

BALERNO FORUM

BALERNO COMMUNITY COUNCIL'S **FREE** QUARTERLY NEWSLETTER

<http://www.balerno-communitycouncil.org.uk>

Planning-Farce and Tragedy

In this issue of the Forum we are concentrating on planning issues. For almost three years now Balerno has stood at risk of being overwhelmed by planning applications for large scale housing developments. We hoped that approval by Edinburgh Council of a new Local Development Plan would clarify future policy; but CEC's approach on that has turned the LDP into a farce. The decision in the Ravelrig/Pilmuir appeal in July led to the relocation of BCC's August meeting to the High School Drama Studio which was filled to capacity with over 130 members of the public. It was clear to the Council that there is considerable anger about that decision and anxiety about its implications.

LDP - mince and fantasy

Edinburgh Council's draft Local Development Plan (LDP2) has eventually left the City Chambers two years late, and in tatters, to be scrutinized by a single Scottish Government Reporter appointed to advise Scottish Ministers whether to approve it or not. The approval process will be complicated by the fact that Edinburgh Council clearly had no confidence in the plan they approved.

The Plan was formally approved by the City's Planning Committee on 19 June. However the Planning Committee also commended other sites for development while criticising the sites they had included. In widely reported statements made in and after the Planning Committee's proceedings, some members referred to LDP2 as 'mince' or a 'fantasy'.

The structure of the planning process relies in theory on the creation of Strategic Development Plans for each of Scotland's four largest city regions. In our case the Plan - South East Scotland Plan or SESPLAN - covers Edinburgh, East, West and Mid Lothian and Borders. Each local authority has a local plan in place which has to be revised and updated. In Edinburgh's case there are two current local plans covering the geographical area of the City; both will be superseded by LDP2.

The current plan for Balerno is the Rural West Edinburgh Local Plan dating from 2006. Other authorities may have current local plans which are more recent, and their new LDP's are at different stages of development. For example Borders Council's current Local Plan dates from 2008 and was amended and consolidated in 2010, while their revised Local Development Plan has been with Scottish Ministers for approval since early 2015.

Following the decision by Edinburgh in June the Community Council joined with other Community Councils in the Water of Leith valley in condemning the outcome of the City Council's deliberations on LDP2. The Community Council deprecates the City Council's decision as avoiding a decision on its draft Plan in favour simply of making a recommendation to the Scottish Government's reporter.

The Community Council associated itself with a public statement in which it said that it believed that it is the job of government, including local government, to take difficult decisions, and that it believed that Edinburgh Council might have been able to adjust the draft plan in line with what they effectively recommended at the 19 June meeting (namely the inclusion of land at the Garden District near the Gogar roundabout), some time ago. BCC said that they regretted CEC's delay in this matter, which meant that the draft plan now being forwarded to Ministers clearly did not reflect Edinburgh Council's actual preferences.

(continued on p2)

Ravelrig/Pilmuir

The Planning Reporter appointed to determine the appeal by Messrs Gladman against refusal of planning permission for development at Ravelrig/Pilmuir issued his decision on 27 July allowing the appeal subject only to completion of planning agreements between the developer and the City Council.

The Community Council is extremely disappointed by this outcome which it believes would not have been made had the City Council produced the Local Development Plan to timetable. The Council's August meeting was given over to discussion about the decision and the situation of the LDP. It was attended by over 130 residents many of whom commented and asked questions of the Community Council and local politicians.

While the Reporters' decision is final it is subject to an appeal to the Court of Session on a point of law. An appeal may be taken by a "person aggrieved" by the decision and any such appeal must be made within six weeks of the date of the appeal decision - that is to say by 7 September. An appeal to the Court of Session can only be made on a point of law, not the planning merits of the decision. A "person aggrieved" is not defined in statute, but can include the relevant local authority, a neighbouring landowner or pressure groups that appeared at the public inquiry.

The Council does not find the Reporter's decision impressive. For instance, the reporter relied on the developer's claims that there is only a 3-year supply of building land, but does not seem to have checked this with CEC. He appears to ignore the fact that the building industry is flat and that there is a skills shortage such that the workforce is not there to provide all the houses that the Scottish Government say are needed. The Reporter's comments on transport seem at best imprecise; he appears to think that the extra traffic from 120 houses at Pilmuir will be acceptable whereas 280 houses at Cockburn Crescent will cause problems at the Bridge Rd/Lanark Road West junction. He seems dismissive about pollution suggesting that any housing estate of this size will create pollution so it doesn't matter.

The Community Council believes that, contrary to the view of the Reporter, allowing the appeal will inevitably have an effect on the future progress of the Local Development Plan. We are not aware from the decision of any basis on which the Reporter was entitled to take the view that there would be no such effect.

The issuing of the decision, coincidentally on the same day as Barrat David Wilson's PAN exhibition, at the height of the holiday season was singularly unfortunate.

BCC is in touch with CEC about the options for challenging the Reporter's decision.

LDP - Mince and Fantasy *(continued from front page)*

BCC feared that as a result of the LDP process the uncertainty hanging over planning decisions would intensify and would continue to unsettle citizens in particular in the South West of Edinburgh. The decision on the Ravelrig/Pilmuir appeal can be seen as a consequence of Edinburgh's failure to address the LDP issue within the timescale it had earlier indicated.

LDP2 will now be considered by a Scottish Government Planning Reporter and is not expected to emerge from that process before mid 2016 at the earliest.

Independent experts anticipate that the Scottish Government Reporter will recommend significant increases to the land supply proposed in LDP2 and in doing so to allocate a number of those sites which the Council has sought to exclude from the LDP. Experts have also advised that for the time being there being no up-to-date local plan, planning applications for new housing development that inevitably end up at appeal will continue to be overturned by Ministers. Experience at Ravelrig/Pilmuir does not support that conclusion, and BCC will be seeking assurances from both government and Edinburgh Council about what steps they intend to take to ensure that LDP2 can be quickly finalised and the current chaos resolved.



Barrat David Wilson and Cockburn Crescent; again

Balerno Community Council is surprised and disappointed that Barrat David Wilson have presented a further Proposal of Application Notice indicating an intention to seek planning permission for development at Cockburn Crescent., It is just over a year since their appeal against refusal of permission in principle was dismissed.

The Council noted the details of the PAN at the public exhibition held on 27 and 28 July in the Community Centre, and did not see any material changes in the proposal which seems to be a carbon copy of the original as presented by the company in February 2013. The Council is also disappointed that the applicants chose to conduct the exhibition during the school holiday period thereby depriving many residents of the opportunity to give their views.

The Cockburn Crescent site is not included in the draft Local Development Plan submitted to Scottish Ministers in June by City of Edinburgh Council. The Council is not aware of any good reason why the decision of the Reporter, in April of last year, refusing the previous application should not apply equally in relation to this new application, and the Community Council will object to any planning application lodged in relation to the site following the recent PAN process. We anticipate such an application will be lodged in the early autumn.

The public exhibition comprised 3 display boards attended by representatives of the developer; the exhibition mounted by the same developer for the same site in February 2013 comprised 6 boards with considerably greater detail than was offered in the present PAN process. The present developers also engaged in a PAN process in 2014 relating to 50% of the site. That 2014 PAN was lodged immediately prior to the dismissal of their appeal against refusal of their 2013 planning application. However that PAN did not result in an application.

The current PAN indicates an application for 280 houses – as in the unsuccessful 2013 application – including 75 'affordable homes' – again as in the 2013 application.

The exhibition further suggested that 'Balerno had not been subject to major housing development for the last 15 – 20 years and has received a disproportionate amount of residential development compared to the rest of Edinburgh'. It is difficult to fathom the thinking behind such a comment. In our view there has been significant expansion in Balerno over the past ten years. While the 2001 census gives the population as 6031, in advance of the release of 2011 population figures anecdotal references have appeared quoting population now at @8000. The assertion implicit in the developer's presentation that somehow Balerno has 'got away with it' is wrong in fact and seems to suggest planning on the basis of a community obligation rather than the application of proper planning criteria.

The PAN exhibition included a number of inaccuracies. It suggested that the draft LDP did not include any housing land allocations within Balerno; however the draft LDP currently with the Planning Reporters includes a proposed site at Newmills and that is clearly within Balerno. Interestingly the current application made no reference to the developers' unsuccessful appeal against the refusal of their 2013 application. Neither did it refer to their 2014 PAN process. And most interesting of all it did not attempt to answer in any way the various points which had been raised in the Reporters decision of March 2014 disposing of the appeal against refusal of the 2013 application.

In the opinion of the Community Council this PAN exhibition was no more than the developer going through the motions, gave little if any actual information and verged on being an insult to the intelligence of the residents of Balerno.

The Council also believes that there is something seriously wrong with a planning system which apparently allows repeated applications for development on a site which falls within the Green Belt, for which permission has been refused and where that refusal has been confirmed on appeal.

Time to sort out the planning system

The process for formulation of the (still) current draft City of Edinburgh Local Development Plan started in 2009. Assuming it is now on track for approval it will be at least two years late and is already trailing havoc in its wake.

Wisely the City Council did not set a target date for completion of the Draft Plan until 2011 when it said the Plan would go to Ministers for approval in 2013, and be in place by end 2014. The purpose of the Plan is to provide certainty allowing development to proceed in an orderly fashion. Instead, the failure of the City Council to adhere to its timetable has resulted in a chaotic appeal-led process in which developers rush pell mell to press their claims relying on a process in which final decisions are made by a single Reporter who looks only at the particular case before him or her. The fault for the failure of the City Council to meet its timetable is admittedly not being laid only at its door. The continuing debate over the precise levels of housing need within SESPlan and in particular the Edinburgh area rumbled on throughout 2014, and the SESPlan targets are still not accepted as valid. Those targets are agreed by local authorities but on the basis of mandatory guidance from Scottish Government.

If, however, the 2011 timetable for completion of LDP2 by 2014, had been applied then we would not have had the (various) Cockburn Crescent applications, the alarms and excursions over Goodtrees, Harlaw Gait or Glenbrook. We would not be facing an application over Newmills, the possible inclusion of which by CEC in LDP2 had not been trailed in advance. Nor would we have been faced with an appeal ruling allowing building at Ravelrig/Pilmuir.

There is also something unsatisfactory about a planning scheme which trumpets the centrality of local democracy in decision making, but which places the final decision in the hands of an individual Reporter before whom those most closely affected have no rights of oral representation, and from whose decision there is only a limited right of appeal.

The LDP2 process was and is unsatisfactory. While there will always be a gap between SESPlan and LDP completion dates, Government must ensure that developments which are clearly at odds with planning authority policies cannot be pushed through during that gap. Otherwise we will simply see the legitimate interests and concerns of communities being ridden over rough shod and dismissed. And in that situation it is no exaggeration to say that the identity of communities themselves is put at risk.

This community has been under siege for three years now from developers who see opportunity in the chaos of the SESPlan and LDP process. Balerno Community Council believes that steps must be taken urgently to ensure that our planning system serves the interests of the community rather than those of developers.

Three cheers for the 3G pitch!

The new 3G pitch at Mallyn Park was officially opened by Jamie Hepburn, Minister for Sport, Health Improvement and Mental Health and Councillor Ricky Henderson, Health and Social Care Convener for the City of Edinburgh Council on 5 June, the day after BCC's Annual General Meeting.

At its August meeting - the first following the June meeting - BCC congratulated all who have been involved in delivering the project. While there were teething problems at the start following the official opening these have been largely dealt with and CEC have undertaken to carry out some further minor works to ensure that the pitch can be used to the full when not required by Balerno High School.

The project was paid for through the Cash back for Pitches Programme which provided £305,000 towards the cost of the new pitch at Mallyn Park, Balerno which will be officially opened. The pitch, designed for both rugby and football, will primarily be used by Balerno High School, local primary schools, Currie RFC and Currie Star FC.

The funding for Mallyn Park has been provided by Scottish Government Cashback for Pitches programme - Cashback for Communities - £200,000, Sportscotland £55,000 and the Scottish Landfill Communities Fund £50,000 with the rest coming from the City of Edinburgh Council.



Pentlands Neighbourhood Partnership

In Edinburgh, Neighbourhood Partnerships bring together service providers, communities and other local interest groups, with the aim of working together to improve the area.

While the Pentlands Partnership Board has been formally established as an advisory committee to the City of Edinburgh Council, all of Edinburgh's main service providers are committed to improving the community through working in partnership. The Pentlands Neighbourhood Partnership works to highlight local issues, and drives work to tackle them through its Action Groups.

The Neighbourhood Partnership Community Grants Fund is a small grants scheme (provided by the Council). Neighbourhood Partnerships can award small grants of up to £5,000 (although this varies between Partnerships) to constituted groups for local community activity that supports the work of the Neighbourhood Partnerships and their Local Community Plans. Grants can be applied for throughout the year.

If you want to know more about Pentlands Neighbourhood Partnership, including the grant then go to <http://www.edinburghnp.org.uk/neighbourhood-partnerships/>.

Balerno High School – possible investment

In August CEC published a report for consideration in September concerning Future Investment in Schools and listing Balerno High School as one of four secondary schools to be considered for possible investment or replacement, renewal or upgrade. In identifying the schools CEC noted that the four schools had not had any significant investment in the last fifteen years.

The report assessed both suitability and condition of each school in arriving at the final list. Condition assessed principally the physical condition. The report noted that the overall condition of all schools had been exacerbated by a lack of planned preventative maintenance. Suitability relates to how well the design and layout of a school building and way it works as a whole and in combination with its grounds supports quality learning; in short how well does the school meet the needs of users.

Balerno's 'condition score' was noted as lowest at 55% as against the next lowest, Trinity (58%). Balerno's suitability was assessed at 59% against Trinity 54%. Balerno is ranked overall as C, poor, and BCC will be pressing Councilors to ensure that Balerno High School receives funding to ensure that its condition is raised to B, satisfactory, as soon as possible.

Balerno e-Forum - keeping you in touch

BCC launched their new e-Forum newsletter this month, and we'd like to know what you think of it!

This is the twelfth issue of Balerno Forum and BCC hope to continue publishing the full printed version of the Forum at least three times a year. However the Council also hopes to be able to publish the shorter e-version on at least a monthly basis. We want to be able to keep residents up to date with current issues and we're aware that many people may not have easy access to the printed issues. At present we distribute the Forum through the Balerno Farmers Market and we also place copies in Balerno Library, The Mill Cafe, Balerno High School, Balerno Post Office, Currie Rugby Club and Balerno Bowling Club as well as the Grey Horse, the Mallyn Arms and local shops.

To publish the e-version we really need an electronic mailing list. The first issue was distributed with the help of several local organisations, but we realise that we need to have our own Community Council e-Forum mailing list. If you'd like to receive the e-Forum therefore then please either contact the Community Council through the 'Contact Us' tab on the website or cut out and complete the slip printed below and hand it in at Balerno Post Office.

Balerno e-Forum

Please send me copies of the e-Forum at the e-mail address below

.....
signed

Address

date post code.....

Grass, weeds and Living Landscapes

BCC has received complaints over the summer about CEC's grass cutting and maintenance in general of green areas.

In some areas grass was standing over two feet high on verges and in particular, in the area behind Mallyn Gardens. Grass was so high that it was effectively closing off that area to children and the area was turning into a field of weeds while hay fever was being exacerbated and the midge problem made worse. BCC is also aware of other contacts direct between residents and the City Council. In most cases contact did result in action being taken; BCC is concerned however that there does not appear to have been any real system in CEC's approach to the work.

BCC have been in regular contact with CEC about grass cutting and maintenance for at least seven years. This year however the frequency of grass cutting has been reduced even below its previous unsatisfactory level. The reasons for that reduction seem to arise from a combination of spending cuts imposed on the City Council and CEC's Living Landscape initiative. The Living Landscape initiative, launched in November 2014, aims to create a 'city fit for the future with healthy and beautiful areas that are resilient to climate change'. The policy talks of creating wild flower meadows, but the CEC website shows only one such in west Edinburgh (at Muirwood Road). The only designated Living Landscape areas planned for Balerno appear to be behind Mallyn Avenue and on the south and west verges of Cockburn Crescent. The action proposed by the City for those areas is to reduce the grass cutting from 'Standard Amenity Grass' to 'Low Maintenance Grass'. BCC fear that the real reason for the reduction in service is simply to achieve savings, with no mention of creating flower meadows, or any of the other aims of the Living Landscapes initiative.

BCC are happy that Mallyn Avenue residents have agreed a compromise with CEC on grass cutting, but we would hope that in future CEC would carry out meaningful consultation with residents before simply introducing initiatives which can impact seriously on their quality of life.



Ricky Henderson's Column

I share the sense of disappointment and bewilderment felt in Balerno following the Scottish Government appointed Reporter's decision to overturn the Council's refusal of planning permission for 120 houses at Ravelrig / Pilmuir.

At a recent public meeting local residents, Balerno Community Council and Balerno Green Belt made it very clear that this latest attempt to breach the Green Belt will not be allowed to proceed unchallenged. Given that this site was not even proposed for inclusion in the latest Local Development Plan it came as a complete surprise to see this application endorsed and the democratic decision of the Council's Planning Committee overturned by a civil servant. Unfortunately, options may be limited but I will support any initiatives that may be successful in having this rogue decision reconsidered and am actively seeking further information on the possibility of a legal challenge.

On a brighter note, it was a great pleasure to accept an invitation to say a few words at the official opening of the new all weather football / rugby pitch at Malleny Park recently. Having commissioned a Council report back in 2008 that identified the need for better sports facilities in Balerno I am acutely aware that the local community has been campaigning for this for many, many years. A real partnership effort, involving numerous local and national organisations the pitch will be formally allocated for use by Balerno High School, Currie Rugby Club, Currie Star FC and Currie FC as well as being available for public booking when not in use by the clubs. It's great that local youngsters will be able to take advantage of top class facilities and this will be a huge benefit to the high school and sports clubs.

Contact Details –

If you want to raise any issues with me I can be contacted by telephone on 0131 529 3269 or by e-mail at ricky.henderson@edinburgh.gov.uk



The Scottish Parliament
Pàrlamaid na h-Alba

Gordon Macdonald MSP
Member of the Scottish Parliament for
Edinburgh Pentlands Constituency

Pentlands MSP - ADVICE SURGERIES

Wester Hailes Library	1 st Monday of the Month at 6.30pm
Carrickvale Community Centre	2 nd Monday of the Month at 6.30pm
Currie Library	3 rd Monday of the Month at 6.30pm
Pentland Community Centre	4 th Monday of the Month at 6.30pm
Ratho Community Centre	5 th Monday of the Month at 6.30pm

See details @ www.gordonmacdonaldmsp.info

A message from Bill Henderson



Balerno

Environmental centre of Excellence ?

With the Harlaw Hydro project about to become a reality and the employment of a new Balerno Village Trust Development Manager, Shona MacMillan starting next week, followed by the new Administrator, Clare Flenley towards the end of July, thoughts have moved towards the future. Balerno is a hive of activity and innovation. We have at present, in addition to the Hydro, many excellent schemes and projects such as the Music Festival, Village Screen, and Farmer's Market combined with Fairtrade Village status with more in the pipeline e.g. the walled garden. This is all symptomatic of a vibrant community but where do we go from here?

I recently visited a solar house in Dundee which uses renewable technology and acts as an advice centre. The house was a former janitor's house which had fallen into disrepair and was upgraded to the best standard of the time (see <http://www.solarcityscotland.org.uk/>). This got me thinking, could do the same or better in Balerno? There is a desperate need to have a base for the various community projects and where better than the disused janitor's house at the high school. Could we turn this run down building into an environmental centre showcasing the best in building insulation, solar energy, wind power and hydro electricity generation? Using the expertise & knowledge available locally we could turn this building into a visitor, advice & educational centre for Edinburgh and at the same time have a base for community projects? I believe we can.

The adaptation of the janitor's house to be a well insulated building powered by solar, hydro or heat pump technology should be achievable with the expertise we have on our doorstep. By expertise I mean using the knowledge of the people involved in the Hydro Project, hopefully Heriot Watt University, Edinburgh Council, school pupils & others. The ability to have educational tours to see not just how the hydro scheme works but to visit the walled garden to see community gardens and allotments, visit the beehives and see how bees have a major impact on food production, access to the Pentland Hills seeing a working park where farmers farm side by side with recreational activities, to be able to showcase the work of SASA in crop diseases, raptor poisoning and so much more would be amazing.

On the practical side people interested in renewable energy could pop in for advice and let's not forget the fair-trade aspect. The benefits of paying a fair price for produce could be highlighted. A win-win situation.

Dominic Heslop writes



Most people in Edinburgh know the village of Balerno. Sitting beneath the Pentland Hills and adjacent to the Water of Leith, it exists in a spectacular setting. The village itself is almost circular in form giving it a sort of compact nature. Added to this is its vibrant spirit, a thriving Farmers' Market, a spectacular Music Festival, active Parent Councils, numerous volunteer groups and a team of dedicated individuals who make up the Community Council.

However, for many of its residents there is a feeling that it sits under a cloud. The mantra I frequently hear is "Balerno is under siege". And the reason? It is constantly faced with large-scale housing planning applications in the Green Belt. I fully accept that Balerno is a place where many people would like to move to for the reasons I have outlined, but what is the point of having a Green Belt if it is simply ignored and planning applications for housing are approved.

Last month we saw what was described to me by a constituent as "a travesty for local democracy". I agree. Balerno now faces yet another struggle to stop unsympathetic housing development in the Green Belt. This is because of the chaos brought about by the City's failed planning process, whereby decisions are often taken out of the hands of elected members to unelected civil servants.

As a member of the Planning Committee, I voted against the Ravelrig application when it came before us and no sooner had that decision been taken Gladman chose to disregard the settled will of elected members by lodging an appeal. Now we have an unelected individual overturning that decision.

In effect we now operate under a system of 'planning by appeal', another mantra felt by many people, whereby developers can seek to alter democratic decisions that they do not like.

Balerno has suffered with various applications coming forward, unsettling local residents time and time again. One appeal can be dismissed only for a developer to come forward again with a slightly modified application, as we have seen with yet another application for Cockburn Crescent.

Rarely, are infrastructure implications taken into account; one only has to look at Lanark Road and Lanark Road West which can barely cope with existing traffic, to realise that any further housing developments in Balerno will exacerbate the problem.

Ravelrig epitomises what is wrong with the planning system in wearing down local communities which lack the time and resource of developers, but residents should keep supporting the Community Council and Balerno Green Belt to ensure the most appropriate planning for our area.