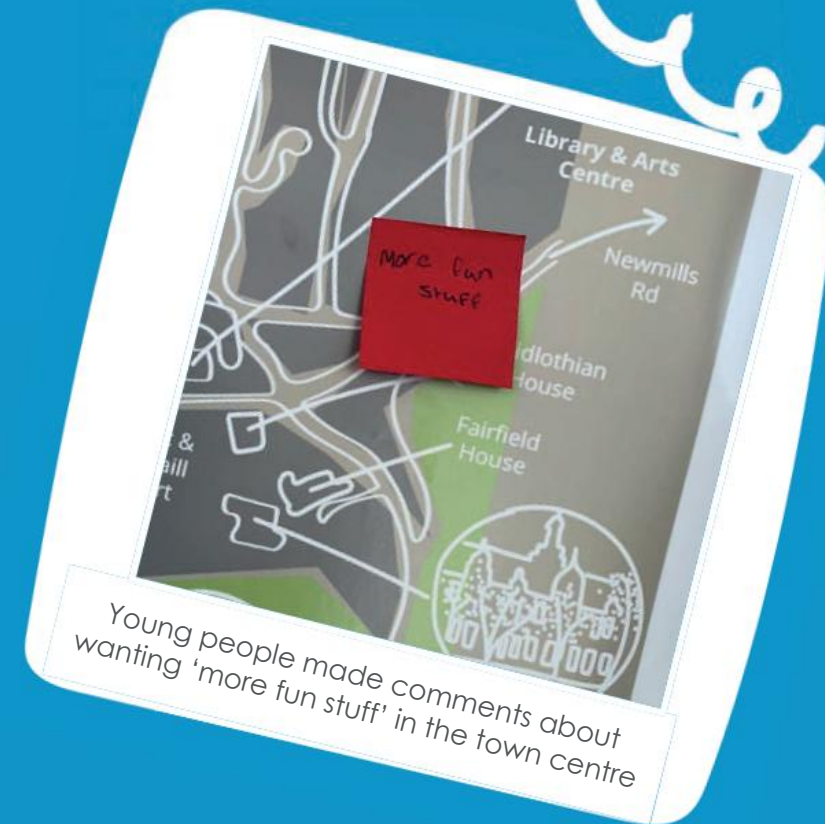
"Why can't we have a farmers' market? We're surrounded by farmland and local crafters, but right now it's all going to Edinburgh markets."

"I'm a newcomer, but find Dalkeith to be vibrant, edgy and friendly. I love its proximity. In recent years I've had lots of interaction with local businesses and think there's huge potential for the business community to develop and prosper."

"As a retired person.. I would like to find everything I need here in Dalkeith. I can... apart from shoes, we need a shoe shop."

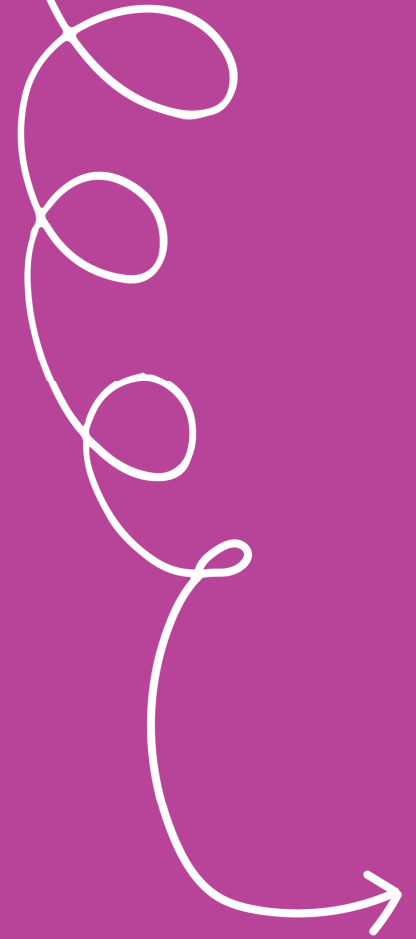
"A health centre where you can actually see a doctor"

"[I want to see] more support to help people get on with their lives and get into work."



# Identity and feeling safe

- Identity and belonging
- Feeling safe
- Care and maintenance



# Identity and feeling safe – Identity and belonging



**Identity and belonging:** there's a lot of positive energy about Dalkeith that can be built on

## What did people say in previous consultations?

As a place, Dalkeith has a **rich historic legacy**, and people wanted this to be more visible. In particular, the **witch trials** that happened in Dalkeith are a popular topic for some, as shown by the panels on the One Dalkeith building. These women could be a **good focal point for a memorial, statue or fountain in the town centre**.

It was important to people that Dalkeith has its own **unique identity**, and isn't simply seen as a suburb of Edinburgh.

Dalkeith has a **coat of arms** and it was suggested that this could be used to brighten some buildings.

## What are we hearing now?

There were some really positive comments about the **identity** and **community** in Dalkeith, with some saying that it felt **vibrant, edgy, welcoming and unique**. Other ideas in this report, like a **market, wellbeing hub** or **new cultural hotspots**, could contribute to a renewed sense of identity for the town as a whole.

Many commented that they wanted to see more made of **Dalkeith's rich history**. There are some visible tributes in the town centre - like the **witch panels** and **red and blue plaques** - but more could be done to highlight this to visitors.

Many appreciated the work of the Guerrilla Gardeners, and wanted to see more **community volunteering and input**. They also wanted **opportunities to vote** on and discuss issues affecting the town centre. People also wanted a noticeboard and a face-to-face contact point, as well as **better communication** from the Council on issues like parking changes and e-bikes.

## Key ideas to make a difference

- ★ Organising events that bring people together
- ★ Publicising heritage trails
- ★ Preserve a town centre 'focal point', possibly including a market or outdoor seating
- ★ Opportunities for residents to feed into decisions, e.g. Community board

*"There's a vibrancy and edginess to Dalkeith that could be developed and fostered."*



# Identity and feeling safe – Feeling safe



**Feeling safe:** anti-social behaviour and drinking after dark make some feel less safe

## What did people say in previous consultations?

There were some comments about **antisocial behaviour** in the town centre, and Abbey Road Woodland and Rose Garden, some of which could be alleviated by after-hours use of the school.

People commented on the need for **good lighting** around the streets to improve the feeling of safety.

## What are we hearing now?

There were **mixed opinions** about how safe the town centre feels currently. While many people said positive things about the identity and community of the town as a whole, many said that they felt less safe **after dark and on Friday and Saturday evenings**. Some people told us that **alcohol consumption** and large groups can create an **intimidating atmosphere**, especially for women.

Some people spoke about **antisocial behaviour** in other areas of Dalkeith, including the old fashioned 'closes', Kings Park and Waterfall Park. People knew of crime including muggings and assaults that had happened, which made them feel less safe in certain areas.

Suggestions to improve safety included **better lighting**, a safe space or somewhere to report hate crime, and more visible police presence or a point of contact for the **police**.

## Key ideas to make a difference

- ★ Improving safety and lighting in the town centre and closes at night

*"During the day I feel safe in Dalkeith, but on Friday and Saturday at night it's a different story.. I've been followed before, so I don't go to the Abbey side any more."*

# Identity and feeling safe – Care and maintenance



**Care and maintenance:** the town centre is visibly neglected and needs some love

## What did people say in previous consultations?

There were comments about aspects of **maintenance** including keeping buildings clean, maintaining planted areas, and rubbish and recycling.

Some wanted to see the shopfronts **refreshed** and buildings **power washed**. Some wanted updated rubbish and **recycling storage**.

## What are we hearing now?

There was a strong consensus that the buildings in the town centre do not look properly cared for, and that this **affects the feeling of Dalkeith as a whole**. Although some people felt fond of the buildings, or appreciated them as good examples of post-war architecture, they were frequently described as **'tatty'** and an **'eyesore'** in their current state.

People wanted to see the town centre properly maintained, including shops and housing, which are visibly **neglected**. There have also been issues with **drainage** in these buildings, which have been a problem for local businesses.

Better bin and waste collection facilities in the town centre (for example, on-street **recycling** and **cigarette disposal**) were suggested along with storing larger bins away from main streets. Ideas in Theme 2, for more **greenery** and **'soft landscaping'**, would also make the town centre feel more loved and looked after - but these **need to be maintained long term**. People also highlighted the need to tackle the **'gull problem'** in the town.

## Key ideas to make a difference

- ★ Improving the condition of the shops and housing in the town centre
- ★ Upgrading the bins to incorporate on-street recycling, and generally improving cleanliness
- ★ Doing more to maintain greenery, e.g. planters and trees

*"If I want to feel proud of a place I want it to be clean and tidy... Unfortunately if it wasn't for the guerrilla gardeners, the town would be in a sorrier state than it is."*

## At a glance: Identity and feeling safe

"Dalkeith is an incredibly friendly town. If you live here you might not notice it, but as an outsider, I really do."

"There's a feeling of community, I feel safe. It just needs some love."

"Night time venues aren't attractive and don't feel safe. It can feel 'blokey'. There's nothing family friendly or community oriented currently."

*"We're not just a suburb of Edinburgh"*

*"The buildings look uncared for and this affects the feeling of the place."*



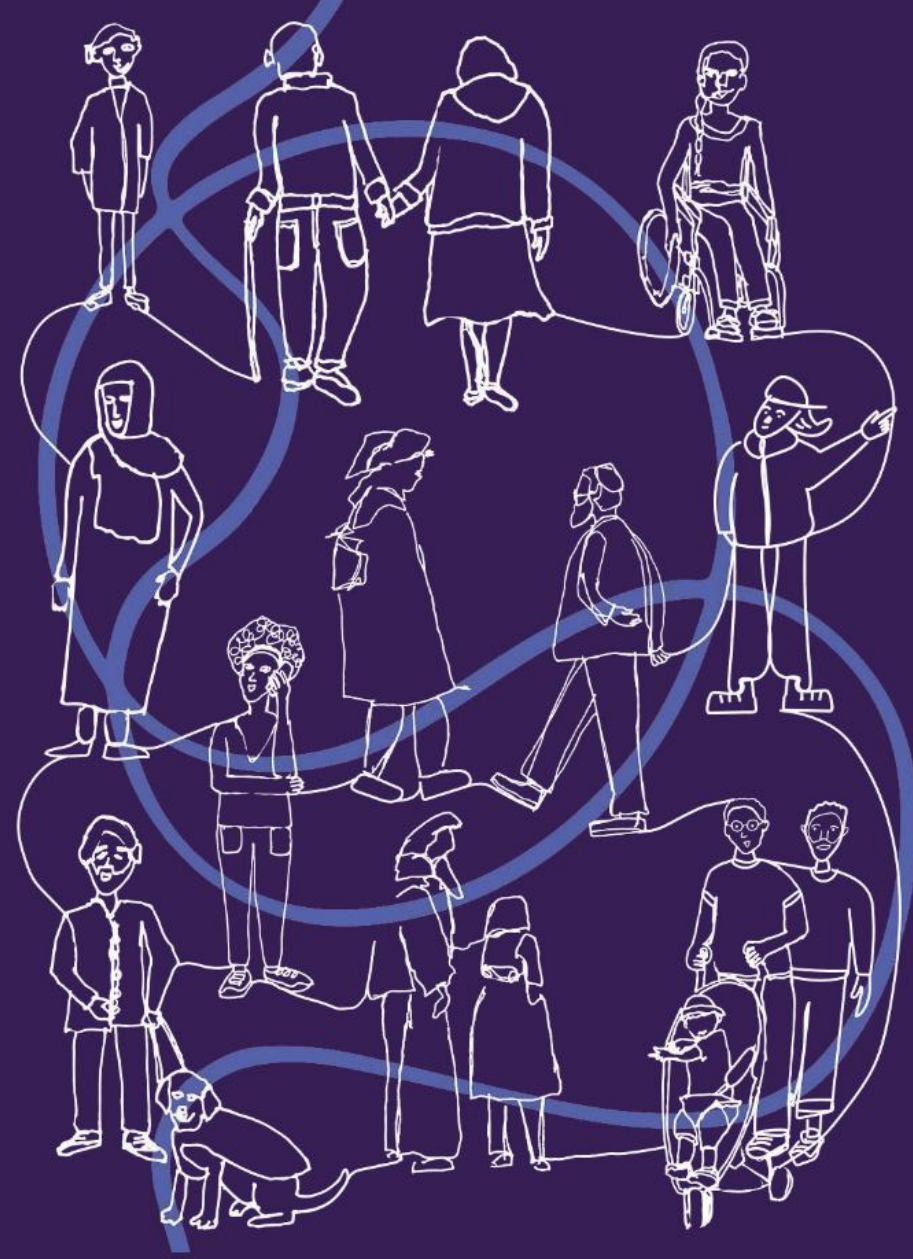
People chatted about what they want to see in Dalkeith over a cuppa at the drop in days



# In summary

## Key themes

People shared a wealth of views and suggestions on what people, families and businesses need for Dalkeith town centre to flourish in the future. While there were mixed opinions and unique ideas on some issues, there was a strong consensus around several areas. The following slide outlines the key areas of consensus we heard through this work, and the start of a fresh vision for Dalkeith town centre.



# In summary

## Key themes



### **A pedestrianised central square as a focal point for cultural events, markets and socialising**

To give the town centre a vibrant feel, support local independent businesses and encourage people to linger



### **More diversity in the facilities and businesses located and operating in the town centre**

To support the local economy, improve options for shopping and eating out and support the health and wellbeing of residents



### **Improve connections between green spaces, key transport links and the town centre**

To help people transit easily between Dalkeith Country Park, Dalkeith town centre and transport links such as Eskbank station



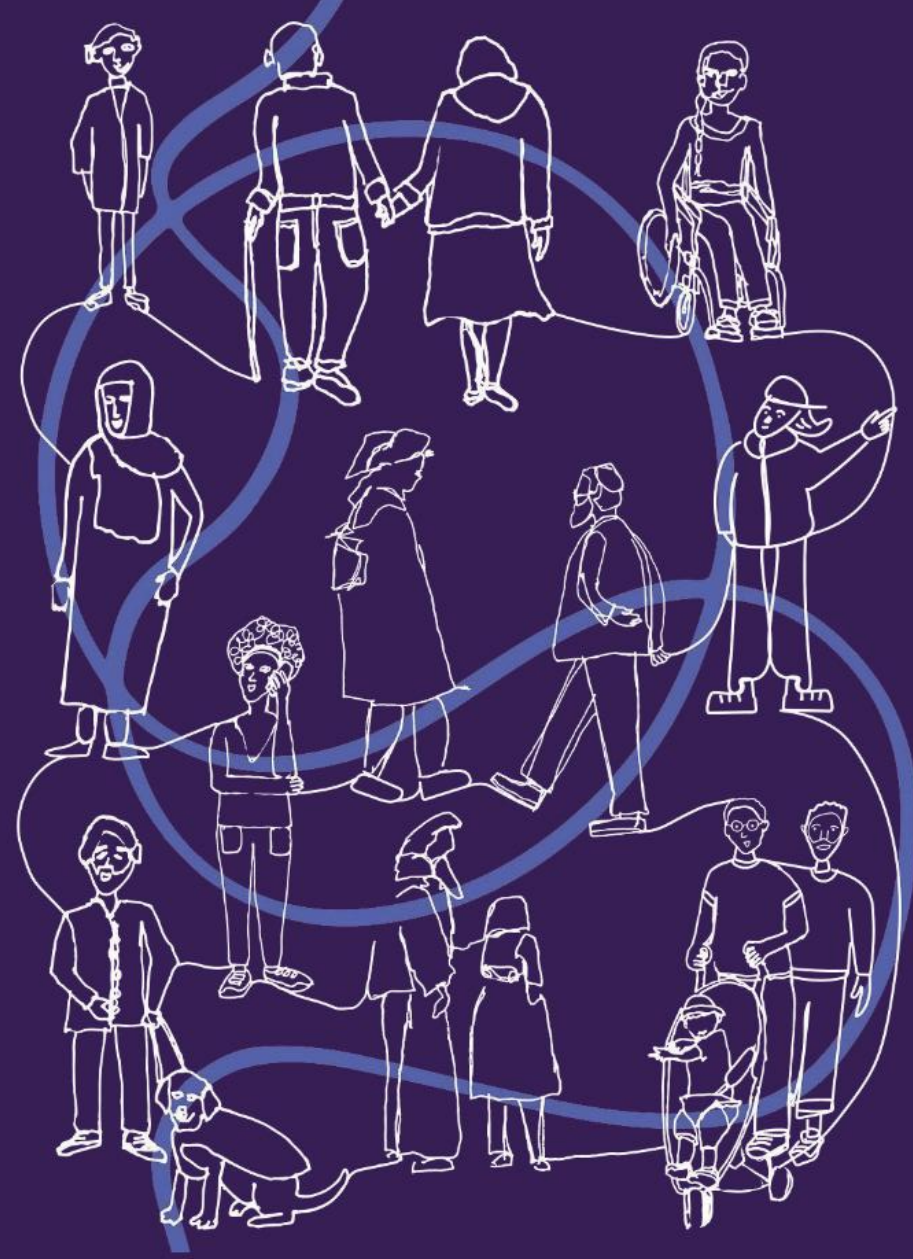
### **Refresh and brighten the appearance of the town centre**

Ensure the buildings look cared for, introduce trees, flowers and greenery, and commission street art to soften buildings and add colour

# Appendix

This section contains

- **Moving around: a closer look.** More detail on specific changes people wanted to see
- **Place standard voting.** Overview of data from an activity we did with some of the people we spoke to
- **What have people said about this process?** an overview of feedback from people about their experience of the engagement activities





# Moving around: a closer look

This page gives more detailed insights from people we spoke to about changes they would like to see in specific places to help them move around Dalkeith. We have highlighted where views were expressed by many people we spoke to, or by individuals.

## Walking

Many people said they would like:

- Walking routes to and from:
  - Eskbank Station
  - Dalkeith Country Park
  - Ironmills Park

Individuals said they would like:

- Wider pavements on North Wynd and Newmills Road
- Shrubbery cut back on A68, Eskbank roundabout and Easthouses Road
- Traffic reduction on South St
- New pedestrian crossings on/by:
  - Lothian St/Eskdaill Court
  - Old Edinburgh Road
  - Dalkeith Country Park
  - Morrisons
  - Newbattle Abbey

## Cycling

Many people said they would like:

- Cycle routes to and from Eskbank

Individuals highlighted particularly dangerous spots for cyclists which they felt need attention:

- Road narrowing on Duke Street
- Justinlees Roundabout
- Sheriffhall Roundabout
- The route between Dalkeith and Lugton Brae

Cycle lanes or other measures could be considered here.

## Public transport

Many people said they would like:

- A better and more frequent bus service to and from:
  - Woodburn
  - Gorebridge
- The 48 bus route to be improved

Individuals said they would like:

- The 49 bus to be more reliable
- The 3 bus to be reinstated
- A new bus stop next to Lidl
- Buses to and from:
  - Newton Grange
  - Danderhall
  - Easter Langside
  - Pathhead
  - Bonnyrigg Road
  - Lasswade Road

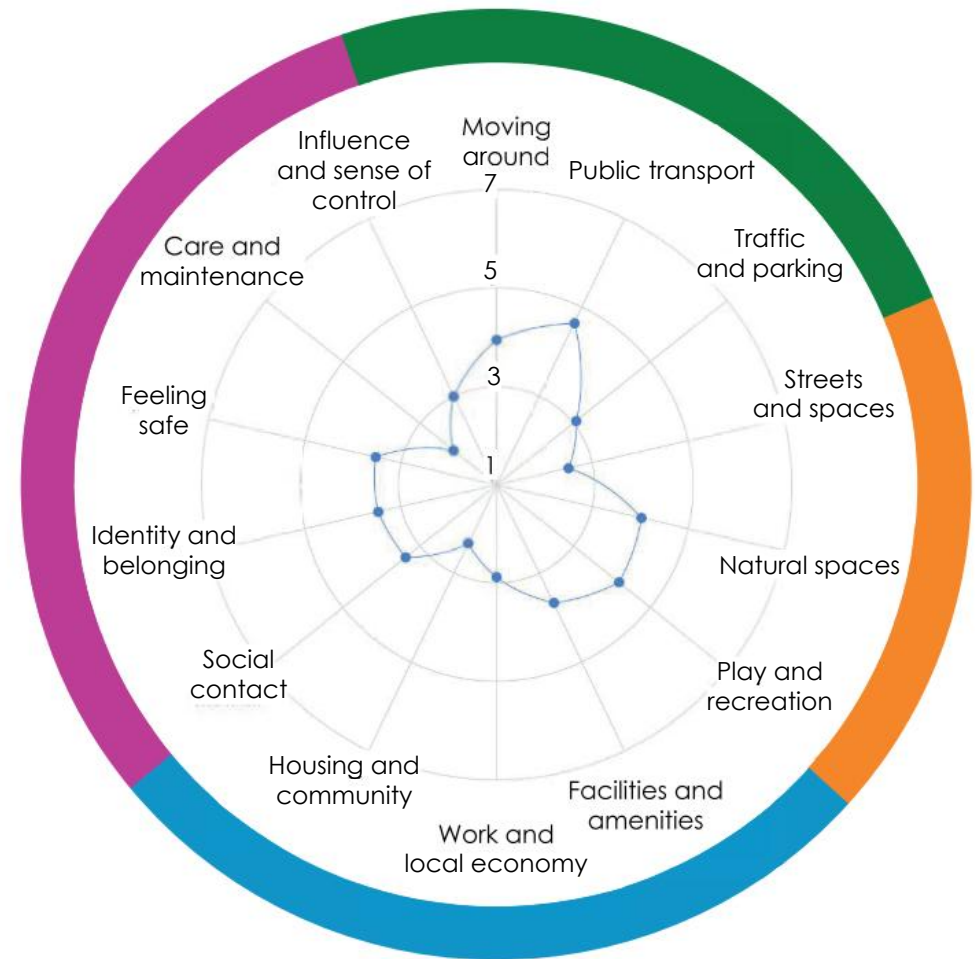
# Place Standard voting

What's working well and what could be better in Dalkeith town centre?

Midlothian Council and People Powered Results have been using the [Place Standard](#) tool (Scottish Futures Trust) to inform the engagement approach. Local residents considered what they think is working well and what could be better about Dalkeith town centre using this tool. Voting on a scale of 1 (*not working well at all*) to 7 (*couldn't be better*), people considered the 14 place standard indicators to reflect on life in Dalkeith.

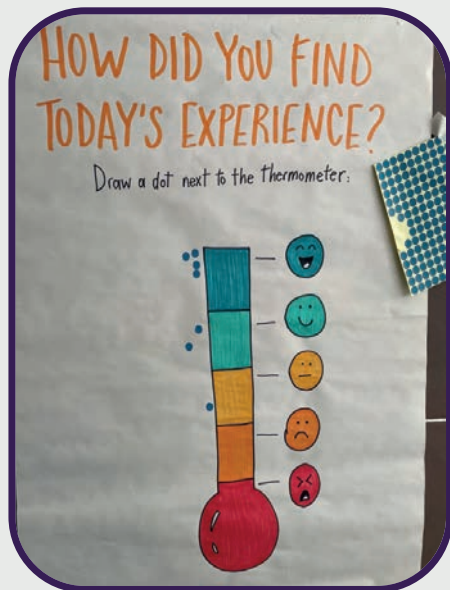
This exercise shows that, among those who voted, residents are more satisfied with public transport and green spaces overall, while housing, maintenance, and streets and spaces are the lowest rated areas.

Whilst 220 people participated in the overall process, 30 people took part in this exercise. People mentioned finding it hard to assign a number to each indicator, as this missed out on nuance and local variation. We encourage people to read these findings as part of a broader picture outlined throughout the rest of this document.



# What have people said about this process?

We asked people to share their feedback on the engagement approach through an online form and during drop-in days. 74 people responded in total (60 in the online survey)



**63%** agreed or strongly agreed that they **felt able to share their views** about Dalkeith town centre.

**38%** said they are **feeling more optimistic** about Dalkeith town centre's future, with 49% neutral.

[n=60]

## What people liked about the process so far

**Being able to drop-in** at local events and local flyering:

"Drop in at the library and 1 Dalkeith was a very useful start."

"(Useful to have) a person handing out leaflets at Lidl."

**Facilitated virtual workshops:**

"The workshop was great, got my point across."

"Well facilitated, I had chance to say what I wanted to say and listen to others."

**New ways for people to have their say:**

"The exercise sounds like it has been imaginatively constructed, with new ways of taking people's views on board."

## What people said we could do differently

**More and earlier comms** through local networks:

"Could have told people earlier - radio station, community news."

Outlining a clearer picture of the **financial scope:**

"If we don't know the budget, how can we make valid and justified comments?"

We heard there is a degree of **consultation fatigue:**

"Stop consulting and do something already."

"Dalkeith's Regeneration has been going on for years and years now - I'll believe it when I see it."



# Stay in touch!

We look forward to hearing from you. If you have a question or would like to hear more about the work of [People Powered Results](#), get in touch with:

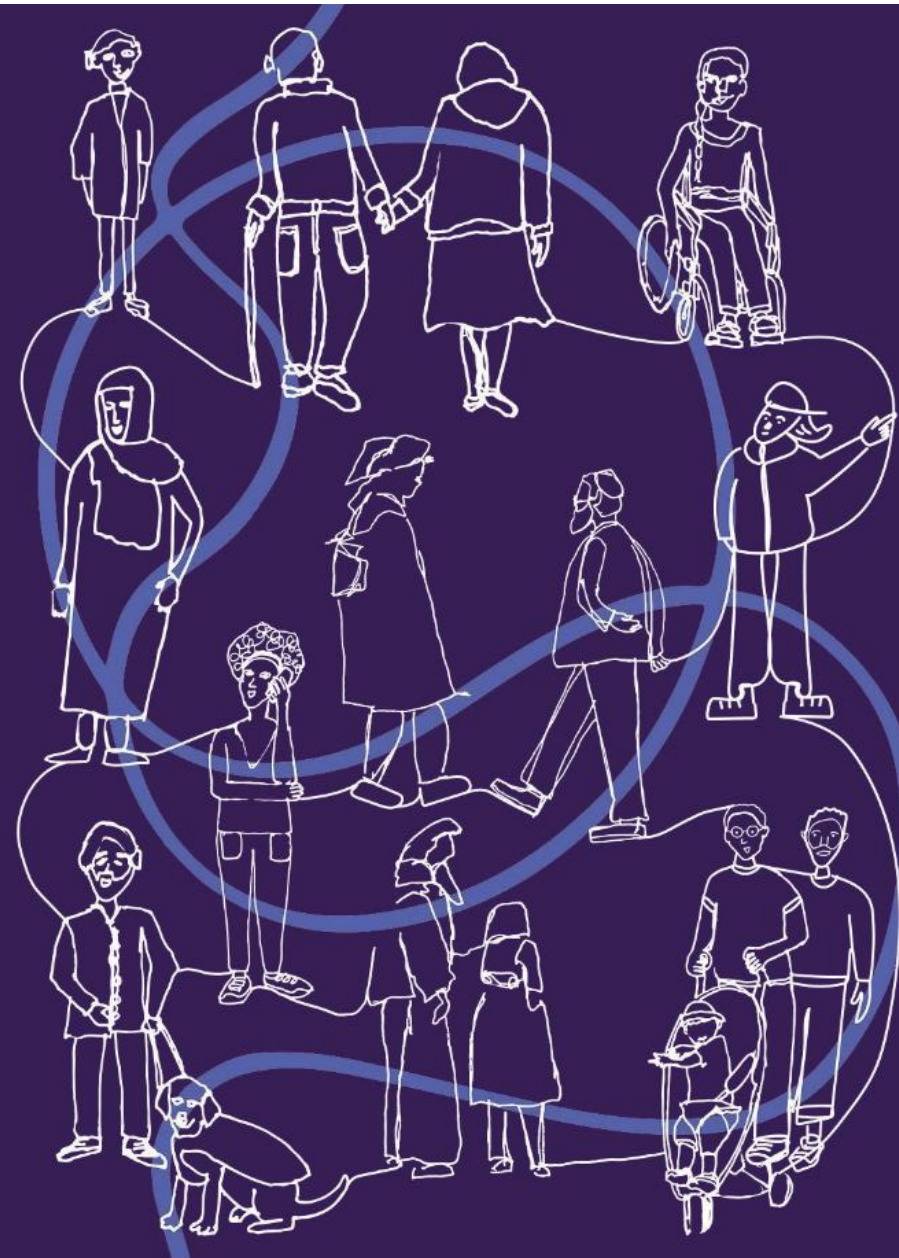
[rachael.glover@nesta.org.uk](mailto:rachael.glover@nesta.org.uk)

[christine.owen@nesta.org.uk](mailto:christine.owen@nesta.org.uk)

Midlothian 

REIACH AND HALL  
ARCHITECTS

 People  
Powered  
Results



DALKEITH TOWN CENTRE REGENERATION

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# NESTA REPORTS - OVERVIEW SURVEY RESULTS

# Overview of survey results

## Dalkeith Town Centre Regeneration Masterplan

September 2022

This document sits alongside the spreadsheet '**Dalkeith Survey Collation Sept 22**'. It is an internal document for **Reiach and Hall Architects** and **Midlothian Council** and provides a rapid overview of survey responses collected August - September 2022.

The survey gathered views from people in Dalkeith about the **Insights Summary (PPR)** and **Initial Ideas for the Dalkeith Town Centre Regeneration Masterplan (Reiach and Hall)**.

We received **182 individual survey responses** - 153 online, 29 paper version.

### Our approach to analysis and reading the documents:

- The survey consisted of 12 multiple choice questions and 1 free text response. We have provided visuals representing a **quantitative analysis of the multiple choice responses** and have **themed the free text answers** alongside this
- Each slide contains a rapid overview of the responses against the theme, and more detail can be found in the relevant section of the spreadsheet which groups all raw survey data by theme
- For some themes, where people made more specific, detailed suggestions we have pulled these into Column E '**Specific suggestions**' in the spreadsheet
- Note: there is repetition of raw data in the spreadsheet where responses cut across more than one theme
- General comments about the proposals and other feedback points on other themes, including maintenance, communication and funding, are collated in the final section of the spreadsheet '**Other comments and feedback**'

Midlothian



REIACH AND HALL  
ARCHITECTS

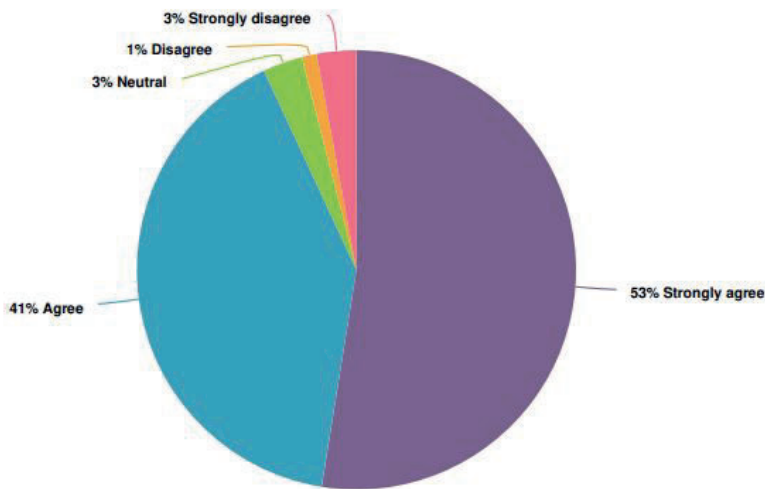


People  
Powered  
Results



# Connections - Walking, cycling, cars and public transport

2. Would you support the improvement and creation of safe, walkable connections between local places and centres?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	52.6%	92
Agree	<div><div></div></div>	40.6%	71
Neutral	<div><div></div></div>	2.9%	5
Disagree	<div><div></div></div>	1.1%	2
Strongly disagree	<div><div></div></div>	2.9%	5

Totals: 175

## What did people like about the proposals?

There was strong support for new, safe connections between local places and Dalkeith town centre, especially Eskbank station, with positive comments about cycle routes and ensuring accessibility for pedestrians and wheelchair users.

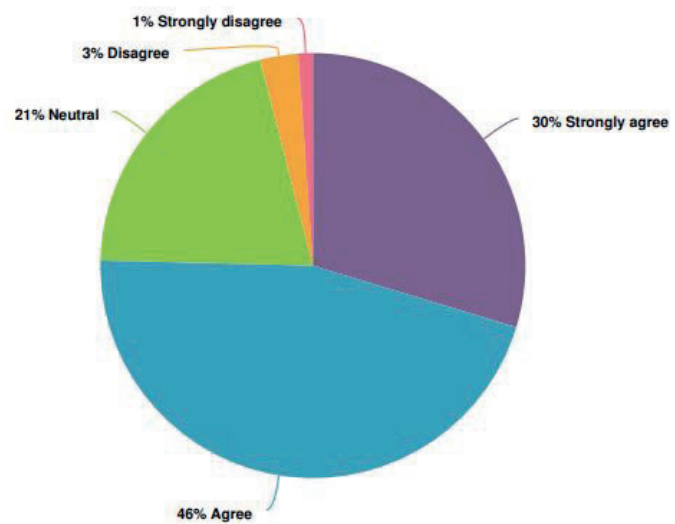
## What didn't chime or was missing for people?

- Several people were concerned about the prospect of the **Smeaton railway line** being reinstated as a walking/cycling route, citing community concerns from 2019
- Generally, there was a desire to see **increased bus services** between Dalkeith town centre and local places
- There was appetite for additional measures to **improve accessibility** throughout the town centre - for example, ramps, disabled parking and wider doorways for wheelchair users
- Some felt there was not enough consideration for **parking** in the town centre

Many people made specific suggestions for additional bus or active transport routes and the introduction of a 20mph speed limit in the town centre. We have pulled these out in the **'Specific suggestions' column** of the raw data sheet

# Local Neighbourhoods

3. Would you support more emphasis on local neighbourhoods, creating a series of identifiable and characterful local centres?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	29.7%	52
Agree	<div><div></div></div>	45.7%	80
Neutral	<div><div></div></div>	20.6%	36
Disagree	<div><div></div></div>	2.9%	5
Strongly disagree	<div><div></div></div>	1.1%	2

Totals: 175

## How has this theme landed?

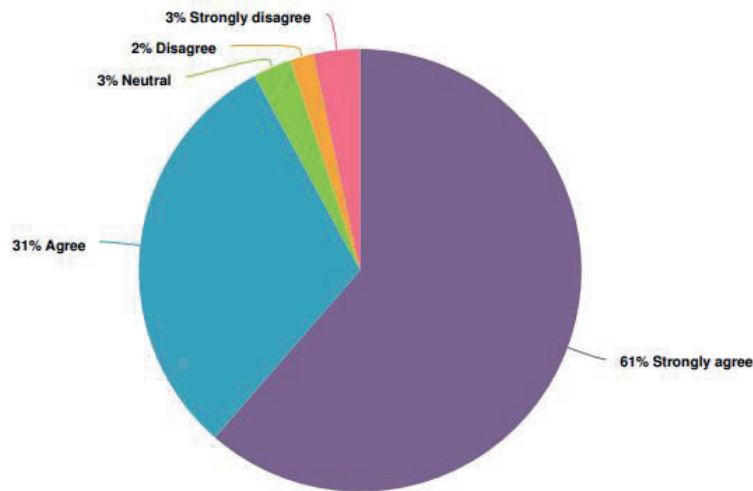
A small proportion of respondents commented on this theme and the views shared suggested that people did not connect with the ideas within this theme.

### People said the following:

- “Local hubs don't include anything at the 'new' housing at Wester Cowden. This area seems to be excluded from Dalkeith.”
- “In terms of developing the 'identifiable and characterful local centres', I'm not sure what that would mean in practical terms. If its building more out of town supermarkets, then no, but if its planting trees, improving bike lanes, bus connections, allotments, other services, then yes”
- “Query the local places and centres identified.”

# Demolition and redevelopment

4. Would you support some demolition to enable the development of a safer, more attractive town centre?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	61.4%	108
Agree	<div><div></div></div>	30.7%	54
Neutral	<div><div></div></div>	2.8%	5
Disagree	<div><div></div></div>	1.7%	3
Strongly disagree	<div><div></div></div>	3.4%	6

Totals: 176

## What did people like about the proposals?

Many people supported some demolition and redevelopment, particularly around Jarnac Court and Eskdale Court, and several saw this as a starting point and enabler for the rest of the plans.

Several people were pleased to see the scale of ambition and a 'bold architectural statement', and wanted to see high quality, green, sustainable buildings that will stand the test of time.

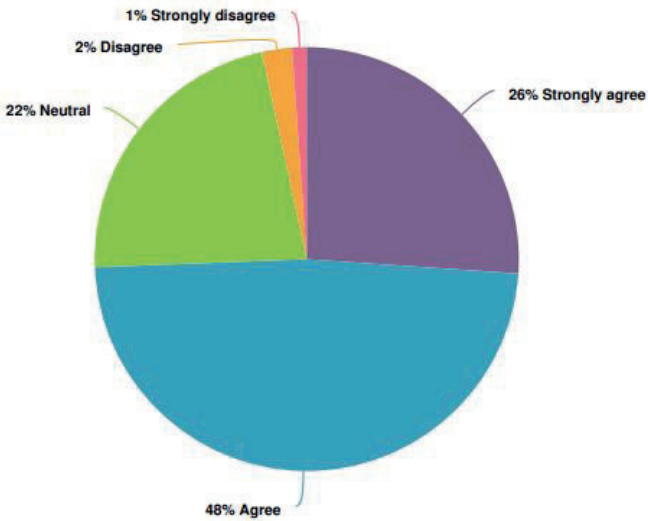
## What didn't chime or was missing for people?

- There was appetite to maintain the historic buildings and **integrate** these into the town centre design. *More work is needed to understand which 'historic buildings' people are keen to keep*
- Multiple people were concerned about the **colour and style** of the buildings shown in the proposals.
- In particular, the **white render and modern appearance** were not felt to be in keeping with **Dalkeith's history and heritage** and there were concerns that these would quickly become **dated**.
- People wanted to see the new buildings **complement** those that remain - it was suggested that this could be achieved by using **sandstone**.



# Council Services

6. Would you support the proposal for more visible and accessible Council services in the town centre?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	26.1%	46
Agree	<div><div></div></div>	48.3%	85
Neutral	<div><div></div></div>	22.2%	39
Disagree	<div><div></div></div>	2.3%	4
Strongly disagree	<div><div></div></div>	1.1%	2
Totals: 176			

## What did people like about the proposals?

Many comments were made giving feedback or suggestions about Council services generally, but only one or two people commented on the visibility or accessibility of Council services in the town centre.

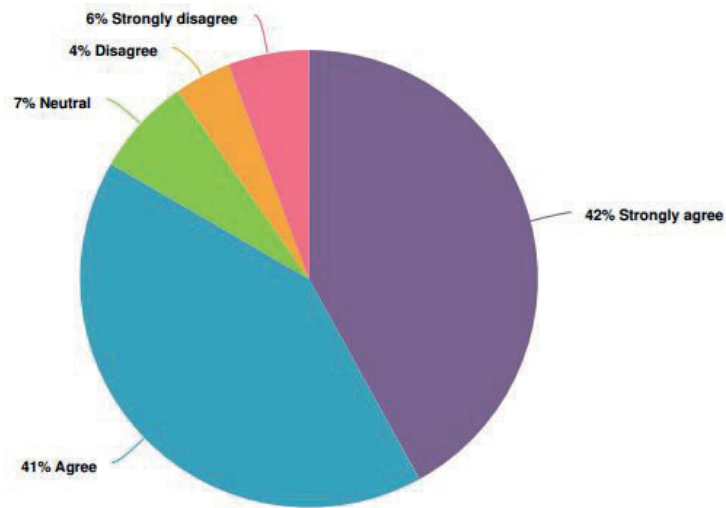
## What didn't chime or was missing for people?

- One person suggested that they would like to see more **employment or vocation support**.
- One person suggested that **Council rooms and buildings** could be bookable by **community groups and members of the public** outside usual working hours.
- In general, people wanted to see the following from the Council:
  - Better maintenance of the town
  - Clearer communication
  - Support for small businesses

See 'Other comments and feedback' section of the spreadsheet for more information.

# Pedestrianisation

7. Would you support partial pedestrianisation of the High Street and the creation of active travel routes through the town centre?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	42.0%	73
Agree	<div><div></div></div>	41.4%	72
Neutral	<div><div></div></div>	6.9%	12
Disagree	<div><div></div></div>	4.0%	7
Strongly disagree	<div><div></div></div>	5.7%	10

Totals: 174

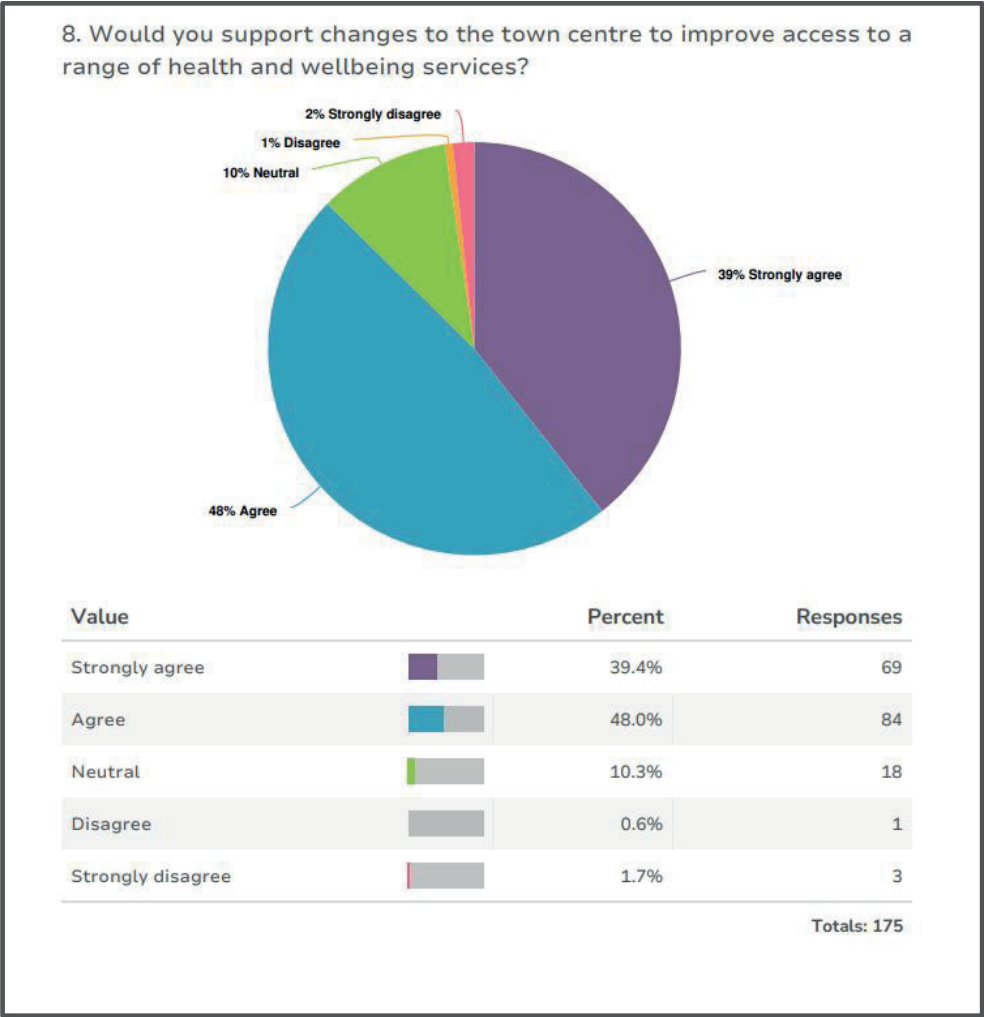
## What did people like about the proposals?

Generally, there was good support for pedestrianising at least some of the town centre. People wanted the town centre to be liveable and useable, and to feel safe for people walking, wheeling and cycling. For some, this included reduced traffic and/or other traffic calming measures.

## What didn't chime or was missing for people?

- There was a desire to **balance** pedestrianisation with ensuring **access for disabled people, visitors and businesses**.
- Some people were concerned that too much pedestrianisation would be damaging for local **businesses**.
- Some people wanted to ensure that 'pedestrianisation' still included **access for cyclists**.
- Some were concerned that **parking was already stretched** in the town centre.
- Banning **heavy traffic**, and/or a **one-way system**, were suggested.
- A **20mph speed limit** throughout the town centre appeared to be popular.
- It was also felt that pedestrianisation and discouraging the use of cars needed to be **enabled and supported by better bus services to and from the town centre and surrounding neighbourhoods**.

# Health and Wellbeing services & facilities



## What did people like about the proposals?

There was strong support for more events, activities and facilities in the town centre to support holistic health and wellbeing, as suggested in the proposals. In particular, there were many comments about film, cinema, theatre, and sports, and free/affordable activities for teenagers.

There was a desire to see Dalkeith with its own cultural identity and programme of events, separate to Edinburgh, which is supported by many of the ideas in the proposals. The focus on community was appreciated, with some respondents making additional suggestions around food sharing, food poverty, and greenery to support residents' wellbeing.

## What didn't chime or was missing for people?

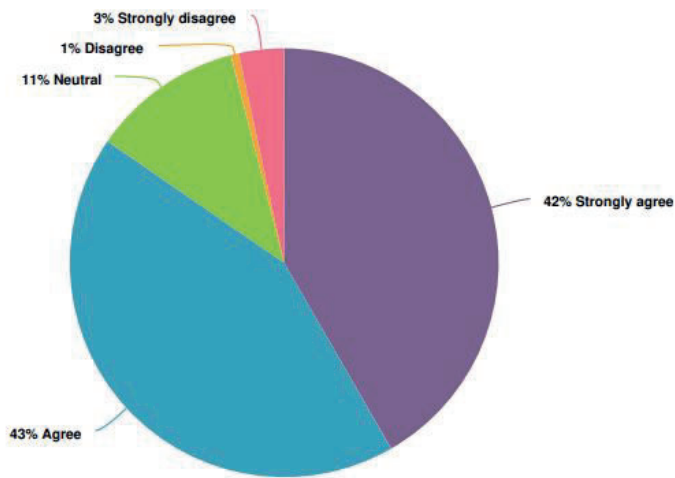
- Many commented on the importance of **accessibility and safety** in the town centre.
- There were several comments emphasising the importance of **providing activities for young people**, and providing **affordable or free opportunities** to take part in classes and activities.
- A **family and youth centre** was suggested and there were many comments about **cinema** in particular.

*There were many imaginative ideas for cultural events and leisure facilities, from ceilidhs to a children's soft play, that were spontaneously suggested in respondents' free text comments. Please see the 'health and wellbeing section' of the raw data spreadsheet to get a sense of the breadth of ideas here.*



# Green economy

9. Would you support the town's centre transition to a green economy that encourages green skills and green businesses?"



Value		Percent	Responses
Strongly agree	<div><div></div></div>	41.7%	73
Agree	<div><div></div></div>	42.9%	75
Neutral	<div><div></div></div>	11.4%	20
Disagree	<div><div></div></div>	0.6%	1
Strongly disagree	<div><div></div></div>	3.4%	6

Totals: 175

## How has this theme landed?

While people were generally very supportive of the proposals focused on introducing more greenery and making the most of existing green spaces, the specific topic of transitioning Dalkeith to a 'green economy' **did not come out strongly** in the initial insights summary and **did not chime for many people** in the survey comments.

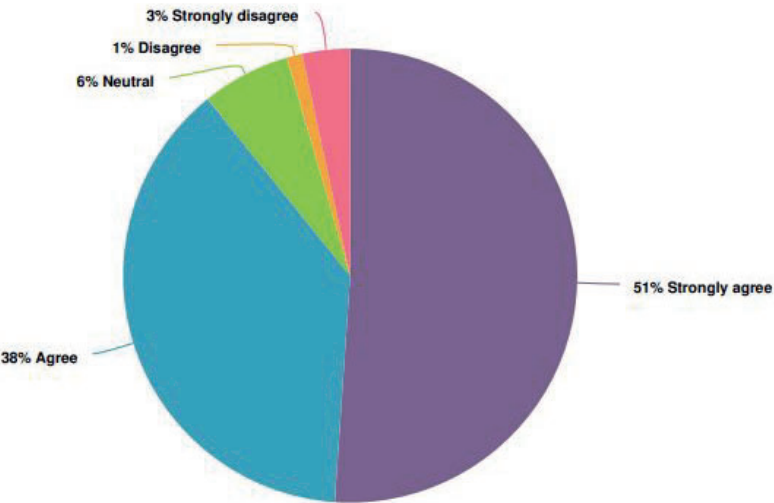
There were **limited specific comments** related this theme in the survey responses.

## What did people say about this theme?

- 2 people specifically mentioned that it is **not clear how the current proposals support a green economy, or why** 'the new town centre should be limited to green skills/businesses'
- 3 people made positive comments about the way in which **the proposals would support a future 'Green Dalkeith'** through redevelopment and introducing more greenery to encourage biodiversity
- 1 person commented that **adaptation rather than demolition** may be the most 'green option'

# New businesses & supporting the local economy

10. Would you support pedestrian-friendly streets and town square to support existing business and encourage new businesses to flourish?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	51.1%	90
Agree	<div><div></div></div>	38.1%	67
Neutral	<div><div></div></div>	6.3%	11
Disagree	<div><div></div></div>	1.1%	2
Strongly disagree	<div><div></div></div>	3.4%	6
Totals: 176			

## What did people like about the proposals?

Many of the views expressed in the survey responses echoed the insights summary - particularly around wanting to see more support for local businesses. People continued to call for more independent businesses and a more diverse range of 'higher quality' shops, restaurants and cafes, in order to:

- Offer more options for residents
- Provide more opportunities for local people
- Attract visitors from nearby areas.

Several people mentioned supporting the proposals around pedestrianisation to reduce traffic and pollution and make the town centre safer to navigate, in order to support the local economy.

## What didn't chime or was missing for people?

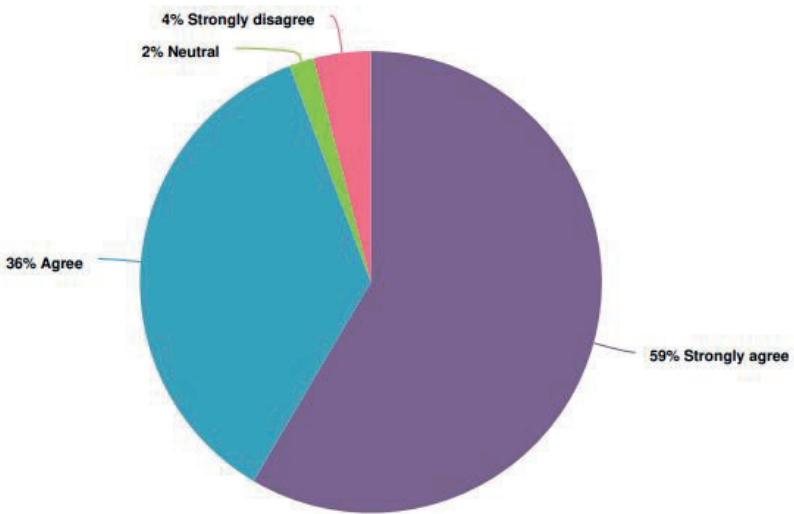
There were several suggestions to improve employment opportunities for disabled people and make it easier for disabled people to participate in town centre life, including a cafe, taxi firm and nightclub run by and for disabled people.

Some mentioned being keen to ensure that measures are taken so that pedestrianisation does not cause traffic congestion in other areas.

There were specific ideas on this point and We have pulled these out in the **'Specific suggestions' column** of the raw data sheet

# Urban Planting

11. Would you support new greenery and public green space, including trees in pedestrian areas?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	58.5%	103
Agree	<div><div></div></div>	35.8%	63
Neutral	<div><div></div></div>	1.7%	3
Strongly disagree	<div><div></div></div>	4.0%	7

Totals: 176

## What did people like about the proposals?

There was strong support for a greener town centre. Overall, those who commented wanted their town centre to feel green, with more trees, planters and places to sit.

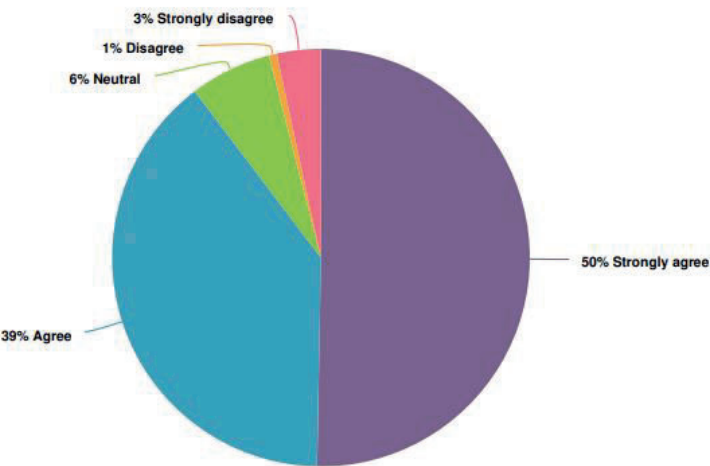
## What didn't chime or was missing for people?

- Several people said they would like to see **more allotments** in Dalkeith.
- Some people felt that the town centre proposals **did not go far enough** in terms of providing green space, greenery or promoting biodiversity.
- Many emphasised that regardless of the proposals, **maintenance would be key**.



# Green Space

12. Would you support the proposal to make stronger connections between the town centre and existing parks and green spaces?



Value		Percent	Responses
Strongly agree	<div><div></div></div>	50.3%	88
Agree	<div><div></div></div>	39.4%	69
Neutral	<div><div></div></div>	6.3%	11
Disagree	<div><div></div></div>	0.6%	1
Strongly disagree	<div><div></div></div>	3.4%	6

Totals: 175

## What did people like about the proposals?

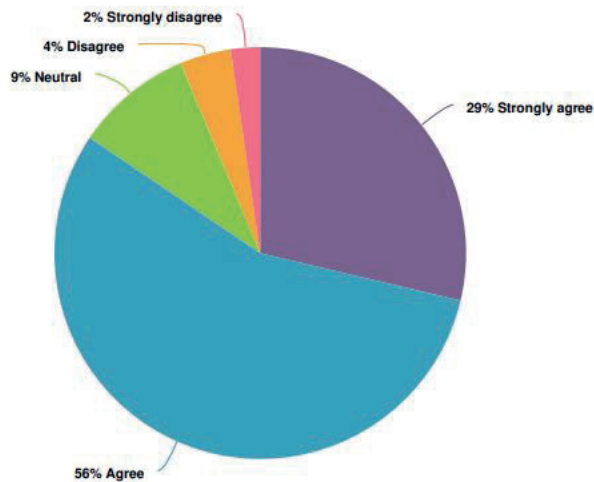
In general people were keen to make the most of the green spaces Dalkeith has to offer.

## What didn't chime or was missing for people?

- Some people wanted to see **more done at Kings Park**, as Ormiston Park is often very busy.
- One person expressed concern that **green spaces could be lost** through using concrete to improve pedestrianisation
- There was concern from one resident that any redeveloped green spaces would be **'taken over by teenagers'**
- 2 people mentioned the need for **better access to Ironmills Park**. The suggestion was made to rebuild the steps and bridge across North Esk at Cemetery Road rebuilt or alternatively create a new footpath and cycle bridge adjacent to the railway Glenesk Viaduct
- 1 resident was keen to see **safe access for cyclists to Dalkeith Country Park**

# Insights Summary

1. 315 people contributed their insights on the future of Dalkeith Town Centre. Do you agree with these key insights and ideas?



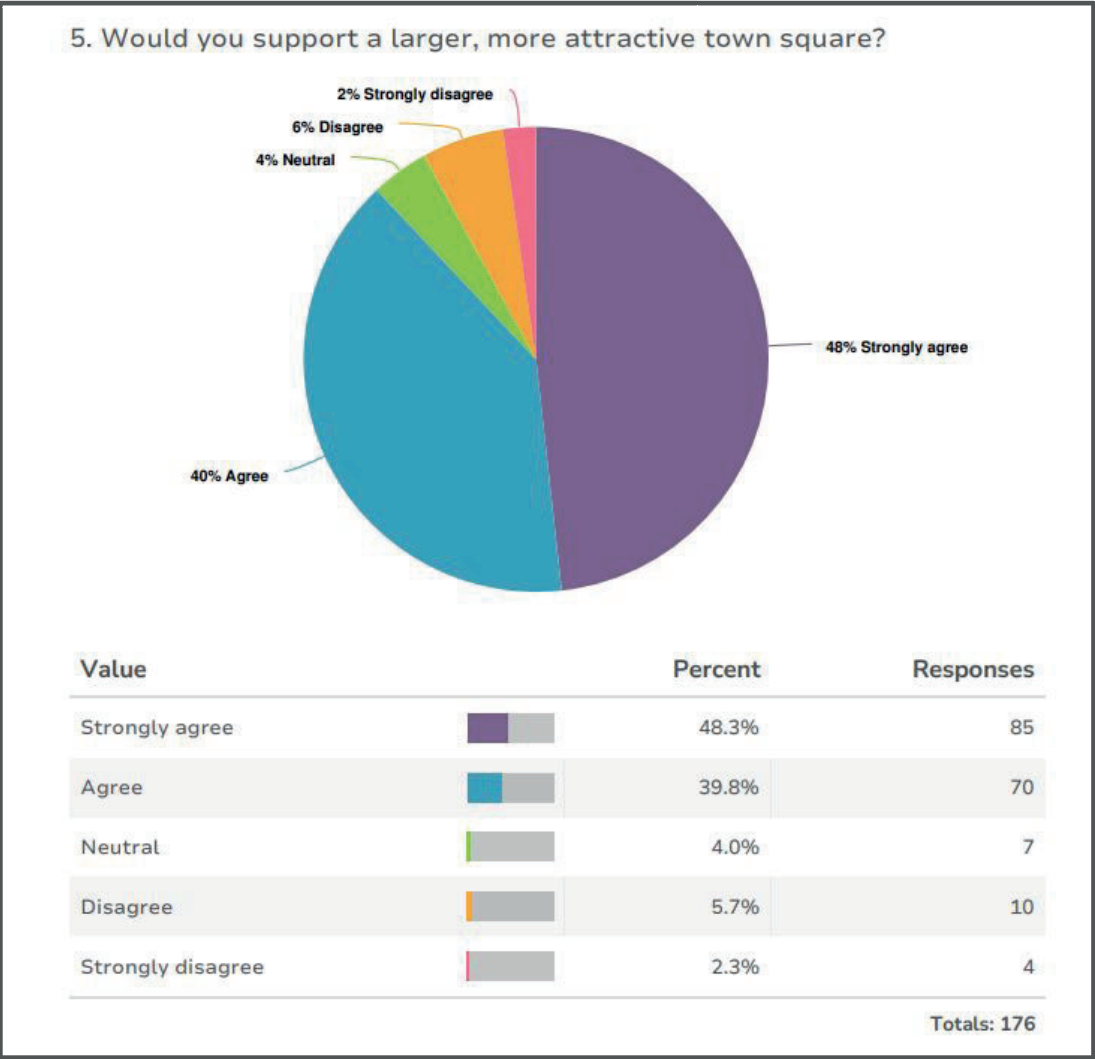
Value		Percent	Responses
Strongly agree	<div><div></div></div>	28.7%	50
Agree	<div><div></div></div>	55.7%	97
Neutral	<div><div></div></div>	9.2%	16
Disagree	<div><div></div></div>	4.0%	7
Strongly disagree	<div><div></div></div>	2.3%	4

Totals: 174

The majority of people focused their feedback on the ideas from Reich and Hall. 3 individual responses mentioned the insights:

- 2 people felt that 315 people was a small proportion of the population
- 2 people mentioned that they did not feel the initial ideas presented correlated with the insights from people

# Town Square



## What did people like about the proposals?

There was support for retaining an open ‘town square’ feel, and a very clear appetite for community-led events and facilities in and around the town square. Some were ‘pleased to see the ambition’ of the proposals.

## What didn’t chime or was missing for people?

- To maximise use, some suggested that a **glass roof or awning** over a central square would ensure that the area was **useable in all weathers**.
- Some wanted to see **child-friendly aspects** to the design, e.g. play equipment.
- As described on the previous page, there were concerns that the buildings shown in the proposals were ‘boxy’ or ‘soulless’, **not in keeping with Dalkeith’s existing appearance**. In general, this **complementarity** seems to be an important factor for people to connect with a new town square.
- One or two people mentioned that it was important for the town square **not to feel like a thoroughfare or corridor** from one place to another: many entrances and exits and perhaps fluid rather than square edges were suggested.
- People also commented that maintenance would be key to maintaining an attractive town square.

There were a wealth of suggestions for how the town square could be used: see ‘Health and Wellbeing’ section of spreadsheet for more information.



# Thank you and stay in touch!

[christine.owen@nesta.org.uk](mailto:christine.owen@nesta.org.uk)  
[rachael.glover@nesta.org.uk](mailto:rachael.glover@nesta.org.uk)







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## **LISTED BUILDING ENFORCEMENT NOTICE APPEAL DECISION WITH REGARD THE INSTALLATION OF WINDOWS AND DOORS IN THE NORTH FACING ELEVATION OF SOUTH CHURCH HALL, WEST STREET, PENICUIK.**

Report by Chief Officer Place

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### **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a listed building enforcement notice appeal decision with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik.

### **2 BACKGROUND**

- 2.1 South Church Hall, West Street, Penicuik is a Category C listed building. It is also within the Penicuik Conservation Area.
- 2.2 A listed building enforcement notice was issued on the owner of the property on 6 October 2023, with a take effect date of 6 November 2023 and a compliance date of 31 December 2023. A copy of the enforcement notice is attached to this report as Appendix B. The enforcement notice required the owner and occupier of the property to:
- 1) Remove the unauthorised storm doors to the north elevation and replace either with the original removed doors or with replacement doors of the same material, finish and detailing as those doors as shown on the plan appended to this notice (Drawing 21.41 / P L(P)004).
  - 2) Remove the unauthorised windows to the north elevation and replace with windows of the same dimensions, profile and finish as those shown on the plan appended to this notice (Drawing 21.41 / P L(P)004)
- 2.3 The owner appealed the listed building enforcement notice - a Scottish Government Reporter appointed to determine the appeal dismissed it and upheld the listed building enforcement notice. A copy of the appeal decision is attached to this report as Appendix A. As a consequence of the appeal the compliance period is extended to 12



July 2024 – the Planning Service will monitor compliance with the notice.

### **3 THE DECISION**

- 3.1 In considering the appeal the Reporter reached a number of conclusions, including:

“... All told, I find the windows and doors as installed have failed to preserve the listed building’s features of special architectural and historic interest. In regard to the effect upon the conservation area, given the publicly prominent location of this distinctive building, the impact of these alterations to the principal elevation also has a wider bearing on the overall street scene. I find that these incongruous alterations have a localised but nevertheless adverse impact on the character and appearance of the conservation area in which the building is situated.”

- 3.2 The Reporter therefore dismissed the appeal, refusing to grant listed building consent for the matters covered in the listed building enforcement notice, and directed the notice be upheld subject to variation of the compliance period. The legal, technical grounds of appeal, as set out in paragraph 1 of the Reporter’s decision, were also dismissed.

### **4 RECOMMENDATION**

- 4.1 It is recommended that the Committee notes the enforcement notice appeal decision with regard the installation of windows and doors in the north facing elevation of South Church Hall, West Street, Penicuik.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 1 March 2024  
**Contact Person:** Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager  
peter.arnsdorf@midlothian.gov.uk



## Appeal Decision Notice

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Decision by Christopher Warren, a Reporter appointed by the Scottish Ministers

- Listed building enforcement appeal reference: LBE-290-2002
- Site address: South Church Hall, West Street, Penicuik, EH26 9EB
- Appeal by Southfield Homes Edinburgh Limited against the listed building enforcement notice dated 06 October 2023 served by Midlothian Council
- Alleged breach of listed building control: installation of windows and doors in north facing elevation of South Church Hall, West Street, Penicuik without the required listed building consent
- Grounds of appeal under s.35(1) of the Act: (a), (b) (c), (e), (g), (h), (i), (ia) (j), (k)
- Date of site visit by Reporter: 07 December 2023

Date of appeal decision: 12 January 2024

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### Decision

I dismiss the appeal, refuse to grant listed building consent for the matters covered in the listed building enforcement notice, and direct that the notice be upheld subject to variation of the terms of the notice by amending section 6 (time for compliance) by the replacement of the words “by 31 December 2023” with the words “within six months from when this notice takes effect”.

Subject to any application to the Court of Session, this notice takes effect on the date of the decision, which constitutes the determination of the appeal for the purpose of Section 35(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### Reasoning

1. The appeal was made on the following grounds as provided for by section 35(1) of the above Listed Buildings Act:

- (a) that the building is not of special architectural or historic interest;
- (b) that the matters alleged to constitute a contravention of section 8(1) or (2) have not occurred;
- (c) that those matters (if they occurred) do not constitute such a contravention;
- (e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
- (g) except in relation to such a requirement as is mentioned in section 34(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;
- (h) that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;
- (i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;

- (ia) that the cessation of any works required by the notice exceeds what is necessary to remedy the contravention of section 8(1) or (2);
- (j) that steps required to be taken by virtue of section 34(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building; and
- (k) that steps required to be taken by virtue of section 34(2)(c) exceed what may reasonably be required to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

2. I deal with each of these grounds of appeal in turn. The appellant had originally also cited ground (f) (that copies of the notice were not served as required by section 34(6)) but the appellant subsequently withdrew this ground of appeal. I have accordingly not considered the appeal against ground (f).

#### Ground (a)

3. The appellant has requested that a review be undertaken to establish whether the building continues to warrant its category C listing, with the inference being that its recent change of use and extension (approved in 2022) have diminished its special interest.

4. The appellant has not provided any evidence, or assessment of its own, in support of this ground of appeal. The recent alterations were granted listed building consent, meaning the effect of the proposed works must have been assessed and deemed to be appropriate in line with the duty imposed by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires special regard to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5. In this context, I can see no basis for me to now reach the alternative view that those wider works (excluding the windows and doors which are the subject of this appeal) have in fact resulted in a loss of the building's special architectural or historic interest. In the absence of any substantive evidence to demonstrate why the building no longer warrants its listing, I find no reason to support such an assertion. The appeal on ground (a) fails.

#### Ground (b)

6. The works specified in the enforcement notice have occurred, by the appellant's own admission. The appeal on ground (b) therefore fails.

#### Ground (c)

7. The appellant has ticked this ground of appeal on the appeal form, but no reference has been made to it in the accompanying appeal statement or other submissions. In any event, I consider that the windows and doors installed in the north elevation of the building do materially differ to what had been approved by the council under application reference 21/01022/LBC. Not only does the design of the windows differ in several ways to those shown on the approved drawings (and also to the original windows), but the consent had proposed the retention of the original doors rather than replacing them with modern alternatives. This ground of appeal therefore fails.



Ground (e)

8. In considering this ground of appeal, I have the option to grant listed building consent for the works which are the subject of the enforcement notice and which (as outlined above) presently constitute a breach of control, should I deem this to be an appropriate and justified course of action.

9. I must have special regard to the desirability of preserving the building, and any features of special architectural or historic interest which it possesses. In this regard, the listing description is of relevance to my assessment, as is the 'managing change in the historic environment' guidance published by Historic Environment Scotland (HES), both in relation to windows and doors. As the building is located in the Penicuik Conservation Area, I must also pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

10. The listing description makes specific reference to the design of the windows and doors in the north elevation of the building. I have also seen photographs of the original windows and doors, which were taken prior to works to the building commencing. I am left in no doubt that the original doors and windows would have positively contributed to the character, appearance and special interest of the building as a gothic church hall. Whilst the use of the building has subsequently changed and replacement windows were approved as part of its proposed conversion to residential use, the approved plans illustrated that the replacement window frames would be of similar proportions, design and thickness to the original windows. Furthermore, the original timber doors were proposed to be retained. In my view this would have been an appropriately sympathetic approach, in line with HES guidance.

11. As it stands, the window frames which have been installed quite starkly differ in their proportions, design and thickness to those which were approved. I find the installed windows to be unsympathetic to both the ecclesiastical character of the building and its gothic influences, thereby detracting from the building's special interest. The windows have an overtly domestic and contemporary character, which jar with the elevation's obvious design cues which relate to its original use as a church, not least the shape and proportions of the window openings.

12. The removal and replacement of the original timber doors has also been to the detriment of the special interest of the building. The appellant has described the installed doors as 'unashamedly modern'. Whilst that may be the case, I disagree with the appellant that this approach is somehow more respectful to the building than reusing the original doors. I consider the opposite to be true. In reaching this finding I also draw support from HES guidance which prioritises retention of original doors (and windows) wherever possible, or otherwise their sympathetic recreation and replacement.

13. I note that the appellant has asserted that the original doors were beyond repair. However, in those circumstances the correct approach would have been to first apply for and obtain listed building consent for an alternative to retaining the original doors. By proceeding without consent, this was done so at the appellant's own risk. This has most regrettably also resulted in the destruction of the original doors. There would have been no reason for the council to have previously assessed the condition of the doors given they were proposed to be retained. No such assessment of their condition is now possible, but like-for-like replacements, including gothic detailing, would still be capable of being made with reference to the previously approved plans and photographs of the original doors.

14. I also note that the appellant has outlined that the approved window design would not be capable of satisfying building regulations. Whilst that is separate from the planning process, my understanding is that building standards can be relaxed where listed buildings are concerned, reflective of the fact that non-standard approaches are often necessary in such cases. The appellant has stated that 'No willingness to grant a relaxation has been forthcoming...' from the council's building control department. There is nothing before me however to suggest that any such request has been made to, or resisted by, building control.

15. All told, I find the windows and doors as installed have failed to preserve the listed building's features of special architectural and historic interest. In regard to the effect upon the conservation area, given the publicly prominent location of this distinctive building, the impact of these alterations to the principal elevation also has a wider bearing on the overall street scene. I find that these incongruous alterations have a localised but nevertheless adverse impact on the character and appearance of the conservation area in which the building is situated. The appeal on ground (e) therefore fails.

#### Grounds (g), (i), (j) and (k)

16. Grounds (g), (i), (j) and (k) all essentially relate to the same overall question of whether the steps required by the enforcement notice are excessive, and I note that the appellant has grouped these grounds together in its appeal statement. The relative applicability of each of the individual grounds is dictated by the terms of the enforcement notice. In this case, the steps specified by the enforcement notice effectively require the building to be brought into the state it would have been in had listed building consent 21/01022/LBC been complied with, by requiring windows and doors to be installed which reflect drawings approved as part of that consent. Therefore it is ground (k) which is directly applicable to the circumstances of this case, and I need not give further separate consideration to grounds (g), (i) or (j).

17. The appellant has not suggested any lesser steps which would enable the building to be brought into the same state as it would have been, had the windows resembled the approved plans and had the original doors been retained as proposed. The appellant's case under this ground reiterates arguments for why the windows and doors as installed should be deemed to be acceptable and allowed to be retained.

18. I have already found that the windows and doors materially differ from what had been proposed and granted listed building consent, and that these fail to preserve the listed building's special interest. I can see no lesser steps which would enable the state of the building to resemble what had previously been deemed to be appropriate through the granting of listed building consent 21/01022/LBC (with those consented works now appearing to be largely complete). It is of no relevance to this appeal that the appellant purchased the property subsequent to listed building consent being granted, as the terms of that consent relate to the building rather than the individual. The appeal on ground (k) fails.

#### Ground (h)

19. The enforcement notice specified that the steps required for compliance would need to be completed by 31 December 2023. Given that date has passed, it will be necessary to amend the period for compliance. That date for compliance was however plainly more than the minimum of 28 days required from after the notice was served, in accordance with section 34 (5B) of the Act.

20. The date specified by the notice was equivalent to three months from the date that the enforcement notice was served. The appellant has requested that the compliance period be extended to at least six months on the basis that a building warrant would need to be obtained, and potentially a different window manufacturer identified.

21. Given the building is both secure and watertight, I do not find there to be a pressing need for the works required by the enforcement notice to be undertaken urgently. I consider a six month compliance period would provide a reasonable balance between addressing the breach of control expeditiously, whilst also giving the appellant ample time to obtain a building warrant, and to have the replacement windows and doors manufactured and installed as specified. The appeal on ground (h) succeeds.

#### Ground (ia)

22. This ground of appeal has been ticked on the appeal form, but no case has been made in support of this by the appellant. This ground of appeal is potentially relevant where an enforcement notice requires ongoing works to be stopped, by allowing an appellant to claim that ceasing the works exceeds what is necessary to remedy the contravention. In this case, the enforcement notice does not require any ongoing works to stop, so I do not consider this ground of appeal is capable of being applicable in these circumstances.

#### Conclusion

23. For the reasons outlined above, I uphold the enforcement notice subject to an extension to the time for compliance, as specified.

*Christopher Warren*  
Reporter



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR LAND OR  
PROPERTY**

***Planning (Listed Buildings and Conservation Areas) (Scotland) Act  
1997, as amended (“the Act”)***

**LISTED BUILDING ENFORCEMENT NOTICE**

**Issued by Midlothian Council**

**6<sup>th</sup> October 2023**

*This Notice is served on:*

The Property Owner  
West Street South Church Hall,  
Penicuik EH26 9EB

The Company Secretary  
Southfield Homes Edinburgh Ltd  
14 Main Street Longniddry  
EH32 0NF

- 1. THIS IS A FORMAL NOTICE** which is issued by Midlothian Council under Section 34 of the Act because the Council considers that there has been a breach of planning control within Sections 6 and 8(1) of the Act at the listed building described below. The Council considers that it is expedient to issue this notice, having regard to the effect of the character of the building as one of special architectural or historic interest and provisions of the development plan.

**2. THE LISTED BUILDING AFFECTED**

West Street South Church Hall, Penicuik, EH26 9EB

It is a Category C Listed Building (Listed Building Reference 46381, date of listing 9 March 2000).

It is located within the Penicuik Conservation Area.

**IMPORTANT – CONTINUES ON NEXT PAGE**

### 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without listed building consent:

- The removal of the original timber storm doors to the north elevation and replacement with unacceptable alternative, harmful to the architectural and historic interest of the listed building and harmful to the character and appearance of the conservation area
- The removal of all the windows to the north elevation and replacement with unacceptable alternative, harmful to the architectural and historic interest of the listed building and harmful to the character and appearance of the conservation area

### 4. REASONS FOR ISSUING THIS NOTICE

Section 6 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states “no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. The test for whether Listed Building Consent is required is whether the works “would affect its character as a building of special architectural or historic interest”.

West Street South Church Hall, Penicuik EH26 9EB is a Category C listed building.

The list description for the listed building states

*N (PRINCIPAL) ELEVATION: 4-light window at centre with intersecting tracery, flanked by pair of 5-panel, 2-leaf timber doors with gothic decoration; tall 5-pane lancet windows with blind upper panes, to outer left and right.*

Without listed building consent the timber storm doors and all the windows have been removed to the North (the principal) elevation. These are part of the original historic fabric of the building and of particular historical interest as evidenced by the list description above. Furthermore these elements have been replaced by unacceptable replacements that are harmful to the architectural and historic interest of the building.

Historic Environment Policy for Scotland (HEPS) 2019 offers guidance on the protection and management of the historic environment and Conservation Areas and areas of special architectural or historic interest, the character or

**IMPORTANT – CONTINUES ON NEXT PAGE**

appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. The Policy Statement also indicated that the planning authority should consider the design, materials, scale and siting of any development, and its impact on the character of the historic environment.

Historic Environment Scotland's Managing Change in the Historic Environment document on Windows states that windows make a substantial contribution to the character, authenticity and physical integrity of most historic buildings and also to the character and interest of historic streets and places. They are an important element of a building's design. The size, shape and positioning of the openings are significant, as are the form and design of the framing, astragals and glazing. Their style, detailing and materials help us to understand the date when a building was constructed or altered, its function, and advances in related technology.

When altering a window, an assessment of character and special interest will be important when changes to the window's design are envisaged. If clear evidence for an earlier pattern exists, reinstatement of that pattern should be acceptable, unless the later windows are of interest in their own right; for example, if they relate to significant alterations and additions that are part of the building's special interest.

Historic Environment Scotland's Managing Change in the Historic Environment document on Doorways states that the doorway and associated features of a historic building, or groups of historic buildings, form important elements in defining their character. Age, design, materials, and associated features are amongst the numerous factors that contribute to the interest of historic doorways.

In almost all cases, repair of components on a like-for-like basis is preferable to replacement of whole units, as this will best maintain the character and historic fabric of the door or doorway. Where there is no alternative to the replacement of an original or historic door, the new elements should match the original in all respects. This should include exact replication of the opening method, maintenance and reuse of door furniture and historic glass where this contributes to a building's character. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.

The works that have been undertaken are considered to result in the unacceptable loss of historic fabric of architectural importance, contrary to the requirement of Section 6 of the Planning (Listed Buildings and Conservation Areas Act (Scotland) 1997

The works are also contrary to Policy ENV22 of the Midlothian Local Development Plan 2017 and the above referenced Historic Environment Scotland guidance

**IMPORTANT – CONTINUES ON NEXT PAGE**



In view of the harmful impact of the alterations, enforcement action is required.

## **5. WHAT YOU ARE REQUIRED TO DO**

- 1) Remove the unauthorised storm doors to the north elevation and replace either with the original removed doors or with replacement doors of the same material, finish and detailing as those doors as shown on the plan appended to this notice (Drawing 21.41 / P L(P)004)
- 2) Remove the unauthorised windows to the north elevation and replace with windows of the same dimensions, profile and finish as those shown on the plan appended to this notice (Drawing 21.41 / P L(P)004)

## **6. TIME FOR COMPLIANCE**

Requirement 5(1), 5(2) to be complied with by 31 December 2023.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 6 November 2023 unless an appeal is made against it beforehand.

Signed:



Matthew Atkins  
Lead Officer – Planning Obligations  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Date: 6 October 2023

**IMPORTANT – CONTINUES ON NEXT PAGE**

## **8. YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be received by the Scottish Ministers before 6<sup>th</sup> November 2023. Any other person who has an interest in the land to which this notice relates may also appeal to the Scottish Ministers by the same date.

**Schedule 1 of this notice gives information on your Right of Appeal**

## **9. WHAT HAPPENS IF YOU DO NO APPEAL**

If you do not appeal against this enforcement notice, it will take effect on 6<sup>th</sup> November 2023 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution or the service of a Fixed Penalty Notice on the relevant person(s) who have not complied with its requirements. Failure to comply with an enforcement notice which has taken effect may also result in the Council taking direct action to correct the breach.

**SCHEDULE 1****EXPLANATORY NOTE FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE****RELEVANT LEGISLATION**

Sections 6, 8 and 34-39 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, as amended.

You may wish to note in particular the points referred to below

**RIGHT OF APPEAL**

If you wish to appeal against this notice, you should write to The Directorate for Planning and Environmental Appeals, Ground Floor, Hadrian House, Callendar Road, Falkirk, FK1 1XR or contact the DPEA via their website <https://www.dpea.scotland.gov.uk/>. The appeal must be received, or posted in time to be received by the Scottish Ministers before the date on which this notice takes effect. The Scottish Ministers have no power to consider an appeal lodged out of time.

The appeal, which must be made in writing, must be based on one or more of the grounds set out in section 35 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, as amended. If you decide to appeal you should state the facts on which you propose to rely in support of each of the grounds of appeal. The grounds of appeal and the statement of facts must be submitted with your appeal or within fourteen days of your being required to do so by the Scottish Ministers.

If you lodge an appeal, the enforcement notice is suspended and will not take effect unless the appeal is withdrawn or dismissed.

**PENALTIES FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE**

Where, after the end of the period for compliance with this notice, any steps required to be taken have not been complied with, unless a valid appeal has been made to the directorate, the person who is, for the time being the owner of the building shall be in breach of this notice and guilty of an offence. Any person guilty of such an offence shall be liable on summary conviction to a fine of £50,000 or on conviction on indictment to an unlimited fine.



## **DIRECT ACTION FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE**

If the steps required by a Listed Building Enforcement Notice are not taken within the specified period(s) the Council may enter on the land, take those steps and recover as a civil debt from the person who is then the owner, or the lessee of the land, any expenses reasonably incurred.

## **FURTHER OFFENCES**

Compliance with the terms of a listed building enforcement notice does not discharge that notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.



**Education, Economy  
& Communities**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

## Listed Building Enforcement Notice

South Church Hall, West Street, Penicuik

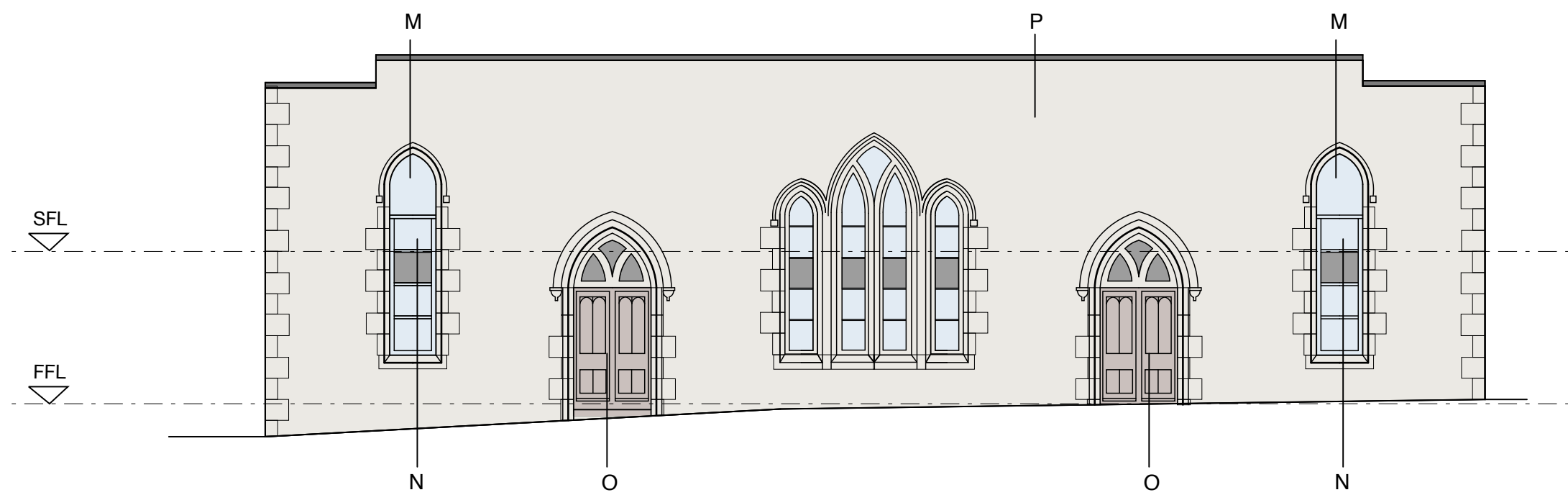
Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2018)

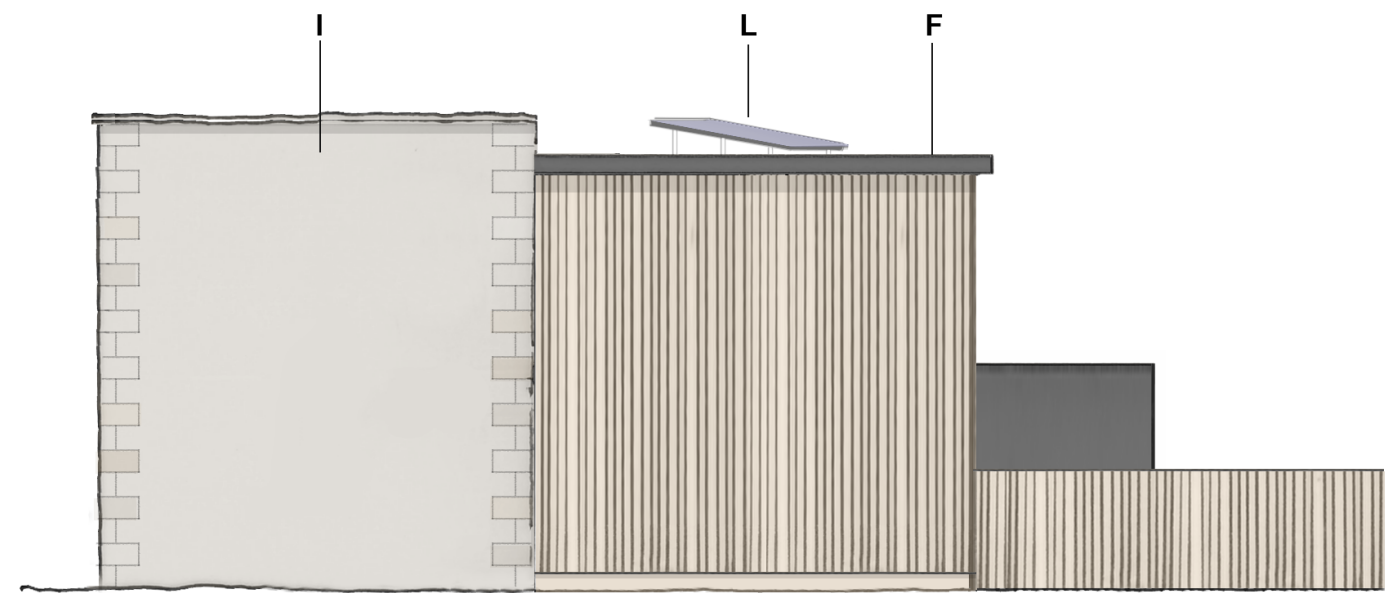
File No. E/23/44

Scale: 1:500





PROPOSED FRONT ELEVATION



PROPOSED WEST ELEVATION

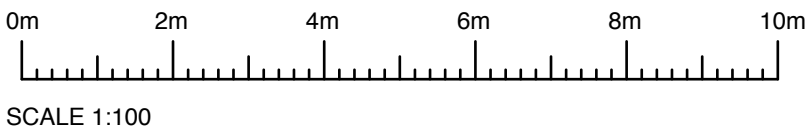


PROPOSED REAR ELEVATION



PROPOSED GABLE ELEVATION

- A Zinc fascia with ogee profiled gutter  
B Zinc fascia to existing stone walled  
C Zinc fascia and column to outbuilding  
D Powder coated aluminium window and door in charcoal grey  
E 25x150mm vertical lapped weatherboarding in silver grey natural finish  
F Roof finished in standing seam single ply membrane  
G Glazed door screen and window transition element  
H Retained part of stone rear return wall  
I Existing elevation retained and consolidated  
J Zinc canopy detail over entrance door screen  
K Retained front stone walled parapet  
L Solar panels  
M Gothic windows to be upgraded to inward opening metal frames in charcoal grey powder coat finish (detail to follow).  
N Floor plate behind obscure glass panel  
O Historic storm doors to be retained and restored  
P Stonework and pointing to be consolidated



## PLANNING

The purpose of this drawing is solely for the purposes of obtaining building warrant / planning / listed buildings approval. The drawing may be suitable for construction purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

<b>LORN MACNEAL</b> ARCHITECTS	3 ST VINCENT STREET EDINBURGH EH3 6SW	
	T + 44 (0)131 226 3838 F + 44 (0)131 220 4767	
	mail@lornmacneal.co.uk www.lornmacneal.co.uk	
	CHURCH HALL, PENICUIK EH26 9DG	
<b>PROPOSED ELEVATIONS</b>		
Scale 1: 100 @ A1		Date 05/01/2022
Drawing No. 21.41 / L(P)004		
DO NOT SCALE FOR CONSTRUCTION PURPOSES		
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**CERTIFICATE OF LAWFUL USE APPEAL DECISION WITH REGARD THE  
USE OF LAND FOR THE STORAGE OF GOODS AND MATERIALS  
(EXCLUDING HAZARDOUS GOODS AND MATERIALS) AT LAND AT THE  
FORMER FILLING STATION, BIGGAR ROAD, HILLEND.**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a certificate of lawful use development (CLUD) appeal decision with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggar Road, Hillend.

## **2 BACKGROUND**

- 2.1 Section 150(2)(a) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) provides that an existing use or operation is lawful if no enforcement action may be taken in respect of it. This may be because no development was involved; or the development did not require planning permission; or because the time for enforcement action has expired, or for any other reason. Section 124(3) of the 1997 Act provides that, with regard to a breach of planning control consisting in a change of use other than to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
- 2.2 A means of demonstrating a land use is immune from enforcement without applying for planning permission is a certificate of lawful use development – the applicants submitted such an application in May 2023, and it was refused 21 September 2023. It was then the subject to an appeal and a Scottish Government Reporter appointed to determine the appeal dismissed it 8 February 2024. A copy of the appeal decision is attached to this report as Appendix A. As a consequence of the appeal the Planning Service will investigate the current use of the site with a view of taking enforcement action.

## **3 THE DECISION**

- 3.1 In considering the appeal the Reporter reached the following conclusion:

“... I find that the use of the site has not been for storage purposes over a continuous period of 10 years up to the date of the appeal application. That is what the appellant must prove, to demonstrate that the claimed use is lawful so as to give rise to an entitlement to a certificate. Indeed, the appellant’s own material provides substantial contrary evidence, including its acknowledgement of use for car wash purposes during the relevant time. It follows therefore that the appellant has not discharged the onus on it to demonstrate, on the balance of probability, that use of the land for “general storage of goods and materials (excluding hazardous goods and materials)” is lawful for the purposes section 150(1) of the Town and Country Planning (Scotland) Act 1997.”

“... I conclude that the appellant has not demonstrated that the claimed use for “general storage of goods and materials (excluding hazardous goods and materials)” is immune from enforcement action by operation of time, or for any other reason. I am therefore not able to conclude that a certificate can be issued to the effect that storage use of the land (or part of it) is lawful for the purposes of s150 of the 1997 Act. Consequently, I find that the authority’s refusal to issue a certificate in this case was well-founded. This appeal is therefore dismissed.”

- 3.2 Furthermore, the Reporter concluded that the appeal had no reasonable likelihood of success and as such awarded the Council costs. This claim for an award of expenses decision is attached as Appendix B.

#### **4 RECOMMENDATION**

- 4.1 It is recommended that the Committee notes the certificate of lawful use development appeal decision with regard the use of land for storage of goods and materials (excluding hazardous goods and materials) at land at the former filling station, Biggard Road, Hillend.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 1 March 2024  
**Contact Person:** Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager  
peter.arnsdorf@midlothian.gov.uk



## Appeal Decision Notice

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Decision by Rob Huntley, a Reporter appointed by the Scottish Ministers

- Certificate of Lawful Use appeal reference: CLUD-290-2002
- Site address: Land at former filling station, Biggar Road, Hillend EH10 7DU
- Appeal by C M Roofing Limited against the decision by Midlothian Council
- Application for certificate of lawful existing use 23/00296/CL dated 3 May 2023 refused by notice dated 21 September 2023
- The subject of the application: general storage of goods and materials (excluding hazardous goods and materials)
- Date of site visit by Reporter: 25 January 2024

Date of appeal decision: 8 February 2024

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### Decision

I dismiss the appeal.

### Preliminary matters

1. The description of the use of the land in respect of which a certificate of lawfulness is sought, as used on the council's decision notice, is repeated on the appeal form. However, that description differs from that set out on the application form initially submitted to the council. For consistency and clarity I have, in the 5<sup>th</sup> bullet point above, retained the wording from the application form. In the 4<sup>th</sup> bullet point above I have also retained the application date of 3 May 2023 from the application form, rather than the later June 2023 date on which the council states that it registered the application.
2. An application for an award of its expenses in this appeal has been made by the council against the appellant. My decision on that expenses application is the subject of a separate decision notice.

### Reasoning

3. Section 150(2)(a) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) provides that an existing use or operation is lawful if no enforcement action may be taken in respect of it. This may be because no development was involved; or the development did not require planning permission; or because the time for enforcement action has expired, or for any other reason. Section 124(3) of the 1997 Act provides that, with regard to a breach of planning control consisting in a change of use other than to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
4. The appellant has drawn attention to aspects of the planning history of the site, including referring to several planning applications and permissions. However, none of these relate to or authorise the use of the land for storage. The appeal application was therefore made on the basis of the applicant's claim that storage use had, at the date of the application, become immune from enforcement action by the passage of time.



5. Section 150(4) of the 1997 Act provides that “If ... the planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use ... described in the application ... they shall issue a certificate to that effect; and in any other case they shall refuse the application.” Against this background, and as provided for by section 154(3) of the 1997 Act, the central issue before me in this appeal is whether the council’s decision to refuse to issue a certificate of lawfulness, was well founded.

6. Paragraphs 23 to 26 of Annex F to Scottish Government Circular 10/2009 (Planning Enforcement) explain what must be contained in an application for a certificate under section 150 of the 1997 Act. The circular makes clear that the applicant is responsible for providing sufficient information to support the application and that the onus is on the applicant to make out their case. The relevant test of the evidence presented in support of an application for a certificate of lawfulness is the balance of probability. Although the form of evidence to be provided is not prescribed, and it is not necessary for the applicant’s evidence to be independently corroborated, such evidence must be sufficiently precise and unambiguous to prove, on the balance of probability, entitlement to the certificate sought.

7. To succeed in its claim, that use of the land for “general storage of goods and materials” was lawful at the date of the application, the applicant is required to provide evidence that such storage use commenced more than 10 years before the date of the application and that this use has continued since then. The relevant period for my consideration is therefore the period of 10 years commencing on 3 May 2013.

8. The appellant has provided a series of aerial photographs in support of the application and appeal. These are apparently from the years 2012, 2013, 2015, 2016 (2 images), 2018, 2020, 2021 and 2022, but the images do not bear specific dates. The appellant asserts that these demonstrate that the site has been in use as a storage yard for a period of more than 10 years prior to the date of the application. However, by their nature photographs are only capable of providing a “snapshot” of any features visible on the site at the time they were taken. I accept that images of such visible features might, if supported by documentary or other evidence, help to clarify the existence of features over a period of time, and that this could be suggestive of a particular use of the land. However, the majority of the aerial photographs provided are of such low resolution that they do not enable me to gain any clear appreciation of what is represented by the blurry images, nor what use of the site this may imply.

9. To the extent that I am able, from the images, to gain an impression of the characteristics of the site, this is of a largely open site with one or more broadly rectangular features or structures centrally located within it. Some of the shapes appear on several images and suggest that these same, or similar, features have been present on the site over an extended period. However, I find that the photographs put before me do not provide clear evidence that the site was in use for storage purposes, either at the times when the images were taken or during the intervening periods.

10. The appellant has asserted that storage use of the land has continued throughout the relevant 10-year period. However no substantial evidence has been provided to support this assertion. Indeed, other statements made in the appellant’s case are directly contradictory of continued use for storage purposes.

11. Planning permissions have been granted by the council authorising the operation of a car wash use at the site. The appellant acknowledges that the land has been put to such use and says that the appeal site has “oscillated between storage facility and carwash on several occasions”. It also comments that “At no point did the appellant claim that the entire terraced site was continuously used for this [storage] purpose”. The reference to car wash use is consistent with the large sign I observed on the side of the portacabin office listing prices for City Auto Spa services apparently previously provided at the site. The appellant has also provided updated information from Lothian Valuation Joint Board which records,

for rating purposes, that the land is described and valued as a carwash from 1st April 2014 to 1st April 2023, reverting to a “yard” with effect from the latter date. I have no information to clarify what the term “yard” may mean in terms of a use for planning purposes.

12. Use as a car wash is materially different from use for storage purposes. The appellant acknowledges that the land had been in use for the purposes of a car wash for at least part of the time during the 10-year period relevant to my consideration (from 3 May 2013 to 3 May 2023). Although the appellant comments that the car wash planning permissions were for temporary periods, that does not detract from the fact that any periods of car wash use cannot count towards the duration of any storage use within the 10-year period. I appreciate that s28(2) of the 1997 Act provides that planning permission is not required for the resumption, at the end of any period of temporary permission, of what was the “normal” use of land before the temporary permission was granted. However, that does not assist the appellant’s case here, as there is no suggestion that storage use had become lawful prior to the initiation of the permitted time-limited car wash (reference 11/00168/DPP).

13. Although the appellant had indicated an intention to leave the gate to the site open on the day of my site inspection, this was not done. I was therefore unable to enter onto the site itself. However, I was able to conduct my mid-day inspection of the site from the footway and verge along the site’s frontage to Biggar Road (A702) and from the sloping treed land to the north and south of the site. From these viewpoints I was able to view all that I needed to see at the site in order fully to understand the material I have been provided with in this appeal. Viewing the site at one point in time could not, in any event, provide substantial evidence of the use of the land over the 10-year period I am concerned with in this appeal. I am satisfied that not being able to enter the site itself has not prevented me from properly considering this appeal.

14. At the time of my site inspection, I was able to observe several broadly rectangular features in the upper part of the site. These included a portacabin type office building (with the price-list sign referred to above), a caravan, and a metal shipping container fitted with a door. These appeared to be similar in dimensions and position to some of the features visible on several of the submitted aerial photographs. Present on the site were also a mobile concrete mixer, a small quantity of what appeared to be scaffolding material, as well as fencing around and within the land. The presence of these items on the site did not lead me to conclude that the site was being used for storage at the time of my inspection.

15. I also observed a quantity of Christmas trees in one corner of the site, with others in a small trailer on the land. This would appear to be consistent with the appellant’s acknowledgement that seasonal sales of Christmas trees has been a recurring activity at the site, apparently over many years.

16. From the evidence before me in this appeal I find that the use of the site has not been for storage purposes over a continuous period of 10 years up to the date of the appeal application. That is what the appellant must prove, to demonstrate that the claimed use is lawful so as to give rise to an entitlement to a certificate. Indeed, the appellant’s own material provides substantial contrary evidence, including its acknowledgement of use for car wash purposes during the relevant time. It follows therefore that the appellant has not discharged the onus on it to demonstrate, on the balance of probability, that use of the land for “general storage of goods and materials (excluding hazardous goods and materials)” is lawful for the purposes section 150(1) of the Town and Country Planning (Scotland) Act 1997.

#### Other matters

17. The appellant has confirmed that the upper part of the site, closer to the road, has been put to uses other than storage during the relevant period of my consideration. It suggests that there has, however, been continuity of storage use of the lower part of the

site which is less visible from public viewpoints. I have therefore considered whether I would be able to issue a certificate confirming the lawfulness of storage use of that smaller part of the application site. However, I find that the paucity and imprecision of evidence of continued storage at the site use put before me, which I have referred to above, applies to the application site as a whole, including the lower terrace. Nor I have been presented with clear evidence to lead me to consider that the site should reasonably be regarded as comprising more than one planning unit. It has not therefore been necessary for me to give detailed consideration to the guidance contained in the *Burdle*<sup>1</sup> case referred to by the council. I therefore conclude that it is not appropriate for me to use the powers granted by s152(4)(a) of the 1997 Act to issue any certificate in respect of part of the land specified in the application.

18. I am familiar with the various further judicial authorities which the council has referred to in its response to the appeal. However, those judgements rely on their own facts and I have not found it necessary in my consideration of this appeal to address the detail of these.

19. I note that the appellant's comments imply criticism of what it regards as an apparent reluctance on the part of the council to deal positively with successive proposals seeking a viable future for the site. However, in this appeal I am concerned solely with whether the appellant has discharged the burden laid on it so as to enable a certificate of lawfulness to be issued. Any dealings between the appellant and the council on other matters are therefore not relevant to my consideration of the appeal.

### **Conclusion**

20. Section 154(3)(a) of the 1997 Act requires a certificate to be issued on appeal if I am satisfied that the authority's reason for refusal was not well-founded. For the above reasons, I conclude that the appellant has not demonstrated that the claimed use for "general storage of goods and materials (excluding hazardous goods and materials)" is immune from enforcement action by operation of time, or for any other reason. I am therefore not able to conclude that a certificate can be issued to the effect that storage use of the land (or part of it) is lawful for the purposes of s150 of the 1997 Act. Consequently, I find that the authority's refusal to issue a certificate in this case was well-founded. This appeal is therefore dismissed.

*Rob Huntley*

Reporter

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<sup>1</sup> *Burdle and another v Secretary of State for the Environment and another* [1972] 3 All ER 240



Planning and Environmental Appeals Division

Hadrian House, Callendar Business Park, Falkirk, FK1 1XR

E: [dpea@gov.scot](mailto:dpea@gov.scot)

T: 0300 244 6668



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## Claim for an Award of Expenses

### Decision Notice

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Decision by Rob Huntley, a Reporter appointed by the Scottish Ministers

- Appeal reference: CLUD-290-2002
- Site address: Land at former filling station, Biggar Road, Hillend EH10 7DU
- Claim for expenses by Midlothian Council against the Appellant, C M Roofing Limited
- Date of site visit by reporter: 25 January 2024

Date of decision: 8 February 2024

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### Decision

I find that the appellant has acted in an unreasonable manner resulting in liability for expenses. Accordingly, in exercise of the powers delegated to me and conferred by section 265(9) as read with section 266(2) of the Town and Country Planning (Scotland) Act 1997, I find the appellant liable to the council in respect of the expenses of the appeal. Normally parties are expected to agree expenses between themselves. However, if this is unsuccessful, I remit the account of expenses to the Auditor of the Court of Session to decide on a party/party basis.

### Reasoning

1. The claim by the council was made at the appropriate stage of the proceedings, namely at the time it provided its written response to the appeal.
2. Paragraph 4 of Scottish Government Circular 6/1990 (Awards of Expenses in Appeals and Other Planning Proceedings) explains that the parties to an appeal are normally expected to meet their own expenses. Expenses are only awarded where there has been unreasonable behaviour. Paragraph 5.3 of the circular makes clear that, for an award of expenses to be made, any such unreasonable behaviour must have caused the claimant to incur unnecessary expense.
3. In my decision notice on the substantive appeal, I concluded that the appellant has not provided clear evidence to support its case that storage use of the site had become lawful through continued use for the relevant 10-year period. Scottish Government Circular 10/2009 (Planning Enforcement) explains, especially in paragraphs 23 to 26 of Annex F, the factual nature of evidence necessary to support a successful claim for an application for a certificate under section 150 of the 1997 Act. The evidence in this case falls far short of discharging the onus of proof that rests on the appellant in this regard. Indeed, the appellant's acknowledgement that a use materially different from the claimed storage use (use as a car wash) has taken place during the relevant period, has broken any continuity of use for storage.
4. If proper consideration had been given to the provisions of s150 of the 1997 Act and the guidance in Circular 10/2009, it should have been clear to the appellant that neither the

application nor the appeal had any reasonable likelihood of success. Paragraph 8 of Circular 6/1990 explains that pursuing an appeal in such circumstances is an example of where an award of expenses against an appellant may be justified. I conclude that, in the face of the guidance I have referred to, it was unreasonable for the appellant to pursue the appeal without providing clear evidence to support the lawfulness of storage use at the site.

5. The council was required to respond to the appeal once it was made. It therefore had no option but to devote time and resources to doing so. Expenses would undoubtedly have been incurred by the council as a result. It should not have been necessary for the matter to come before the Scottish Ministers on appeal and an award of expenses against the appellant in favour of the council is therefore appropriate.

*Rob Huntley*

Reporter



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**PRE - APPLICATION REPORT REGARDING THE ERECTION OF HIGH SCHOOL, ASN FACILITY AND COMMUNITY FACILITIES, SWIMMING POOL, VETERINARY CLINIC AND ASSOCIATED WORKS AT LAND EAST AND WEST OF SEAFIELD MOOR ROAD, BILSTON (24/00076/PAC)**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for the erection of a high school, ASN (additional support needs) facility and community facilities, swimming pool, veterinary clinic and associated works at land to the east and west of Seafield Moor Road, Bilston.
- 1.2 The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

## **2 BACKGROUND**

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 30 August 2022. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A previous pre application consultation for the erection of a high school, community facilities, veterinary clinic, formation of sports pitches, car parking and associated works at the same site as the current consultation was submitted on 28 July 2022. The consultation was reported to the 30 August 2022 meeting of the planning committee. The public consultation events that were proposed for the previous consultation did not take place.
- 2.3 The current pre application consultation for the erection of high school, ASN facility and community facilities, swimming pool, veterinary clinic and associated works at land to the east and west of Seafield Moor Road, Bilston was submitted on 26 January 2024. The proposal will



provide a replacement for the existing Beeslack High School in Penicuik - the Council is likely to be the applicant for the planning application.

- 2.4 As part of the pre-application consultation process, two public events will be arranged at Beeslack High School. A minimum period of 14 days must occur between the two public events. It is reasonable for an elected member to attend such a public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in August 2022) not offer views, as the forum for doing so will be at meetings of the Planning Committee.
- 2.5 An applicant must wait 12 weeks from the date of submission of a PAN before submitting a planning application. The earliest date that the planning application for this proposal could be submitted is 20 April 2024. The subsequent planning application must be accompanied by a Pre-Application Consultation Report detailing the consultation undertaken, a summary of written responses and views expressed at the public events, and an explanation of how the applicant took account of the views expressed and an explanation of how members of the public were given feedback on the applicant's consideration of their views.
- 2.6 Copies of the pre application notice have been sent by the applicant's agent to the local elected members in wards 1 (Penicuik) and 4 (Midlothian West) and the Damhead and District, Loanhead and District, Rosewell and District, Roslin and Bilston and Penicuik and District Community Councils.

### **3 PLANNING CONSIDERATIONS**

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise. The views of consultees and representors will be material considerations in the assessment of an application for the proposed development.
- 3.2 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017 (MLDP). Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is an incompatibility between the provisions of the National Planning Framework and the provisions of a local development plan whichever of them is the later in date is to prevail. At present this means that where there is an incompatibility NPF4 takes precedence, this will change when a new local development plan is adopted.
- 3.3 The site is situated to the west of Bilston on either side of Seafield Moor Road. It comprises two grazing fields and the trees and hedgerows that surround the fields. The western field is immediately adjacent to the Midlothian Innovation Centre and is identified in the Midlothian Local Development Plan 2017 as forming part of the Midlothian Science Zone.

The eastern field is situated at the edge of Bilston; it forms part of the built-up area of Bilston and is part of the allocated housing site h55.

3.4 The relevant policies of the National Planning Framework 4 (NPF4) are:

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 5 Soils
- Policy 6 Forestry, woodland and trees
- Policy 12 Zero Waste
- Policy 13 Sustainable Transport
- Policy 14 Design, quality and place
- Policy 15 Local living and 20 minute neighbourhoods
- Policy 16 Quality Homes
- Policy 18 Infrastructure first
- Policy 19 Heat and cooling
- Policy 20 Blue and green infrastructure
- Policy 21 Play, recreation and sport
- Policy 22 Flood risk and water management
- Policy 23 Health and Safety
- Policy 27 City, town, local and commercial centres
- Policy 31 Culture and creativity

3.5 The MLDP identifies the western portion of the site as being within the Midlothian Science Zone where there is a presumption in favour of development that supports and expands bioscience research and development; and the eastern portion of the site as being part of an allocated housing site within the built-up area of Bilston where there is a presumption in favour of appropriate development. An application for the proposed development will be assessed against the following MLDP policies:

- STRAT1 – Committed development;
- STRAT3 – Strategic Housing Land Allocations;
- STRAT5 – Strategic Employment Land Allocations;
- DEV1 – Community Identity and Coalescence;
- DEV2 – Protecting Amenity within the Built-Up Area;
- DEV5 – Sustainability in New Development;
- DEV6 – Layout and Design of New Development;
- DEV7 – Landscaping in New Development;
- DEV8 – Open Spaces;
- DEV9 – Open Space Standards;
- ECON2 – The Midlothian Science Zone;
- TRAN1 – Sustainable Travel;
- TRAN2 – Transport Network Interventions;
- TRAN5 – Electric Vehicle Charging;
- IT1 – Digital Infrastructure;
- ENV7 – Landscape Character;

- ENV9 – Flooding;
- ENV10 – Water Environment;
- ENV11 – Woodland, Trees and Hedges;
- ENV15 – Species and Habitat Protection and Enhancement;
- ENV17 – Air Quality;
- ENV18 – Noise;
- ENV22 – Listed Buildings;
- ENV25 – Site Assessment, Evaluation and Recording;
- NRG6 – Community Heating;
- IMP1 – New Development;
- IMP2 – Essential Infrastructure Required to Enable New Development to Take Place;
- IMP3 – Water and Drainage.

- 3.6 The views of consultees and representors will be material considerations in the assessment of an application for the proposed development. The Council's Learning Estate Strategy 2017-2047 will also be a material consideration in the assessment of an application for the proposed development.
- 3.7 There is a presumption in favour of *appropriate development* within the site; the land to the east of Seafield Moor Road is identified for housing and the land to the west of Seafield Moor Road is within the Midlothian Science Zone where there is long term support for bioscience research and development. Although the proposed development does not fall within the stated development categories (housing and bioscience) the sites are within the built-up area and there is the potential to set out material considerations which support the proposed development on the site – these would include the provision of much needed education and community facilities which would benefit from their strategic location in close proximity to the Midlothian Science Zone and their central location to serve the dispersed communities of Bilston, Roslin, Loanhead and Auchendinny.

## 4 PROCEDURES

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors be expected to approach their decision-making with an open mind in that they must have regard to



all material considerations and be prepared to change their views that they are minded towards if persuaded that they should.

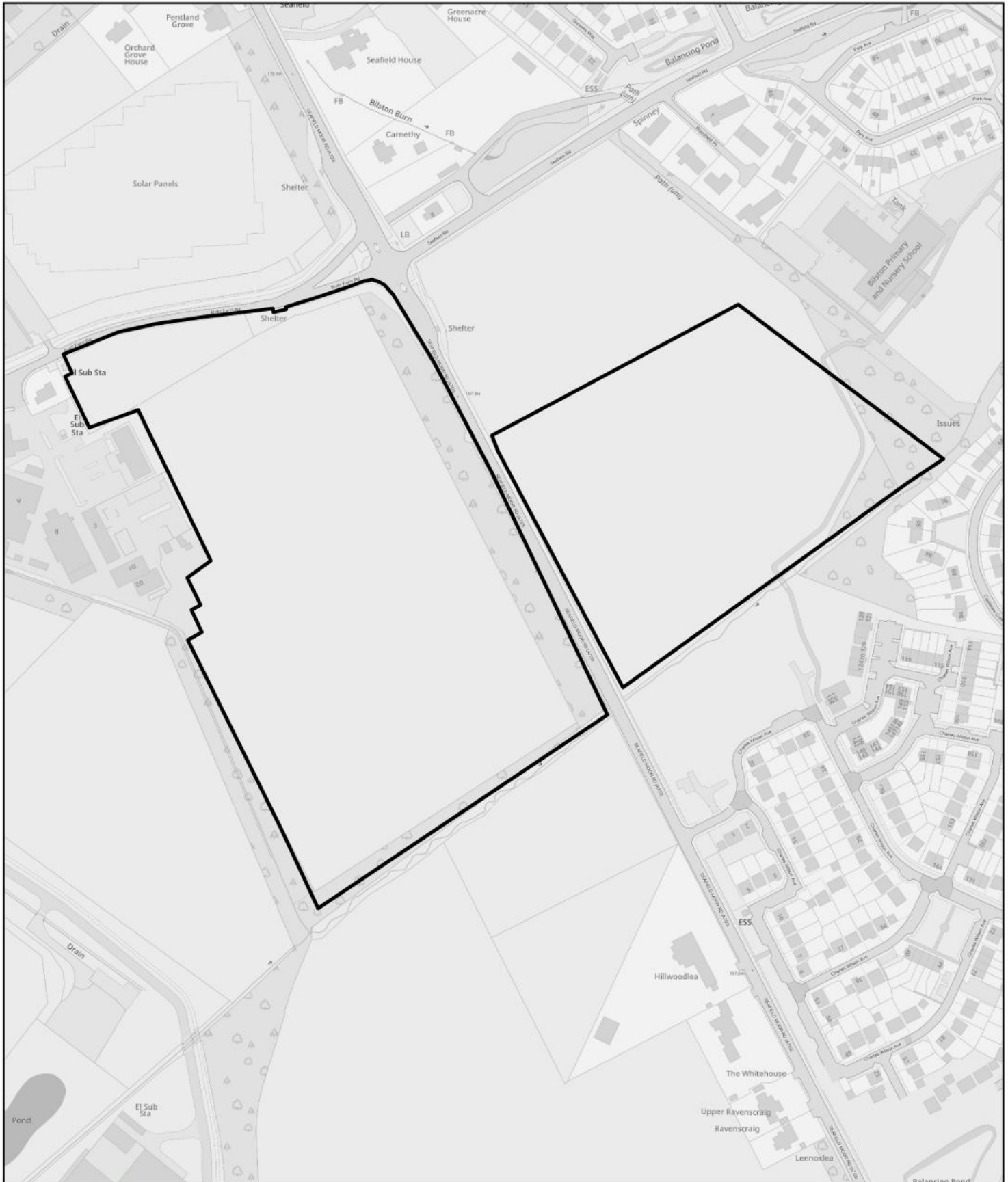
## **5 RECOMMENDATION**

5.1 It is recommended that the Committee notes:

- a) the provisional planning position set out in this report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

<b>Date:</b>	1 March 2024
<b>Application No:</b>	24/00076/PAC
<b>Applicant:</b>	Midlothian Council
<b>Agent:</b>	Architype
<b>Validation Date:</b>	26 January 2024
<b>Contact Person:</b>	Graeme King
<b>Email:</b>	<a href="mailto:graeme.king@midlothian.gov.uk">graeme.king@midlothian.gov.uk</a>
<b>Attached Plan:</b>	Location plan



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Proposal of application notice for erection of high school, ASN facility and community facilities, swimming pool, veterinary clinic and associated works at Land East and West of Seafield Moor Road, Bilston, Roslin,

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File No: 24/00076/PAC

Scale: 1:3,500  
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**APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) FOR THE ERECTION OF A WIND FARM COMPRISING 18NO THREE-BLADED HORIZONTAL AXIS TURBINES UP TO 180M TO TIP HEIGHT, INSTALLATION OF ASSOCIATED TRANSFORMERS AND SWITCHGEAR, TURBINE FOUNDATIONS AND HARDSTANDING, A NETWORK OF ACCESS TRACKS INCLUDING WATERCOURSE CROSSINGS, FORATION OF SITE ENTRANCE, FORMATION OF BORROW PITS, A SUBSTATION COMPOUND, ERECTION OF TELECOMMUNICATIONS MAST, ERECTION OF A BATTERY ENERGY STORAGE SYSTEM WITH CAPACITY FOR 50MW, AND ASSOCIATED WORKS ON LAND AT TORFICHEN HILL, BROAD LAW AND WULL MUIR ON LAND TO THE EAST OF GLADHOUSE RESERVOIR AND SOUTH WEST OF MIDDLETON.**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of progress to date in assessing the stated wind farm development comprising 18, 180m turbines and associated equipment and works at Torfichen Hill, Broad Law and Wull Muir on land to the east of Gladhouse Reservoir and southwest of Middleton, hereafter referred to as the Torfichen Wind Farm. The report outlines the proposal, the site and the procedures relevant to the determination of the application. The report recommends the Committee note the update and approve the issuing of an interim response to the Scottish Government's Energy Consent Unit (the determining body).

## **2 SUMMARY OF APPLICATION**

- 2.1 The proposal comprises an 18 turbine wind farm with associated works. The turbines would reach a maximum height of 180m. The development is expected to generate a total of 158MW (at any one point in time) and includes a battery energy storage system with the capacity of up to 50MW. The case is administered by the Scottish Government's Energy Consent Unit and is available to view on their website under reference ECU00004661. The development is a National Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations and National Planning Framework 2023 (NPF4). The development is also EIA Development as defined by the Electricity Works (Environmental

Impact Assessment) (Scotland) Regulations 2017. The application is accompanied by an Environmental Impact Assessment Report (EIAR).

## 2.2 The proposed development comprises:

- The erection of 18no 180m high wind turbines, including the formation of foundations;
- The installation of transformer and switchgear around each turbine;
- The formation of construction hardstanding around each turbine which will also be retained during the operational phase of development;
- The formation of site access tracks, including watercourse crossings;
- The formation of construction compounds;
- The installation of substation and control building;
- The erection of energy storage facility (battery energy storage system) with an installed capacity of 50MW;
- The formation of 1m wide, 0.5m deep cable trenches;
- The erection of a staff welfare building;
- The installation of a 10m high telecommunications mast;
- Engineering works to form 2no borrow pits to source stone for access track and compound construction;
- The siting of plant to win and crush rock from borrow pits;
- The potential siting of a batching plant to make concrete onsite; and
- The potential installation of a borehole to extract groundwater for the batching plant.

2.3 The proposal has the potential to generate 411,544 MWh annually. If an average electricity consumption per UK household of 3.295 MWh/year is adopted, then this would be sufficient to meet the needs of 124,899 households. For context, there are an estimated 41,676 households in Midlothian according to Mid-2022 Household Estimates published by the National Records of Scotland.

## 3 SITE DESCRIPTION

3.1 The site comprises an area of ground measuring approximately 853 hectares and located on the north slope of the Moorfoot hills. The topography of the site is part of the wider hillslopes of the Moorfoot Ridge that borders the southeast edge of the site. The profile then falls to a gentler elevation towards the northeast. The site here is part of an upland fringe area of undulating hills, open farmland and watercourses. The south boundary follows the high ridge line of the Hunt Law, Wull Muir, Broad Law and Torfichen Hills. This ridge provides a backdrop to views south across Midlothian towards the Scottish Borders. The east boundary in part follows Whitelaw Cleuch as it transects the B7007. Tree belts form the majority of the east boundary north of the B7007. The north boundary is an unmarked and varied boundary to the open countryside beyond. The northwest and west boundaries are similarly unmarked and rejoin the south at the peak of Mauldslee Hill.



- 3.2 The site is not allocated for a specific development proposal in the Midlothian Local Development Plan 2017 (MLDP) and is outwith any defined settlement boundary. The site is entirely within the extent of the Gladhouse Reservoir and Moorfoot Scarp Special Landscape Area. There are no designated Core Paths through the site with the exception of Core Path 8-58 which incurs into the southwest corner of the red line boundary on the north slope of Mauldslie Hill. National Cycle Route 1 follows the route of the B7007 through the site. Other statutory designations affect the site and its surroundings are set out in the relevant chapters of the EIAR.

## **4 PROCEDURES**

- 4.1 An application was submitted to Scottish Ministers on the 28 November 2023 seeking consent under Section 36 of the Electricity Act 1989. Applications made under Section 36 of Electricity Act 1989 differ from applications for planning permission. In this instance, the Council is a statutory consultee rather than the determining authority. If the Energy Consents Unit grants consent under Section 36, this engages Section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended). Subsection 2 provides that Scottish ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction. In simple terms the scale of the development means it is determined by the Scottish Government's Energy Consents Unit rather than Midlothian Council as the local planning authority.
- 4.2 In response to the consultation request issued by the Energy Consents Unit, the Planning Service has reviewed the EIAR. This review includes consultation requests received from internal consultees. It is the duty of the Energy Consents Unit to consult with other statutory consultees such as Scottish Environment Protection Agency (SEPA), NatureScot and Historic Environment Scotland. Any third-party representatives from members of the community, including Community Councils, are directed towards the Energy Consents Unit.
- 4.3 The result of the review is set out in the Midlothian Council Interim Response Letter appended to this report. Appended to this are the internal consultee response received from services within Midlothian Council. The review finds that there is insufficient information provided in the EIAR to conclude an assessment of the proposal. Detailed further information requests are set out in the letter.
- 4.4 The intention is to present a final consultation response to Committee for consideration at a future meeting once a response to the interim letter has been received and hopefully additional information has been provided.

## **5 RECOMMENDATION**

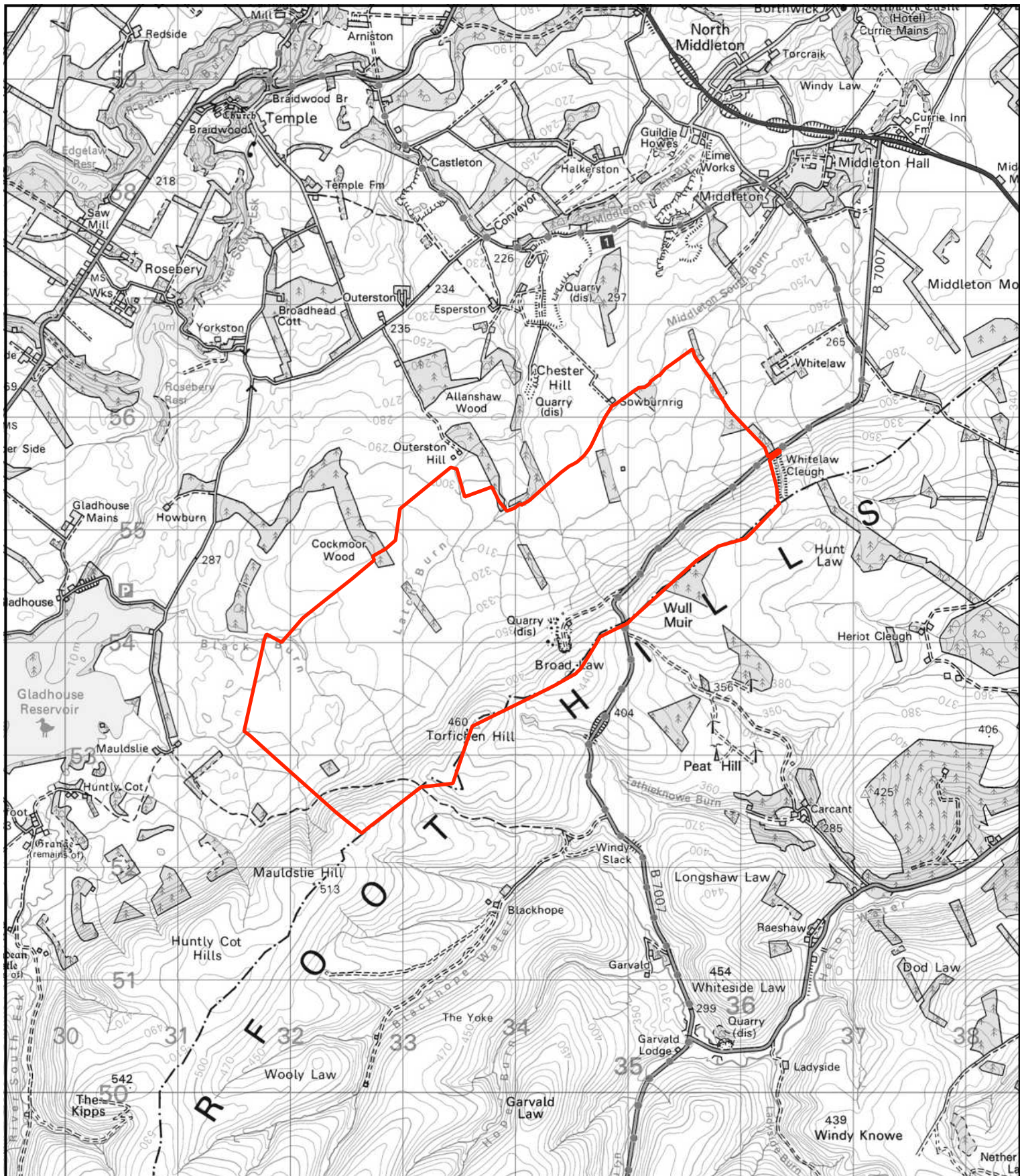
5.1 The recommendation is that the Committee:

- a) Note the update on the Torfichen Wind Farm application;
- b) Approve the attached interim response and instruct officers to issue it to the Scottish Government's Energy Consents Unit; and
- c) Note the intention to present a further report to the Committee on the Torfichen Wind Farm once a response has been received to the interim response.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

<b>Date:</b>	1 March 2024
<b>Contact Person:</b>	Martin Patrick
<b>Email:</b>	<a href="mailto:martin.patrick@midlothian.gov.uk">martin.patrick@midlothian.gov.uk</a>
<b>Background Papers:</b>	Interim Response, March 2024:
<b>Attached Plan:</b>	Location plan.





**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Torfichen Wind Farm: proposed wind farm development  
comprising 18 turbines and associated infrastructure

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File No.: 23/00795/S36

Scale: 1 to 45 000 @ A4

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[dated of issue]

Kirstin Keyes  
Energy Consent Unit (ECU)  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Dear Ms Keyes

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended by Planning etc (Scotland) Act 2006)**

**Application For Energy for Proposed development comprising 18 three-bladed horizontal axis turbines, and associated works (known as Torfichen Wind Farm) at Land to North of Former Quarry, Broad Law, Gorebridge,**

Thank you for your consultation request which was received on 8 December 2023.

The Council has reviewed the application documents available at [www.energyconsents.scot](http://www.energyconsents.scot) under reference number ECU00004661. We have received internal consultation responses from the Council's Neighbourhood Services (Roads, Flood Risk and Drainage), Protective Services (Environmental Health), East Lothian Council Archaeology Service (Cultural Heritage) and the Landscape Officer within the Planning Service. Their consultation responses are appended to this letter.

This letter sets out the Council's interim response to the proposal. Our initial position is that the application does not provide sufficient information to allow for a complete conclusion of our assessment. Therefore, we invite the applicant to review the detailed comments provided in this letter, including appendices and provide a response. Once this response has been received, we will complete our assessment and present our findings to the elected members of the Planning Committee for agreement.

To accommodate this process, we formally request an extension of time to allow for the applicant's response and our re-assessment of additional information. As this depends on deadlines outwith our control we cannot commit to a specific deadline. Once new information has been received, we will require at least 6 weeks to review plus up to 4 weeks to prepare a final report to committee. The committee dates currently scheduled for 2024 are set out below:

- Tuesday 30<sup>th</sup> April
- Tuesday 4<sup>th</sup> June
- Tuesday 10<sup>th</sup> September
- Tuesday 29<sup>th</sup> October
- Tuesday 3<sup>rd</sup> December

Please ask for: Mr Martin Patrick  
Our Reference: 23/00795/S36  
Uniform ref: n/a

Direct Dial: 0131 271 3346  
Fax No: 0131 271 3537



The Council is willing to discuss timescales further with the applicant and establish onward processing timescales to ensure the efficient handling of the application.

The matters arising from our review of the application are set out below. We have given each of these unique identifiers for ease of tracking and would ask the applicant adopts these in their response. This will allow for efficient referencing back to the original EIAR to speed up the review of additional information. We have used the applicant's EIA Chapter headings where appropriate and adopted others in relation to matters outwith these topics.

### *EIA regulations*

Regulation 14 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 requires the developer to publish a notice in The Edinburgh Gazette and a newspaper circulated in the locality. Regulation 18 makes similar provision for the purposes of notifying members of the public of the location of hard copies of the EIA for their inspection. The EIAR Non-Technical Summary at paragraph 5.12 confirms the applicant's intention to publish this notice.

**Query #EIA1 – can the applicant provide evidence to demonstrate the requirements of Regulations 14 and 18 have been carried out? The Council would accept extract copies of the notice as published in the Scotsman, the Edinburgh Gazette and the Midlothian Advertiser.**

Regulation 15 requires the planning authority to place a copy of the EIAR on Part 1 of the planning register. I can confirm the documents uploaded to the Energy Consents Unit website under reference ECU00004661 are on the planning register under our reference number 23/00795/S36.

Regulation 16 requires the developer to send a copy of the EIAR to the planning authority and confirm to Scottish Ministers the date on which they did so. I can confirm that the planning authority did not receive a copy of the EIAR from the developer.

**Query #EIA2 – can the applicant confirm they sent a copy of the EIAR to the planning authority and provide a copy of their acknowledgement of receipt? We did not receive a copy at our published postal address which raises the suspicion that this regulation has not been complied with.**

The planning authority wishes to underline that the failure to receive a copy of the EIAR from the developer has caused no injury or impediment to our ability to examine the application. We raise this only to allow the applicant the opportunity to make sure the application is in full compliance with the EIA Regulations.

Regulation 18 requires the developer to provides copies of the EIAR available for inspection at a place accessible to the public within the locality. The developer notes in the Non-Technical Summary that copies were placed in Middleton Village Community Hall and Gorebridge Library. Officers visited Gorebridge Library on the 11<sup>th</sup> December 2023 and can confirm that a full printed copy of the EIAR was available for public inspection. Therefore, we are satisfied the requirements of Regulation 18 have been met.

### *Landscape and Visual Impacts*

The Council's Landscape Officer has reviewed the relevant chapters of the EIAR and has provided an initial review (see Appendix 1: Landscape Officer Comments, 23/02/2024). In general, the Council is satisfied with the methodology adopted in Chapter 6: Landscape and Visual Assessment. The scope and depth of information provided on landscape and visual

effects allows for a reasoned assessment of these impacts. The following issues are raised and the applicant is invited to respond to each.

**Query #LVA1 – the EIAR concludes the development would result in significant visual effects at 9 out of 22 viewpoints during the daytime within the operational phase of development. The Council accepts these conclusions apart from the conclusion of Major/ Moderate Significance at Viewpoint 9: Gladhouse Reservoir. The Council does not agree with this conclusion. The effect is a visual impact of Major Significance given the proximity of the turbines, the extent of the view affected and the context within which the turbines would be seen. The applicant is invited to re-examine their conclusions with regard to the visual impact on this representative viewpoint.**

Similarly, the residential visual amenity assessment at Property 10: White Cottage shares broadly the same view of the site as Viewpoint 9 above. The EIAR concludes that the effect would be minor and not significant.

**Query #LVA2 – the Council considers the level of effect would be more likely to be moderate significant due to the extent of view available within the gardens and at the main garden gate entrance and access road. The applicant is invited to re-examine their conclusions with regard to the residential visual amenity assessment at this property.**

The EIAR discusses the embedded mitigation that was adopted during the design process, set out in Chapter 3. Design mitigation of landscape and visual effects are well-established design techniques that seek to provide visual balance, simplicity and consistency of layout. The design should avoid irregular layouts that create excessive overlapping of rotors and turbine outliers from the main group (paragraph 2.29 “Siting and Designing Wind Farms in the Landscape” Guidance, Scottish Natural Heritage (now NatureScot) August 2017).

The Council acknowledges the measures adopted in the design of the layout and restrictions imposed on the materials, lighting and rotor direction by the EIAR. Broadly these are accepted. However, we note that some turbines do appear as outliers in certain views, such as VP10: Arniston, VP18: Bonnyrigg and VP15: Arthur’s Seat as examples. The outliers are turbines T1, T2 and T3, those located towards the south-west of the site, closest to Gladhouse Reservoir.

**Query #LVA3 – the Council is concerned the applicant’s design process has not been fully successful in mitigating the landscape and visual impacts of the development. The developer is invited to review the design iteration process and investigate the placement of turbines T1, T2 and T3 relative to the grouping of the remaining turbines.**

The applicant’s Planning Statement provides an assessment of the proposal against the relevant development plan policies. In considering NPF4 Policy 11 e), the statement at paragraph 4.8.27 concludes that the overall approach to the design of the project has implemented appropriate design mitigation in arriving at the final layout. At paragraph 4.8.32, they conclude that the development would not have an adverse effect on the integrity of Special Landscape Area in and around the site. Significant visual effects are noted at 4.9.39 - 40. Conclusions of the assessment against NPF4 are set out in paragraphs 4.15.1 – 4.15.5. The planning statement acknowledges Policy 11 e) ii) which directs that localised

Please ask for: Mr Martin Patrick  
Our Reference: 23/00795/S36  
Uniform ref: ACKAPP

Direct Dial: 0131 271 3346  
Fax No: 0131 271 3537

and mitigated landscape and visual impacts will be considered acceptable (para 6.3.9, third bullet point). It then concludes at para 6.3.10 that “appropriate design mitigation has been applied. Potentially significant adverse landscape and visual effects resulting from the proposal have been addressed through an iterative design process”.

Design mitigation has been applied and has to a large extent delivered a scheme which creates the sort of visual balance required by national guidance. However, the outlier turbines to the south west as demonstrated by the EIAR suggest that this process has not been completely successful.

Moreover, the Council infers from the Planning Statement that the applicant accepts that the landscape and visual impacts from the development are not localised. The siting of wind turbines in this location has the potential to advance wind farm development down from the Moorfoot and Lammermuir hills and into the lower lying areas of Midlothian. The landscape effects of the development should be considered regional and not localised. The site is located in a transition point from two landscape character types which are typically more sensitive to wind farm development.

This point of clarity is important for the Council to be able to consider the application of Policy 11 within the context of the wider policies of NPF4. The applicant refers to Scotland-wide policies such as NPF4 Policy 1, the general support provided by Policy 11 and the Onshore Wind Policy Statement of 2022. These policies all carry the caveat that the development should be “the right development in the right place”. Therefore, the specifics of the site and the development’s interaction with its context carry substantial weight in the determination of a proposal.

**Query #LVA4 – Can the applicant clarify that it is their position that the landscape effects of the proposal are localised? Or do they accept that the landscape effects are regional in effect, but this is justified as a departure from Policy 11 e) ii) in this instance, given the benefits of the proposal as highlighted in other sections of the Planning Statement?**

The applicant proposes to site a 0.8ha battery energy storage system as part of the development. The location and indicative layout is provided in Figures 3.12a and 3.12b. The BESS would be surrounded by a palisade fence, the details of which are not known.

The Council refers to Siting and Designing Wind Farms in the Landscape (SNH, August 2017) at paragraph 2.22. The guidance notes that ancillary infrastructure, such as battery energy storage systems, are increasingly co-located next to wind farms. The impact of ancillary infrastructure needs to be assessed. The EIAR does not include the proposed BESS in its assessment of landscape and visual impacts to any degree. Paragraph 6.7.7 notes the layout of ancillary features are located so as to minimise their influence on the surrounding area. However, this is not borne out of any evidence provided in the assessment.

**Query #LVA5 – the applicant is invited to provide an assessment of the landscape and visual impacts of the battery energy storage system. Specifically, the EIA must provide clarity on the methods of screening examined at design stage to mitigate the effects of this scale of electrical infrastructure development on the landscape.**

#### *Ecology, Ornithology and Biodiversity Enhancement*

The Council has no in-house ecologist and so will defer in this instance to the assessment provided by statutory consultees in relation to ecology and ornithology. However, we note

with concern that the EIAR reveals the substantial impact on breeding bird species such as Curlew and Black Grouse.

The Council is able to provide comment on the outline Biodiversity Enhancement Management Plan (oBEMP) from both a landscape and planning perspective.

Overall, our initial assessment is that the oBEMP fails to capture the opportunities for a compelling and meaningful set of biodiversity enhancement measures for this site. NPF4 Policy 3 b) iv) calls for significant biodiversity enhancements in addition to any proposed mitigation. The emphasis of the policy is on reconnecting nature networks, addressing fragmentation of habitats and connecting measures on site with the wider area.

The oBEMP provides for a modest 11.8% enhancement figure based on Biodiversity Net Gain calculations. In quantitative terms, this is slightly higher than the 10% minimum required in other areas of the UK. But in qualitative terms, the proposed measures are isolated areas of works located in 5 distinct areas of search. It is not clear from the oBEMP what measures are mitigation and what are enhancement. The oBEMP also fails to link the ecological appraisal of the site with enhancement measures that reconnect the wider nature networks in the area. Some of the areas of search, like D and E, are considerable distances away from the site.

**Query #BEMP1 – the applicant is invited to review the oBEMP to examine ways in which the enhancement measures can be improved to address the requirements of NPF4 Policy 3 b) iv).**

In terms of peatland restoration, the Scottish Government is currently offering 100% grant funding to landowners for peatland restoration works. As a central government fund, it would not lay a disproportionate burden on the development. The landowner of the site and surrounding area could examine the potential for an extensive series of peatland restoration works in and around the site. The contribution made by the development could help to manage the finances of the works whilst grant funding is secured. The construction phase could also support widespread peatland restoration works by sharing a compound and personnel welfare facilities. The enhancement measures from the development could then be targeted elsewhere, such as habitat creation and defragmentation of nature networks in the vicinity of the site. The planning authority can provide analysis of these opportunities which has been prepared as part of the preparation for LDP2.

**Query #BEMP2 – the applicant is invited to amend the oBEMP to signal their intent to pursue more substantial enhancement opportunities. These can then be secured by condition, requiring the engagement with statutory bodies and examining the potential for significant enhancement measures resulting from development.**

The route of the abnormal indivisible load delivery is set out in the Transport Assessment in Appendix 11.1 of the EIAR. This indicates that there is potential for tree and vegetation removal from several key points of interest along the route. Most of these are in Midlothian as the route from Rosyth to the site steps down the transport network hierarchy, from the trunk road network down to A and B class roads. The impact of this element of development is ill-defined by the transport assessment, and it has not been picked up in the ecology

Please ask for: Mr Martin Patrick  
Our Reference: 23/00795/S36  
Uniform ref: ACKAPP

Direct Dial: 0131 271 3346  
Fax No: 0131 271 3537



chapter of the EIAR. This results in a mis-calculation of the net biodiversity gain, the extent and significance of this is unknown.

**Query #BEMP3 – the applicant is invited to re-assess the potential impact on the natural heritage assets of Midlothian from the delivery of abnormal indivisible loads to the site.**

#### *Cultural heritage*

NPF4 Policy 11 e) vii) balances support for renewable energy with a requirement to protect the historic environment. The Council's heritage consultant has reviewed the application and their response is provided as Appendix 2.

The conclusion drawn is that the EIAR is substantially deficient in its assessment of the impacts of development on the historic environment assets of the area.

**Query #HIST1 – the applicant is invited to undertake a comprehensive review of EIAR Chapter 7 in light of the comments from the Council.**

#### *Transport and Drainage*

The Council has no queries at this stage relating to the information provided in the EIAR. The consultation response is attached as an appendix to this letter. There are a number of measures the Council would seek to secure by condition. These will be set out in draft conditions provided in our final consultation response.

#### *Health and Safety*

NPF4 Policy 23 requires all proposals to protect people and places from environmental harm. The risks associated with new development are set out in within criteria a) to j). In response to this requirement, the Council invites the applicant to respond to the following requirements:

**Query H&S1 – the Council recommends that the Scottish Fire and Rescue service are consulted on the application.**

**Query H&S2 – the applicant is invited to respond to the requirement of NPF4 Policy 23 f) relating to suicide risk**

**Query H&S3 – the National Gas Network Plant Protection Team should be consulted on the application with regard to proposed excavations in the vicinity of the gas pipeline within the site.**

**Query H&S4 – the applicant is invited to consider the risk of ice throw on neighbouring uses, including the Core Path to the west of the site, including measures to mitigate this risk.**

In addition, the Council would look to agree measures by condition which secure coordination between any works at the proposed borrow pits that could generate noise and vibration and the rocket testing activities approved under planning permission 21/00132/DPP at the former Broad Law Quarry.

The Council would be willing to meet with the project team and Energy Consents Unit to discuss the details of the additional information requirements.

Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3ZN

**Education, Communities and Economy**  
Planning  
Director: Kevin Anderson

Midlothian

I look forward to hearing from you.

Yours sincerely

**Mr Martin Patrick**  
Planning Officer

Enc.

Appendix 1. Landscape Comments

Appendix 2. Archaeology and Cultural Heritage Comments

Appendix 3. Transport and Drainage Comments

Appendix 4. Environmental Health Comments

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Our Reference: 23/00795/S36  
Uniform ref: ACKAPP

Direct Dial: 0131 271 3346  
Fax No: 0131 271 3537

# Appendix 1. Landscape Comments

Thank you for asking for landscape comments on the above application. I have carried out an initial review of **Chapter 6 Landscape and Visual Impact Assessment** of the Torfichen Wind Farm EIA, and the supporting Figures and Appendices. In general, **the scope and depth of information included in the chapter 6 report and appendices is acceptable with the methodology and baselines sections providing an adequate level of information.** This application raises concerns in relation to several key landscape issues, in particular landscape impacts and visual impacts for certain receptors. Additionally there are concerns that the proposed level, location and scope of biodiversity enhancement may be insufficient or unsuitable. Whilst this is primarily an ecological issue it overlaps with landscape and visual issues so is also covered briefly below.

## **Landscape Impacts:**

Landscape impacts have been considered at construction stage and operational stage phase (with decommissioning being judged to be the same as construction phase but in reverse). **The proposal is anticipated to have a significant operational effects on landscape character across five Special Landscape Areas within Midlothian including the Gladhouse and Moorfoot Scarp SLA, and within the two landscape character types within which the proposed development is sited (Plateau Moorland-Lothians landscape character type and the Upland Fringes Landscape Character Type); The proposals are judged to have the potential for major significant effects during operation for these two landscape character types.** Additionally the proposals are judged to have the potential for further **significant effects on an additional eight landscape character types** in the surrounding area. The impacts on the Gladhouse and Moorfoot Scarp SLA would be due to the proposed introduction of 18 turbines of 180m height into a landscape that is noted in the SLA for the *“open and naturalistic character of Gladhouse Reservoir and its scenic juxtaposition with the dramatic scarp of the Moorfoot Hills and the deeply incised South Esk valley.”* Several considerations are raised in the SLA statement that are relevant to the proposed development as follows: *“Potential for intrusion on key views to the Moorfoot Hills from the Gladhouse Reservoir area; Impacts on the openness and natural character of Gladhouse Reservoir and on areas of moss and moorland; Impacts on important views from the B7007 across Midlothian to the Pentland Hills”*.

This sensitivity is highlighted by the Midlothian Wind Energy Capacity Study 2014 which assigns the landscape character types within which the proposed development sits as having a high sensitivity. The Landscape and Visual Impact Assessment presented in Chapter 6 of the EIA acknowledges the landscape impacts of wind turbine development in general but does comment that *“since the MLWECS was published in 2014 NatureScot has revised their guidance and advises that updating of existing studies may be required as development patterns and technology change and that reference to “capacity” should be removed....The guidance also notes that “a finding of “high sensitivity” does not necessarily mean that there’s no ability to accommodate development and “low” sensitivity does not necessarily mean that there is definitely potential for development”*. Whilst the comments set out regarding the date of the study and subsequent published guidance are valid, it should be noted that the MLWECS found only capacity for turbines no greater than 30metres high within a limited part of the proposal site, and no capacity at all for the main part of the proposal site. Since the adoption of the study, whilst there has been widespread wind turbine development in neighbouring landscape character types in Scottish Borders, the landscape character types in which the proposed development is sited have not experienced the same level of change. Therefore, the findings of the study should still hold some weight when considering this application.

## **Visual Impacts:**

As identified in the report, the proposed development has the potential to give rise to **significant visual impacts for a number of receptors** including the **settlement of Gorebridge (effect of moderate significance anticipated)** core paths, the **National Cycle Network Route 1**, and the **B7007**. Twenty-two viewpoints were identified for which a detailed viewpoint assessment has been carried

out including production of photomontages/wireframes. It should be noted that nighttime visual effects have also been considered due to the requirement that red aviation warning lights be installed on the nacelles of seven turbines. Visual impacts have been considered at construction phase and operational phase (with decommissioning being judged to be the same as construction phase but in reverse). Based on the findings of the report, **significant daytime operational visual effects are anticipated at nine of the 22 representative viewpoints, with significant nighttime visual effects at eight of the 22 viewpoints**. For these nine viewpoints the daytime operational significance of effects ranges as follows:

- **Effects of Major significance:** Viewpoint 2 Broad Law Corner
- **Effects of Major/moderate significance:** Viewpoint 9 Gladhouse Reservoir; Viewpoint 12 Minor Road near Yorkston Farm; Viewpoint 21 Fountainside
- **Effects of Moderate significance:** Viewpoint 3: Mount Lothian Area, Viewpoint 8 North Middleton, Viewpoint 13 Whiteside Law, Viewpoint 14 Blackhope Scar, Viewpoint 16 Gorebridge

The above assessed significance of visual effects is accepted **except for Viewpoint 9 Gladhouse Reservoir**, where I consider that a **visual impact of major significance** may be experienced given the proximity of the turbines, the extent of the view affected and the context within which the turbines would be seen.

Similarly, whilst generally the findings of the **Residential Visual Amenity Assessment**, (which was carried out for all residential properties within 2.5km of the proposal site) are accepted, the findings for **Property 10: White Cottage** (which is located immediately adjacent to Gladhouse Reservoir) have been judged as having the potential to have a minor not significant effect whereas on visiting this location I find that the level of effect would be more likely to be moderate, significant due to the extent of view available from within the gardens and at the main garden gate entrance, and also from the access road.

#### **Mitigation and Residual Effects:**

As is customary for windfarm development primary mitigation is embedded within the iterative design process. Further detail of this is provided in Chapter 3 of the EIA report and the as explained in Section 6.7 of chapter 6. Key built in mitigation referred to includes siting the turbines to avoid inconsistent spacing, outliers or excessive overlapping, the colour of the turbines (off-white low reflectivity), technology built into the lighting system to enable a low intensity lighting mode during high visibility (greater than 5km) conditions. Residual effects are therefore considered to be the same as those assessed in the main part of the LVIA as set out above.

Having reviewed the visual impact assessment submission including the Viewpoint photomontages, **it is however judged that some turbines do appear as outliers in certain views**, such as T1 and T3 from viewpoint 10 Arniston, T1 and T2 from viewpoint 15 Arthurs Seat), and T1 and T3 from viewpoint 18 Bonnyrigg. I would encourage the applicant to review the iterative design process and embedded mitigation presented in Chapter 3. I have concerns about the effectiveness of the design in securing the necessary mitigation of landscape and visual effects. This is evidenced by both the grouping of turbines as experienced from long range views and also closer VP9: Gladhouse Reservoir and Property 10: White Cottage. It could be that these effects are caused by the extent of turbine placement towards the southern-west of the site.

#### **Assessment of Cumulative Impacts:**

An overall study area of 60km radius, with a detailed study area of 25km radius was used to assess cumulative impacts of other windfarms that are operational, under construction, consented or



subject to valid full planning permission as of 10<sup>th</sup> August 2023. The initial baseline against which the proposed development has been assessed includes all operational windfarms. The cumulative impact assessment therefore extends to consider other schemes that are not yet present in the landscape. The cumulative impact assessment sets out to identify whether there would be any change to the significant effects assessed. The cumulative assessment looks at two scenarios, firstly the assumption that all other consented wind farms are operational and Scenario 2 assumes all schemes in planning are operational. The findings of the cumulative impact assessment are that there would be potential for cumulative effects within Landscape Character Type 90 Dissected Plateau Moorland in the part of the landscape which lies between the proposed development and the proposed wind farm at Wull Muir which is the closest of the proposed schemes, at 3km south east of the proposed Torfichen wind farm site and also increased visibility of turbines within Landscape Character Type 269 Upland Fringes-Lothians, which lies immediately to the north-east of the proposed development at Torfichen. However, in these areas the main assessment has already addressed the potential for significant effects on landscape character, and the report therefore concludes that there would be no other additional significant cumulative effects.

#### **Outline Biodiversity Enhancement Management Plan:**

I have briefly reviewed the following document to assess potential for any overlapping landscape impacts or considerations. This review focuses on the landscape effects of proposed enhancement measures. It would be for a qualified ecologist to assess these in relation to ecological or ornithological interests. I recommend that further consultation and work on biodiversity enhancement are required. The main habitats considered are:-

- Blanket bog/ modified bog
- Broadleaved woodland
- Species rich meadow/grassland
- Acid grassland

The BEMP proposes enhancements to 5 “Search Areas” named A to E. These are all within the site red line boundary except for Search Area C1 and D1 and E and are as follows:-

- Search Area A: Yorkston Moss: Peatland Restoration/ Enhancement: Peat Hagg Reprofilng, drain blocking, stock exclusion/management, removal of self seeded trees
- Search Area B: Native Broadleaved Woodland Creation: Replacement of monoculture conifer plantations with more diverse broadleaf woodland through staggered felling and replanting (likely with w10/w11 NVC woodland types)
- Search Area C: Grassland Restoration: Bracken removal / control to allow natural regeneration of local acid grassland habitat to improve floral diversity and increase value for insects and pollinators
- Search Area D: Species Rich Meadow/ Grassland Creation: Conversion of an existing arable field to species rich lowland neutral meadow/grassland habitat. This area is 5.69 hectares located some distance north-east of the site between Gorebridge and Vogrie.
- Search Area E: Native Hedgerow Creation: the proposal is to create native and species rich hedgerows along existing fences and boundaries in areas around Esperton Farm (north of the site) and Maudslie (south west of the site)

The report proposes that an increase or net gain of biodiversity of 11.8% over and above the baseline and pre-development value of the site could be achieved post-construction.

Having reviewed the proposals I judge that **whilst the proposals do not present any potential adverse effects for landscape character or visual impact, the enhancement proposals are limited in**

**scope**, offering only 11.8% gain in biodiversity based on the metric used, and **some of that benefit is isolated from the proposals site** by some distance (Search Area E). Additionally, the **onsite proposals should really be considered as mitigation rather than counting towards enhancement**. This is because overall enhancement measures should be over and above the baseline. Off-site enhancement proposals should be linked to the site or to provide strategic nature network connections to the wider habitats rather than create isolated pockets of habitat to **ensure functional habitat connectivity, ensuring appropriate dispersal distances for species**.

It is also noted that the route of the abnormal indivisible load (AIL) deliveries has the potential to require the removal of trees and vegetation. This is not clearly defined in the Transport Assessment (Appendix 11.1). Whilst it is appreciated that the specific operational details of this element of the proposal are not yet established, the impact of this loss across the AIL study area has not been factored into the ecology or landscape impacts of the development. This results in a mis-calculation of the baseline from which enhancement proposals are calculated.

Further details would require consultation with the Council and partners in order to ensure that proposals work to link existing habitats on site to the wider nature network and tree and woodland strategy and allow for appropriate buffer distances. The planning authority is preparing the mapping layers for the coming LDP for the Midlothian Nature Network and the Midlothian Forestry and Woodland Strategy. This work could be shared with the applicant to inform a set of biodiversity enhancement measures that is more connected to the site's context.

I would therefore recommend that the Outline Biodiversity Enhancement Management Plan is reviewed to secure, in outline, a more substantial set of enhancement measures. The details of these can be secured by conditions which would require the approval of the planning authority. Both in terms of quantity and quality, the current proposal falls short of what should be expected. I am concerned that the enhancement proposals miss opportunities to delivery significant biodiversity enhancement required by NPF4 Policy 3 b).

#### **Ornithology and Landscape:**

Whilst in principle the findings of Chapter 6 LVIA follow a sound and accepted methodology and acknowledge the key likely landscape and visual impacts, there are **some wider concerns regarding the ornithological impacts of the proposals, and the likely ineffectiveness of proposed mitigation and enhancement to address these concerns**. This relates in particular to certain species of bird already present on site such as curlew and black grouse, which, on disturbance during construction are unlikely to return to the site once the turbines are in place, so will therefore not benefit from any proposed-on site biodiversity enhancement. This is not strictly a landscape issues, but the presence of significant key species of birds within a landscape does to contribute to its landscape character. Therefore, the **potential loss of significant species or large proportions of a population in an area could impact on the overall experience of that landscape**.

This is especially the case for the Gladhouse and Moorfoot Scarp SLA which includes the protected SPA area and is therefore noted for and widely visited for its ornithological interest. Similarly, any further mitigation work such as compensatory habitat creation will require additional landscape input and comment. I therefore recommend that further consultation and work with expert partner organisations should be carried out.

# Appendix 2. Archaeology and Culteral Heritage Comments

## **Torphichen WF EIA Cultural Heritage Chapter: ELCAS comments:**

As the assessment stands it does not adequately assess the impacts of the proposals upon the Historic Environment.

Significantly more work needs to be carried out before the chapter could be considered to be of an appropriate standard to review. The conclusions drawn are not always supportable by the presented evidence and there appears to be a lack of understanding of the nature of the Historic Environment in this geographical location.

### **General Comments**

- Need to correct policy and guidance section-for example, OPOF is not planning policy, nor is HEPS, and PAN 2/2011 is a government publication, not HES.
- Relevant policy from the determining authority (MLC) has not been referenced.
- The Baseline and Potential sections are not adequate which therefore means that the assessment of direct impacts and the subsequent mitigation proposals are significantly underassessed.
- The assessment on operational impacts (setting and cumulative impacts), has not been adequately undertaken. Additional supporting material and assessment is required in order justify conclusions reached during the assessment-this includes assets that were scoped out in Appendix 7.2. Not enough cognisance of NPF4, MLC local development policy, and HES's Managing Change: Setting guidance, as well as the HES/SNH EIA handbook.
- Category C listed buildings in particular should not just be automatically considered to be of low/local significance. These are nationally listed assets, and should be assessed individually on a case by case basis. They should be included as such in the assessment of indirect operational effects. Similarly, some Cat B buildings can be considered to be of more than regional importance.
- Undesignated assets can be of high/national significance if their baseline assessment means they could be considered to be as such.
- Language needs to be standardised in Tables 7.2 and 7.5: 'none' is not an appropriate definition-if they are identified heritage assets then they will not have a nil significance. Negligible is the accepted terminology.
- Romano-British is not used in a Scottish context use either Roman/Roman Iron Age
- If an asset is already recorded in the HER, it is considered to be of at least low significance/local importance.
- Managing Change provides guidance on how to describe and assess an assets' setting, this includes identifying key viewpoints to, from and across the setting of a historic asset-this has not been considered enough within the chapter for some assets, and/or the impact on these views have not been considered in enough detail.

- Managing change also indicates that screening from trees/woodland/forestry cannot necessarily be relied upon to mitigate adverse impacts of a development as they are subject to factors outwith the control of the development (environmental factors. Felling etc). The potential effects of the removal of such screening have been considered in some instances, but not all, and where they have been, this has not been considered in detail-e.g. what would the assessment be if the screening wasn't there.
- The chapter does note that setting is not just visual and can include other elements. In some cases this has been considered and included in descriptions of setting, but then these elements have not always then been considered in assessment of impacts. This is particularly true for elements such as a sense of place, or isolation. Where visual and landscape elements are included in setting descriptions, in some cases there appears to be a lack of clear assessment of all of the elements in this regard.
- Using terms such as 'adverse impacts not anticipated' and the development 'will be in peripheral views', are not helpful and have largely not been substantiated (for example, through the use of supporting visualisations). This occurs both in Appendix 7.2 and in the detailed assessment in the chapter.
- Visualisations should have been produced for all assets being assessed in detail, with photomontages preferable, but at the very least wireframes with an associated photograph. In some cases, more than one visualisation would have been helpful in order to aid assessment and a review of the conclusions reached.
- None of the assessments have considered the impact of noise from the development, which for some assets (at the very least those in near proximity), could have an adverse impact on setting given the very rural and relatively undeveloped nature of the landscape.

## **Construction impacts**

### **Baseline**

The baseline for each asset individually and across the landscape is limited and lacking in detail. This in turn does not allow for a full understanding of the time depth and development of land use across the site. It is also clear that there is little or no understanding of upland archaeology or land use for lowland Scotland

- A systematic walkover survey should have been carried out of the full land-take. This will allow for micro-siting during the detailed design process.
- There is insufficient information in the DBA to support the conclusions that the assessment has reached. There are assumptions made which are not supported and information that has clearly not been considered as part of the DBA. If it has been it should be included in the gazetteer which needs to be supported by the results of a systematic walkover survey (see above) – simply put you need to show your workings.



- Sites within the development boundary/1km study area should be shown on EIA figures to their full known extents.
- A number of sites and surveys either already identified on the HER; 1<sup>st</sup> edition mapping or the LIDAR which have not been taken into account in the DBA

### **Archaeological Potential**

This section of the assessment in particular is not competent and as a result the assessment of mitigations are inadequate which could potentially lead to delays in the programme and increased cost.

This is a direct result of the assessment baseline and understanding of the land-use history being limited in nature. There is consequently some unsupported statements regarding the archaeological potential of the development site area:

For Example – Low potential for Prehistoric and Medieval remains – this is not supported by either known sites within the development area or the evidence of other investigations in this landscape.

### **Potential impacts**

As noted above, the baseline and archaeological potential sections are not adequate which means that this section (which is based upon their conclusions) cannot be considered to be competent. This opens the potential for significant time delays and cost increases for the project that will be needed to deal with remains which will turn up.

### **Proposed mitigation**

This section relies upon a robust assessment of potential impacts to have any value (see comments above). Nevertheless, there are some general comments which can be made:

- A standard process and methodology has been successfully developed and proven to be effective on similar project in similar landscapes. Broadly it is robust DBA which informs non-invasive site surveys (as appropriate) which both then inform a programme of evaluation by archaeological trial trench (of varying % up to 10%) which is followed by the final mitigation by open area excavation/ avoidance by design etc with a watching brief used only to mop up any outstanding areas (e.g. under power lines, slight rerouting etc)
- No mitigation has been proposed for the development footprint where it does not intersect (at present), with known heritage assets. This is a result of an inadequate assessment of potential and is highly unlikely to be acceptable
- No provision has been made to consider public benefit and public engagement as part of proposed mitigation, as per NPF4 and ALGAO guidance.

## **Operational impacts (setting and cumulative impacts)**

Both NPF4, Midlothian Local Development Plan policies, refer to impacts on setting of cultural heritage assets. This assessment consistently considers impacts on setting to be secondary to those of impacts on cultural significance (we appreciate there is some confusion, as the HES EIA/SNH handbook does point to cultural significance). Standard practice is to use HES Managing Change Guidance Note on Setting to inform setting assessments, with further information on good practice in cultural heritage assessment in Appendix 1 of the EIA Handbook.

Overall, throughout the chapter and appendices there is confusion over what is being considered as an asset's setting and how the development will impact this. As it clearly outlined in the Managing change guidance the first step of a setting assessment should be to define the setting of an asset and if it is not impacted upon clearly outline the reasoning. This has not been done for this assessment.

Additionally, clearer language and structure would help. In some instances, the description of an assets setting is incomplete or misleading. In some cases, not enough work has been done to justify the conclusion, or enough supporting material has been included in order to justify conclusions.

This has resulted in some assets being scoped out in the basic appraisal (Appendix 7.2), or a lower level of impact being concluded than there potentially ought to be.

- C listed building have not been considered in the assessment, (please see comments above in relation to C listed buildings)
- Cumulative impacts should not just be undertaken for those assets where a significant setting impact has been predicted. Managing Change states that individual developments may not cause significant impacts on their own, but may do so when they are combined.

## **Specific comments**

- Appendix 7.2 lacks in detail in places and doesn't always consider the setting fully of each asset before scoping them out. For example: the long distance views across Penicuik GDL and its contribution to the wider landscape are largely ignored; the relationship between Cockpen Parish Church and Dalhousie Castle and Estate is not considered; Braidwood Farm is confusing in what is being considered as setting and how the development may impact it.
- Hirendean Castle and Moorfoot chapel are assessed in detail in the chapter. Their settings are considered in relation to views from these assets, but not as much in relation to views of either asset, where additional visualisations would have been useful. Given the proximity of the development, and that the Moorfoots have been identified as a component in understanding their setting, contributing to a sense of place and isolation (Moorfoot chapel), and defence (Hirendean castle) not considering the impact of the development in this regard has the potential to lead to a lower significance of impact, in addition, the impact from noise. Forestry has also been relied on to screen the development.
- Middleton Hall originally had more designed long-distant views to the south and south-west (see historic maps), which incorporate the wider landscape views along the valley in this direction, and includes Middleton South Burn which runs through the designed garden landscape and into the development area. Little has been discussed in relation to this other than that views of the

development would be screened by estate woodland. Whilst access wasn't granted for photography, an estimated wireline could have been produced based on grid reference and building height.

- Intervisibility with other hillforts to the south of Loquhariot fort haven't been considered in the assessment, and only a cumulative wireline produced. Impacts to the setting of the fort have largely been confined to considering its prominent location in relation to the Gore Water and valley without considering the contribution to setting of distant views further south.
- Gladhouse reservoir, and villa-the development has the potential to be a very prominent feature in the immediate surroundings of these assets. At least one visualisation from the villa would be helpful to aid in supporting the statement that that the development will be 'peripheral in views' from this asset.
- Maudslie farm-the setting here is described as being related to the fertile agricultural land away from the Moorfoot hills to the north, and that contributes to how the setting of the asset is best understood. The assessment doesn't take into account any other potential reasons for siting, such as proximity to hill pasture for pastoral farming, not the sense of place being at the foot of the hills. Based on the photomontage, the development has the potential to intrude and adverse impact on these elements of the assets setting.
- Crichton Castle-stating the setting of the castle is formed by the conservation area is inadequate and misleading and means that the full setting of the castle is not identified, nor assessed. The conservation area boundary is a modern construct, and so cannot be used to fully understand the setting of a medieval castle. In addition, the castle should have been assessed on its own as well as a component of the Crichton and Borthwick Conservation Area. Distant landscape in the direction of the proposed development are part of the castles setting, aiding to understand and appreciate its siting and relationships to the landscape, and other related buildings and features.
- Crichton and Borthwick CA has not been assessed fully, and additional visualisations should be provided from different key points within the CA to further support the assessment. The CA area appraisal, whilst not updated and part of the current adopted MLDP, does state that *"on the higher ground outwith the valleys there are excellent views north west to the Pentland Hills, north to Fife and south to the Moorfoot Hills. The character of the Borthwick and Crichton Conservation Area comes from the largely unimproved nature of the valley which gives it an almost medieval feel. It is important that this sense of isolation should not be destroyed and that the setting of the two castles and churches, in particular should be safeguarded."*
- Arniston House and GDL- similarly has not been assessed fully, and additional visualisations should be provided from different key points within the GDL to further support the assessment. Some mention has been given to the removal of the screening provided by current estate trees, but again, the consequence of this on the setting impact has not really been considered or discussed

Please note that these comments are by no means all that needs looked at but are provided to give examples of the level of assessment we would expect.

# Appendix 3. Transportation and Drainage Comments

## **Roads Consultation Response – Torfichan Wind Farm 23/00795/S36**

Application consists of the installation of a new wind farm with 18 turbines, up to 180m tip height.

Foundations for turbines need to be built, as well as hardstand areas for erection cranes at each turbine location.

A network of access tracks is required to be built including watercourse crossings and turning heads.

NPF4 Policy 11 e) requires new renewable energy developments to address potential impacts on iii) public access routes and iv) the local road network both during construction and operation. The applicant has examined these aspects within the EIAR at Chapter 11 with supporting information provided in the Transport Assessment (Appendix 11.1).

### **Site Access Junction**

The site is proposed to be accessed from a new priority-controlled junction onto the B7007, which is to be constructed for the purpose of this scheme.

The access junction would have the first 6m surfaced in bituminous material, and visibility splays of 215m with a set-back distance of 4.5m can be achieved.

Access to the site will use the B7007 from the point of access to the A7. This stretch of road shall be the subject of a pre-construction condition survey approved by the Council as roads authority. A follow-up survey shall then be undertaken following completion of the construction works, a period no later than 3 months hence. Where any defects in the road are distinguishable from comparison between the pre-construction and post-construction surveys, then the developer shall be required to make good the identified schedule of defects at their own expense.

### **Transport Assessment**

The B7007 forms part of National Cycle Network route 1 (NCN 1), and as such a greater than average number of cyclists may be present on the B7007, particularly during summer months.

Peak construction traffic is reached in month 9 with a total of 57 HGV movements (29 in/ 28 out) and 70 Car/ LGV movements (35/35) each day. Assumed that 40% of staff will arrive by mini-bus and 60% by private car. The Council expects the applicant to submit a Green Travel Plan as a part of the Construction Environmental Management Plan to demonstrate ways in which construction personnel trips can be minimised with the use of minibuses, car-sharing etc.

The applicant expects the majority of construction vehicles (except AILs) to come from the north via the A7. This will require an increase in right hand turns from the A7 on the B7007. Traffic flow data is provided in Figure 11.12. Crashmap data is also provided which shows occasional incidents within the study areas involving HGVs.

The Council considers there to be a potential risk to road users along the A7 from an increase in larger vehicles turning right off the A7 onto the B7007. The A7 is a commuter route to and from Edinburgh and so this risk may be higher during rush hour. Given the geometry of the A7 at this point, speeds are likely to be higher. No speed data for this part of the study is available and so this risk is not fully considered within the TA. The Council requests that this is re-examined by the applicant and measures put in place to mitigate this risk. This further information could be subject of a condition relating to the management of construction traffic.

### **Junction Visibility**



The new proposed site access junction is located on a straight section of the B7007, and therefore sightlines are adequate and will likely meet DMRD standard assuming vertical level differences are accounted for.

The Council appreciates the alignment of the access road is designed to facilitate the delivery of abnormal indivisible loads into the site. However, its alignment does restrict driver views west up the rising slope along the B7007. The downhill nature of the B7007 at this point does encourage vehicle speeds. The route is also part of the NCR1 and so cycle speeds will also be significantly higher. The Council would request that the risk posed by the construction access alignment is mitigated by specific measures adopted to ensure safe access and egress from the site. These measures can be secured by condition subject to the approval of the planning authority.

The alignment of the site access road is acceptable for construction purposes subject to ongoing management during this phase of development. However during the operational phase, the safety concerns would not be subject to the same mitigation measures. Whilst the number of vehicle trips would be low, this may increase at times of maintenance or other operational requirements. Therefore, the Council would request that following completion of the construction works, the site access is realigned to provide a more perpendicular connection with the B7007. This would provide a long-term safe access to and from the site and provide permanent mitigation of the risk to road users traveling east along the B7007.

### **Proposed Road Construction**

The proposed pavement construction is 60mm surface course, 75mm binder course and 150mm Type 1 sub-base, this is a total of pavement construction depth of 285mm.

Details of the internal access roads should be subject to a condition submitted for approval by the planning authority. These details should ensure that the depth of road provides sufficient strength to accommodate the expected use.

### **Abnormal Load Route – Salient junctions**

The abnormal load route proposed to deliver the turbines to site consists of:

Rosyth – A720 (T) City Bypass – A68 (T) – B6458 – B6367 – A7 – B7007 – Site

A68/ B6458 – third party land is required, with a load bearing surface to be laid, 2 utility poles, 2 road signs and a fence removed – trees and vegetation to be cleared

B6458 at Tynehead crossing of Borders Rail line - utility poles and fence post to be removed, blade tip to sail over bridge parapet

Bend in B6367 around 250m NE of A7/ B6367 junction – load bearing surface to be laid

A7/ B6367 Junction – Load bearing surface to be laid, 2 utility poles, 2 junction boxes, fence and wall to be removed

A7/ B7007 – load bearing surface to be laid, one utility pole to be removed alongside vegetation and tree clearing

Fence and gate to be removed at bend in B7007

The Council expects that the details of the abnormal indivisible load route to be subject of a close working group with the roads authority, trunk roads authority, network rail and Police Scotland prior

to the delivery of the turbines to the site. This working group would ensure the details of the route and any measures required to accommodate the loads are acceptable to all parties.

### **Ecology**

The Ecology report recommends that to mitigate pollution effects on watercourses, a 50m buffer should be maintained between construction activity and any watercourses. It also recommends that track length and alignment is optimised to minimise the number of watercourse crossings.

### **Aquatic Habitats**

The proposed development is nearly all located within the river Esk catchment, specifically the Gore Water/ Middleton South Burn.

It does connect hydrologically with Tweed & Gladhouse (although Gladhouse Reservoir is fed by Black Burn, which is within the site boundary).

*'The proposal has the potential to impact negatively on water quality and hydrogeomorphology in the absence of mitigation – 50m buffer distance between infrastructure and watercourses'*

### **Water crossings**

Eleven (11) new water crossings shall be constructed as part of the development.

A good practice guide for the design and construction of river crossings has been produced by SEPA and Natural Scotland *'Engineering in the water environment: a good practice guide – River Crossings 2<sup>nd</sup> Edition, November 2010'*.

New engineering activities (such as bridges and culverts) in Scotland's rivers, lochs and wetlands require an authorisation under the Water Environment (Controlled Activities) Regulations 2005.

Poorly designed river crossings can:

- Lead to the loss or damage of plants, animals and their habitats
- Create a barrier to the movement of fish and other wildlife
- Prevent sediment and woody debris being moved downstream
- Prevent natural river movement
- Increase flood risk

During the construction phase, fine sediments and other pollutants can be released into the river if care is not taken.

The main problems that result in barriers to fish passage are:

- Perched inverts (level drop between culvert outfall and downstream riverbed)
- Undersized crossings that are too small for fish to pass through
- Excessively wide crossings that are too small for fish to pass and may also increase the speed of water flow
- Lack of resting places for fish if culvert is too long

Type of water crossings:

1. Single Span structures – preferred type, minimal disturbance during construction phase
2. Span structure with in-stream supports – can significantly affect local channel erosion
3. Closed culverts – higher risk of fish barrier and risk of debris blockage

4. Fords – only suitable for infrequent crossings – should not be used where high risk of pollution i.e., construction sites
5. Pipeline or cables under watercourse

#### **Mitigation for Fish Habitats**

- Any in-channel works should take place between 1<sup>st</sup> May and 31<sup>st</sup> September
- A comprehensive sediment management plan is necessary to protect habitat and young fish downstream of the works
- Where in-channel works cannot be avoided, works should be preceded by an electro-fishing survey to determine if brown trout are present
- If brown trout are present, a fish rescue would be required before any works take place in the channel, or any channels are crossed

The developer is expected to submit details of any and all water crossings to be constructed to form the access road to the planning authority for approval. The approved details shall be designed in accord with the '*Engineering in the water environment: a good practice guide – River Crossings 2<sup>nd</sup> Edition, November 2010*'.

#### **Flood Risk and Drainage**

The EIAR Chapter 10 provides a flood risk assessment. The Council has reviewed this and has no objection to its conclusions.

There are a number of very small watercourses which run through the site. The design of the water crossings will be key to avoiding any issues due to poor drainage or flooding. If debris became lodged in any water crossing, there would be potential for the water course to change course and cause ponding, flooding, erosion or other environmental damage. The Council expects the applicant to commit to a programme of regular maintenance to ensure these culverts avoid blockages.

# Appendix 4. Environmental Health Comments

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## MEMORANDUM

**To:** Martin Patrick, Planning Officer

**From:** Ian Wilson, Environmental Health Officer

**Your Ref** 23/00795/PREAPP

**Date:** 30 January 2024

**Subject:** Midlothian Council Planning Consultation 23/00795/PREAPP  
Land to North of Former Quarry Broad Law Gorebridge

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The information submitted in a Noise Impact Assessment (NIA) by Renewable Energy Systems Ltd along with this application has been reviewed by Environmental Health and I can advise that due to the large separation distance between the proposed turbines and nearest noise sensitive properties it is not anticipated there will be any adverse environmental noise impact from the normal operation associated with this development.

However, as there is the potential for adverse impacts from matters related to future operational defects and maintenance issues, it is important that these are controlled through appropriate planning conditions.

Environmental Health therefore has no objection to this development subject to the following conditions being attached to consent should it be granted.

- a. The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information to Midlothian Council Planning Authority on its request, within 14 days of receipt in writing of such a request.
- b. No electricity shall be exported until the Company has submitted to Midlothian Council Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of Midlothian Council Planning Authority.
- c. Within 21 days from receipt of a written request from Midlothian Council Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by Midlothian Council Planning Authority to



assess the level of noise immissions from the wind farm at the complainant's dwelling. The written request from Midlothian Council Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of Midlothian Council Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

- d. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by Midlothian Council Planning Authority. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of Midlothian Council Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- e. Where a dwelling to which a complaint is related is not listed in the Tables referred to in the NIA, the Company shall submit to Midlothian Council Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits shall be those limits selected from the Tables referred to in the NIA specified for a listed location which is the geographically nearest dwelling to the complainant's dwelling, unless otherwise agreed with Midlothian Council Planning Authority due to location-specific factors.
- f. The Company shall provide to Midlothian Council Planning Authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of Midlothian Council Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by Midlothian Council Planning Authority. Unless otherwise agreed in writing by Midlothian Council Planning Authority, the assessment shall be accompanied by all data collected for the purposes of undertaking the compliance measurements, which shall be supplied in the format in which it is recorded.
- g. Where a further assessment of the rating level of noise immissions from the wind farm is required the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by Midlothian Council Planning Authority.





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**PLANNING APPLICATION (23/00595/DPP) FOR THE FORMATION OF RECYCLING FACILITY AND WASTE TRANSFER STATION; AND THE CONTINUATION OF LANDFILL OPERATIONS AND ASSOCIATED WORKS AT MIDDLETON LOWER QUARRY, GOREBRIDGE**

**PROCEDURES FOR A NATIONAL DEVELOPMENT – HOLDING A HEARING**

Report by Chief Officer Place

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**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a planning application of a scale that defines it as a National Development for the formation of a recycling facility and waste transfer station; continuation of landfill operations and associated works at Middleton Lower Quarry, Gorebridge. This report outlines the development proposal and the procedures required in the assessment of a National Development.**

**2 BACKGROUND**

- 2.1** In March 1982 planning permission 198/81 was granted for the extraction and working of limestone on both Middleton Quarries No.1 (the lower quarry) and No.2 (the upper quarry). Planning permission 198/81 was implemented.
- 2.2** In December 2012 a Breach of Condition Notice was served on Leiths (Scotland) Limited, who were the operator of the Middleton Quarry. The notice required them to take action in relation to conditions attached to planning permission 198/81, in particular those conditions requiring the infilling of the quarry and its restoration to an agricultural use by the 19 December 2016. The Breach of Condition Notice only required the reinstatement of Quarry No.2. Quarry No.2 (also known as the upper quarry) is presently being infilled in compliance with the Breach of Condition Notice.
- 2.3** Planning permission 15/00503/DPP for the infilling of Quarry No. 1 (the lower quarry) was granted subject to conditions. The planning permission was subject to a time limitation condition which required the works to be completed within seven years of commencement.
- 2.4** A section 42 application (22/00546/S42) to amend condition 1 of planning permission 15/00503/DPP (infilling of quarry), in order to extend the duration of the temporary permission until 31 March 2024, and condition 3, to allow

the acceptance of non-hazardous waste, was granted planning permission by the Committee at its meeting in January 2023.

- 2.5 A further section 42 application (23/00773/S42) to amend conditions 1 and 6 of planning permission 22/00546/S42, to extend the timeframe of operations at the Middleton Limeworks is currently pending consideration. This application is a 'major' scale proposal as defined by the regulations and will be determined by the Committee.
- 2.6 A pre-application consultation (22/00856/PAC) for change of use of land to a recycling facility and the continuation of landfill operations at Middleton Lower Quarry was considered by the Committee at its meeting of January 2023.

### **3 PLANNING PROPOSALS**

- 3.1 The application site relates to Quarry No. 1 (the lower quarry). The application site is a former limestone quarry, located in the countryside in close proximity to the south of North Middleton.
- 3.2 Planning permission is sought through planning application 23/00595/DPP for the formation of a recycling facility and waste transfer station; continuation of landfill operations and associated works at Middleton Lower Quarry, Gorebridge, for a period of 17 years. The timescales include one year for installation of recycling plant infrastructure, 15 years operating the recycling facility and one year to reinstate the site.
- 3.3 The on-site activities proposed include the recycling of inert waste and the excavation/infilling of the quarry void with inert waste. The proposal also includes provision for waste storage prior to recycling, the storage of recycled aggregates prior to despatch, and for waste placement within the quarry void.

### **4 PROCEDURES**

- 4.1 The National Planning Framework 4 (NPF4) sets out 18 National Developments within an annex of the document. 'National Development Four' relates to Circular Economy Materials Management Facilities and defines national developments as *a development contributing to 'Circular Economy Materials Management Facilities' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009'*:

- a) *Facilities for managing secondary materials; and*
  - b) *Recycling facilities*

- 4.2 Planning application 23/00595/DPP is of such a scale that it would be described as a major development. However, on account of it complying with the definition outlined above it falls within the category of being a national development.



4.3 Planning applications which fall within the definition of national developments are subject to different procedural requirements than those which are for major scale developments. The key difference between processing a planning application for a national development and a planning application for a major development is the need to comply with regulation 27 (Pre-determination hearings) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which states:

- (1) Before determining an application for planning permission for a development within the classes of development specified in paragraph (2), the planning authority are to give to the applicant and to persons who submit representations to the planning authority in respect of that application in accordance with these Regulations an opportunity of appearing before and being heard by a committee of the authority.*
- (2) The classes of development prescribed for the purposes of section 38A(1) of the Act (pre-determination hearings) are developments within the categories of—
  - (a) national developments; and*
  - (b) major developments which are significantly contrary to the development plan.**

4.4 The decision on whether a pre-determination hearing takes place will depend upon whether or not the applicant or representor(s) wish to take up the opportunity of appearing before a committee of the authority to make oral representations. At present the planning application has received 22 valid objections and a petition containing 163 names. Given the number of representors it is likely that some may wish to make oral representations to the Committee and, therefore, it may be necessary to hold a pre-determination hearing for this planning application.

4.5 The current expectation is to schedule a Committee site visit and hold a pre-determination hearing in May 2024 and then report the application to the Committee for determination at its meeting of 4 June 2024 (subject to the required planning application consultation responses being received in time).

4.6 Should the applicant and representors/interested parties not wish to attend a pre-determination hearing it is possible for the Committee to determine the planning application without holding a pre-determination hearing.

4.7 Should it be necessary to convene a pre-determination hearing elected members will need to be aware that they are not deciding the planning application during the hearing – the hearing is primarily an opportunity for elected members to hear oral representations from the applicant and interested parties and to ask questions for clarification of those parties making those representations. The Scottish Government's Guidance on the Role of Councillors in Pre-Determination Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a planning application. Councillors are entitled to take part in the decisions to be made by the full Council/Planning

Committee even though they may have expressed an opinion on the application at a pre-determination hearing or at the Committee.

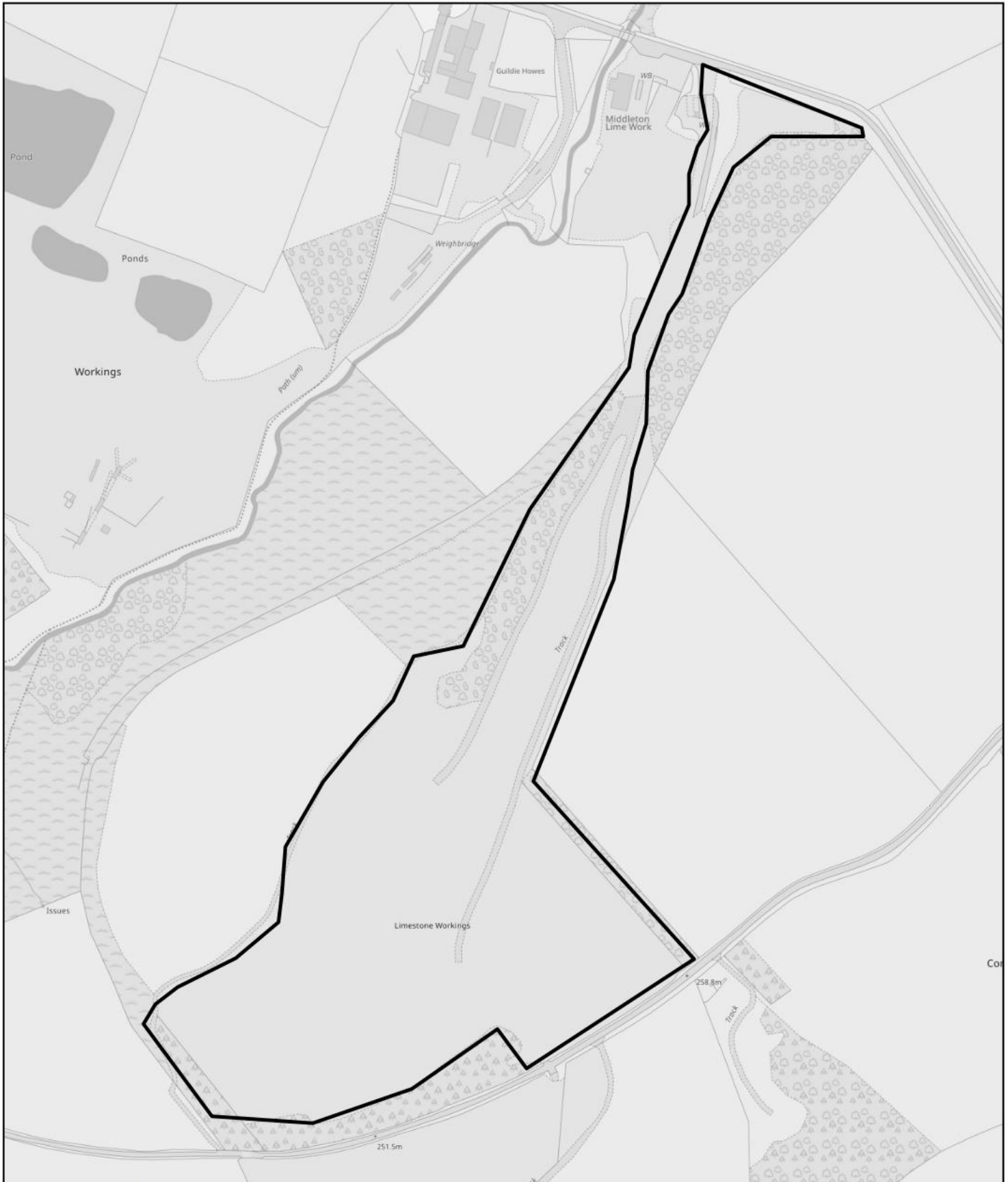
- 4.8 The Committee may wish to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.9 The Scottish Government's Guidance on the Role of Councillors in Pre-Determination Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

## **5 Recommendation**

- 5.1 It is recommended that the Committee note the contents of the report and instruct officers to make the arrangements for a pre-determination hearing and a site visit.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

<b>Date:</b>	1 March 2024
<b>Application No:</b>	23/00595/DPP
<b>Applicant:</b>	The NWH Group
<b>Agent:</b>	William Booth, Dalgleish Associates Ltd
<b>Validation Date:</b>	8 November 2023
<b>Contact Person:</b>	Whitney Lindsay
<b>Email:</b>	<a href="mailto:Whitney.Lindsay@midlothian.gov.uk">Whitney.Lindsay@midlothian.gov.uk</a>
<b>Background Papers:</b>	Planning applications 15/00503/DPP, 22/00546/S42, 22/00856/PAC and 23/00773/S42
<b>Attached Plan:</b>	Location plan.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Formation of recycling facility and waste transfer station;  
continuation of landfill operations and associated works at  
Middleton Lower Quarry, Gorebridge,

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File No: 23/00595/DPP

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**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE  
23/00694/PPP FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED  
WORKS AT SCOTTS TOURING CARAVANS, LAND NORTH OF  
MAYFIELD INDUSTRIAL ESTATE, MAYFIELD, DALKEITH**

Report by Chief Officer Place

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** The application is for planning permission in principle for a residential development and associated enabling works. The application site is the site of a former caravan sales, servicing and storage business situated on land to the north of Mayfield Industrial Estate, Mayfield Road (B6482), Mayfield, Dalkeith.
- 1.2** There has been one representation and consultation responses from the Coal Authority, Scottish Water, Scotia Gas Networks, SP Energy Networks, the Mayfield and Easthouses Community Council, the Council's Ecological Advisor (TWIC), the Council's Education Executive Business Manager, the Council's Land and Countryside Manager, the Council's Senior Manager Neighbourhood Services (Roads), the Council's Senior Manager Protective Services and the Midlothian Health and Social Care Partnership.
- 1.3** The relevant development plan policies are policies 1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23 and 26 of the National Planning Framework 4 (NPF4) and policies STRAT1, STRAT2, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, ECON1, TRAN1, TRAN5, IT1, ENV9, ENV10, ENV11, ENV15, ENV16, ENV17, ENV18, WAST5, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4** The recommendation is to refuse planning permission.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The site measures 2.4 hectares and is situated at the western edge of Mayfield. The ground is level and mostly covered with grass scrub. There are scattered trees along the north and east boundaries; two groups of trees at the southern and western corners of the site; and a line of trees in the centre of the site. In total there are 125 trees on the

site. The site previously included two buildings; these have now been demolished. The site was used from the early 1970s by a caravan sales, servicing and storage business; that use ceased in the early 2010s.

- 2.2 The site is bounded to the east by the B6482 with flats and housing on the opposite side of the road from the site. The site is bounded to the north by a petrol filling station and by woodland and a footpath. To the west of the site is the housing at the Suttieslea area of Newtongrange. To the south the site is bounded by the Mayfield Industrial Estate. Vehicle access to the site is from the B6482 via a junction shared with the neighbouring petrol filling station.

### **3 PROPOSAL**

- 3.1 The application seeks planning permission in principle for a residential development. The application is accompanied by an indicative site layout which shows a new vehicle access to the site being formed midway along the B6482 frontage. The indicative layout shows 78 units (12 x 2 bed houses; 28 x 3 bed houses; 8 x 4 bed houses; 6 x 1 bed flats; 21 x 2 bed flats; and 3 x 3 bed flats). The layout requires the felling of the majority of trees on the site with only five mature trees shown as being retained.
- 3.2 The application is accompanied by the following reports:
- Design and Access Statement;
  - Drainage Assessment;
  - Extended Phase 1 Habitat Survey;
  - Landscape and Visual Appraisal;
  - Pre-Application Consultation (PAC) Report;
  - Site Investigation Report;
  - Supporting Planning Statement (submitted 15/02/2024);
  - Transport Statement; and
  - Tree Survey and Arboricultural Report.
- 3.3 The applicant contacted elected members directly, via email, prior to the January meeting of the Planning Committee. The email included responses to the reasons for refusal. The applicant's comments are addressed in section 8 of the report.

### **4 BACKGROUND**

- 4.1 Planning application 141/69 for the formation of a caravan sales and service centre and for the principle of the erection of a workshop and office was approved in 1969. There were subsequent grants of planning permission in 1969, 1970 and 1973 that established the longstanding layout of the site.
- 4.2 Planning application 08/00447/FUL for a change of use of vacant land to allow the temporary siting of eighteen static caravans, formation of

access road and car parking, erection of fence and gates was granted in 2008. The permission was a temporary one for a period of two years and related to the land in the southeast corner of the application site.

- 4.3 Pre application consultation (21/00344/PAC) for residential development at the application site was submitted in April 2021. The notice was reported to Committee at its meeting of June 2021.
- 4.4 Planning application 22/00597/PPP for planning permission in principle for residential development and associated works was registered on 24 October 2022. The supporting information and indicative layouts were the same as the current proposal. The application was included on the agenda for the Planning Committee's meeting on 12 September 2023 with a recommendation for refusal, but the application was withdrawn on 11 September 2023.
- 4.5 A report for the current application was included on the agenda for the January 2024 meeting of the Planning Committee, however prior to the committee meeting an error in the plotting of the application on the case management system was identified. The error had resulted in insufficient neighbour notification being carried out. The report was withdrawn prior to the meeting and consideration of the application was deferred for a cycle. The additional neighbour notification was sent out on 24 January 2024.
- 4.6 As part of the assessment of the previous application the Council as planning authority issued a screening opinion for the current proposals on 4 November 2022. The screening opinion confirmed that an Environmental Impact Assessment (EIA) was not required.
- 4.7 The application site area exceeds 2 hectares, the application therefore constitutes a 'Major Development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and thereby it requires to be determined by the Planning Committee

## 5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application subject to any grant of planning permission including conditions to secure remedial stabilisation works to address land instability arising from coal mining legacy; and a validation report detailing the remedial works carried out. The response confirms that there are two recorded mine entries and their resultant zones of influence within, or within close proximity, of the site.
- 5.2 The application falls below the consultation thresholds set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended) and NatureScot's Guidance – How and when to consult NatureScot and therefore **NatureScot** was not consulted.

- 5.3 The application falls below the consultation thresholds set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended) and SEPA's triage framework guidance and therefore **Scottish Environment Protection Agency (SEPA)** was not consulted.
- 5.4 **Scottish Water** does not object to the application. The water supply will be fed from Rosebery Water Treatment Works. The foul water drainage will be dealt with by the Edinburgh PFI Waste Water Treatment Works. Both have sufficient capacity at present; however, it is not possible to reserve capacity for future developments – this will be subject to a separate regulatory process between the applicant and Scottish Water.
- 5.5 For reasons of sustainability and to protect Scottish Water customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system. There may be limited exceptional circumstances where Scottish Water allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical and technical challenges.
- 5.6 In order to avoid costs and delays where a surface water discharge to the combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. The evidence will be assessed in a robust manner and any decision will reflect the best option from environmental and customer perspectives.
- 5.7 **Scotia Gas Networks (SGN)** does not object to the application. The plan provided with the response shows that there is no SGN infrastructure within the application site.
- 5.8 **SP Energy Networks** does not object to the application. The plan provided with the response shows that there is a high voltage overhead line and a low voltage underground cable within the site.
- 5.9 The **Mayfield and Easthouses Community Council** is broadly in favour of the proposal and welcomes the redevelopment of this brownfield site. The community council has provided comments on the following matters:
- Site capacity – the indicative number of units is acceptable, but increasing the density would be unacceptable;
  - Affordable/Social housing – the proposed 25% provision of affordable housing is welcomed. Affordable housing should be distributed across the site and not concentrated close to the



industrial estate. Allocation of the affordable housing should give priority to local residents;

- Amenities – redevelopment of the site should include provision of a dedicated children’s play area. Provision should be made for the inclusion of works of public art;
- Greenspace/Countryside – the development should be as permeable as possible in order to increase access to surrounding woodland and paths;
- Wildlife and habitat – the site in its current state is known to be used by local wildlife. Development of the site should seek to maintain some wildlife habitat, particularly at the boundaries with the industrial estate and the neighbouring Suttieslea residential estate;
- Road access and traffic flow – the B6482 has high levels of traffic flow to and from Mayfield and the development will add to this. Any assessment of trip generation should take account of proposals to build a new distributor road for South Mayfield, which would require a new road junction next to Newbattle Medical Practice. Provision of a new pedestrian crossing on the B6482, to serve new residents and surgery patients crossing to the bus stop, should be considered;
- Proximity to petrol station – a buffer between housing and the petrol filling station should be provided for the purposes of safety and residential amenity;
- Economic land use – part of the site is an allocated economic land supply site. Given that part of the site’s relationship to the remainder of the site and the amount of vacant land elsewhere on the industrial estate, its retention for economic use would be impractical;
- Mayfield Industrial Estate – the existing businesses located on the estate are vitally important to the economy of the local community. Any development of the application site should ensure that the interests of existing businesses are safeguarded and that their viability will not be compromised by new residential neighbours;
- Local services (GP services) – the biggest concern amongst local people regarding service provision is access to GP services. It would be reassuring to local residents if assurances could be obtained by the developer from Newbattle Medical Practice that the additional housing will not adversely affect existing service levels;
- Local services (Council services) – local residents are concerned that the additional housing will create additional demand for Council services and that any additional Council Tax revenue provided by the development will be insufficient to cover the increased demand. Assurances from Midlothian Council would help to alleviate concerns;
- Education – whilst it is acknowledged that the developer will be making significant developer contributions towards education provision, local residents are concerned about the possibility of up to 30 more primary school pupils and 15 plus secondary school

pupils being added to school rolls. Reassurances from the Council that these additional pupils can be accommodated within the planned expansion of education provision in the Mayfield area, would be welcomed;

- Community identity and integration – The development will be a standalone estate similar to others along the B6482. The design of the development should promote a single identity that integrates private and social housing;
- Site layout and house styles (Design) – one of the main complaints from local residents is that new housing developments are bland with layouts designed to maximise density and using standard house designs. The project should seek to vary house styles and design features to ensure visual variety. Front and back garden sizes should not be compromised. Three storey apartment blocks should be set back from the main road with adequate screening. A buffer between the site and the Suttieslea housing should be provided to reduce overlooking and overshadowing;
- Site layout and house styles (Housing mix) – provision should be made within the development for housing for the elderly. The indicative layout places the social housing in an unattractive location that will not aid social inclusion;
- Mayfield town centre – developer contributions towards improvements within Mayfield town centre should be secured; and
- Drainage – any assessment of drainage and flood risk should take account of the fact that there are existing problems with surface water drainage on the B6482.

5.10 The **Council's Ecological Advisor – The Wildlife Information Centre (TWIC)** has advised that the Extended Phase 1 Habitat Survey submitted in support of the application is out of date. The survey was prepared in September 2021 following an onsite survey carried out in May 2021. Guidance from the relevant professional body (Chartered Institute of Ecology and Environmental Management) advises that surveys should be updated after a period of 18 months has elapsed from the date of preparation.

5.11 The **Council's Education Executive Business Manager** does not object to the application. The development would give rise to 22 primary school pupils and 16 secondary school pupils. Developer contributions towards education facilities would be required to mitigate the demand from the proposed development. The catchment schools are:

Non-denominational primary – Easthouses Primary School

Denominational primary – St Andrew's/St Luke's RC Primary School

Non-denominational secondary – Newbattle High School

Denominational secondary – St David's RC High School

5.12 The Council utilises a primary school pupil product ratio of 0.28 per dwelling and a secondary school pupil product ratio of 0.2 per dwelling

when calculating anticipated primary and secondary school pupil numbers from developments and also for the purposes of negotiating developer contributions with applicants.

- 5.13 The Council's **Land and Countryside Manager** does not object to the application. The response confirms that the existing upgraded footway on the B6482 provides sufficient access to the core path, situated immediately to the north of the application site, and therefore a direct link is not required.
- 5.14 The **Council's Senior Manager Neighbourhood Services (Roads)** offered no comments on the current proposal. The response for the previous application confirmed that the Manager did not object to the application subject to the imposition of conditions to secure details of:
- Visibility splays;
  - Cycle parking;
  - EV charging;
  - Larger bus shelters;
  - Reinstatement of redundant vehicle access points; and
  - Surface water drainage including outfall connection.
- 5.15 The **Council's Senior Manager Protective Services** does not objection to the application in relation to the Service's **Environmental Health** remit. The site's proximity to the adjacent industrial estate and petrol filling station raises concerns in relation to noise, and the history of mining in the surrounding area raises concerns in relation to potential ground contamination/instability. Any grant of planning permission should include conditions to secure a scheme of site investigation and, if required, remediation to address potential contaminated land issues. A noise impact assessment should be secured to assess the impact of noise on the amenity of houses.
- 5.16 The Council's **Senior Manager Protective Services** does not objection to the application in relation to the Service's Trading Standards (**Petroleum Officer**) remit.
- 5.17 The **Midlothian Health and Social Care Partnership** does not object to the application and advise there is capacity and scope to absorb the population increase from the proposed housing into the Newbattle practice list. The response also advises that

*there are concerns about the longer-term suitability of the existing practice to absorb the increased list size and need for more face-to-face consultations. This, coupled with supporting the implementation of the GP contract and providing additional services for patients in practices, means space is a premium and is becoming increasingly challenging to manage.*

*The HSCP is therefore keen that the council give consideration to capital investment into Newbattle GP premises as part of the planning application as an extension of the current Newbattle building -to help practices to suitably accommodate and support the population growth in the area. Newtongrange site has limited opportunities for expansion, and the practice already experience considerable issues with regards parking and patient access, particularly in term time, based on current population in the area.*

- 5.18 The consultation responses are available to view in full on the online planning application case file.

## **6 REPRESENTATIONS**

- 6.1 The application has received one objection - the grounds for objection are as follows:

*"I strongly object to this development at my back garden as being overlooked by a two story house it will be depriving me off natural light but more importantly privacy when using my garden."*

## **7 PLANNING POLICY**

- 7.1 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017.

- 7.2 The following policies are relevant to the proposal:

### National Planning Framework 4 (NPF4)

- 7.3 **Policy 1 Tackling the climate and nature crisis**; sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- 7.4 **Policy 2 Climate mitigation and adaptation**; sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 7.5 **Policy 3 Biodiversity**; sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 7.6 **Policy 4 Natural Places**; sets out to protect, restore and enhance natural assets making best use of nature-based solutions.
- 7.7 **Policy 5 Soils**; sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The policy also sets out acceptable scenarios for development on prime agricultural land.



- 7.8 Policy **6 Forestry, woodland and trees**; sets out to protect and expand forests, woodland and trees.
- 7.9 Policy **9 Brownfield, vacant and derelict land and empty buildings**; sets out to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.
- 7.10 Policy **12 Zero Waste**; sets out to encourage, promote and facilitate development that is consistent with the waste hierarchy.
- 7.11 Policy **13 Sustainable Transport**; sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 7.12 Policy **14 Design, quality and place**; sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.
- 7.13 Policy **15 Local Living and 20 minute neighbourhoods**; sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- 7.14 Policy **16 Quality homes**; sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.
- 7.15 Policy **18 Infrastructure first**; sets out to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.
- 7.16 Policy **20 Blue and green infrastructure**; sets out to protect and enhance blue and green infrastructure and their networks.
- 7.17 Policy **21 Play, recreation and sport**; sets out to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.
- 7.18 Policy **22 Flood risk and water management**; sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 7.19 Policy **23 Health and Safety**; sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

- 7.20 Policy **26 Business and industry**; sets out to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

Other National Policy

- 7.21 The **Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

Midlothian Local Development Plan 2017 (MLDP)

- 7.22 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.23 Policy **STRAT2: Windfall Housing Sites** supports housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.24 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.
- 7.25 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.26 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.27 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.28 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive

scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.

- 7.29 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.30 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses against loss to non-business or industrial uses. Alternative uses for such sites will only be permitted if there is no net detriment to the overall supply of economic land.
- 7.31 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.32 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.
- 7.33 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.
- 7.34 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore, it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.35 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.36 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated

landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

- 7.37 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.38 Policy **ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the proposed new use in terms of the risk posed by contamination and instability from historic uses.
- 7.39 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.40 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.41 Policy **WAST5: Waste Minimisation and Recycling in New Developments** states that development should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Locations for the collection and storage of waste should be conveniently sited for both the householder (or other user) and the Council as waste collection authority.
- 7.42 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.43 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.



- 7.44 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

## 8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

### Principle of development

- 8.2 As is noted above the development plan comprises National Planning Framework 4 (NPF4) and the Midlothian Local Development Plan 2017 (MLDP). Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is an incompatibility between the provisions of the National Planning Framework and the provisions of a local development plan whichever of them is the later in date is to prevail. At present NPF4 is the more recent document and therefore it prevails where there is an incompatibility between NPF4 and the MLDP.
- 8.3 The application site is within the built-up area of Mayfield where there is a presumption in favour of appropriate redevelopment. However, the site is not identified as an allocated housing site in the MLDP and as such the application is being considered as a windfall housing proposal. The relevant policies in relation to windfall housing are policies 16(f) of NPF4 and STRAT2 of the MLDP.
- 8.4 NPF4 Policy 16(f) states:

*Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:*

- i. the proposal is supported by an agreed timescale for build-out; and*
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;*
- iii. and either:*
  - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or*
  - the proposal is consistent with policy on rural homes; or*

- *the proposal is for smaller scale\* opportunities within an existing settlement boundary; or*
- *the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.*

\*in the absence of any interpretation of 'smaller scale opportunities' Midlothian's Planning Service is taking the position that smaller residential developments are 10 or less units – this is subject to ongoing review based on appeal decisions across Scotland, but is based on a reasoned judgement regarding the impacts of different scales of development.

8.5 MLDP Policy STRAT2 states:

*Within the built-up areas, housing development on non-allocated sites, including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that:*

- A. It does not lead to the or damage of valuable public or private open space;*
- B. It does not conflict with the established use of the area;*
- C. It has regard to the character of the area in terms of scale, form, design and materials;*
- D. It meets traffic and parking requirements; and*
- E. It accords with other relevant policies and proposals, including policies IMP1, IMP2, DEV3, DEV5 – DEV10.*

8.6 NPF4 Policy 16(f)'s reference to the deliverable housing land pipeline is a key difference from policy STRAT2 of the MLDP which makes no reference to housing land supply. Policy 16(f) is a more onerous approach to windfall housing than that set out in the MLDP and represents a clear incompatibility between the provisions of NPF4 and the MLDP.

8.7 A recent Scottish Ministers appeal decision at Mossend, West Lothian (PPA-400-2147) makes clear that Policy 16(f) is intended to be engaged from the date of NPF4's publication and that if the housing land pipeline has yet to be identified then "*the exception permitting development on unallocated sites in the circumstances set out in the first bullet of branch (f)(iii) is not engaged*". The deliverable housing land pipeline in Midlothian will be identified once Midlothian Local Development Plan No2 (MLDP2) has established Local Housing Land Requirements (LHLR). Until a pipeline has been established there is "*a policy restriction on housing development on unallocated sites*" such as the application site. The appellant in the Mossend decision has appealed the decision (on procedural grounds) to the Court of Session. The hearing for the appeal took place on 24 January 2024, however at present no decision has been issued on the appeal.

- 8.8 Whilst there are three further exceptions permitting development listed in the three latter bullet points of Policy 16(f)(iii), the proposed development does not comply with any of these latter bullet points. The proposed development is contrary to Policy 16(f) of NPF4 and therefore there is currently no support within the development plan for the principle of this development at this location.
- 8.9 In his representation to elected members the applicant has stated that material considerations can sometimes outweigh policy considerations. Whilst this is true, as is made clear in paragraph 8.1 above, in this instance the planning authority does not consider there to be sufficient material considerations to outweigh the non-compliance with NPF4 Policy 16(f). As the fastest growing local authority in Scotland, Midlothian has experienced significant growth over the last ten years and does not have the capacity to provide the services for major scale windfall residential developments.
- 8.10 The applicant has advised that he is in discussion with social housing providers with a view to all the proposed units being developed as social housing. Neither the applicant nor his agent have advised the case officer of this proposal and no details have been provided to the planning authority. One of the latter bullet points in Policy 16(f)(iii) does offer support for development if

*The proposal is for the delivery of less than 50 affordable homes as part of a local housing authority supported affordable housing plan*

The site is not included in Midlothian Council's Strategic Housing Investment Plan 2024/25-2028/29 and a proposal for 78 units exceeds the 50 unit threshold. The proposal does not comply with the affordable homes exception detailed in the latter bullet points of NPF4 Policy 16(f)(iii).

- 8.11 The application is a windfall application for major scale residential development, the key policies for determining the principle of development are the policies relating to windfall residential development. At present NPF4 is the more recent document and therefore it prevails where there is an incompatibility between NPF4 and the MLDP. The relevant policy in NPF4 is Policy 16(f) and the proposal is clearly contrary to that policy.

#### The supply of effective housing land

- 8.12 Notwithstanding the fact that the housing land pipeline has yet to be identified, in assessing the current application it would be prudent to consider the supply of effective housing land within Midlothian. Annex E of NPF4 sets out a Minimum All-Tenure Housing Land Requirement (MATHLR) for all of Scotland's planning authorities. The MATHLR is the minimum amount of land that a planning authority must provide for a 10 year period, the MATHLR is expected to be exceeded in each

planning authority's local development plan. The MATHLR figure for Midlothian is 8850 housing units.

- 8.13 In seeking to reflect the view of Scottish Ministers that MATHLR already forms part of the development plan and is to be taken into account when making planning decisions, the NPF4 Housing Land Figures Method Paper gives some assistance. It indicates that National Records of Scotland (NRS) 2018 based household projections over a 15 period from 2022 to 2036 inclusive (15 years) were used, from which a 10 year requirement was derived. The method paper states that including figures to 2036 allows the flexibility for all new style plans to look ahead 10 years, whenever they are prepared in those first 5 years after NPF4 approval (the method paper appears to assume that NPF4 would be approved in 2021). Although the MLDP2 is expected to become operative in 2026, and address a requirement to 2036, the MATHLR indicates a target that could be used on an annualised basis from 2022 or from NPF4 adoption in 2023. However, Policy 16(f)(iii) requires “two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained”.
- 8.14 Midlothian's most up to date 2023 Housing Land Audit (HLA) describes take up and supply to end March 2023. The MATHLR requirements on an annualised basis represent 885 units per annum. Whilst this figure could be used as an interim annual delivery pipeline quantity, the planning authority is of the view that as the Local Housing Land Requirement (LHLR) and Local Development Plan (LDP) delivery programmes are not ready, it will be 2025 at the earliest, that an assessment of delivery over two consecutive years from the commencement of NPF4 could be made. Bearing these considerations in mind, HLA 2023 finds the following:

Effective housing supply at April 2022 – 11,052 units

Programmed completions for the next 10 years from HLA 2023 are set out below. (This agreed programming is arrived at from discussion with housebuilders, although will become less accurate towards the later years of the programme period.)

Year	Programmed Completions
23/24	810
24/25	660
25/26	1058
26/27	756
27/28	760
28/29	727
29/30	711
30/31	662



31/32	614
32/33	591

- 8.15 The completions for the year to March 2023 totalled 908 units, which exceeds the MATHLR annual target by 2.6%. This represents the highest number of completions recorded in Midlothian (in an HLA dataset reaching back to 1992), and the only time completions have exceeded 885 units. In the preceding year (2021-22) there were 818 units completed, which represents a shortfall of 7.6% compared to the MATHLR annual target. The average completion rate over the most recent 2 years is 863 units per year, which represents an average shortfall of 2.5% per year. It is clear that the completions for the last two HLAs do not represent the substantial delivery in excess of pipeline required by Policy 16(f)(iii).
- 8.16 Over the first two years of NPF4 the programmed delivery falls short of the MATHLR by 75 units in 2023/24 and 225 units in 2024/25. These represent shortfalls of respectively 8.5% and 25.4% below the annualised MATHLR. It has also been the planning authority's experience that the programmed delivery in HLAs has tended to exceed the actual delivery. The programmed delivery does not indicate a likelihood of a sustained trend of substantial delivery earlier than pipeline timescales.
- 8.17 Policy 16(f)(iii) requires evidence of completions from the HLA, and it would therefore not be appropriate to use forward HLA programming to assess an application under 16(f)(iii). The appellant in the West Lothian appeal case is seeking judicial review of the decision, however it is clear from the above figures that were a judicial decision to conclude that existing figures can be used to determine a housing land pipeline there is an adequate housing land supply within Midlothian to accommodate the MATHLR figure.

#### Vacant and derelict land

- 8.18 The Supporting Planning Statement submitted on 15 February 2024 emphasises that the proposal seeks to re-develop a vacant and derelict site. The Statement concludes that the support for redevelopment of brownfield vacant and derelict land provided in NPF4 Policy 9(a) of and in MLDP policy ENV16 is sufficient to outweigh the non-compliance with NPF4 Policy 16(f). Whilst the planning authority would welcome appropriate redevelopment of this vacant and derelict site, it is the planning authority's view that the proposed development is not appropriate for the site and that any policy support for redevelopment is insufficient to outweigh the lack of support for the principle of major scale non-allocated residential development on the site.

### Ground stability

- 8.19 The application is supported by a Site Investigation Report which includes information relating to risks from the legacy of coal mining in the area. The report includes the results of intrusive site investigations (six rotary boreholes) that were carried out on the site. Having reviewed the results of the investigations the report authors conclude that there is insufficient rock cover present across the majority of the site. The report recommends that the shallow mine workings below the site be treated by drilling and pressure grouting prior to the commencement of development on the site. The Coal Authority agrees with this assessment. Were the planning authority minded to grant the application suitable remediation, and a gas migration strategy, could be secured via condition.

### Biodiversity

- 8.20 The Extended Phase 1 Habitat Survey submitted in support of the application was prepared in September 2021 following an onsite survey carried out in May 2021. Guidance from the relevant professional body (Chartered Institute of Ecology and Environmental Management - CIEEM) advises that surveys should be updated after a period of 18 months has elapsed from the date of preparation. The Survey is out of date.
- 8.21 The Survey identifies the presence of protected species (badgers) in the surrounding area and recommends further survey work. The proposal is for planning permission in principle, meaning that further consents would be required before any construction could commence, and it can sometimes be appropriate to secure further biodiversity survey work via condition. This approach has the benefit of ensuring that up to date surveys are undertaken prior to work commencing. Such an approach would not be appropriate in this instance as the initial baseline survey is out of date and therefore it cannot be relied upon to determine which further surveys should be secured via condition.
- 8.22 The failure to provide an up to date biodiversity survey means that it is not possible to demonstrate that the proposal will conserve, restore and enhance biodiversity. The proposal is therefore contrary to Policy 3 of NPF4. Furthermore, the absence of an up to date biodiversity survey means that it is not possible to demonstrate that a protected species, badgers, will be sufficiently protected. The proposal is therefore contrary to policy ENV15 of the MLDP.
- 8.23 In his representation to elected members the applicant has stated that the *original ecological survey showed no ecological issues, and a new ecological survey would accompany any subsequent application for detailed planning permission*. As is noted above the survey identifies the presence of protected species (badgers) in the surrounding area

and recommends further survey work and irrespective of whether further surveys will be submitted with subsequent applications for Approval of Matters Specified in Conditions, the base line information submitted with the current application is out of date.

- 8.24 The Supporting Planning Statement acknowledges *that the Ecological Appraisal submitted with the application is strictly speaking 'out-of-date'* and concludes that *there is nothing to suggest that circumstances on site have significantly changed in the interim*. Whilst that may be the case, it is equally true that without up-to-date survey work there is nothing to suggest that circumstances have not changed in the 2 years and 10 months that have elapsed since the site was surveyed. The previous survey identified the presence of protected species in the area, and it is in the interests of the applicant to identify whether this is still the case. It is entirely reasonable of the planning authority to expect that an application be supported by up to date surveys and supporting information when there is a known issue on a site.

#### Trees and hedgerow

- 8.25 The Tree Survey and Arboricultural Report submitted with the application provides an assessment of the location and condition of 125 trees on the site. Whilst many of the trees are of poor 'U' category and low 'C' category, more than half of the surveyed tree population has been assessed as 'A' or 'B' Category (good/ fair quality). The indicative layout proposes the removal of all but five of the existing trees, this equates to the felling of 96% of the existing trees on the site. Whilst the layout proposes 66 new trees it relates poorly to the existing tree and hedgerow cover on the site and the indicative level of felling would not be compatible with Policies 1, 2, 3 and 6 of NPF4 and policies DEV5 and ENV11 of the MLDP.
- 8.26 Most of the site is open and not covered by trees and could potentially accommodate development, however any development of the site should seek to retain trees that are in good or fair quality, and this will restrict the developable space available. The indicative layout requires significant tree felling and re-planting to ensure that proposed tree cover can accommodate the development. This is a fundamental misinterpretation of the intent of NPF4 Policy 6 – Forestry, Woodland and Trees which seeks to protect and expand forests, woodland and trees. Developments should seek to accommodate the existing tree cover rather than removing it and starting afresh. Were the planning authority minded to grant planning permission, conditions could be used to restrict tree felling and hedgerow removal.
- 8.27 In the representation to elected members the applicant stated that the *indicative layout within the application is for planning is (sic) principal (sic), the concerns about loss of trees could be easily addressed by planning conditions attached to any subsequent application for detailed planning permission (sic)*. This point was noted in both the September

2023 and January 2024 committee reports however it does not remove the fact that the indicative layout proposes the removal of all but five of the existing trees. The applicant could have addressed this point when submitting the current application but chose not to.

#### Design and layout

8.28 The application is for planning permission in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions) and assessment if the proposal is granted planning permission. In this case conditions would be imposed, if permission is granted, requiring the following details to be submitted by way of an application:

- layout, form and design of any proposed buildings – which will dictate the number of residential units;
- proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
- details of landscaping and boundary treatments;
- provision of open space and play areas/facilities;
- percent for art;
- sustainable urban drainage systems (SUDS);
- details of road, access and transportation infrastructure;
- sustainability and biodiversity details;
- archaeology mitigation details (if required);
- the provision of broadband infrastructure;
- ground conditions/mitigation of coal mining legacy; and
- construction management, including hours of operation and haulage routes.

8.29 It is common for applications for planning permission in principle to be accompanied by indicative layouts that are not usually approved if permission is granted. However, the indicative plan does give an idea of the applicant's development expectations and in reviewing the indicative layout it is evident that the proposed development expectation represents an over-development of the site that provides poor levels of private and communal open space; and relates poorly to the surrounding streetscape. Whilst it must be acknowledged that there are a number of constraints that limit the available land for development within the site, a successful development will need to work with the constraints to provide a development that enhances the character and amenity of the surrounding area.

#### Residential amenity

8.30 The site's proximity to the industrial estate to the south and the petrol filling station to the north raises potential issues with regard to the residential amenity of potential future occupants of the site. There are



currently residential properties adjoining the industrial estate to the west and there are examples of residential development in close proximity to petrol stations elsewhere in Midlothian and Scotland. Careful layout design and appropriate conditions relating to the specification of residential soundproofing could address issues of residential amenity if the planning authority were minded to grant permission.

- 8.31 As is noted above the site layout submitted with the application is an indicative layout. If planning permission were to be granted the finalised layout would be determined via further applications for Approval of Matters Specified in Conditions. Any such layout would need to demonstrate that it did not result in unacceptable levels of overlooking, for both existing and proposed dwellings, and that the provision of daylight and sunlight to existing and proposed dwellings complies with recognised residential standards.

#### Loss of economic land supply

- 8.32 The site is identified in the MLDP as being within the built-up area of Mayfield, Easthouses, Newtongrange and Dalkeith. A small portion (approximately 0.2 hectares) of the site is also identified as forming part of the established economic land supply at Mayfield Industrial Estate. The economic land within the site is a fenced compound at the southern edge of the plot, the compound was historically used for the secure storage of caravans. The compound has been part of the application site since the original application in 1969 and the only access to the site is from the main application site, there is no access from the neighbouring industrial yard to the south. Whilst the compound may appear to be linked to the economic land supply when viewed on a map the history of the site and the physical development of the site clearly indicate that it does not function as part of the economic land supply to the south. Were the compound to form part of a residential development there would be no practical loss of economic land.
- 8.33 It is, however, reasonable to consider whether residential development would be the best use of the site. If the site were to come forward for development through the local plan process the planning authority may consider it more appropriate for economic or community uses rather than residential. Its proximity to the industrial estate to the south and the petrol filling station to the north are constraints that could be better addressed via non-residential uses. Furthermore, occupancy levels within Mayfield Industrial Estate indicate that there is a strong demand for small and medium sized roller shutter units in the Mayfield area and the site represents the last remaining option for expansion of the Estate. The site's position and historical use would make it a logical site for expansion of Mayfield Industrial Estate.

### Developer contributions

- 8.34 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The Circular advises that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the proposed development acceptable in planning terms (paragraph 15)
  - Serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
  - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
  - Fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
  - Be reasonable in all other respects
- 8.35 In relation to Midlothian Council, policies relevant to the use of Planning Obligations are set out in the MLDP and Midlothian Council's Developer Contributions Guidelines (Supplementary Planning Guidance).
- 8.36 This proposed residential development has been assessed in relation to the above guidance and it is considered that a Planning Obligation is required in respect of the following matters:
- A financial contribution towards additional primary education capacity;
  - A financial contribution towards additional secondary education capacity;
  - A financial contribution towards Borders Rail,
  - A financial contribution towards improvements within Mayfield town centre; and
  - Provision of affordable housing (25%).
- 8.37 At the point of drafting the January Committee report the applicants were not prepared to make the required developer contributions to mitigate the impact of development – this is critical, and any shortfall in developer contributions, if planning permission is granted, effectively is subsidised by the Council. Following clarification of contribution levels, the applicant's agent confirmed on 15 February 2024 that the proposed contribution levels are acceptable. The reasons for refusal, in Section 9 below, have now been amended to remove the reason relating to developer contributions.

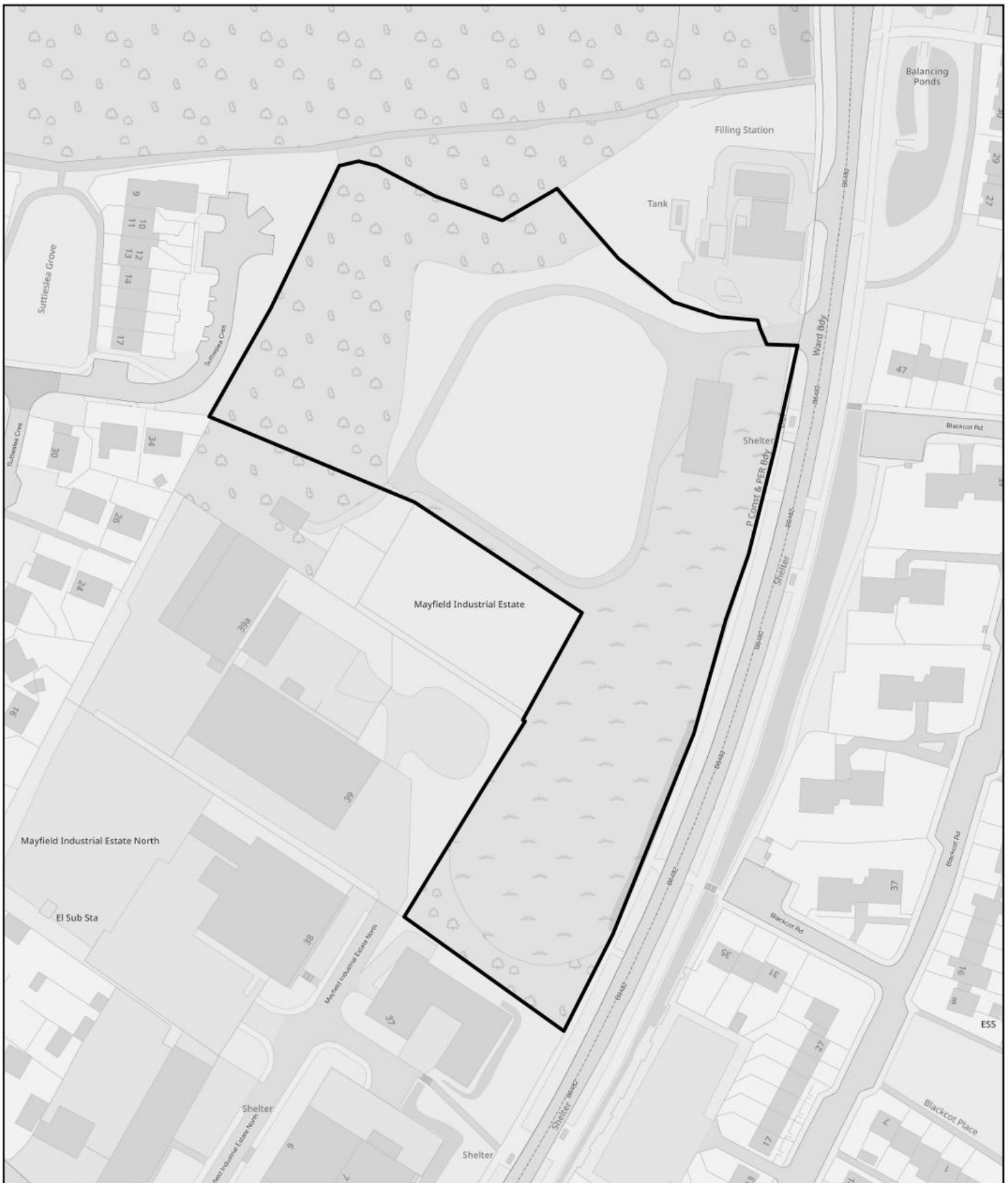
## 9 RECOMMENDATION

9.1 It is recommended that planning permission be refused for the following reasons:

1. *The site is not allocated for housing. No housing land pipeline has been identified at present for Midlothian and the Council's Housing Land Audit does not identify a shortfall or future shortfall in housing land supply and as such there is no policy exception that would support windfall housing development of the scale proposed on the unallocated site. The principle of residential development, of the scale anticipated, at this location is contrary to National Planning Framework 4 Policy 16(f).*
2. *The proposed development, based on the indicative layout and associated reports submitted with the application, will result in the significant and unacceptable loss of trees contrary the Scottish Government and Midlothian Council ambitions with regard climate change, biodiversity enhancement and tree retention. As such the development is contrary to National Planning Framework 4 Policies 1, 2, 3 and 6 and Midlothian Local Development Plan Policies DEV5 and ENV11.*
3. *The ecological survey submitted in support of the application is out of date. It has not been satisfactorily demonstrated that the proposal will conserve, restore and enhance biodiversity or that the interests of a protected species have been adequately assessed. The proposal is contrary to National Planning Framework 4 Policy 3 and Midlothian Local Development Plan ENV15.*

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

<b>Date:</b>	1 March 2024
<b>Application No:</b>	23/00694/PPP
<b>Applicant:</b>	Online Mayfield Scotland LLP
<b>Agent:</b>	Alan Farningham, Farningham Planning Ltd
<b>Validation Date:</b>	23 October 2023
<b>Contact Person:</b>	Graeme King, Planning Officer
<b>Email:</b>	<a href="mailto:graeme.king@midlothian.gov.uk">graeme.king@midlothian.gov.uk</a>
<b>Background Papers:</b>	21/00344/PAC; 22/00597/PPP
<b>Attached Plans:</b>	Location plan and indicative site layout.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Application for planning permission in principle for residential development and associated works at Scotts Touring Caravans, Mayfield Industrial Estate, Dalkeith, EH22 4AD

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File No: 23/00694/PPP

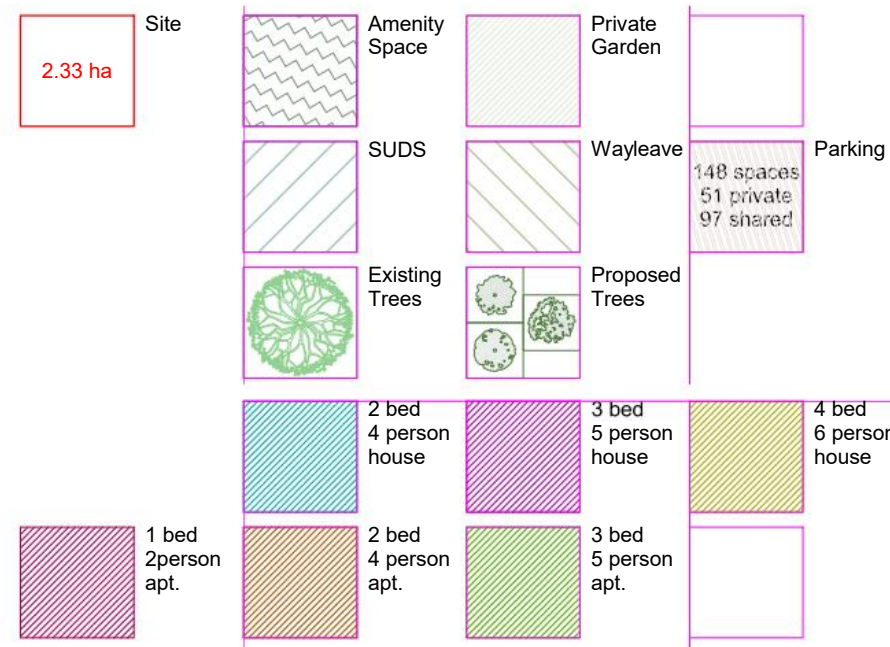
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Page 306 of 344





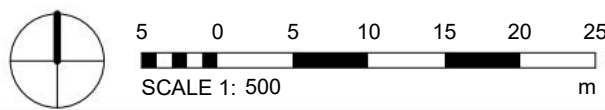


Indicative layout:  
For information purposes only



	1 bed 2 person	2 bed 4 person	3 bed 5 person	4 bed 6 person	Total
Semi-detached:	/	/	16 units	8 units	24 units
Terraced:	/	12 units	12 units	/	24 units
Apartments:	6 units	21 units	3 units	/	30 units
					78 units

1 Site Plan  
1 : 500



Notes

THIS DRAWING READ IN CONJUNCTION WITH :

GENERAL NOTES:

1. Do not scale from this drawing.
2. All dimensions are in millimetres unless noted otherwise.
3. The Contractor is responsible for checking all dimensions, levels and co-ordinates on site before commencing the Works.
4. All new works are to be in accordance with The Building (Scotland) Regulations 2004 and all current amendments.
5. All new works, products and processes are to be in accordance with the relevant British Standards and Manufacturers written guidance.

Rev	Description	Date	Dr by	App by
original by	Author	date created	05/10/23	approved by



AMP Architects  
0/1  
83D Candleriggs,  
Glasgow  
G1 1LF  
w: www.amparchitects.co.uk  
t: 0141 345 2992  
e: hello@amparchitects.co.uk

client name	Online Mayfield Scotland LLP		
project	Former Caravan Park off the B6482, Mayfield		
drawing	Site Plan		
computer file	Z:\Public\AMP\03 AMP Projects\21 01 Mayfield\10 BM\10.0 WIP		plot date
project number	Project Number		scale
drawing number	LL(90)01		As indicated@A1
	issue status	rev	

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**SECTION 42 APPLICATION 23/00700/S42 TO AMEND CONDITION 14 (SUSTAINABLE URBAN DRAINAGE SYSTEM) IMPOSED ON A GRANT OF PLANNING PERMISSION 17/01001/DPP FOR ALTERATIONS AND CONVERSION OF FORMER HOSPITAL AND EXISTING BUILDINGS TO FORM 72 DWELLINGS; ERECTION OF 24 NEW DWELLINGHOUSES AND ASSOCIATED WORKS AT FORMER ROSSLYNLEE HOSPITAL, ROSLIN**

Report by Chief Officer Place

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** In December 2019 planning permission was granted for alterations and conversion of former hospital and existing buildings to form 72 dwellings; erection of 24 new dwellinghouses and associated works at the former Rosslynlee Hospital, Roslin. The current application to amend condition 14 enables the installation of an adoptable (by Scottish Water) sustainable urban drainage system (SUDS), rather than the SUDS approved as part of the original planning application.
- 1.2** There have been no representations received or consultations required.
- 1.3** The relevant development plan policies are policy 18 and 22 of the National Planning Framework 4 (NPF4) and policy ENV10 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4** The recommendation is to grant planning permission subject to conditions and the variation to the existing Planning Obligation either by a Minute of Variation or a Section 75A application as the original planning application, 17/01001/DPP, is subject to a Planning Obligation securing developer contributions and this agreement needs to continue with the 'new' planning application.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The site is at Rosslynlee, a rural part of Midlothian between Rosewell and Penicuik. At its heart is the Category C listed former Rosslynlee Hospital and its associated buildings (a number of which are also Category C listed). The hospital site is surrounded by farmland including two fields which have planning permission for enabling residential development (currently under construction). The application

site is accessible by an unclassified road (Firth Road/Farm Road) connecting to the B7026 (heading towards Auchendinny/Howgate) or unclassified roads connecting to the A6094 (heading towards Rosewell) or the B7003 (heading towards Roslin). The former hospital is within a landscape comprising tree belts and woodlands.

- 2.2 The hospital was listed as a Category C Listed Building in 1998. It closed as an NHS medical facility in 2010 and has remained redundant since its closure. To the north of the site is the former Edinburgh to Peebles railway line which closed in 1967. Rosslynlee Hospital had its own station until passenger trains ceased in 1962.
- 2.3 The hospital complex comprises an array of buildings - the original stone buildings being designed by Robert Lambie Moffat in 1874. Significant extensions/additions were added in 1902 (designed by Robert Rowand Anderson). It's these components which have the most architectural value. Further extensions and infills were added in the late 20<sup>th</sup> century for the function of the hospital but have little or no architectural merit. To the southwest of the former hospital there is a large formal open space with large terraces, steeped embankments and a gentle north-facing slope. Located to the north between the former hospital and old railway line is an area of open space that was formerly a walled garden. The wall remains largely intact, but the wider area is now overgrown. To the southeast along Firth Road and Farm Road there are a number of farm buildings and staff accommodation buildings associated with the hospital, these are in a poor state of repair.
- 2.4 The listed buildings on the site comprise; the principal hospital building, the morgue, the boiler-house, the entrance gate-piers, the gate lodge (Pentland House), a number of residential properties in Firth Road, the farm managers house and the cart shed.

### **3 PROPOSAL**

- 3.1 The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019) (hereafter referred to as the Act), is to amend the wording of condition 14 of planning permission 17/01001/PPP. The condition currently reads as follows:

*No dwelling shall be occupied until the Sustainable urban Drainage detention pond shown on the approved drawings and the infrastructure to provide for surface water arising from this site to drain into it has been installed in accordance with the approved details.*

- 3.2 It is proposed that the condition be amended to read as follows:



*No dwelling shall be occupied until the Sustainable urban Drainage detention basin approved under 23/00219/DPP and the infrastructure to provide for surface water arising from this site to drain into it, or any subsequent amendments, has been installed in accordance with the approved details.*

- 3.3 The implication of this change enables the installation of an adoptable (by Scottish Water) SUDS scheme which has approval by way of planning application 23/00219/DPP, rather than the SUDS approved as part of the original planning application. The adoption process is a separate regulatory process between the applicants and Scottish Water. The 2023 scheme results in a change in design which is compatible to the latest standards compared to the 2017 designed scheme.
- 3.4 A Section 42 application, is in itself a planning application - a particular kind of planning application for development without complying with a condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission.
- 3.5 Although a Section 42 application is a new planning application in law the Act states *“on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*. The principle, layout and form of development are not subject to assessment. Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply.

#### **4 BACKGROUND**

- 4.1 Planning permission in principle 17/00980/PPP for residential development of up to 280 dwellings; commercial use of Class 1, 2, 3 or 4 with a floor space of up to 250sqm; and associated works was granted in 2019.
- 4.2 Planning permission 17/01001/DPP for alterations and conversion of former hospital and existing buildings to form 72 dwellings; erection of 24 new dwellinghouses and associated works was granted in 2019.
- 4.3 Listed building consent 18/00061/LBC for the Internal and external alterations to the former Rosslynlee Hospital and associated listed buildings to form 69 dwellings and one office including; demolition of the former boiler house, outbuildings and elements of the main building, re-slating of roof, alterations to existing window and door openings and associated works was granted in 2019.
- 4.4 Planning permission 21/00904/DPP for the formation of footpath was granted in 2022.

- 4.5 Planning permission 21/01025/DPP for the formation of car parking and bus turning area; and associated works was granted in 2022.
- 4.6 Planning permission 22/00787/DPP for the alterations to existing junctions, resurfacing and other associated works was granted in 2023.
- 4.7 Planning permission 23/00219/DPP for the formation of SUDS and associated works was granted in 2023.
- 4.8 The application site exceeds two hectares and therefore the proposed development constitutes a 'Major Development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and thereby is required to be determined by the Planning Committee.

## **5 CONSULTATIONS**

- 5.1 No consultations were required.

## **6 REPRESENTATIONS**

- 6.1 No representations have been received.

## **7 PLANNING POLICY**

- 7.1 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017.

- 7.2 The following policies are relevant to the proposal:

### National Planning Framework 4 (NPF4)

- 7.3 Policy **18 Infrastructure first**; sets out to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.
- 7.4 Policy **22 Flood risk and water management**; sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

### Midlothian Local Development Plan 2017 (MLDP)

- 7.5 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.

## **8 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise.

### Condition 14

- 8.2 Planning permission was originally granted in December 2019 for alterations and conversion of former hospital and existing buildings to form 72 dwellings; erection of 24 new dwellinghouses and associated works at the former Rosslynlee Hospital, Roslin. As part of this application, a drainage strategy and SUDS Pond was approved, and its installation was secured by condition 14 (the SUDS Pond was not implemented).
- 8.3 However, the SUDs Pond that was originally proposed was not sufficient in terms of Scottish Waters latest adoption requirements and therefore it needed to be redesigned to a basin so as to ensure there was adequate capacity – changing from a pond to a basin increased the size of the engineering feature and the land take required to implement it.
- 8.4 In March 2023, the applicant submitted a planning application for the formation of a SUDS scheme and associated works at the former Rosslynlee Hospital, Roslin (23/00219/DPP). The application was fully assessed in terms of the residential proposals at Rosslynlee and approved subject to conditions in August 2023.
- 8.5 The reason for condition 14 of planning permission 17/01001/DPP is in the interests of ensuring a satisfactory drainage system for the site and to accord with MLDP Policies ENV9 and IMP3. The re-wording of the condition does not change this position and ensures that a suitable and sufficient SUDS scheme for the residential development at Rosslynlee is installed.

### Other Conditions and Planning Obligation

- 8.6 With regards to condition 1 (bus drop off and turning), it is in part a pre commencement condition that has been discharged under planning permission 21/01025/DPP, therefore it is appropriate to modify condition 1 to ensure it is relevant to the current permission, if granted.
- 8.7 Condition 2 (improvements to Gourlaw Junction) is a pre commencement condition that has been discharged under planning permission 22/00787/DPP; therefore, this condition has been updated to ensure that the works are completed as per the approved plans.
- 8.8 The remaining conditions relate to; works to the access drive, agreeing materials, the provision of a tree protection plan and arboricultural

method statement, on-site engineering works, drainage provision, street lighting and constructional details, archaeological works, landscaping, addressing ground contamination, biodiversity enhancement, electric vehicle charging and refuse storage. These conditions are still relevant, and it is proposed to attach them to the new permission if granted. In addition, in line with current practice, a Construction Environment Management Plan (CEMP) condition should be added to the new planning permission.

- 8.9 A Planning Obligation is in place in relation to planning permissions 17/00980/PPP and 17/01001/DPP to provide developer contributions towards primary and secondary education, school transport and off-site footpath improvements. Those requirements remain unchanged, however as planning permission 17/01001/DPP is defined in the agreement it will be necessary for the agreement to be modified/varied to ensure that this new permission in law (23/00700/S42) is bound by the agreement.

## 9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

*The proposed amendment to condition 14 does not fundamentally change the development which is being implemented under a previous grant of planning permission. The proposed development does not have adverse environmental impacts subject to detailed/technical matters being agreed/secured by condition. This presumption in favour of development is not outweighed by any other material considerations and accords with the principles approved by the Council. The proposed development accords with the Midlothian Local Development Plan (2017).*

Subject to the variation to the existing Planning Obligation either by a Minute of Variation or a Section 75A application; and

the following conditions:

1. No dwelling shall be occupied until the approved (or temporary) bus pick up/drop off and bus turning facilities have been provided in accordance with the approved details of planning permission 21/01025/DPP and an agreed phasing plan, which thereafter shall be maintained in accordance with the approved details.

**Reason:** *In the interests of highway safety and to accord with Scottish Planning Policy and Policy DEV6 of the Midlothian Local Development Plan 2017.*

2. No dwelling shall be occupied until the improvements to the Gourlaw junction (the junction of the unclassified road leading from the A6094 to the site) have been fully implemented in accordance



with the approved details as per planning permission 22/00787/DPP, unless otherwise agreed in writing by the planning authority.

**Reason:** *In the interests of highway safety and to accord with NPF Policy 18.*

3. No dwelling shall be occupied until the formation of the footpath has been fully implemented in accordance with the approved details of planning permission 21/00904/DPP.

**Reason:** *In the interest of highway safety and to accord with NPF Policy 18.*

4. No phase of the new built development shall be constructed above foundation level until samples of the new external materials to be used in the new buildings within that phase of the development have been submitted to and approved in writing by the planning authority. No external materials shall be installed in relation to existing buildings until samples of those materials have been submitted to and approved in writing by the planning authority. Development in that phase shall be carried out in accordance with the approved details.

**Reason:** *In the interests of good design and to accord with Policy DEV6 of the Midlothian Local Development Plan 2017.*

5. Development of each phase shall not commence until details of fencing, a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) and other measures to protect trees or other landscape features to be retained in that phase, in line with the recommendations of BS5837:2012 have been submitted to and approved in writing by the planning authority. No operations shall commence on site in connection with a particular phase of development (including any soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until such time as the TPP and AMS for that phase have been formally approved by the local planning authority and all root protection measures for that phase are in place. The approved details shall remain in place for the duration of construction of that phase of development.

**Reason:** *To ensure the protection of existing landscape features, in line with advice contained in the current versions of BS 5837 Trees in relation to construction and BS8545:2014, in the interests of visual amenity and to accord with Policy ENV11 of the Midlothian Local Development Plan 2017.*

6. No dwelling within each phase shall be occupied until full engineering, drainage, street lighting and constructional details of

the streets proposed for adoption by the highway authority within that phase have been submitted to and approved in writing by the planning authority. Thereafter, the development shall be constructed in accordance with the approved details.

**Reason:** *In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway and to accord with Policy DEV6 of the Midlothian Local Development Plan 2017.*

7. No development shall take place on each phase of the proposed site until the applicant has undertaken and reported upon a programme of archaeological (Historic Building Recording (Enhanced); Historic Building Recording (Appraisal) and Monitored Soil Strip) work in accordance with a written scheme of investigation for that phase which has been submitted by the applicant (or their agent) and approved by the planning authority.

**Reason:** *In the interests of the integrity of any archaeological remains and to accord with Policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

8. Development shall not commence until a scheme of temporary security measures to protect the Rosslynlee Hospital listed buildings site from vandalism have been submitted to and approved in writing by the planning authority. No development shall take place until the approved measures have been implemented in full.

**Reason:** *In the interests of the integrity of the listed buildings and to accord with Policy ENV22 of the Midlothian Local Development Plan 2017.*

9. No dwelling shall be occupied until a scheme outlining the landscaping matters for that phase including full details of both hard and soft landscape works has been submitted to and approved in writing by the planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; a scheme of public art; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (such as street furniture, play equipment, refuse or other storage units, signs, amenity lighting); proposed functional services above and below ground (such as drainage, power and communications cables or pipelines); planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities as appropriate); the identification of all trees and hedgerows to be retained (within the site and on its boundaries) and measures for their protection throughout the course of construction

works; an implementation programme; and a management and maintenance programme. All landscaping shall be carried out in accordance with the approved details and the agreed phasing plan.

**Reason:** *In the interests of the overall design and layout of the development*

10. No dwelling shall be occupied until the vehicular and pedestrian access to it, both onsite and at the junction with the Rosslynlee Hospital access road, and the parking space(s) for it within its curtilage, has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

**Reason:** *In the interests of highway safety and to accord with NPF Policy 14 and 18.*

11. No new build dwelling shall be occupied until details of a sustainability/biodiversity scheme for each phase of the site, including the provision of house bricks and boxes for bats and swifts has been submitted to and approved in writing by the planning authority. Thereafter the works shall be carried out in accordance with the approved details and the agreed phasing plan.

**Reason:** *In the interests of biodiversity and ecology and to accord with NPF Policy 3.*

12. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
  - iv. the condition of the site on completion of the specified, decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

**Reason:** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate*

*decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment; to ensure the remediation works are undertaken and to accord with Policy ENV16 of the Midlothian Local Development Plan 2017.*

13. On completion of any decontamination/ remediation works required in condition 12 and prior to the dwellinghouse being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

**Reason:** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment; to ensure the remediation works are undertaken and to accord with Policy ENV16 of the Midlothian Local Development Plan 2017.*

14. No dwelling shall be occupied until the Sustainable Urban Drainage detention basin approved under 23/00219/DPP and the infrastructure to provide for surface water arising from this site to drain into it, or any subsequent amendments, has been installed in accordance with the approved details.

**Reason:** *In the interests of ensuring satisfactory drainage for the site and to accord with Policies ENV9 and IMP3 of the Midlothian Local Development Plan 2017.*

15. Construction of homes within any phase shall not commence until details have been submitted to and approved in writing by the planning authority of:

- a) the provision and use of electric vehicle charging stations throughout that phase of the development and
- b) a timetable of implementation, of high-speed fibre broadband to each house within that phase.

Development shall thereafter be carried out in accordance with the approved details and the agreed phasing plan, or such alternatives as may be approved in writing with the planning authority.

**Reason:** *In the interests of sustainability and to accord with Policies TRAN 5 and IT1 of the Midlothian Local Development Plan 2017.*



16. No construction shall commence on any individual dwelling(s) pursuant to this permission at:

- Plot 3
- the Village Core

until large scale details of the elevations of the relevant dwelling(s) in those locations have been submitted to and approved in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.

**Reason:** *In the interests of ensuring the high quality of design of the development and to accord with policies and to accord with Policy DEV6 and DEV7 of the Midlothian Local Development Plan 2017.*

17. No dwelling contained within a listed building shall be occupied until the refuse storage facilities to serve that dwelling have been provided in accordance with the approved details.

**Reason:** *In the interests of the amenity of future residents and the character and appearance of the listed buildings and to accord with Policies DEV6 and DEV7 of the Midlothian Local Development Plan 2017.*

18. Notwithstanding the details submitted, development shall not commence until a phasing plan is submitted to and agreed in writing by the planning authority. Thereafter the development shall be undertaken only in accordance with the approved phasing plan. For the purpose of this planning permission the extent of a 'phase' shall be determined in accordance with this condition.

**Reason:** *In order to achieve a satisfactory form of development and to accord with Policy DEV6 and DEV7 of the Midlothian Local Development Plan 2017.*

19. No dwelling shall be occupied until the surface water drainage arrangements to serve it have been put in place in accordance with the approved details and the agreed phasing plan.

**Reason:** *In the interests of ensuring the satisfactory drainage of the site and to accord with Policies ENV9 and IMP3 of the Midlothian Local Development Plan 2017.*

20. Development shall not begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:

- i. Details of a construction access;
- ii. signage for construction traffic, pedestrians and other users of the site;

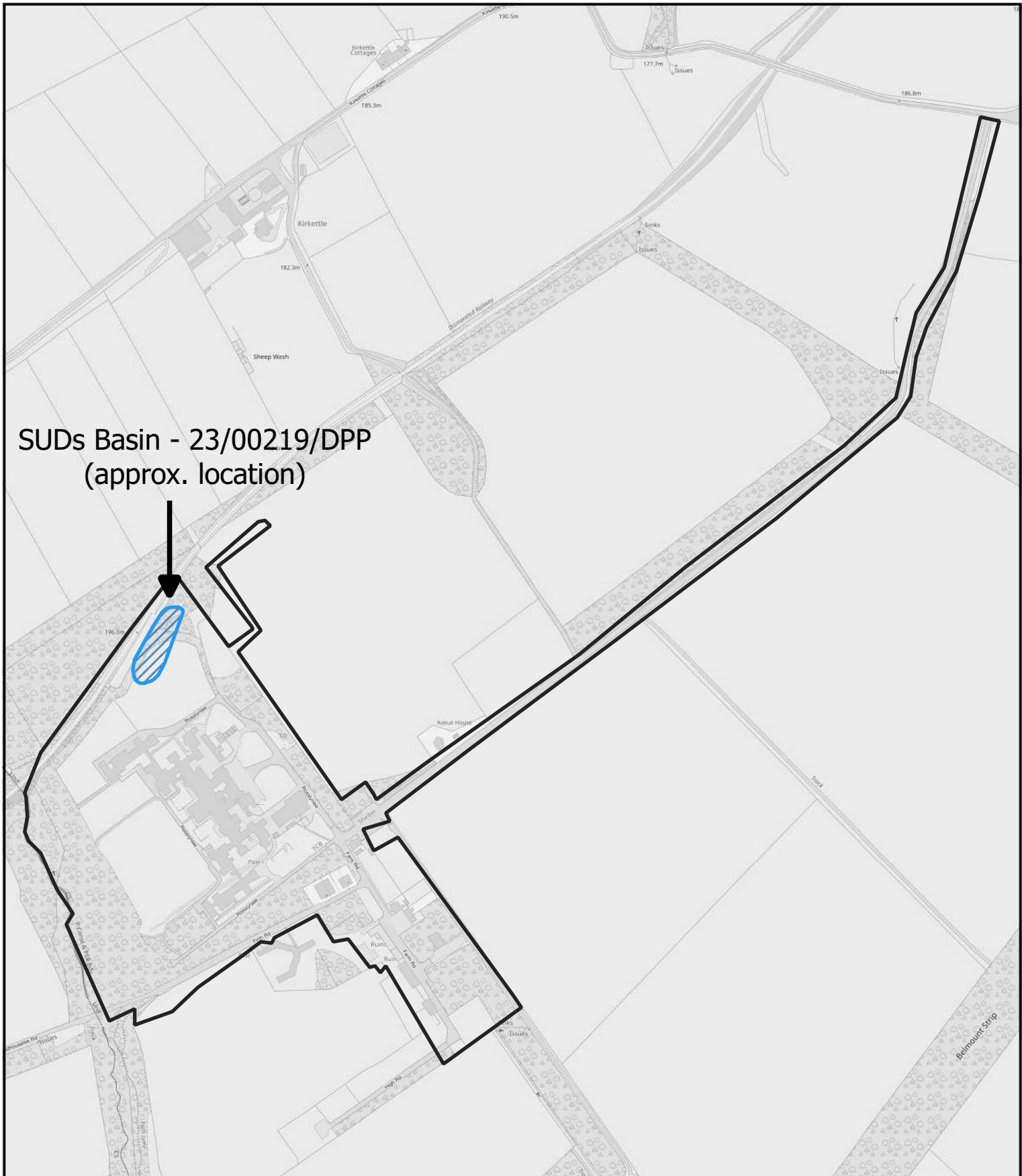
- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan/strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints, regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

***Reason:*** *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 1 March 2023  
**Application No:** 23/00700/S42  
**Applicant:** Oakridge Group  
**Agent:** Nikki McAuley, Ironside Farrar  
**Validation Date:** 26 October 2023  
**Contact Person:** Whitney Lindsay  
**Email:** Whitney.Lindsay@midlothian.gov.uk  
**Background Papers:** Applications - 17/00980/PPP, 17/01001/DPP, 18/00061/LBC, 21/00904/DPP, 21/01025/DPP, 22/00787/DPP and 23/00219/DPP  
**Attached Plans:** Location plan.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Section 42 application to amend condition 14 of planning permission 17/01001/DPP at Former Rosslynlee Hospital, Roslin.

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File No.: 23/00700/S42

Scale: 1 to 5,000 @ A4

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**APPLICATION FOR PLANNING PERMISSION 22/00878/DPP FOR CHANGE OF USE FROM SCRAP YARD (SUI GENERIS) TO WASTE TRANSFER SITE (CLASS 5 GENERAL INDUSTRY) AND CONTRACTORS YARD (SUI GENERIS); AND ASSOCIATED GROUNDWORKS AND CONSTRUCTION WORKS (PART RETROSPECTIVE) AT UNIT 9 RAMSAY COLLIERY, ENGINE ROAD, LOANHEAD**

Report by Chief Officer Place

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## **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for a change of use from scrap yard (sui generis) to waste transfer site (Class 5 General Industry) and contractors' yard (sui generis); and associated groundworks and construction works. The application is part retrospective. The application site is an open yard at the site of the former Ramsay Colliery in the centre of Loanhead.**
- 1.2 There have been 28 representations and consultation responses received from the Coal Authority, Scottish Water, Scottish Environment Protection Agency (SEPA), the Loanhead and District Community Council, the Council's Ecological Advisor (TWIC), the Council's Senior Manager Neighbourhood Services (Roads) and the Council's Senior Manager Protective Services.**
- 1.3 The relevant development plan policies are policies 1, 2, 3, 9, 12, 13, 22, 23 and 26 of the National Planning Framework 4 (NPF4) and policies STRAT1, DEV2, DEV8, ECON1, ECON5, TRAN2, ENV9, ENV10, ENV11, ENV15, ENV16, ENV17, ENV18 and WAST1 of the Midlothian Local Development Plan 2017 (MLDP).**
- 1.4 The recommendation is to grant planning permission subject to conditions.**

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1 Ramsay Colliery is situated to the northeast of the centre of Loanhead. The colliery commenced production in circa 1850 and closed in 1965. The colliery site measures 2.8 hectares and includes seven former pithead buildings. Within the colliery site there are a number of businesses. In addition to the application business there are car repair businesses, a car sales business and a scaffolding yard.**

- 2.2 The application site measures 1.7 hectares and consists of an open yard and a shared access track. The majority of the site is situated to the northeast of the pithead buildings. The site is mostly surfaced with a mix of type 1 hardcore, shale, coal spoil and gravel, with the remaining areas surfaced with concrete, road planings and brick rubble. There is a modular office building at the entrance to the yard, various shipping containers, a concrete block bay used for tipping waste, various pieces of plant and two areas fenced off as storage areas. Access to the yard is via the shared access track which joins Engine Road from where vehicles can gain access to Clerk Street. An unrelated scrap yard business operates from a yard on Engine Road which is adjacent to the Ramsay Colliery site entrance.
- 2.3 The site was used as a scrap yard from 1968 until circa 2020. When used as a scrap yard the majority of the site was covered by scrap cars which were stored in piles of up to five vehicles high. From 2008 until the mid-2010s a skip hire business also operated from an area at the southwestern edge of the site. The waste from the skip hire business remained on the site and was processed circa 2021.
- 2.4 The application site is bounded to the north and northeast by the landscaped former colliery bing. The landscaping consists of woodland planting and an area of grass. The sides of the bing slope steeply downwards towards the application site. To the southeast the site is bounded by the Millerhill-Loanhead-Roslin cycleway which follows the line of a former railway. To the southwest the site is bounded by an adjoining yard area at Ramsay Colliery and by some of the pithead buildings. The edges of the site bounding the bing and cycleway are defined by a corrugated metal fence ranging in height from 2 to 4 metres. A number of stretches of the fencing are in poor condition. The boundary to the adjoining yard is defined by a galvanised steel palisade fence.
- 2.5 The site is identified in the Midlothian Local Development Plan 2017 as forming part of the established economic land supply. The site reference is e6 Engine Road and the indicative uses are Business (Class 4) and General Industry (Class 5).

### **3 PROPOSAL**

- 3.1 The applicant started operating a skip hire business from the site in 2020. The cars associated with the scrap yard use have been gradually removed from the site. There are now no end-of-life vehicle activities carried out on the site. The waste associated with the former skip hire business has been sorted and cleared from the site. A processing bay measuring 25m wide and 45m long has been formed with a concrete base and enclosed with 3.2m high concrete block walls. Waste is tipped in the bay and fed into a trommel and picking station.

- 3.2 A fenced storage area comprising 18 shipping containers arranged in two rows 6m apart has been formed. A skip storage area has been formed and a series of skips are arranged opposite the site office to allow specified contractors to deposit their waste. Various stockpiles of waste and processed waste have been formed at the eastern end of the site.
- 3.3 Retrospective consent is being sought for all of the above works and uses. In addition, further works are proposed which will create additional concrete walled processing bays with concrete bases and storage yards with shipping containers and surfaces formed from road planings. The storage yards and shipping containers are intended for leasing to contractors and tradespeople. The access track will be surfaced with concrete and brick rubble will be used to surface the area opposite the office. The fencing surrounding the site will be repaired and, where necessary, replaced and enhanced. The application form states that the annual capacity of the site will not exceed 25,000 tonnes.
- 3.4 The application is accompanied by:
- Supporting Statement;
  - A statement addressing consultee comments;
  - Two statements addressing points raised in representations;
  - Drainage Statement; and
  - Working Plan.

## **4 BACKGROUND**

### Application Site

- 4.1 Planning application 272/1968 granted planning permission for a change of use from vacant colliery premises. The consented uses were a 0.74 hectare area to be used for industrial processes and a 2.58 hectare area to be used for commercial vehicle and transport businesses. A 1.3 hectare area, including the majority of the current application site, was to be used for the storage of motor vehicles, the dismantling thereof and the storage of dismantled parts of such vehicles. The permission was implemented.
- 4.2 Planning application 08/00777/FUL granted retrospective planning permission for a change of use from scrap yard to waste transfer station. The consent relates to a 715sqm area at the southwestern edge of the application site. The permission was implemented.
- 4.3 As part of the assessment of the current application the planning authority issued a screening opinion for the current proposals on 26 January 2023. The screening opinion confirmed that an Environmental Impact Assessment (EIA) was not required.

### Engine Road Scrap Yard

- 4.4 Planning application 18/00065/DPP for a change of use of land to car breakers' yard at 17-29 Engine Road, Loanhead was granted planning permission by the Local Review Body at its meeting of 20 June 2018.

### Procedural matters

- 4.5 The application is a local development as defined by Class 4 (Waste Management Facilities) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This is due to the fact that the supporting statements state that the annual tonnage of waste processed will be less than 25,000 tonnes per annum.
- 4.6 The application has been called to committee for determination by Councillor Parry. The planning reason for call-in is as follows:
- Due to the number of objections to this application, I wish for the committee to consider and decide.

## **5 CONSULTATIONS**

- 5.1 The **Coal Authority** has confirmed that due to the nature of development the proposal is exempt from the need to consult the Coal Authority. The response notes that Coal Authority records indicate the presence of five recorded mine entries (shafts and adits) within close proximity of the planning application site boundary. The applicant should be made aware of this by way of an informative note attached to any permission granted.
- 5.2 **Scottish Water** does not object to the application. The response advises that Scottish Water records indicate that there is live infrastructure in the proximity of the development area and that the applicant must identify any potential conflicts with Scottish Water assets and contact the Scottish Water Asset Impact Team for an appraisal of the proposal.
- 5.3 The **Scottish Environment Protection Agency (SEPA)** does not object to the application. The initial consultation response, received in February 2023, was a holding objection which requested additional information - following the submission of additional information, in June 2023, a further holding objection was received in August 2023. The second holding objection confirmed that the majority of queries raised in the February 2023 response had been satisfactorily addressed, however additional information on surface water drainage was still required. The additional information was submitted and SEPA removed their holding objection on 8 September 2023.



- 5.4 The September 2023 response confirmed that SEPA were satisfied that greater information and clarity had been provided in relation to the drainage. The response requests that that *“Midlothian Council determines to its satisfaction that the drainage systems mentioned in the statement are adequately sized, verifying the calculations provided by the consultant”*. The response also states that the *applicant must ensure that (when required) effluent is removed by a registered carrier of waste and transferred to an appropriately authorised site. Maintenance checks should also be carried out in line with the manufacturer’s recommendations for the drainage system.*
- 5.5 Following receipt of the consultation response from the Council’s Senior Manager Protective Services the case officer prepared a first draft of conditions and asked SEPA for comments on the interaction of the conditions with the Waste Management Licence (WML) process. SEPA confirmed the following:
- The lead authority for contaminated land is the Council’s own Contaminated Land Officer.
  - The conditions would not create a conflict with a WML.
  - The controls required by a WML would be very limited in regard to vermin control, insect control, bird control or odour control. They would only cover activities specifically licensed by the WML and covered by the Waste Management Regulations.
- 5.6 The **Loanhead and District Community Council** has objected to the proposal. The Community Council has submitted two responses. The first was submitted in February 2023. The grounds for objection in that response were as follows:
- The centre of Loanhead is not suitable for this proposal as it is close to a primary school, new housing developments, Ramsay Law Park and a core path. Midlothian Council should be striving to move heavy industries away from town centres and offer these businesses incentives to relocate to nearby industrial estates which have suitable roads and infrastructure. Relocating the waste transfer station to an industrial estate would allow for the decommissioning of contaminated land at the former Ramsay Colliery and enable regeneration of the site.
  - A waste transfer site with a capacity of 25,000 tonnes per annum will result in 80 single skip vehicle journeys per day. This will create an increase in air pollution, traffic congestion, parking issues and road safety issues, on a road which is an unofficial school route and, historically, had a weight restriction limit and has recently been approved for a disabled parking bay.
  - The proposed hours of operation are unacceptable.

- The provision of containers and yards for small start-up businesses would be better located at an industrial estate rather than in the centre of Loanhead.
- The proposal will have a detrimental impact on Loanhead residents and will result in an increase in dust pollution, particulate (vehicle emissions) pollution, noise pollution and vermin. The site has generated complaints in the past due to the burning of rubbish and wind blown litter landing on the cycleway.
- Loanhead & District Community Council would like the Planning Committee to take into consideration that this particular waste transfer site is located in the centre of our town and we feel this is not an appropriate place for this type of business and, as stated above, it should be relocated to an industrial estate which will allow this land to be decontaminated and brought back into public use.

5.7 The second response was submitted in January 2024 and included comments on the draft conditions. The grounds for objection in that response were as follows:

- Permitting an annual capacity of 25,000 tonnes of waste into the centre of our town is unacceptable. Engine Road is not suitable for the proposed 80 single skip vehicle journeys per day. Allowing this change of use, will increase air pollution, traffic congestion, parking issues and road safety issues, along with litter and vermin, all of which are detrimental to residents and are contrary to the overarching aims of NPF4, which states to support local living, improve community health and wellbeing and empower people to shape their places.
- A condition requiring quarterly returns is unworkable.
- The site encompasses two shafts of the former Ramsay Colliery and is an area of high contamination. This planning application does not comply with NPF4 Policy 14: development should improve the quality of an area. LDCC insists this site undergoes a scheme of decontamination, which would comply with NPF4 Strategies: to protect people from environmental harm, thus improving the environment and human health. The current business, licenced as a scrap yard, should be relocated out with the centre of our town. NPF4 Policy 27 states, to encourage town centre living, where centres are vibrant and healthy. Having a waste transfer site in any town centre is contrary to this policy.
- The site is contaminated, and this contamination needs to be

addressed as a matter of urgency to protect the health of Loanhead residents. Midlothian Council needs to inform rate-payers in Loanhead about this known contamination and the dangers associated with allowing a waste transfer site to operate on this highly contaminated site in the centre of their town. It is unimaginable that Midlothian Council Planning Department is seriously considering permitting a waste transfer site to operate on a seriously contaminated site, fully knowing that **any** disturbance to the ground surface area could and probably would, disturb underground gases and have very serious implications to the known levels of contamination resulting in disastrous consequences for human health.

- 5.8 The **Council's Ecological Advisor – The Wildlife Information Centre (TWIC)** does not object to the application. The screening process has identified the biodiversity protections that apply to the site. Due to the nature of the application the proposal will not have any effect on the biodiversity issues highlighted.

- 5.9 The **Council's Senior Manager Neighbourhood Services (Roads)** does not object to the application. The following comments were provided in relation to surface water drainage:

*The proposed treatment and containment of the surface water run-off outlined in the Drainage Statement would appear to reduce the risk of any surface water flooding arising from the new works.*

The following comments were provided in relation to trip generation and road safety:

*I'm satisfied that this change of use will not significantly increase any road safety risks or cause any traffic congestion in the area.*

- 5.10 The **Council's Senior Manager Protective Services** does not object to the application but recommend that any planning permission includes conditions to ensure compliance with working methods specified in supporting statements and the working plan. Conditions should be attached to control noise, hours of operation, dust and litter. Conditions should be attached to secure site investigations to assess contaminated land and, if required, to secure remediation or mitigation works.

## **6 REPRESENTATIONS**

- 6.1 The application has received 26 objections from individual households and a further objection that included a petition with the names and addresses of a further 19 households. The grounds for objection are as follows:

- Access through Engine Road is currently difficult due to large trucks parking and manoeuvring. The proposal will exacerbate this;
- The increase in traffic will threaten the safety of children walking to Loanhead Primary School;
- The proposal will have a negative impact on the environment and will generate noise and dust;
- The local chapel car park is accessed via Engine Road and the proposal will make access more difficult;
- Access to Canmore Court is already difficult because of the existing scrap yard on Engine Road and the proposal will exacerbate this;
- The smell from the site will be terrible;
- Engine Road is not suitable for HGVs;
- The proposal will have a detrimental impact on the health of children at Loanhead Primary School;
- The proposal will create a poor learning environment at Loanhead Primary School;
- The proposal will create unacceptable air pollution;
- The proposal will result in an increased rodent presence in the area;
- Parking in the area is already difficult;
- Uses like this should be sited on the outskirts of towns and not in the centre of towns;
- The proposal will have a detrimental impact on the viability of Loanhead town centre;
- Engine Road is already covered in dust from vehicles and the proposal will exacerbate this;
- Engine Road already serves three car repair businesses, a scrap yard, a car wash, a scaffolding firm, the existing skip yard and houses on Engine Road and Canmore Court;
- Employees of the businesses throw rubbish and food waste on the street;
- Employees of the businesses regularly drive along Engine Road at excessive speeds;
- The proposal will devalue local properties;
- The proposal will be a fire hazard;
- Vibration from vehicles and machinery will have a detrimental impact on the amenity of local residents; and
- The proposal will result in leakage of toxic waste.

## **7 PLANNING POLICY**

- 7.1 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017.
- 7.2 The following policies are relevant to the proposal:



#### National Planning Framework 4 (NPF4)

- 7.3 **Policy 1 Tackling the climate and nature crisis.** The intent of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- 7.4 **Policy 2 Climate mitigation and adaptation.** The intent of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 7.5 **Policy 3 Biodiversity.** The intent of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 7.6 **Policy 9 Brownfield, vacant and derelict land and empty buildings.** The intent of this policy is to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.
- 7.7 **Policy 12 Zero waste.** The intent of this policy is to encourage, promote and facilitate development that is consistent with the waste hierarchy.
- 7.8 **Policy 13 Sustainable transport.** The intent of this policy is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel sustainably.
- 7.9 **Policy 22 Flood risk and water management.** The intent of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 7.10 **Policy 23 Health and safety.** The intent of this policy is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 7.11 **Policy 26 Business and industry.** The intent of this policy is to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

#### Other National Policy

- 7.12 The Scottish Government's **Planning Advice Note 51: planning, environmental protection and regulation** (PAN51) sets out how the planning system should interact with other environmental protection regimes. To minimise overlap or duplication of controls it is essential

that planning authorities and other protection agencies work together so that controls are applied in a complementary way. Whilst many environmental protection decisions are based on quantitative standards planning decisions have to take into account a much wider range of material considerations and the weight accorded to them.

- 7.13 The Scottish Government's **Planning Advice Note 1/2011: planning and noise** (PAN 1/2011) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.
- 7.14 The Scottish Government's **Assessment of noise: technical advice note** (TAN) provides guidance on the technical evaluation of noise assessment and mitigation.
- 7.15 The Scottish Government's **Planning and Waste Management Advice** provides advice on how development planning and development management can assist in the delivery of Scotland's Zero Waste Plan.
- 7.16 Scottish Government advice Circular 4/1998 (The use of conditions **in planning permissions**) sets out six tests which planning conditions must comply with:
- Necessary;
  - Relevant to planning;
  - Relevant to the development to be permitted;
  - Enforceable;
  - Precise; and
  - Reasonable in all other respects.

#### Midlothian Local Development Plan 2017 (MLDP)

- 7.17 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.18 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.
- 7.19 Policy **DEV8: Open Spaces** states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:
- A. Result in a permanent loss of the open space; and/or
  - B. Adversely affect the accessibility of the open space; and/or

- C. Diminish the quality, amenity or biodiversity of the open space; and/or
- D. Otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.

- 7.20 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses against loss to non-business or industrial uses. Alternative uses for such sites will only be permitted if there is no net detriment to the overall supply of economic land.
- 7.21 Policy **ECON5: Industries with Potentially Damaging Impacts** states proposals for industrial developments of a kind which may give rise to environmental problems will be assessed with regards to the relevant policies and proposals; to expected economic benefits; and to any benefits to the wider environment of locally harmful industrial operations. The Council will require to be satisfied that any such site is either uniquely suitable for technical reasons or has been selected with a view to minimising environmental impact, and not primarily because of the availability of the land to the intended developer or operator.
- 7.22 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the safeguarding of the route of the Millerhill-Loanhead rail line.
- 7.23 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.24 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.25 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature

conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

- 7.26 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.27 Policy **ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the proposed new use in terms of the risk posed by contamination and instability from historic uses.
- 7.28 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.29 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.30 Policy **WAST1: New Waste Facilities** states that the Council will support the formation of new facilities for waste in principle, where they contribute to the sustainable treatment of waste set out in the waste hierarchy and the Zero Waste Plan. The location of waste facilities is supported on sites in the established economic land supply that are allocated for business, general industrial or storage and distribution uses, subject to the Council being satisfied that there is no adverse impact on sensitive uses, including from the transport movements associated with the development.

## 8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

### Principle of development

- 8.2 The site is part of an identified economic land supply site (site e6) in the MLDP and is located within the built up area of Loanhead where there is a presumption in favour of appropriate economic development. The MLDP identifies the indicative uses of site e6 as being Business (Class 4) and General Industry (Class 5), currently there are no Class 4 uses at Ramsay Colliery, with the current uses being a mix of Class 5 and *sui generis*. The current application would regularise an existing



situation that has been in operation for over 3 years. A waste transfer use falls within Class 5 and consequently the principle of such a use at this location is broadly acceptable.

- 8.3 The formation of yards and installation of shipping containers for use by small business contractors and tradespeople is compatible with the other uses at the Colliery site. There is a demand for such facilities within Midlothian and they can play a significant role in assisting business start-ups. Such a use is compatible with the MLDP allocation for the site.

#### Alternative uses for the site

- 8.4 Many of the representations received, and also the comments from the Community Council, have made reference to the possibility of alternative uses for the site. The colliery site has been consistently and intensively used for over 150 years. Whilst the location of the site in relation to the town centre does not reflect modern land allocation practices it is indicative of the long history of the site. The application relates to part of the colliery site with other parts of the site being in separate ownership and use. Refusal of the current application would not result in cessation of industrial uses at the site. Acquiring the site for remediation and redevelopment would be costly and time consuming and could potentially result in the loss of businesses from Midlothian.

#### Transportation and access

- 8.5 The access arrangements for the Ramsay Colliery site reflect the site's long history and are significantly below the standards expected for modern industrial estate developments. At present the business operates five vehicles – three skip trucks, one hook loader and one cage van. The applicant provided a statement on 6 February 2024 in response to representations and the response from the Community Council and advised that the business currently processes approximately 6,000 tonnes of waste per annum and averages 30 vehicle movements per day (one trip being a vehicle movement into the site and a second trip being a movement back out again). Any growth of the business would be incremental and any increase in vehicle movements would be likely to be in the region of an additional 14 to 26 movements per day.
- 8.6 The waste transfer element of the proposal is retrospective and since 2020 the applicant's business has maintained a Goods Vehicle Operator's Licence for five vehicles and two trailers to operate from the site. The Council's Senior Manager Neighbourhood Services (Roads) has considered the information supplied and has no objection to the proposal. As can be seen from the vehicle movements generated by the existing scrap yard business on Engine Road it is unlikely that

vehicle movements would decline if the application site reverted to its former use as a scrap yard.

#### Residential amenity

- 8.7 The waste transfer use has been operating since 2020 and other than queries about wind blown litter the planning authority has not received any complaints about the use. The use has not generated any planning enforcement enquiries. The Council's Senior Manager Protective Services has recommended that conditions should be attached to control noise, hours of operation, dust and litter. The draft conditions attached to this report reflect the comments provided by the Senior Manager and also seek to enforce the measures stated in the Site Working Plan submitted in support of the application.
- 8.8 Granting of planning permission will ensure that the site will be subject to enforceable conditions that will protect residential amenity. It will also enable SEPA to grant a Waste Management Licence. Holders of Waste Management Licences are obliged to provide quarterly returns to SEPA confirming the tonnage of waste processed. Attaching a condition requiring quarterly returns to be submitted to the planning authority will aid in monitoring of the site.

#### Contaminated land

- 8.9 The site's historic use as a colliery and the longstanding use as a scrapyards both pre-date modern environmental standards. The former uses are likely to have resulted in contaminants such as engine oil leaching into the ground. The majority of the ground surface within the site will remain undisturbed and no buildings are proposed as part of the application. The Council's Senior Manager Protective Services has recommended that conditions be used to secure site investigations to assess contaminated land and, if required, to secure remediation or mitigation works at locations within the site where any new areas of hard surface are to be formed.

#### Ground Stability

- 8.10 The consultation response from the Coal Authority notes that their records indicate that there are five recorded mine entries (shafts and adits) within close proximity of the planning boundary. As the proposal is a change of use that doesn't involve significant ground works it falls below the Coal Authority's consultation threshold and is exempt from the need to submit a Coal Mining Risk Assessment. Any issues relating to ground stability will be dealt with via an Informative Note attached to the decision notice.
- 8.11 Matters relating to mine gas emissions are not dealt with in Coal Authority responses, such matters fall within the remit of the Council's Environmental Health function and are assessed as part of

contaminated land site investigations. The proposal does not involve any grouting works or construction of buildings, any gas currently venting via the site will continue to do so.

## 9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

*The site forms part of the established economic land supply and the proposed use is in keeping with the scale and character of the surrounding industrial site. Furthermore, the proposed waste transfer use seeks to be an integral part of the reuse of material economy. As such the development accords with National Planning Framework 4 and Midlothian Local Development Plan policies. Appropriate conditions will ensure that the amenity of residential properties in the surrounding area will be safeguarded.*

Subject to the following conditions:

1. The annual capacity of waste brought onto the site shall be less than 25,000 tonnes.
2. Quarterly returns, detailing the waste brought onto the site in the relevant quarter, shall be submitted to the planning authority.

***Reason for Conditions 1 and 2:*** *The application has been assessed as a Local Development with a capacity of less than 25,000 tonnes.*

3. Prior to the formation of any new areas of hard surface shown on the Proposed Site Plan (drawing number RAM 3A, dated 13/06/23) a scheme to deal with any contamination of the areas to be hard surfaced shall be submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:
  - i. the nature, extent and types of contamination on the site;
  - ii. measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
  - iii. measures to deal with contamination encountered during construction work; and
  - iv. the condition of the site on completion of the specified decontamination measures.

4. On completion of any required decontamination/ remediation works, referred to in Condition 3, and prior to the surfacing works being carried out, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the approved scheme.

***Reason for conditions 3 and 4:*** To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site and the wider environment.

5. Unless otherwise approved in writing by the planning authority the surface water drainage measures detailed in the approved Drainage Statement, dated 25 August 2023, shall be installed and operational within six months of the date of this permission.

***Reason:*** To ensure that surface water run-off is controlled within the application site.

6. For an assessment position 3.5 meters from the facade of any residential property (1 m from the facade in the case of upper floors) the Rating Level of the operations on site shall not exceed the background noise level by more than 5 dB when rated in accordance with BS 4142. The background noise levels shall be LA90 and shall be demonstrated as being representative of the background noise levels for the relevant assessment period of the day and night.

7. The free-field Equivalent Noise level (LAeq, 1 hour) due to the operations shall not exceed 50dBA as recorded at any existing noise sensitive property.

***Reason for conditions 6 and 7:*** To ensure that noise levels are controlled in a manner that is precise and enforceable.

8. Operation of the site shall comply with the approved Dust Management Plan (Appendix B of the approved Supplementary Statement, dated 16 June 2023) or such alternatives as may be agreed in writing by the planning authority.

***Reason:*** To ensure that dust produced by site operations is effectively controlled in order to safeguard the amenity of sensitive properties in the surrounding area.

9. Unless otherwise approved in writing by the planning authority, within 2 months of the date of this permission a 4 metres high boundary fence shall be erected along the external boundaries of the site (i.e. boundaries adjoining land outwith Ramsay Colliery). The fence shall be either solid fencing panels (no slatted or



palisade fencing) or a combination of solid fencing and anti-litter netting with a mesh size of no more than 50mm.

10. For the duration of the site's use as a waste transfer station the applicant shall conduct a weekly litter pick of the neighbouring cycleway and bin. The litter pick shall include land within 20 metres of the boundary fence of the site and shall clear said land of any wind-blown litter from the application site.

***Reason for conditions 9 and 10: To ensure that wind-blown litter from the site is controlled.***

11. No materials (either unprocessed or processed) shall be stored at a height greater than 4 metres above the level of the ground adjoining any materials pile.

***Reason: In the interests of visual amenity and to control wind-blown litter.***

12. Any floodlights and security lights shall be designed and installed such that there is no direct illumination of any residential property, and the lamp design shall be such that the actual lamps and inner surface of the reflectors are not visible from any residential property. In addition, the lighting shall be designed to minimise the spillage of light up into the sky.

13. No operation of plant or machinery shall be carried out on any part of the site outwith the following hours unless otherwise approved in writing by the planning authority on a temporary basis:

Monday-Friday	08:00-18:00
Saturday	08:00-16:00
Sunday	08:00-16:00 (For the purposes of training and maintenance only)

14. No HGV's shall enter or leave the site outwith the following hours unless otherwise approved in writing by the planning authority on a temporary basis:

Monday-Friday	07:00-18:00
Saturday	08:00-16:00

15. Operation of the site shall comply with the Vermin Control measures detailed in Section 9.4 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.

16. Operation of the site shall comply with the Insect Control measures detailed in Section 9.5 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.

17. Operation of the site shall comply with the Odour Control measures detailed in Section 9.6 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.
18. Operation of the site shall comply with the Odour Control measures detailed in Section 9.7 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.
19. Odour emissions shall be controlled to ensure that they are free from any offensive odour, as defined by SEPA Odour guidance 2010 or any guidance amending or replacing said Guidance, when assessed by an authorised officer of Midlothian Council at the boundaries of the application site.
20. Operation of the site shall comply with the Leak and Spillage Control measures detailed in Section 9.10 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.
21. Operation of the site shall comply with the Burning Fires measures detailed in Section 9.11 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.

***Reason for conditions 12 to 21: In the interests of safeguarding the amenity of local residents.***

22. Prior to the erection of any concrete block walls enclosing storage bays details of the location, design and dimensions of the walls shall be submitted to and approved in writing by the planning authority. Once approved, development thereafter shall comply with the approved details.
23. Any storage containers installed on the site shall have a maximum height of 2.59 metres and shall be single stacked.
24. Any palisade fencing erected within the site shall have a maximum height of 2 metres.

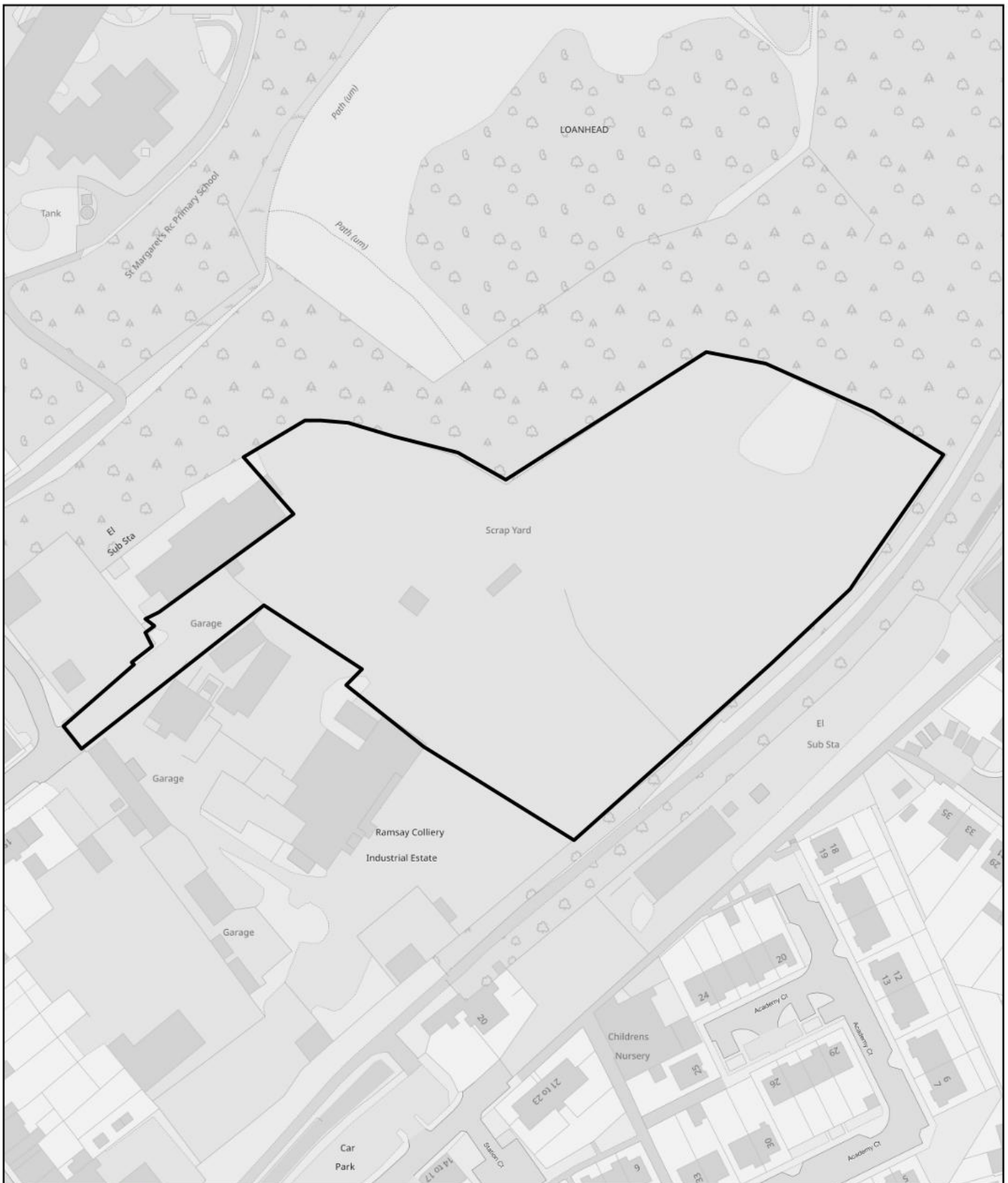
***Reason for conditions 22 to 24: In the interests of visual amenity.***

25. Within 1 month of the date of this permission details of a scheme of controls on the arrival and departure times for vehicles accessing and exiting the site (to minimise interaction with school arrival/departure times) shall be submitted to the planning authority for approval in writing. Once approved the scheme shall be implemented within one month of approval and the scheme, or such alternatives as may be agreed in writing by the planning authority, shall remain in operation for the duration of the approved use.

***Reason: In the interests of pedestrian safety for school users.***

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

<b>Date:</b>	1 March 2024
<b>Application No:</b>	22/00878/DPP
<b>Applicant:</b>	Enviroworx
<b>Agent:</b>	AMS Associates Limited
<b>Validation Date:</b>	13 January 2023
<b>Contact Person:</b>	Graeme King
<b>Tel No:</b>	<a href="mailto:graeme.king@midlothian.gov.uk">graeme.king@midlothian.gov.uk</a>
<b>Background Papers:</b>	272/1068 and 08/00777/FUL
<b>Attached Plans:</b>	Location plan and site plan.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Change of use from scrap yard (sui generis) to waste transfer site (Class 5 General Industry) and contractors yard (sui generis); and associated groundworks and construction (part retrospective) at Unit 9, Ramsay Colliery, Engine Road, Loanhead,

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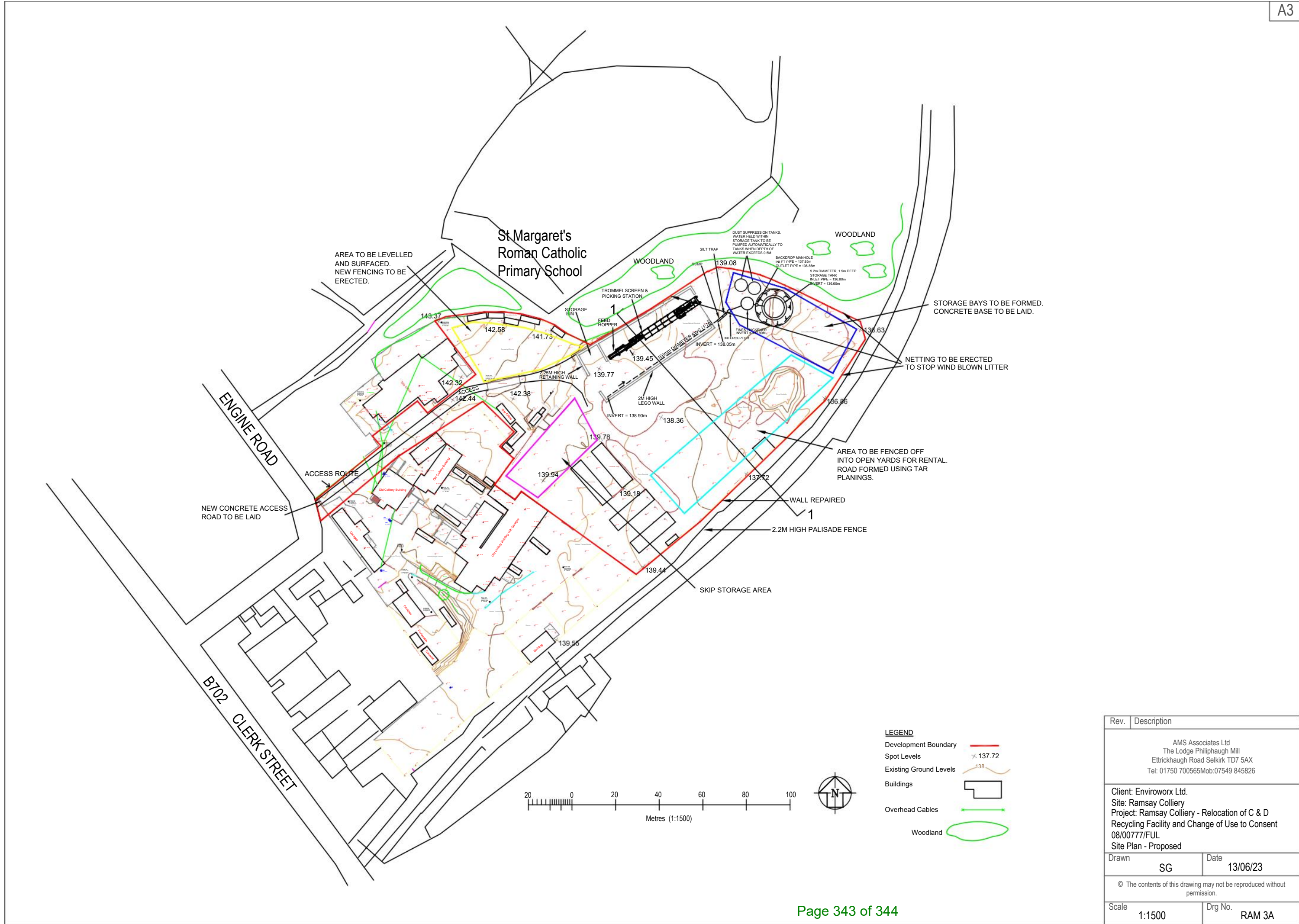
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File No: 22/00878/DPP

Scale: 1:1,500  
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Rev.	Description
AMS Associates Ltd The Lodge Philiphaugh Mill Ettrickhaugh Road Selkirk TD7 5AX Tel: 01750 700565 Mob: 07549 845826	
Client: Enviroworx Ltd. Site: Ramsay Colliery Project: Ramsay Colliery - Relocation of C & D Recycling Facility and Change of Use to Consent 08/00777/FUL Site Plan - Proposed	
Drawn	Date
SG	13/06/23
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Scale	Drg No.
1:1500	RAM 3A

