

# Development Management Sub Committee

**Wednesday 24 September 2014**

## **Application for Planning Permission in Principle 13/05302/PPP**

**At Land 447 Metres Northeast Of 545, Old Dalkeith Road,  
Edinburgh  
Cemetery, Crematorium, Memorial Garden, Chapel of Rest  
and associated development.**

<b>Item number</b>	5.2
<b>Report number</b>	
<b>Wards</b>	A17 - Portobello/Craigmillar

### **Summary**

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The site is within the green belt where only limited uses are permitted. The proposed use is not an appropriate green belt use and it has not been sufficiently demonstrated that the proposal meets a national priority or an established need and that no other suitable sites are available. The proposal will alter the characteristics of the Edmonstone Estate which is an important local landscape in its own right and will prejudice the open space designation that covers the site. There is an outstanding objection from SEPA in relation to concerns over the impact of burials on the water environment. There are no material considerations which justify a departure from the development plan.

### **Outcome of previous Committee**

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This application was previously considered by Committee on 13.08.2014

Conditions of Approval - This application was recommended for refusal. The Committee decided to approve the application and it is returning to Committee to agree the conditions of consent as set out in the addendum in section 3 of the report.

## Links

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[Policies and guidance for this application](#)

NSG, NSGD02, NSGCDF, NSGCGB, LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD8, CITE3, CITE8, CITE9, CITE10, CITE12, CITE15, CITE16, CITE18, CITT1, CITT2, CITT4, CITT6,

# Report

## **Application for Planning Permission in Principle 13/05302/PPP**

### **At Land 447 Metres Northeast Of 545, Old Dalkeith Road, Edinburgh Cemetery, Crematorium, Memorial Garden, Chapel of Rest and associated development.**

#### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

#### **Background**

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##### **2.1 Site description**

The site, covering approximately 27 hectares, is situated within the grounds of Edmonstone Estate within the southeast area of the city.

The estate is a non-inventory designed landscape on the Edmonstone ridge. It is bounded to the south by Old Dalkeith Road. To the east is the Wisp which forms the boundary with Midlothian. East of the Wisp is the settlement of Danderhall. To the north are open fields and to the west are fields adjacent to the BioQuarter.

Edmonstone House was demolished in the 1950s. However, the policy woodland, gate houses and perimeter walls, walled garden and ha-has, as well as ruins of the former stable block still remain.

The land is located with the Green Belt and is within a Local Nature Conservation Site. Part of the site is an open space proposal in the adopted local plan. These designations are carried through in the Proposed Local Development Plan which also identifies the site as a being within a candidate Special Landscape Area.

The trees within the estate are covered by a Tree Preservation Order (TPO) confirmed in July 2008 (reference No.1542008).

The east gates and lodge are category B listed (reference 49519, listed 7 October 2003). The south gates and lodge are also category B listed (ref 49518, listed 7 October 2003).

An enclosure lies to the north of the site and is a scheduled ancient monument.

Access is currently taken from the Wisp and Old Dalkeith Road.

## 2.2 Site History

Relevant applications within the area:

14 February 2008 - outline planning permission for an 80 bed private hospital on the site of the former house, granted subject to a legal agreement to secure the reinstatement of the designed landscape, including use of the policies as a country park and transport contributions (application reference 04/03551/OUT).

27 July 2010 - outline planning permission for a residential care village on the field to the south of the hospital site (and south and west of this application site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (application reference 08/00934/OUT).

27 July 2010 - outline planning permission for the erection of a care home in the walled garden (to the west of this site), granted subject to a legal agreement to secure a landscape strategy and transport contributions (application reference 08/00936/OUT).

6 December 2011 - Proposal of Application Notice for residential development of two storey houses with associated roads and landscaping on land to the west of the site (and access to the north) (application reference 11/03928/PAN).

8 November 2011 - full planning permission granted to form access road at the north of the site to serve private hospital, care home, care village (application reference 11/02143/FUL).

11 November 2011 - listed building consent granted to relocate existing stone gate posts at the East Lodge (application reference 11/02145/LBC).

6 June 2012 - section 42 application to extend the outline hospital consent (04/03551/OUT) for a further 3 years, approved subject to a legal agreement to deliver the landscape restoration and remaining transport matters in accordance with the original hospital consent. The legal agreement has not been signed (application reference 12/00764/FUL).

11 October 2012 - planning permission for residential development with associated roads and landscaping refused on land largely to the west of the site in the walled garden and eight acre field refused. The decision to refuse the application was appealed to the Scottish Ministers. The appeal was allowed, subject to a legal agreement, and a decision notice was issued on 20 September 2013 (application reference 12/01624/FUL).

3 April 2013 - Proposal of Application Notice submitted covering a wider site for residential development and ancillary uses and formation of community parkland (application reference 13/00928/PAN).

5 November 2013 - Proposal of Application Notice submitted for an amendment to existing consent 12/01624/FUL for residential development to amend housing mix on land largely to the west of the site (application reference 13/04630/PAN).

18 December 2013 - application submitted on the same site for a cemetery (including provision for woodland burials), memorial garden, chapel of rest and associated development (application reference 13/05235/PPP).

3 March 2014 - application submitted for residential development, ancillary uses and associated development on the same site (application reference 14/01057/PPP).

15 April 2014 - listed building consent granted to alter and renovate derelict listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse, with associated access and landscaping (application reference 14/00695/LBC).

24 April 2014 - application granted for renovations and alterations to the listed south lodge (545 Old Dalkeith Road) to form single dwellinghouse with associated accesses and landscaping (application reference 14/00694/FUL).

11 June 2014 - application to amend existing consent 12/01624/FUL (residential development) to revise housing mix and elevations 'minded to grant' (application reference 14/00578/FUL).

25 June 2014 - planning permission 'minded to grant' for ground stabilisation works (application reference 14/01166/FUL).

## **Main report**

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

The proposal is for a cemetery (including woodland burials), chapel of rest, crematorium, memorial garden, flower kiosk, maintenance yard and associated access, footpaths and car parking. The applicant has indicated that the proposal is inspired by the Stockholm Woodland Cemetery, which is now a World Heritage Site.

The two main buildings are the crematorium and chapel of rest. The crematorium building is indicatively located at a more northern central part of the site, adjacent to the existing central woodland area. The indicative building details show a modern building of 5m up to the eaves with a notional height of 12m at its highest point, which is below the height of the trees at 15m.

The chapel of rest is indicatively located further south but still next to and partially enclosed by, the existing woodland. The indicative building details show a building of 5m up to the eaves with a 5-12m high roof zone against a tree height of approximately 15m.

A small flower kiosk is proposed on the main access road and a maintenance yard is proposed in a southern area of the site.

No information has been provided in relation to the anticipated number of burials or capacity of the site.

It is proposed that the existing landscape is supplemented with further tree planting and other landscape interventions.

Two potential landscape layouts have been provided. One is influenced by an earlier 1854 layout, which creates a central planted area running north/south through the current open parkland area. Additional planting is proposed on the periphery of the site.

The other is largely based on the current landscape with it retaining a more open central area with the parkland trees and additional planting on the periphery of the site.

A new tree lined vehicle access is proposed from the Wisp by creating an opening through the existing wall. Footpaths are shown throughout the site and link through to the surrounding areas. Access is to be gated and open to the public between dawn and dusk.

The indicative layout provides for 72 parking spaces for the chapel and a further 100 spaces for the crematorium.

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Pre-application Consultation Report
- Planning Statement
- Landscape Appraisal, Design Statement, Landscape and Visual Assessment (including Tree Survey)
- Transport Statement
- Ecology Report
- Archaeology Report
- Site Investigation Report
- Health and Safety Consideration relating to Shallow Mineworkings Report
- Hydrogeological Risk Assessment incorporating Water Features Survey
- Drainage Statement
- Needs Assessment and supplementary information.

### **3.2 Determining Issues**

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the principal of the proposed development is acceptable;
- b) the proposal is acceptable in relation to the open space designation;
- c) the proposal will have and adverse impact on the landscape;
- d) the proposal will have any adverse impact on the setting of any scheduled ancient monuments, inventory sites, listed buildings or archaeological remains;
- e) the proposals provide a development of appropriate design quality;
- f) the proposal will have an adverse impact on local biodiversity;
- g) the proposals are acceptable with regards to ground stability, contamination and the water environment;
- h) the proposals are acceptable in relation to transport matters and air quality;
- i) the proposals will be detrimental to the amenity of neighbours;
- j) the proposal will meet sustainability criteria;
- k) any impacts on equalities or human rights are acceptable; and
- l) comments raised have been addressed.

#### a) Principle

The site is within the Edinburgh Green Belt as identified in the adopted Edinburgh City Local Plan (ECLP).

ECLP Policy Env 10 Green Belt criterion a) states that development in the Green Belt will not be permitted unless necessary for the purposes of agriculture, woodland and forestry, horticulture or for a countryside recreational use compatible with an agricultural or natural setting.

The glossary within the ECLP includes a definition for countryside recreation; "Passive or active outdoor recreational pursuits or land uses". The proposal for a cemetery and crematorium does not fall within the definition of countryside recreation as defined in the ECLP.

The application site remains in the green belt in the Second Proposed Local Development Plan and the proposal is contrary to policy Env 10 of the Proposed LDP. It is not considered that a countryside location is essential for the proposal.

Scottish Planning Policy (2014) paragraph 52 states that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available.

The site contributes to the Central Scotland Green Network (CSGN), a national development in National Planning Framework 3. Whilst the proposed use is not the type of open space envisaged in this location (see section 3.3b), it would not undermine the objectives of the CSGN.

#### Needs Assessment:

Planning authorities assess current and future needs for open space by carrying out open space audits and preparing open space strategies. The Council's Open Space Strategy was published in September 2010. This explains that the new cemetery at Craigmillar Castle Park is expected to provide sufficient capacity to meet the city's needs for the next 50 years. However, there is considered to be an identified need for additional burial grounds in the Queensferry / Kirkliston area. The Strategy is due to be reviewed in 2015.

A needs assessment has been submitted with the application. No alternative sites outwith the Green Belt have been considered as advocated in Scottish Planning Policy. The maps within the needs assessment do not appear to include all cemeteries within the catchment area.

In Edinburgh the three existing crematoria at Mortonhall, Warriston and Seafield carried out 5387 cremations in 2011, 5052 in 2012 and 4914 in 2013.

In the statement supporting the application it is put forward that the target on a qualitative basis for most UK crematoria operators is between 1100 and 1500 per year per crematorium. Based on the 2012 figure this would equate to an average of 1684 per year per current crematoria. If the proposed Edmonstone facility was built, based on the 2012 figures, this would equate to 1263 cremations per each crematorium.

The split of cremations is actually Mortonhall undertaking approximately 2500 cremations, Warriston 1750 and Seafield 800. However, at 100% capacity the existing crematoria could carry out 10,712 cremations per year, which equates to 3750 cremations per existing crematoria.

The Bereavement Service Manager agrees that this is factually correct and is within part of their pandemic planning. Indeed Mortonhall could carry out 8760 cremations per year running 24 hours a day with 75% use of the cremators.

The applicant also cites a number of qualitative issues with the existing crematoria, including distances to residential areas and car parking requirements. It also indicates that both Mortonhall and Seafield are listed which will make it difficult for future improvements. The issue of abatement is also raised.

The existing crematoriums have been in place for a number of years and in some circumstances are now on constrained sites. For instance, the Mortonhall crematorium was built before the surrounding residential estates.



The reasons stated by the applicant would not lead to the sites stopping from operating. In terms of abatement no evidence has been presented to suggest that Warriston or Seafield are not in line with the requirements for removing mercury from cremations through the process of trading mercury abatement with other crematoria. Again the Bereavement Services Manager notes that Mortonhall is compliant with the requirement to abate cremations without entering a trade scheme.

The applicant states that capacity for graves within the numerous burial grounds serving Edinburgh and the surrounds will be exhausted within 5 - 8 years and there is the need to address future capacity. This is based on the applicant's estimates that within a 20 minute drive time catchment there will be a burial requirement of over 1600 per year projected to rise to over 1800 in the next 10 years. This is based on an annual death rate of 0.93% and 35% of the deceased being buried rather than cremated.

The Bereavement Services Manager has commented that the Council carries out around 80% of all burials with the local authority area which is in the region of 350 - 400 burials per year. Forty cemeteries are managed by the Council and are all available for reopens to accommodate family members. The main cemetery, Craigmillar Castle Park, has a life span of another 46 years and since its opening in 2010 has had 269 internments. There are another 8 cemeteries within the City that are available for new graves and these have an average life span of 15 years each.

The existing three crematoria have spare capacity to meet demand across the Council area. The Council's main cemetery has sufficient capacity, as do other cemeteries across the area.

Burials and cremations are not always chosen by distance and are often due to family history and as such it can be difficult to predict locational choice.

The proposal would add choice including that of woodland burials and the applicant states that there would also be advantages in their facility providing a flexible qualitative service. However, the need has not been justified to offset the green belt location.

Relevant previous applications:

Planning permission was granted in 2007 for a cemetery at Old Dalkeith Road / Craigmillar Castle Park. The Development Management Sub Committee Report stated that the proposal was not an acceptable Green Belt use. The application was supported on the basis of site specific considerations and the identified need for a new cemetery. That need had been previously outlined at a special meeting of the Full Council in November 2005.

The cemetery proposal was then identified as Proposal OSR8 in the Draft Edinburgh City Local Plan which was approved by the Planning Committee in 2006. The cemetery was also included in the Finalised Edinburgh City Local Plan which was approved in March 2007, prior to the planning application being determined. This cemetery proposal was supported in the emerging development plan which was at an advanced stage at the time the application was determined.

Accordingly, the handling of this planning application indicated that a cemetery is not an acceptable green belt use but there were a number of material considerations that justified approval of the cemetery at Old Dalkeith Road in 2007 including: the established need for a new facility, limited or no impact on the Green Belt in that location and the proposal being identified in the emerging Edinburgh City Local Plan.

In summary, the applicant has not demonstrated that the proposal will either meet a national priority or an established need in this part of the city and that there are no other suitable sites within the urban area available to meet such a need.

Even if it was established that a new site was needed, there is undeveloped land within the urban area and other green-fields in Edinburgh that are not within the Green Belt.

The proposal is not an appropriate Green Belt use and is contrary to policy Env 10 of the adopted Edinburgh City Local Plan and policy Env 10 of the Second Proposed Local Development Plan.

#### b) Open Space

The site is identified as part of a wider open space proposal OSR 4 (South East Wedge Parkland) in the ECLP. This is carried through to the Second Proposed Local Development Plan as proposal GS4. This is part of the Central Scotland Green Network, a national development within the NPF 3. It is identified as a key green network action in the Council's Open Space Strategy to create a strategic network of connected open spaces.

Planning Advice Note 65 includes churchyards and cemeteries as burial grounds in its typology. The Council's Open Space Audit defines cemeteries as 'other functional greenspaces' and in most cases these are recorded as accessible since they are generally open to the public during daylight hours.

Scottish Natural Heritage is supportive of the Council's Open Space Strategy and its aims to create a long-term framework of open space and parkland within Edinburgh. It notes that if appropriately taken forward, the proposal could help deliver the open space and green network potential of the site.

Public access is an important aspect of the south east wedge parkland. Core path CEC 4 runs along Old Dalkeith Road, and the core path plan shows potential links running through the site linking into land at the north.

Parks and Greenspaces are concerned that public access would be lost along with the concept of links through Edmonstone into the south woods and onto the north meadows. Any development should make suitable provision for access.

At present the plans show a number of potential paths running through and around the site. This includes providing links to the core path network. The proposals therefore have the potential to increase access into and through the site. Public access is to be limited to between dawn and dusk which does not promote open access. Further detail of the type of paths, materials and general accessibility would need to be clarified at the detailed stage.

However, the proposed use of the site is not the open space envisaged at this location. The cemetery covers a significant part of the open space proposal and the introduction of a private cemetery with a number of buildings will prejudice this local plan proposal, a cemetery and crematorium would not potentially encourage people to use the open space in this proposed format.

### c) Landscape

The site is identified as a being of local importance through the Council's Survey of Gardens and Designed Landscapes (non-inventory). The survey notes it as being a traditional estate landscape of high value in the landscape. It also states 'The policy woodlands and parkland and other planted features are good quality and are important in the landscape'.

The site is not recorded in the Inventory of Gardens and Landscapes which ECLP Policy Env 7 Historic Gardens and Designed Landscapes relates to. However, the proposed LDP Policy Env 7 Historic Gardens and Designed Landscape indicates that outwith inventory sites, adverse effects on historic landscape features should be minimised. Restoration of historic landscape features is encouraged.

The site is a Special Landscape Area as identified in the Second Proposed Plan. This states 'Despite demolition of Edmonstone House in the 1950s, the character and cultural value is sustained by the landscape structure of boundary walling, avenue planting and mature specimen trees within the surrounding parkland'.

LDP Policy Env 11 Special Landscape Areas stating that planning permission will not be granted for development which would damage or detract from the overall character and appearance of the SLA. ECLP Policy Env 11 gives protection to the overall character and appearance of prominent ridges or other important topographical or landscape features.

It is acknowledged that although some aspects of the estate have been neglected, important elements still survive such as the policy woodland, parkland trees, ha-has and walls.

The applicant states that many of the key features of the historic landscape no longer exist in their original form, including Edmonstone House, the walled garden, the stables and the dovecot. However, the applicant has restored the ha-ha within the site and the boundary walls.

SNH note that while the benefits of a more natural landscape and design of a cemetery and gardens area are acknowledged in some of the supporting materials, these will need to be set out in further detail. For example, it considers that there will be a greater benefit from a more parkland tree setting than a more formal and sterile amenity greenspace.

Two potential layouts have been put forward. Layout A is influenced by the 1854 layout and the Layout B is based on the current parkland trees.

Layout A is unsuitable as the main influence of the landscape should be the open views as experienced from the ha-ha and the proposed central planting is not in keeping with this character.

The City Archaeologist states that Layout A has a significant affect with its central large compartment of trees shown splitting the site in half broadly in line with a mid-19th century plantation. The Archaeologist states that this is not original and is at odds with the design ethics of the 18th century designed landscape which has as its central core the requirement for open views out towards the Drum, Pentlands and East Lothian and an open rural aspect.

Layout A also encloses the site with further perimeter planting, which although limiting the views into the site from any viewpoints also has the role in enclosing the site and altering any views out which alters the historic character.

Layout B is more acceptable in principle as it better reflects the historic character of the 18th century estate. However it also encloses the site with perimeter planting and raises the same concerns as layout A.

As this is a planning permission in principle application the design, layout and landscaping would be dealt with by future approval of matters specified in conditions submissions.

The City Archaeologist recommends the application is refused due to the impacts of the proposed development on the historic environment.

A large part of the character of the landscape are its views, trees and sense of parkland. However, the proposed development will introduce built development such as car parking areas and buildings into the area and effectively to urbanise it.

A landscape visual impact assessment (LVIA) has been submitted in support of the application. This considers the visual impact of the proposed development from a number of identified viewpoints. The document acknowledges that the Estate is of local and regional value and of some historical and arboricultural interest. The document also indicates that its greatest value is as a potential recreational resource.

The Edmonstone Estate is important to the landscape setting of the city by providing a clear defensible Green Belt boundary. Most notably along the eastern edge at The Wisp.

The drawings supplied with the indicative buildings and heights show that they would be below the tree canopy and are acceptable in terms of their impact on the woodland ridge, although the final design would need to demonstrate that the buildings complement the landscape setting.

The views provided in the LVIA show that the development would not be visible from most chosen locations. There will be some views in from the Wisp, though the appraisal does show the heightening of the perimeter wall. There will also be views into the site at the point where the new access road is proposed which breaks the perimeter wall though the use of further planting and avenue planting along the access road will soften

the impact. However, the introduction of buildings and access from the Wisp will diminish the separation of Edinburgh and Midlothian.

The site will be most visible from the elevated position at the Drum to the south of the site. The proposed development notably the kiosk and the chapel will be visible. This will be partially obscured by existing and future planting.

The main consideration is the change in the historic and landscape character of the area. The Edmonstone Estate is an important landscape in its own right and the protection of the historic landscape character should be the overriding priority. The proposal is therefore contrary to ECLP Policy Env 11 and Second Proposed LDP Policies Env 7 and Env 11.

If consented is granted, an updated Estate Management Strategy would be required to set out how the landscape features of the site will be conserved and improved.

#### d) Listed buildings, Scheduled Ancient Monuments, Inventory sites and Archaeology

There are a number of historic features within or around the site that need to be considered.

Craigmillar Castle and gardens is a scheduled ancient monument located approximately 1500m to the north-west of the site which consists of the castle and its surrounding designed landscape. The castle and dovecot site are A listed (listed 14 December 1970, ref 28016). The adjacent dairy is also B listed (listed 15 July 1983, ref 28017). The landscape and visual impact assessment (LVIA) provided shows that as any buildings on the site are below the ridge line there will be no impact from the proposal from Craigmillar Castle.

An enclosure lies to north of the site and is also a scheduled ancient monument. This comprises the remains of a settlement of prehistoric date represented by cropmarks. This is located to the north of the site and is currently screened by existing planting. The proposed use will have a limited impact on the setting of this monument.

Further-a-field to the south of the site is the A listed Drum (listed 14/07/1966, ref 28052), which is a Palladian mansion with pavilion. This is some 500 metres away from the site and has woodland to the north of it which limits the views to the application site. There are more open views from the house to and from the south and southeast, forming a key element in the setting of the house, which are not impacted on by this proposal. The Drum estate is also an inventory site, which is considered further in the landscape section.

Within the application site are the two B listed lodges and gates at the eastern and southern parts of the site.

The east lodge is occupied and in a reasonable condition. A previous application was granted for a new access road, parking and the relocation of the gate posts adjacent to the building. Listed building consent was also given to relocate the existing gate posts.

The main outlook of the listed building will be altered by the proposed use, although the land will be in some form of open space use. Planting is also proposed which will largely screen the site. The proposal will not be detrimental to the character of the building or its setting, subject to consideration of further detailed applications.

The south lodge is derelict. The applicant has indicated that it is the intention for this building to be rebuilt and given over for a community use. However, a planning application and listed building consent have been received for renovations and alterations to form a single dwellinghouse with associated accesses and landscaping.

To the north east of the south lodge a maintenance yard is proposed. Further details of this would be required through subsequent AMC applications. The indicative location sits on land higher than the lodge which is currently screened and the proposal shows further planning in this area. The proposal will have limited impact on the setting of the building.

To the south of the site is the B listed Drumbank with stables, cottages (outbuildings) and walled garden (listed 15 April 1996 ref 28059). The old smithy to the east of this is C listed (listed 15 April 1996, ref 43264). The A7 road cuts through the area in a dip below the application site and the raised area at the Drum. There is some mature planting adjacent to the listed structures although the site will be visible. The impact of the proposal will be limited and will not be detrimental to the listed structures.

The proposal will not have an adverse impact on the features identified above.

#### Buried Archaeology:

In relation to buried archaeology a desk based archaeology assessment has been submitted as part of the application. This shows that the site contains a wide range of archaeological remains. The proposal will require significant ground breaking works which may have a significant effect on buried remains.

Accordingly, the City Archaeologist recommends a condition on any consent securing a programme of archaeological works covering excavation, analysis & reporting, publication, public engagement and interpretation.

#### e) Design

The application is for planning permission in principle with a view to establishing the acceptability of the proposed uses on the site. Two potential landscape layouts have been provided.

The design statement sets out the general approach to the proposed location and design of the buildings within the landscape including details such as height. The height of the eaves and any ridges would be below the height of the existing trees.

Car parking can be visually intrusive in any setting and would be softened by the use of tree planting, though further information would be required.

If permission were to be granted parameters should be set out in relation to height and cemetery layout e.g. avoiding large mausoleums and monuments which would have a further detrimental impact on the landscape.

Should the Committee be minded to grant the application, detailed matters including design and layout will have to be considered as part of a further application for approval of matters specified in conditions.

#### f) Biodiversity

The site is identified as a part of a Local Biodiversity Site (LBS). An Ecology Appraisal has been submitted as part of the application. This includes survey work in relation to protected species on or using the site and a Phase 1 habitat survey.

#### Protected Species:

No evidence was found of badgers or otters using the site. No further information or action is required in relation to these species.

Single pipistrelle bat roosts have been identified in some of the trees on site. These trees are in a woodland strip close to an access track. Upgrading of the track may result in disturbance or possibly exclusion of bat roosts. However, the report suggests this option is unlikely as the trees could be retained.

Scottish Natural Heritage has indicated that if a licence is required in relation to impacts on the bat roosts, the Council should be satisfied that the required tests can be met. SNH also note, based on the information currently provided, that it is likely that such a licence would be granted. Consequently, there are no reasons in relation to protected species that this application should not be given consent. It would be prudent that a final check is undertaken prior to any works and this would be best covered by the inclusion of an informative on any consent.

Giant Hogweed is found within the site and an informative in relation to its safe removal would also be required.

The submitted ecology report identifies opportunities for enhancement of the site for biodiversity. These include woodland and scrub management. It is also recognised that the open pastures could be further enhanced for biodiversity through tree management and additional planting of specimen trees of native species and local origin. These enhancements would need to be included in any further AMC submissions and site management proposals.

#### Habitat:

ECLP Policy Env 15 Sites of Local Importance states that where local biodiversity sites are adversely affected by developments mitigation measures should be provided.

The application site can be split into two areas; the open parkland that form most of the site and the mature woodland areas. The entire site is covered by a Tree Protection Order. The open parkland area has a number of trees scattered across it. These trees are part of the distinctive character of the landscape and should remain.

A tree survey has been provided. Within the open parkland area 53 individual trees were recorded. The condition of the trees in this area is generally good:

- 36 x A - High Quality and value; trees whose retention is most desirable
- 7 x B - Moderate quality and value; trees where retention is desirable
- 3 x C - Low quality and value; trees which could be retained if possible
- 7 x R - Unsuitable for retention; trees which should be removed.

A number of trees are also present around the perimeter of the site which have been grouped together and classed as B. This is young woodland planting that is starting to be established.

The mature woodland area at the western side of the site is largely unaffected by the proposed development and are identified as having more ecological interest. The tree survey plan submitted does identify some trees that are unsuitable for retention as part of general woodland management. However, further planting would help mitigate any loss in biodiversity terms. A condition would be required in relation to tree protection during any construction works.

It is not anticipated that the development will result in long term damage to the local biodiversity site. Further information and details of the planting would be required at the detailed AMC stage. An Estate Management Strategy would need to be secured through a legal agreement.

#### g) Ground Conditions and Drainage

A number of documents have been submitted in support of the application covering ground conditions and potential issues.

##### Ground Stability:

The site is undermined with several coal seams running north south. Historical records, site investigations, aerial photography, archaeological investigations and anecdotal information confirm that the site is susceptible to potential mining instability due to the shallow abandoned mine workings and bell pits.

The site is within the defined Development High Risk Area due to the presence of coal mining features and hazards.

The Coal Authority originally objected to the application due to a lack of information. Further information has been provided in the form of a site investigation report.

Two mine shafts on the site are recorded by the Coal Authority and there is the potential for further abandoned mine workings across the site. Recent construction for an access road found six bell pits. Bell pits often take the form of surface excavations which were continued to a few metres depth, then opened out laterally within the coal seam. They were often undertaken by locals and not recorded. As such there is the high potential for numerous bell pits across the site.



A ground stabilisation programme will be required by drilling and grouting the shallow coal mine workings. In addition, the mine entries will be grouted and/or capped.

The Coal Authority is satisfied with the remedial measures proposed by the application, subject to a planning condition to ensure that ground stabilisation works are carried out, including the mine entries being grouted and capped.

SEPA has considered the submitted information and the Hydrogeological Risk Assessment incorporating Water Features Survey in relation to the potential impact of the grouting works on the environment. SEPA is content with this element of the proposal, subject to a condition requiring a completion report being submitted.

A separate application to deal specifically with the ground stabilisation works on the site has been 'minded to grant' by the Development Management Sub-Committee. Nonetheless, given that this is a separate planning application conditions would be required to ensure that if consent is granted the required ground works are completed.

Groundwater:

Edinburgh City Local Plan Policy Env 18 Air, Water and Soil Quality states, amongst other matters, that planning permission will only be granted where there will be no significant effects on air, water or soil quality.

In relation to suitability of the site for burials, SEPA objects to the proposal due to concerns about the risk to the groundwater environment due to the potential for migration of burial derived contaminants to groundwater at depth. SEPA also note that further information may only confirm that the site is unsuitable, in principle, for a cemetery.

The concerns relate to the lack of subsoil across parts of the site. SEPA refer to the Groundwater Protection Policy for Scotland which recommends that there should be at least one metre of subsoil below the bottom of the burial pit. The burial depth proposed is to be 1.8m below ground level. Therefore it is recommended that the depth to bedrock should be 2.8m below ground level.

The submitted information shows that the bedrock can be found at varying depths between 0.3m and 1.65m across the site. Elsewhere in the submitted information other depths are referred to. As such SEPA states that there is insufficient information to demonstrate that sufficient depth of subsoil can be achieved to ensure adequate protection of the water environment.

Additionally, SEPA state that there is a lack of information to the extent of the burial areas, types and numbers to understand the potential pollutant load on ground water. Confirmation of any field drains would also be required.

The applicant holds the guidance SEPA refer to is just guidance and that as the application is only for planning permission in principle that any concerns could be alleviated by the use of a planning condition to secure appropriate mitigation and technical solutions. However, SEPA is not of the opinion that this is a matter that could be adequately conditioned.

On the advice of SEPA the proposal there is insufficient information to ensure adequate protection of the water environment and the proposal is consequently contrary to ECLP policy Env 18.

Contamination:

Environmental Assessment note that a site investigation report has been submitted, but has requested that a standard condition in relation to contaminated land is attached to any consent given the historic use of the site.

Drainage and Flooding:

A drainage strategy has been provided for the site. It is proposed to provide two levels of surface water treatment for the roads and parking and one level for the buildings. The use of swales and filter trenches are proposed. The buildings and car park areas are also to be attenuated to a 1:200 year design.

SEPA note that from the limited information submitted that the drainage proposals appear to be acceptable in principle. Likewise SEPA has no objection to the proposal on flood risk grounds.

Scottish Water has no objection to the planning application.

Further information on drainage and flooding, including details of maintenance, would be required at the more detailed stage if the application is granted.

In conclusion the site has a number of issues related to ground conditions. The strategy for ground stabilisation is acceptable, subject to a condition ensuring the work is carried out and a completion report. A condition is recommended by Environmental Assessment in relation to contaminated land. The general principles for drainage and flooding are considered acceptable but further information is required and this could be secured through the approval of matters specified in conditions submissions.

There is an outstanding objection from SEPA due to concerns over the suitability of the site for burials in relation to the protection of the water environment and therefore the proposal is contrary to Policy Env 18 and is a reason for refusal.

#### h) Transport Issues

Transport Implications:

A Transport Statement has been submitted in support of the application. A new vehicular access is to be formed from the Wisp through a break in the existing wall and there is sufficient room to maintain adequate sightlines.

Within the site 172 car parking spaces are proposed in two areas, one adjacent the chapel of rest and one adjacent the crematorium building.

The Transport Statement concludes that there is sufficient capacity for the proposal within the existing road network whilst noting that the site well served by public

transport (Lothian Buses routes 7, 33 and 49 with an additional service operated by Edinburgh Coach Lines).

There are no specific parking standards that relate to cemetery or crematorium uses. Transport has considered the proposals, has no objection to the development and the level of parking proposed is deemed acceptable.

Midlothian Council has been consulted on the proposal but has not provided a response.

Consequently, the proposed development is acceptable in relation to transport matters. Transport note that if the applicant wishes to have the disabled spaces enforced under the relevant legislation a contribution of £2000 should be secured by way of a legal agreement.

Air Quality:

Environmental Assessment has considered the application and based on the level of car parking proposed has stated that an Air Quality Impact Assessment is not required for the proposal. It notes that SEPA regulates crematoria under a Pollution Prevention Control Permit, which takes into account source emissions.

SEPA request that the applicant contact it to discuss the proposed authorisation of the crematorium. This could be dealt with via an informative.

Environmental Assessment has also suggested that an informative is placed on any consent for the applicant to consider the provision of electric vehicle charging points within the site.

The proposal is acceptable in relation to any impacts on air quality.

In summary, there are no overriding transport or air quality concerns in relation to the proposed development. The crematorium will need to meet any regulatory requirements.

#### i) Amenity

The indicative location of the crematorium building is approximately 250m from the proposed housing to the southwest in the walled garden area and approximately 250m from the existing housing to the east at Danderhall.

The indicative location of the chapel of rest building is 130m from the proposed housing to the west in the walled garden area and approximately 330m from the existing housing to the west at Danderhall.

The proposed development is located sufficiently distant from both existing and proposed residential properties to not raise any concerns with impact on residential amenity. Even if the location of the buildings was to be altered through a subsequent detailed application, there is space within the site to ensure that residential amenity could be adequately safeguarded.

An objection has been received from a nearby resident in relation to traffic generation and associated noise implications. The site is near to one of the main approach roads into the city. Transport has not considered traffic generation from the proposal to be an issue and Environmental Assessment has raised no concerns in relation to noise from the proposal.

The proposed development will not have a detrimental impact on neighbouring residents.

#### j) Sustainability

The proposal is for planning permission in principle and is not at the detailed stage in terms of building design. Consequently a sustainability form has not been submitted. Sustainability measures will require further consideration if a detailed application comes forward. Should Committee be minded to grant, a condition is recommended to ensure sustainability measures are considered at the detailed design stage.

#### k) Equalities and Rights Impact Assessment

The application has been assessed for any potential impacts on equalities and human rights.

No issues have been identified at this stage and equalities and human rights will be reconsidered at the approval of matters specified in conditions stage as more detailed plans come forward.

#### l) Public Comments

Material Representations:

- Principle of development and the need for a crematorium assessed in section 2.3a).
- Green belt - compatibility of proposal with green belt use and erosion of green belt and existing separation with Midlothian assessed in section 2.3a).
- Landscaping - Detrimental impact on parkland and woodland (specifically the crematorium building) assessed in section 2.3c).
- Transport - increase in traffic assessed in section 2.3h).
- Air quality concerns assessed in section 2.3h).
- Increase in noise pollution assessed in section 2.3i).

### **CONCLUSION**

In conclusion, the site is within the green belt where only limited uses are permitted. The applicant has not sufficiently demonstrated that the proposal meets a national priority or an established need and that no other suitable sites are available. As such the proposal is not an appropriate Green Belt use and is contrary to policy Env 10 of

the adopted Edinburgh City Local Plan and policy Env 10 of the Second Proposed Local Development Plan.

The proposal will alter the characteristics of the Edmonstone Estate which is an important local landscape in its own right and will prejudice the open space designation that covers the site. There is an outstanding objection from SEPA in relation to concerns over the impact of burials on the water environment and this matter is unresolved.

As the application is for the principle of development only, the merits of the proposed development in terms of its layout, design and landscaping would need to be addressed further at the detailed application stage. The proposal would not prejudice listed buildings, scheduled ancient monuments or buried archaeology and provision is made to mitigate and enhance biodiversity with adequate tree protection proposed. The proposal is acceptable in relation to ground stabilisation works and conditions would be required in relation to drainage and contaminated land. The proposal does not raise any overriding concerns in relation to transport, air quality or noise. This would all be subject to the use of relevant conditions and the provision of a legal agreement.

### **Addendum to Assessment**

The application was previously considered by the Development Management Sub-Committee on 13 August 2014. At that meeting the committee indicated that it was minded to grant planning permission, contrary to officer recommendation.

The report is being referred back to committee with detailed conditions, reasons and informatives. These are set out in the text below.

It should also be noted that as there is an outstanding objection from SEPA, the application will need to be notified to the Scottish Ministers.

### **Conditions**

1. Prior to the commencement of works on site, details of the under-noted matters shall be submitted and approved by the planning authority, in the form of a detailed layout of that phase of the site and include detailed plans (including landscaping and car parking), sections and elevations of the buildings and all other structures.

Approval of Matters:

a) Siting, design and height of development, including the design of all external features and glazing specifications;

b) details of burials including numbers and locations;

c) road layouts, alignment and access arrangements, including any amendments to adopted roads and footways;

d) detailed design of footpaths and cycle routes;

- e) car and cycle parking;
- f) sustainability measures;
- g) waste management details;
- h) surface water and drainage arrangements;
- i) existing and finished site and floor levels in relation to Ordnance Datum;
- j) Hard and soft landscaping details, including:
  - (i) detailed landscaping plan incorporating design parameters for graveyard layout and monument design;
  - (ii) a schedule of all plants/trees to comprise species, size, proposed number and density;
  - (iii) inclusion of hard landscaping details;
  - (iv) landscape management plan including schedule for implementation and maintenance;
  - (v) tree protection measures;
  - (vi) boundary treatments;
  - (vii) other artefacts such as street furniture, including lighting arrangements; and
  - (viii) existing and proposed services such as cables, pipelines, substations.

2. i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis &

reporting, publication, public engagement & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

Reason: In order to safeguard the interests of archaeological heritage.

4 Only the trees shown for removal on the approved drawing number 02 (applicant's drawing reference 1907/03) be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.

Reason: In order to safeguard protected trees.

5. The trees on site shall be protected during the entire ground stabilisation operations period by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012.

Reason: In order to safeguard protected trees.

6. That the site layout to be submitted as part of the AMC application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the Head of Planning and Building Standards, and for the avoidance of doubt the scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles and contain a surface water management plan.

Reason: in order to enable the planning authority to consider this / these matter(s) in detail.

7. No development shall take place until the remedial measures identified in the submitted Report on Site Investigations have been carried out. The mining entries should be grouted and capped.

Documentary evidence to certify that the approved measures have been carried out is to be submitted to and approved by the Planning Authority, in consultation with the Coal Authority and SEPA, prior to the commencement of construction works on site.

Reason: In the interests of public safety.

8. That the site layout to be submitted as part of the AMC application under condition 1 above shall include a scheme to demonstrate what parts of the land are suitable for burials and to what density and frequency (including annual number of burials) shall be submitted for the approval of the Planning Authority, in consultation with SEPA. The scheme shall contain details of mitigation measures (as set out in SEPA's response dated 9 June 2014) and include:

- Overall risk assessment;
- Pollutant load;
- Existing water features;
- Drainage;

- Groundwater quality and levels;
- Infiltration test; and
- Information on implementation of land stabilisation works.

No development shall take place until the scheme details and mitigations measures have been agreed.

Reason: In order to ensure that the site is suitable for the proposed development.

9. The application shall be notified to the Scottish Ministers prior to determination.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

### **Informatives**

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.



6. A method statement for the removal of Giant Hogweed (*Heracleum mantegazzianum*) should be provided prior to works commencing on site.

7. The applicant is advised to contact SEPA's Edinburgh and Lothians Operations to discuss the regulatory requirements under the terms of The Pollution Prevention and Control (Scotland) Regulations 2012.

8. The original letters of objection to the application from SEPA (references PCS/133591 and PCS/133595) should be read in conjunction with the requirements of condition 8. The key points were set out in section 1.4 and are duplicated below:

- Overall risk assessment. We expressed concerns about the risk to the groundwater environment from the proposed development due to the potential for migration of burial derived contaminants to groundwater at depth. We advised that the pollutant load of the site, in terms of number of proposed burials per year should be defined. We also expressed concern at the potential lack of superficial cover (subsoil) to attenuate and limit migration of these pollutants. The development, as proposed, does not appear meet the guidance set out in chapter J of 'SEPA Groundwater Protection Policy for Scotland - Version 3 (2009)'. More information was required on how the proposed mine workings will be grouted at the site, and the potential risks to groundwater from this activity.
- Pollutant load. The applicant should provide details of the proposed or potential number of burials per year to define properly the potential pollutant loads and risk to groundwater from the cemetery development.
- Existing water features. The applicant should identify fully all the water features which may be impacted by the development. This should include appropriate reassurance that there are no drinking water sources within 250m, or any other spring, wells or boreholes within 50m of the site boundary. It was unclear if there had been a robust identification of all water features via contact with the appropriate authorities. In particular the applicant should confirm the water supply status of Edmonstone Cottage.
- Drainage. The presence of any field drains within the site, and within 10m of the site boundary to be determined by way of a comprehensive water features survey.
- Groundwater quality and levels. Any existing data on the groundwater quality/levels which may be available to the applicant from 3rd party sources would be of assistance to the applicant to define more accurately the potential risks associated with the development. It has been noted that there are a number of mine shafts beneath the site: these could provide a way to determine the groundwater level at depth, as well as helping to define current groundwater quality.
- Mine Works Grouting. Pulverised Fuel Ash (PVF) grouting has the potential to cause environmental damage if not properly managed. The pouring of grout below the water table is a controlled activity under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations

20011 (CAR), which includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment.

- Infiltration test. More detail is required.

## 9. Legal Agreement

Estate Management Strategy

Consent shall not be issued until a suitable legal agreement has been concluded in relation to an Estate Management Strategy.

Traffic Order

If the applicant intends for the proposed disabled parking spaces to be enforced under the Disabled Persons Parking Places (Scotland) Act 2009 then a contribution of £2,000 will be required to progress the necessary traffic order.

The proposal was previously recommended for refusal for the reasons below.

It is recommended that this application be Refused for the reasons below.

### 3.4 Conditions/reasons/informatives

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 10 and the Second Proposed Local Development Plan Policy Env 10 as the site is not an appropriate green belt use and it has not been demonstrated that there is an established need or other suitable sites.
2. The proposal is contrary to Edinburgh City Local Plan Open Space and Recreation Proposal OSR 4 South East Wedge Parkland and the Second Local Development Plan Greenspace Proposal GS4 South East Wedge Parkland as the development would prejudice the open space designation.
3. The proposal is contrary to Edinburgh City Local Plan Policy Env 11 and Second Proposed LDP Policies Env 7 and Env 11 as it fails to protect the character of the historic landscape.
4. The proposal is contrary to Edinburgh City Local Plan Policy Env 18 as it has not been demonstrated the there is sufficient protection of the water environment.

## Financial impact

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### 4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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

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

## **Equalities impact**

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

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice (13/04023/PAN) was submitted on 24 September 2013. Copies of the notice were also issued to:

- Craigmillar Community Council.
- Danderhall and District Community Council.
- Councillor Tom Buchannan.
- Councillor Bill Cook.
- Councillor Nick Cook.
- Councillor Norma Hart.
- Councillor Mike Bridgeman.
- Councillor Maureen Child.
- Councillor David Walker.
- Councillor Jim Bryant (Midlothian).
- Councillor Margot Russell (Midlothian).
- Councillor Alex Bennett (Midlothian).
- Kenny MacAskill MSP.
- Sheila Gilmore MSP.
- Liberton and Gilmerton Neighbourhood Partnership.
- Portobello and Craigmillar Neighbourhood Partnership.

Consultation events were held at:

- Hays Business Centre, Craigmillar on 26 November 2013 between 4pm and 8pm.
- Goodtrees Neighbourhood Centre, Moredunvale Place on Monday 2 December 2013 between 2pm and 4pm & 6pm and 8.30pm.

- Danderhall Library, Danderhall on Tuesday 3 December 2013 between 3.30pm and 7.30pm.

Full details can be found in the Pre-Application Consultation report which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online services.

A pre-application report on the proposals was presented to the Committee on 4 December 2013. Committee noted the key issues and requested that further information on public access to the proposed development should be provided.

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

The proposal was advertised on 10 January 2014 and attracted one letter of representation. This centred largely on the crematorium aspect of the proposal.

### Material Representations:

- Principle of development and the need for a crematorium.
- Green belt - compatibility of proposal with green belt use, erosion of green belt and existing separation with Midlothian.
- Landscaping - Detrimental impact on parkland and woodland (specifically the crematorium building).
- Transport - increase in traffic and associated vehicle emissions and noise pollution.

### Community Council:

No response received.

## **Background reading / external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

## **Statutory Development Plan Provision**

Strategic Development Plan (SESplan): The location of the green belt is shown in the SESplan Spatial Strategy. The green belt in this location separates the South East Edinburgh SDA from the Midlothian SDA that covers the A7/A68/Borders Rail Corridors.

Edinburgh City Local Plan: The land is within the Green Belt and is part of a Local Nature Conservation Site. The site is designated as Open Space Proposal: OSR 4 - South East Wedge Parkland which indicated that the land should be landscaped to provide multi-functional parkland, woodland and country paths with parallel developments in Midlothian.

Second Proposed Local Development Plan (2014): The land is within the Green Belt and a Local Nature Conservation Site. The site is also part of Greenspace Proposal: GS4 South East Wedge Parkland and retains the same aims as held within the ECLP. The site is also identified as being within a candidate Special Landscape Area.

Other: The Edmonstone Estate is identified as a historic garden and designed landscape of local landscape importance.

Craigmillar Urban Design Framework: This sets out a vision and principles for development of the Craigmillar area. Edmonstone is identified as providing landscape and natural and historical heritage context to the area alongside land for future open space proposals.

Finalised Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance: This states that the Edmonstone Estate should:

- conserve, enhance and maintain the surviving structure and landscape elements of Edmonstone and Niddrie Marischal.
- keep updated and implement an Estate Management Plan.

## **Date registered**

23 December 2013

## **Drawing numbers/Scheme**

01,02,

Scheme 1

## David R. Leslie

Acting Head of Planning and Building Standards

Contact: Kenneth Bowes, Planning Officer

E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

## Links - Policies

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### Relevant Policies:

#### Relevant Non-Statutory Guidelines

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

**Non-statutory guidelines** 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

#### Relevant policies of the Edinburgh City Local Plan.

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

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

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

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

# Appendix 1

## Application for Planning Permission in Principle 13/05302/PPP

**At Land 447 Metres Northeast Of 545, Old Dalkeith Road,  
Edinburgh  
Cemetery, Crematorium, Memorial Garden, Chapel of Rest  
and associated development.**

### Consultations

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#### Archaeology comment 27/01/2014

*The Edmonstone Estate occupies the ridge of high ground overlooking the valley of the Niddrie Burn and the historic Estates of Craigmillar and Niddrie Marischal to the North and the Drum to the South. Archaeological evidence shows that this area has been occupied since the prehistoric period with a Roman Road thought to bisect the south western half of the site. GUARD uncovered the remains of a road which they tentatively identified as this Roman Road during their 2008 archaeological evaluation of the estate (report 2607).*

*The medieval Edmonstone is mentioned in charters from AD 1248 onwards and it is possible that the site has acted as estate centre since the 12th century. Harris (Harris S, Place Names of Edinburgh) records that a Henry de Edmundistun was witness in 1200 to a charter signed by a Henry de Brade with tradition associating the site with Edmond Count of Flanders a companion of Queen Margaret future wife of Malcolm Canmore in 1071. The recent archaeological work by GUARD during 2013, along the route of a new access road running across the eastern and northern boundaries, of the site has uncovered medieval remains dating from the 12th /13th centuries thereby supporting this evidence for early medieval occupation on this site.*

*By the 14th century Edmonstone was the centre of an important estate. The original house, destroyed and rebuilt in 1800, was built around an earlier mansion recorded in a charter of 1613, which may have been originally a late-medieval tower-house. The reference to the remains of what appears to be an even earlier medieval moat surrounding the house is of even greater potential significance, as there is approximately only a 100-recorded moated medieval-manor site throughout Scotland as a whole.*

*The estate polices surrounding the former house and which form the majority of the application site have been part of a designed landscape since the 17th century and must be in my opinion be regarded as being of Regional if not National historic importance. Contained within the site are the remains of the former Stables, Icehouse, Ha-Ha, Dovecot, Walled-Garden, the estates main farm Edmonstone Mains (Home Farm) and the listed (c) gate-piers and lodge.*



*The coach-house & stable-block is presumed to date from the reconstruction of the House following a fire in 1800. The Icehouse, Ha-ha and wall-garden may be earlier in date, possibly dating to the 18th century with the dovecot likely to date from the 16/17th century.*

*The 2013 archaeological investigations by GUARD have also provided further evidence for potentially nationally significant early industrial mining with the discovery of widespread late medieval/post-medieval bell pits. These early mines dating to the 16th -17th centuries were first identified at Edmonstone by Headland Archaeology across the adjacent field to the east in 2008 following vertical seems of coal which are know extend across this application site.*

*Accordingly this site has been identified as occurring within an area of archaeological and historical significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV 3, ENV8 & ENV9 and the Craigmillar Design Framework (revised 2013). The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

#### *Edmonstone Historic landscape*

*As previously discussed the application site overlies the southern half of in my opinion the regionally important historic landscape for Edmonstone House. Although affected by 19th century changes the landscape in this part of the Estate has reverted back to reflect the important 18th century rural aspect of the designed landscape.*

*The Ha-Ha would was designed in part as a viewing platform of the surrounding landscape with open views and ground to the east and south. This is indicated by late-18th century plans e.g. Laurie's 1766 Plan of Edinburgh, which depict a more open landscape. In my opinion the construction of the crematorium building immediately adjacent to the surviving Ha-Ha, part of the original 18th century designed landscape will have a severe adverse impact upon both the setting and character of this important archaeological monument and historic landscape.*

*Similarly, proposed Landscape Scheme A has a significant affect with its central large compartment of trees shown splitting the site in half broadly NE-SW reflecting a mid-19th century plantation depicted upon the 1st Edition OS map. This plantation is clearly not original as it is at odds with the design ethics of the 18th century designed landscape which has it is central core the requirement for open views out towards the Drum, Pentlands and East Lothian and an open rural aspect and probably reflects a short term economic need of the estate.*

*Landscape scheme B which has a significant impact but one which is more acceptable in principal than scheme A, as it better reflects the historic character of the 18th century Edmonstone Estate. That said the scale of planting surrounding the perimeter of the site does cause some concern in terms obscuring key views out and potentially in to the Estate from the Ha-ha to the south and east.*

*In conclusion, the construction of the crematorium in its current position in conjunction with both the proposed landscaping schemes have in my opinion significant adverse impacts upon the setting of this archaeologically important historic landscape. Accordingly this application in my opinion is contra to Planning Policy ENV9 and the Craigmillar Design Framework which seeks to protect the appropriate setting of archaeological monuments and as such it is my recommendation this PPP application should be refused consent.*

*If consent is granted however it is essential that a condition(s) is attached to ensure that a Landscape Plan incorporating design parameters for graveyard layout and monument design is submitted for agreement, in order that any future graveyard is seen to site within and respect the historic character and importance of the Edmonstone historic landscape. Furthermore given that the central historic core of the Estate (incorporating the site of Edmonstone House, the Ha-ha and stables, ice-house) is also incorporated within the red-line boundary of this application, it is essential that an historic landscape Masterplan is agreed which will also see the preservation and conservation of these significant historic sites.*

#### *Buried archaeology*

*The archaeological evidence as outlined above and GUARD's accompanying Desk-Based Assessment (GUARD report 3785) demonstrates that the application site will contained a wide range of significant archaeological remains dating back into prehistory. The creation and operation of a graveyard in this location will require significant ground breaking works associated for instance with mine remediation, topsoil removal, construction of access roads, crematorium to the actual digging of graves. Such works will have a significant adverse affect upon any buried remains including the potentially nationally important preindustrial mine workings. As such this scheme is seen to have an overall moderate-high archaeological impact.*

*Accordingly I agree with GUARD's conclusion in section 7.3 of their DBA that it is essential that a programme of archaeological works is undertaken to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected. It is envisaged that in addition to the programme outlined by GUARD that a metal detecting survey of the site is undertaken prior to and during any topsoil stripping. Further any archaeological mitigation strategy must also address specifically the investigation and preservation of the historic bell-pits predating the late 18th/19th centuries*

#### *Archaeological Public Engagement*

*Further given the potential importance of these remains in terms of the history of Edinburgh and in particular Edmonstone and the wider Craigmillar area, it is essential that this programme of works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.*

*It is therefore recommended that if consent is granted that in terms of the buried archaeology the following condition be attached to ensure that a programme of archaeological works is undertaken prior to construction and remediation works.*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

#### **Bereavement Services comment 26/02/2014**

*Mortonhall Crematorium Currently carries out between 2500- 2800 cremations per year this equates to 56%-63% capacity. I also have the figures for Warriston and Seafeld Crematoriums and they are running at about 40%-42% capacity Total cremations between the three crematoriums for the last three calendar years are;*

<i>2013</i>	<i>4914</i>
<i>2012</i>	<i>5052</i>
<i>2011</i>	<i>5387</i>

*As you can see the figures are going down, this is due to the Livingston and Borders crematoriums opening up. A further new crematorium has just opened at Houndwood near Berwick Upon Tweed this will eventually affect numbers in Edinburgh slightly.*

*The three Edinburgh crematoriums could at 100% capacity could carry out 10,712 cremations per year which is well within predicted figures contained in the planning application.*

*With regards to Burials Edinburgh City Council carries out between 350 - 400 burials per year this is about 80% of all burials within the City of Edinburgh. The City Council manages 40 cemeteries which are all available for reopens to accommodate family members. The main cemetery, Craigmillar Castle Park has a life span of another 46 years. There are another 8 Cemeteries within the City that are available for new graves and these have an average life span of 15 years each. There is no problem with the capacity regarding burials and they are carried out within requested time frames. Current capacity is 832 per year which is 42% - 48%*

*It should be noted that the bereaved do not wish to inter their loved ones at the nearest crematorium or cemetery. Families follow a long tradition of using the same facilities as those before them. Burials tend to be in local cemeteries within their community or near relatives buried within specific cemeteries.*

*In my opinion the figures in this application quoted are a prediction at the highest end and do not take into account the new crematoria that have recently opened up in the Lothian and Borders areas. These figures are predicting a market share based of figures and not that of geographical area and personal family requirements.*

*For example; Craigmillar Castle Park cemetery (which is right next to this planning application) opened in 2010, it took 12 months before the first interment took place. In 4 years there have been 269 interments within this cemetery.*

#### **Bereavement Services further comment 18/06/2014**

*I cannot speak for Warriston or Seafield but with regards to Mortonhall;*

*Location of Crematorium - Mortonhall crematorium was built before the adjacent estates and therefore is fully compliant with planning regulations.*

*Cremation Figures - The figures quoted as we could carry out 3750 cremations is factual as we could carry out more as per our pandemic planning. The Public demands the numbers not our ability in fact we could carry out 8760 cremations per year running 24 hours a day with 75% use of our cremators.*

*Population - I have not given any figures to this report regarding age population?*

*Woodland Burials - We are planning a new woodland burial site in the new cemetery at Craigmillar Castle Park*

*Age of cremators - Last year we installed a brand new oversize cremator and totally refurbished another, we are committed during 2014/15 to replace the two older cremators with two brand new oversize cremators.*

*Parking - The parking at Mortonhall is adequate with overflow parking in the cemetery which is adjacent to the Chapels.*

*Disabled Parking - New disabled parking was installed last year immediately outside the chapels to DDA standards.*

*Disables access - Mortonhall was fully upgraded last year to full DDA standards as part of its refurbishment including ramps and toilets.*

*SEPA - Mortonhall is fully compliant with PG5/2(12) in all aspects and aims to abate cremations at 60% rather than the statutory 50% as required. There will be no need to purchase TMACS.*

*Mercury Abatement - with the installation of the new cremators it is anticipated that any two of the four cremators will have the ability to abate at any one time.*

*Historically crematoria are chosen through family history and not distance the report demonstrates that as it states; out of approx 5075 cremations per year Mortonhall did 2500, Warriston 1775 and Seafield 800. This report bases the need for another crematorium on average figures, which for Edinburgh would be 1692. Mortonhall its self could service the demand in the City and surrounding area. Based on our current operating times this would mean 17 cremations a day which is easily achievable with three or four cremators operating. However having the other two crematoria in the city gives choice and additional resources.*

## **Bridges + Flood Prevention comment 3/03/2014**

*We refer to the drainage assessment for this application, dated March 2012, and will require further information before we can recommend approval:*

- 1. It is proposed that drainage should discharge to 2 stone culverts which flow to the north west. The line and condition of these culverts must be shown on the drawings, and surveys must be carried out to show that they are in a suitable condition to avoid causing flooding elsewhere. The surveys must extend as far as the outfall to a known open watercourse.*
- 2. The culverts must be surveyed within the site and flood risk from the culverts must be assessed.*
- 3. It is stated that the site drainage will be attenuated "to a 1:200year design". The parameters of this design must be explained. If the drainage is to be designed to convey a 1:200 runoff, the applicant must (at detailed consent stage) produce calculations showing that all drainage facilities, including paving, gullies and roof drains, have capacity for this runoff.*
- 4. The design of the discharge control apparatus must also be described. The usual requirement is for discharge to be limited to 4.5l/s/ha of drained area, or the 2yr Greenfield runoff, whichever is the lower.*

## **The Coal Authority comment 21/01/2014**

*As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.*

### *The Coal Authority Response: Fundamental Concern*

*We have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.*

*The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the site is an area of thick coal outcrops and is likely to have been subject to historic unrecorded underground coal mining activity at shallow depth. There are also two mine entries within the application site boundary.*

*The Coal Authority objects to this planning application, as a Coal Mining Risk Assessment Report has not been submitted as part of the application.*

### *The Coal Authority Recommendation to the LPA*

*In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.*

*Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.*

*The Coal Authority would be very pleased to receive further consultation and comment on any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.*

#### **The Coal Authority further comment 12/02/2014**

*Thank you for your consultation notification of 27 January 2014 seeking the views of The Coal Authority on further information submitted in support of the above planning application.*

*The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.*

#### *The Coal Authority Response: Material Consideration*

*The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.*

*The Coal Authority previously objected to this planning application in a letter to the LPA dated 21 January 2014 as the applicant had failed to submit the required Coal Mining Risk Assessment, or equivalent, in support of their application.*

*The Coal Authority is therefore please to note that the applicant has obtained up-to-date coal mining information for the proposed development site and has used this information to inform the Report on Site Investigations (January 2014).*

*The Report on Site Investigations has been informed by an appropriate range of sources of information; including abandonment plans, rotary borehole records and Ordnance Survey mapping. Based on this review of geological and historical mapping information, including the results of a previous site investigation undertaken on the site, the Report on Site Investigations concludes that shallow coal mine workings pose a risk to the proposed development.*

*Accordingly, the Mining Stability section, on page 9 of the PDF version of the Report on Site Investigations concludes that as the site is underlain by shallow coal mine workings and recorded mine entries, a stabilisation programme will be required by drilling and grouting the shallow coal mine workings. In addition, the mine entries will be grouted and/or capped. All works will be undertaken prior to development on the site.*

*Whilst The Coal Authority has no concerns with these recommendations, we request that to ensure that the appropriate works are undertaken to ensure that the site is safe and stable the wording on the planning condition should state that the mine entries will be grouted and capped.*

*As the planning application is only for planning permission in principle, we would expect to be consulted on the approval of reserved matters application to ensure that the layout of the development does not position any built development or undertake ground works on, or within the influencing distance, of the mine entries in order to comply with our policy for avoiding new development over, or within the influencing distance of, a mine entry.*

*Therefore, subject to an imposition of an appropriately worded planning condition, the Coal Authority is able to withdraw its previous objections to the proposed development.*

#### *The Coal Authority Recommendation to the LPA*

*The Coal Authority is satisfied that the remedial measures proposed by the applicant following previous intrusive site investigation works set out in the Report on Site Investigations (January 2014) are appropriate to address the coal mining legacy issues present on the application site. The Coal Authority therefore is able to withdraw its objection to the proposed development. This is subject to the imposition of the above Planning Condition should planning permission be granted for the proposed development, to ensure that these works are undertaken on site prior to commencement of development.*

#### **Economic Development comment 27/02/2014**

*The proposed development in principle comprises cemetery, crematorium, memorial garden, chapel of rest and associated development. One of the two applications does not include a crematorium.*

*Whilst it is likely the development proposed will create employment opportunities, no specific details have been submitted with the applications. We would welcome any further information regarding the potential for the recruitment of local labour (during construction and in the longer term), training or modern apprenticeships and any measures which could be used to appoint local suppliers/contractors.*

*Economic Development has no objections to the proposals provided, as it is noted in the supporting information that access is provided/enhanced through to the South East Wedge Parkland. The SE Wedge is considered to be a strategic green link between the city centre, surrounding communities and developments in Midlothian.*

#### **Environmental Assessment comment 31/01/2014**

*The final location of the main buildings is an important factor in regards to noise, however, indicative plans show its location to be far from any existing and proposed residential properties. Therefore noise will not need to be assessed so far as the main buildings are not developed near the existing or proposed residential properties to the west. Crematoriums are regulated by Scottish Environment Protection Agency (SEPA) under a Pollution Prevention Control Permit, which takes into account point source*

*emissions. Environmental Assessment has been in contact with SEPA and they have advised that they will be assessing this aspect of the application.*

*The applicant has advised that the layout provides for 72 parking spaces at the chapel and a further 100 spaces at the crematorium. However, the scale of the site and the nature of the events being conducted enable additional parking to be contained on the network within the site.*

*Environmental Assessment acknowledges that the parking standards do not cover this proposed type of use. Nevertheless Environmental Assessment recommends that the applicant keeps parking numbers to a minimum and make provisions for electric vehicle (EV) charging.*

*What the City of Edinburgh Parking Standards for Development Management does refer to is that developers should be encouraged make provisions for EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:*

- Dedicated parking spaces with charging facilities.*
- Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

*Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Assessment recommends that at least one EV charging outlet should be installed of the following standard:*

*70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

*It should be noted that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans.*

*Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at;  
<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>*

*Environmental Assessment recognises that the applicant has submitted a site investigation report. This is still being assessed, due to the historic land use we recommend that a contaminated land attached until our assessment is complete.*

*On balance Environmental Assessment would not object to this proposal subject to the following condition and a recommendation of an informative is attached to any consent detailing what specification of EV charger should be installed.*



## Condition

*Prior to the commencement of construction works on site:*

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

## Informative

*Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

*The applicant should consult with SEPA in regards to the operation of the crematorium.*

## **Parks and Greenspace comment 9/01/2014**

*Concept acceptable [as with application reference 13/05235/PPP] so long as detailed design ensures a parkland landscape that is accessible to the general public and links with the footpath network for the SE Wedge green space.*

*The sketches of the buildings look OK and both the layout options preserve the greenspace fairly well, so I would expect that they would accord with green belt policy. Our preference would be for the layout that has planting appropriate to retaining the parkland feel as far as possible and retaining views to Arthur's Seat and the Old Town.*

*On the negative side, it would appear that public access would be lost, and the concept of linkage through Edmonstone into the south woods and on to the north meadows sites would also be lost. There was provision made for access through the policies and the hospital site in previous permissions, and we would wish to see this repeated with this development. Essentially, although private land we would want to ensure that it is part of the accessible green space network of the SE Wedge.*

## **Scottish Water comment 13/02/2014**

*A0: Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections.*

*Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).*

*A1: Scottish Water has no objection to this planning application. However we are unable to reserve capacity at our water and wastewater treatment works in advance of formal agreement made with us works in advance of formal agreement made with us. In view of this, the information provided in this letter will need to be reviewed if this proposal progresses to full planning approval.*

*A2: Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.*

*A3: In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.*

*A4: Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk).*

*B0: There are no public sewers in the vicinity of the proposed development.*

*B1: There are no public water mains in the vicinity proposed development site.*

*B2: NAME Water Treatment Works currently has capacity to service this proposed development.*

*B3: The water network that serves the proposed development is currently able to supply the new demand.*

*B4: NAME Water Treatment Works - has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.*

*B5: Water Network - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers.*

*The Developer should discuss the implications directly with Scottish Water.*

*B6: NAME Waste Water Treatment Works currently has capacity to service this proposed development.*

*B7: The waste water network that serves the proposed development is currently able to accommodate the new demand.*

*B8: NAME Wastewater Treatment Works - at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.*

*B9: Wastewater Network - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*C0: In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.*

*C1: Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand.*

*Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us.*

*Developers should discuss delivery timescales directly with us.*

*C2: If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules*

*S0: A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.*

*S1: These proposals may involve the discharge of trade effluent to the public sewer and may be subject to control as defined in Part II of the Trade Effluent Control and Charging Scheme. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

*S2: Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

*S3: This proposal requires the provision of an Oil Interceptor prior to discharge to the public sewer system. The applicant should also consult with SEPA on this matter. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

*W0: Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

*W1: An appropriate water storage system Water storage equivalent to 24 hours usage is recommended for commercial premises. Details of such storage installations must be forwarded can be discussed to Scottish Water's Customers Connections department at the above address.*

*X0: If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

*X1: It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.*

*X2: There may be contaminated land issues relevant to the development of this site. The developer must ensure that satisfactory precautionary measures are taken to protect public water and sewer pipes from any possible contamination. The developer may have to submit a full soil investigation report to Scottish Water. Customer Connections will be able to provide advice on this subject. on request.*

*X3: Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel - 0845 601 8855.*

*Z0: If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk).*

#### **SEPA comment 28/02/2014**

*We object to this planning application on the grounds of lack of information on the water environment (ground water, mine workings, etc) and surface water drainage and Sustainable Urban Drainage Systems (SUDS). We will review this objection if the issues detailed in Sections 1.2, 1.3, 1.6 to 1.16 and 3.2 below are adequately addressed.*

*We recommend that any ground conditions for any infiltration scheme be investigated fully to prevent unexpected discharges "springing" up in a down gradient neighbouring development. Please also note our additional advice.*

*This response is identical to our response to planning application 13/05235/PPP (our reference PCS/130893) as the supporting documentation is identical and both applications raise the same concerns for SEPA. In parts (Flood Risk, for instance) our response to this application is the same as our response to planning application 13/04148/PPP (our reference PCS/131651) as the supporting information is similar or identical and it raises the same concerns for SEPA.*

#### *Advice for the Planning Authority*

##### *1. Water Environment*

*1.1 We have assessed this application in the context of the generic risk posed by this kind of activity and the hydrogeological setting in which it will occur. A key reference document is: 'SEPA Groundwater Protection Policy for Scotland - Version 3 (2009)' contains cemetery development and green burial guidance in section J.*

*1.2 The applicants state that to the best of their knowledge there are no drinking water sources within 250m of the site boundary, or any other spring, wells or boreholes within 50m of the site boundary. No evidence is presented of how this conclusion has been derived, and it appears that the City of Edinburgh Council (CEC) has not been consulted with regards to private water supplies within the area. The applicants state that they have no specific knowledge of any historical drainage and that the existence of field drains cannot be excluded. It is a requirement that bodies should not be buried within 10m of any field drain and, therefore, the existence of any field drains within the site must be determined and included. More detail, in the form of a full water features survey for the site and surrounding areas, is required.*

*1.3 The applicants state that the typical burial depth would be 1.8m. They also state that across the site 'rockhead was encountered at depths ranging from 0.3m to 1.65m'. The deepest superficial deposits were recorded in 2002 as glacial till and extended 'to a maximum depth of 1.65m'. Elsewhere it is stated that 'in some areas of the site, we have 2.8m of superficial deposits, mainly comprised of glacial till' and also that across the majority of the site weathered rock is at shallow depth. SEPA guidance requires that there is at least 1m of subsoil beneath the burial pit, meaning that the depth to the bedrock interface should be at least 2.8m. This requirement is not met across the entirety of the site.*

*1.4 The applicants undertook permeability testing with results ranging from 21 to 378 Vp. However no details are given for the methodology of the soakaway test, and the units used to represent Vp are not defined. More detail is required. The developer also suggests the possibility of 'over excavation of the rock to provide for one metre of subsoil emplacement beneath the burial depth'.*

*1.5 The applicants recognise that discontinuities and bedding are a primary influencing factor on permeability, and, therefore, groundwater vulnerability. The applicants indicate that the site has rock strata dipping steeply towards the east at an angle of approximately 60°, is underlain by historic mine workings, including two mine*

shafts, and according to the hydrogeological map of Scotland, contains numerous faults, fissures and irregularities. Although no groundwater was identified at any of the site investigation locations, and is therefore likely to be found at depth in the bedrock, it is considered that the migration of contaminants via natural and mining related secondary permeability may pose a risk to groundwater quality.

1.6 The applicants have identified that there may be potential instability issues across the site due to historic mine workings. In order to rectify this, 'mine entries, including bell pits, will be required to be secured by drilling and grouting or capping. In instances where they lie close to adoptable roads, both measures involving drilling and grouting will be required prior to bringing the site into use for the proposed cemetery. The applicants acknowledge the need to seal effectively any jointing, collapses or preferential pathways caused by mine workings. There is no information, however, on how this will be managed whilst reducing potential impacts on groundwater. More detail is required.

#### Overall risk assessment

1.7 At present, we object to the proposed development due to a lack of information. We have concerns about the risk to the groundwater environment from the proposed development due to the potential for migration of burial derived contaminants to groundwater at depth. At present the pollutant load of the site, in terms of the number of proposed burials per year has not been defined, and there is potentially a lack of superficial cover (subsoil) to attenuate and limit migration of these pollutants. The development does not meet the guidance stipulated in chapter J of 'SEPA Groundwater Protection Policy for Scotland - Version 3 (2009)'. More information is required on how the proposed mine workings will be grouted at the site, and the potential risks to groundwater from this activity.

#### Pollutant load

1.8 The applicants should provide the proposed number of burials per year to define properly the potential pollutant loads and risk to groundwater from the cemetery development.

#### Existing water features

1.9 The applicants should identify fully all the water features which may be impacted by the development. This should include appropriate reassurance that there are no drinking water sources within 250m, or any other spring, wells or boreholes within 50m of the site boundary. At present it is unclear if this has been robustly undertaken via contact with the appropriate authorities. In particular the developer should confirm the water supply status of Edmonstone Cottage.

#### Drainage

1.10 The presence of any field drains within the site, and within 10m of the site boundary needs to be determined via a comprehensive water features survey.

#### Groundwater quality and levels

1.11 Any existing data on the groundwater quality/levels which may be available to the applicants from 3rd party sources may help the applicant. To define more accurately the potential risks associated with the development, and should be made available to CEC and SEPA. It has been noted that there are a number of mine shafts beneath the site. These may offer a potential way to determine the groundwater level at depth, as well as helping to define current groundwater quality.

#### *Mine Works Grouting*

1.12 Pulverised Fuel Ash (PFA) grouting has the potential to cause environmental damage if not managed properly. The pouring of grout below the water table is a controlled activity under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), which includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment.

o Further details relating to CAR requirements can be found on SEPA's website at; [http://www.sepa.org.uk/water/water\\_regulation/regimes.aspx](http://www.sepa.org.uk/water/water_regulation/regimes.aspx)

1.13 If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations. SEPA therefore recommends that the developer assesses the risk from this activity in line with the guidance document entitled 'BRE488 Stabilising Mine Workings with PFA Grouts - Environmental Code of Practice (2006)', which includes a methodology for assessing the risks to groundwater from PFA grouts.

#### 1.14 Key points to note follow

1. It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.

2. Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.

3. It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.

4. If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

#### 1.15 In addition, please note the following.

o Consultation with The Coal Authority is recommended.

o It is recommended that the applicant contacts SEPA's local Operations Team (contact details at Section 9) to notify them of any proposed grouting of mine workings for the stabilisation of land prior to construction.

o *The disturbance of the existing system and the potential mobilisation of any existing contaminants through grouting works need to be assessed where appropriate.*

## *2. Flood Risk*

*2.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

*2.2 We commented previously on the risk of flooding to the site (planning application 13/04148/PPP) and we highlighted that although the risks within the site may be minimal there must be consideration for discharge of surface water from the site to prevent any increased risk of flooding elsewhere.*

*2.3 We note Edinburgh Council's Flood Prevention Officer has requested a surface water management strategy should be undertaken to address adequately any issues which may arise from surface water on the site.*

*2.4 The drainage strategies for cemetery and residential development (13/05235/PPP, 13/05302/PPP and 13/04148/PPP) indicate that water will be discharged to existing culverts at the site at a Greenfield rate (1:2 year). We recommend that these culverts are assessed to ensure that they are adequately sized to receive this discharge at a single location and that the culvert discharge point is identified. It is not clear if an investigation to the route and discharge location of the existing culvert has been undertaken. If this is not investigated adequately then a break / blockage or diversion of this culvert may result in uncontrolled discharge at a downstream location. Please see Section 3.2.*

*2.5 We recommend that any ground conditions for any infiltration scheme be investigated fully to prevent unexpected discharges "springing" up in a down gradient neighbouring development.*

## *3. Surface Water and Sustainable Urban Drainage Systems (SUDS)*

*3.1 In principle the SUDS proposals for the cemetery is satisfactory. The technical details, however, will need to be agreed prior to work commencing on site, and the developer will need to confirm that the surface water drainage arrangements comply with GBR 10 and 11 of CAR.*

*3.2 Before we can review our objection on the grounds of surface water and SUDS, however, we believe information is required on:*

- o the existing culverts to ensure they are adequately sized to receive this discharge at a single location*
- o identification of the culvert discharge point*
- o clarification if there has been an investigation to the route and discharge location of the existing culvert.*



3.3 Advice on surface water is given in the context that the applicants will provide the information requested in Section 1 and will demonstrate that there is no risk of groundwater, particularly polluted ground water, combining with surface water.

#### 4. Air Quality

4.1 There will be a requirement for the proposed crematorium to be authorised under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012). The applicants are advised to contact the Edinburgh Operations Team at as early an opportunity as possible to discuss the potential implications.

#### Detailed Advice for the Applicant

#### 5. Water Environment

5.1 SEPA Groundwater Protection Policy for Scotland - Version 3 (2009)' clearly states in chapter J that:

SEPA recommends that bodies should not be buried:

- i. Within 250 metres of any spring, well or borehole used as a source of drinking water;
- ii. Within 50m of any other spring, well or borehole;
- iii. Within 50m of any watercourse;
- iv. Within 10m of any field drain.

In respect of the burial site SEPA recommend:

- a) There should be no standing water in the bottom of the burial pit when first dug (this assessment should not be carried out when raining);
- b) There should be no sand or gravel at the bottom of the burial pit;
- c) There should be at least one metre of subsoil below the bottom of the burial pit;
- d) The burial pit should be deep enough to give at least one metre of covering soil.'

5.2 Please also note the advice for the planning authority in Section 1.

#### 6. Flood Risk

6.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).

6.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

6.3 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).*

## 7. *Surface Water and Sustainable Urban Drainage Systems (SUDS)*

7.1 *Noting our advice to the planning authority at Section 3, please contact our local operations team (contact details at Section 9) to discuss: infiltration schemes; GBR 10 and 11; and, to discuss the use of the existing culverts and the consequences of a break, blockage or diversion resulting in an uncontrolled discharge downstream.*

## 8. *Air Quality*

8.1 *Please contact SEPA's Edinburgh Operations Team to discuss authorisation of the proposed crematorium.*

### **SEPA further comment 9/06/2014**

*On 6 May 2014, we received from Mason Evans a Hydrogeological Risk Assessment incorporating Water Features Survey which was provided to enable us to review our objection of 25 April 2014 (our reference: PCS/132838) to planning application 14/01166/FUL (Ground Stabilisation). I wrote to you on 14 May 2014 to remove our objection to this application (our reference: PCS/133225).*

*As requested by you and the applicants, we have considered this Hydrogeological Risk Assessment in relation to planning application 13/05302/PPP. We objected to planning application 13/05302/PPP on 28 February 2014 (our reference: PCS/130934) on the grounds of lack of information on, among other matters, impacts to ground water.*

*Having considered the further information now provided on this proposal and this site, we continue to object to this planning application on the grounds of lack of information on impacts on ground water. Please note, however, that the provision of further information may only confirm that this site is unsuitable, in principle, for cemetery development. Please see Section 1, particularly Sections 1.6 to 1.10.*

*In addition, should the City of Edinburgh Council be minded to grant consent to this planning application a condition is necessary to remove the objection relating to grouting work. Please see Section 1.27.*

*The applicants have also submitted a revised drainage statement as part of application 13/05302/PPP. In our response of 28 February 2014, I wrote that in principle the proposals for surface water and SUDS were satisfactory, but that the technical details must be agreed prior to work commencing on site and that the applicant will need to confirm that the surface water drainage arrangements comply with General Binding Rules (GBR) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).*

*This is still our view. We consider that there are points that need to be clarified before this application can be determined. Please see section 2 below.*

*Please note our advice on regulatory requirements and flood risk at sections 3 and 4.*

*In our response of 28 February 2014, the applicant was advised to contact our local Operations Team to discuss authorisation of the proposed crematorium (contact details at Section 6 below) under the terms of The Pollution Prevention and Control (Scotland) Regulations 2012. Early discussion is advisable.*

*Advice for the planning authority*

*1. Groundwater*

*1.1 We have been consulted on two applications for cemetery development (each of approximately 20 ha) which have identical supporting documentation, although this application does not include provision for woodland burials. Our previous response to both applications was identical, as both applications raised the same concerns for SEPA (our references: PCS/130934 and PCS/130893). Similarly, our current responses to both applications are identical.*

*Previous response*

*1.2 In accordance with the Groundwater Protection Policy for Scotland Section J When consulted on planning applications for cemeteries or green burial sites, SEPA will, where appropriate, request measures which mitigate any identified adverse effects on groundwater to be either incorporated into a planning application or into a planning condition. If this is not possible and we consider that unacceptable adverse effects cannot be mitigated, we will object to the planning application.*

*SEPA recognises that the burial of corpses is an activity which may lead to the input of polluting substances into groundwater. In the event of a clear and serious risk to groundwater being identified as a result of burial at a cemetery or private burial ground, SEPA will prevent or control the activity using its powers of enforcement under regulation 28 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended).*

*'SEPA recommends that bodies should not be buried:*

- i. Within 250 metres of any spring, well or borehole used as a source of drinking water;*
- ii. Within 50m of any other spring, well or borehole;*
- iii. Within 50m of any watercourse;*
- iv. Within 10m of any field drain.*

*In respect of the burial site SEPA recommend:*

- a) There should be no standing water in the bottom of the burial pit when first dug (this assessment should not be carried out when raining);*
- b) There should be no sand or gravel at the bottom of the burial pit;*
- c) There should be at least one metre of subsoil below the bottom of the burial pit;*
- d) The burial pit should be deep enough to give at least one metre of covering soil.'*

1.3 In our response of 28 February 2014, we objected on the basis that there was insufficient information to review risks to the water environment. As mentioned a 'Hydrogeological Risk Assessment Incorporating Water Features Survey' has been submitted to support this application (and other applications).

1.4 Due to a lack of information regarding risks to the water environment, we objected on the basis of lack of information on the following issues.

- o Overall risk assessment. We expressed concerns about the risk to the groundwater environment from the proposed development due to the potential for migration of burial derived contaminants to groundwater at depth. We advised that the pollutant load of the site, in terms of number of proposed burials per year should be defined. We also expressed concern at the potential lack of superficial cover (subsoil) to attenuate and limit migration of these pollutants. The development, as proposed, does not appear meet the guidance set out in chapter J of 'SEPA Groundwater Protection Policy for Scotland - Version 3 (2009)'. More information was required on how the proposed mine workings will be grouted at the site, and the potential risks to groundwater from this activity.

- o Pollutant load. The applicant should provide details of the proposed or potential number of burials per year to define properly the potential pollutant loads and risk to groundwater from the cemetery development.

- o Existing water features. The applicant should identify fully all the water features which may be impacted by the development. This should include appropriate reassurance that there are no drinking water sources within 250m, or any other spring, wells or boreholes within 50m of the site boundary. It was unclear if there had been a robust identification of all water features via contact with the appropriate authorities. In particular the applicant should confirm the water supply status of Edmonstone Cottage.

- o Drainage. The presence of any field drains within the site, and within 10m of the site boundary to be determined by way of a comprehensive water features survey.

- o Groundwater quality and levels. Any existing data on the groundwater quality/levels which may be available to the applicant from 3rd party sources would be of assistance to the applicant to define more accurately the potential risks associated with the development. It has been noted that there are a number of mine shafts beneath the site: these could provide a way to determine the groundwater level at depth, as well as helping to define current groundwater quality.

- o Mine Works Grouting. Pulverised Fuel Ash (PVA) grouting has the potential to cause environmental damage if not properly managed. The pouring of grout below the water table is a controlled activity under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2001 (CAR), which includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment.

- o Infiltration test. More detail is required.

Current response, based on additional information

1.5 We continue to object to this planning application on the grounds of lack of information.

1.6 From the information in 'Proposed Cemetery and Crematorium Edmonstone - Report on Site Investigations', Mason Evans Partnership Ltd, Version 1, January 2014' (The Report) it appears that for large parts of the site there would be either no natural subsoil or a limited subsoil protection layer present at the site. Section J of the Groundwater Protection Policy for Scotland recommends that there should be at least one metre of subsoil below the bottom of the burial pit. The burial depth is proposed to

be 1.8 metres below ground level (The Report, 11.1.5); and, therefore, it is recommended that the depth to bedrock should be below 2.8 meters below ground level.

1.7 The Report (6.1.3) highlights that bedrock can be found at depths varying between 0.3 and 1.65 metres across the site. In addition SEPA has considered the site investigation data made available in The Report appendices: only three locations (NWH13, NWH14 & TP21) appear to meet the guidance on depth to bedrock, one of these locations is actually an embankment, and, therefore, it would inherently not be suitable (see Figure 1 attached). Our concern regarding depth to bedrock is supported by BGS Digimap data held by SEPA which shows that the site is likely to have no superficial deposits (see Figure 2 attached). We continue to object to this application on the basis that there is not enough information to demonstrate that there is a sufficient depth of subsoil for land proposed for burials to ensure adequate protection of the water environment. The mitigation proposed would not address this issue adequately as sufficient depth of subsoil is not only required for the specific locations of burials, as has been proposed as mitigation, but is required more widely across the cemetery site. It is likely that site wide land-raising of areas proposed for burials, on the scale proposed would be the only appropriate mitigation of this water environment issue.

1.8 Any land-raising, however, would require to be considered in the context of flooding since land-raise can have the effect of altering pluvial flowpaths and may reduce the conveyance and storage capacity of any floodplain affected.

1.9 The 'Hydrogeological Risk Assessment Incorporating Water Features Survey', Edmonstone Policies, Edinburgh, May 2014' (The Assessment) contains information relevant to our review of this site. In the absence of detail of the extent of the areas to be used for burial, burial density (single burials or burial lairs), types of burials proposed for the site, potential annual burials at this site, etc, we are not able to assess the potential impact on ground water of this proposed development.

1.10 We understand that this is an application for planning permission in principle, but without this detail (section 1.9, and section 1.8 if land-raising is addressed by the applicant as an option) we are unable to advise you on whether the principle of this development at this location can be accepted. More detail on this proposal is necessary. We must advise you and the applicant, however, that provision of this greater level of detail (and any further assessment to address the option of land-raise) may only demonstrate further that this site is not suitable, in principle, as a cemetery of the scale proposed by this application.

1.11 As well as continuing to object on the grounds of lack of information on sub soil, we consider there is still a need for further information on some of the issues we raised in our response of 28 February 2014. We will review our objection on these points when this information is provided. These issues relate to the site characterisation.

- o Overall Risk Assessment
- o Pollutant Load
- o Existing water features
- o Drainage

1.12 The other issues we raised have either been addressed or become irrelevant in light of new information.

Overall risk assessment

1.13 The pollutant load has not been defined, and the potential lack of superficial cover (subsoil) has not been addressed.

1.14 The applicants state that the typical burial depth would be 1.8m (The Report, 11.1.5). They also state that across the site 'rockhead was encountered at depths ranging from 0.3m to 1.65m' (The Report, 6.2.1). The deepest superficial deposits were recorded in 2002 as glacial till and extended 'to a maximum depth of 1.65m' (The Report, Para 2). Elsewhere it is stated that 'in some areas of the site, we have 2.8m of superficial deposits, mainly comprised of glacial till' and also that across the majority of the site weathered rock is at shallow depth (The Report, 11.1.5).

1.15 It is unclear whether the maximum depth to rockhead is 1.65m or 2.8m. The applicants also state made ground was located at three trial pits across the site (The Report, 6.1.2), and that 'Elsewhere throughout the site, the area was covered in a layer of topsoil, which was described as brown sand and reached a maximum depth of 0.5m' (The Report, 6.1.3), with 'Shallow rock (was) recorded across the majority of the site' (The Report, 6.1.4). Throughout The Report there are a number of contradictions with regards to the depth of superficial deposits. SEPA guidance requires that there is at least 1m of subsoil beneath the burial pit, meaning that the depth to the bedrock interface should be at least 2.8m. This requirement is not met across the entirety of the site.

1.16 The applicants also mention the 'possibility of over excavation of the rock to provide for one metre of subsoil emplaced beneath the burial depth, although the investigations suggest this to be unnecessary' (The Report, 11.1.8).

1.17 The majority of the trial pits show either mudstone or sandstone at the depth of the burial pit (1.8m), with over lying 'brown sandy topsoil' (The Report: Appendix 4). Following the SEPA guidance, the bottom of the burial pit may not be placed on bedrock, or be composed of sand or gravel. Please refer to our comments at 1.6 and 1.7.

#### *Pollutant load*

1.18 The applicants have not submitted any further information regarding the proposed number of burials per year, and the burial density. Please refer to our comments at 1.9.

#### *Existing water features and Drainage*

1.19 Existing water features. The applicants report that there are no water courses, abstraction boreholes, springs, or issues within 250m of the site ('Edmonstone Cemetery Proposal Drainage Statement', T. Lawrie & Partners, Glasgow, March 2012, sections 2.2.1, 2.2.3, and 2.2.7). The applicants have corresponded with the City of Edinburgh Council and have also made use of the BGS online borehole database and Envirocheck reports to determine that there are no water abstraction boreholes within 250m of the site (The Assessment, 2.2.7).

1.20 The presence of any field drains within the site, and within 10m of the site boundary has not been fully confirmed in the water features survey. It was noted in the 'Edmonstone Cemetery Proposal, Drainage Statement: March 2012' that two stone drains were present, which flow in a South East to North West direction [paragraph 3]. The location of these drains needs to be determined, as 'SEPA Groundwater Protection Policy for Scotland - Version 3 (2009)' is clear that bodies should not be buried within 10m of any field drain. It also needs to be determined whether or not these drains feed into a water course. If they do, they are to be considered as tributaries, and the burial exclusion zone should be increased to provide a 50m buffer zone around them.

1.21 *The presence or absence of field drains must be confirmed. If field drains are present it must be confirmed if these feed into a water course.*

#### *Groundwater quality and levels*

1.22 *No third party data on groundwater quality/levels has been presented by the applicants. The applicants do state, however, that:*

*'No evidence of groundwater was found during the excavation of the trail pits and none of the boreholes penetrated any indications of an identifiable groundwater table' (The Report: 6.3.1).*

*'The site investigations carried out in August 2012 found no evidence of an identifiable groundwater table in either trail pit excavations or open boreholes which were sunk to 32m depth. We consider that groundwater lies at depth within the rock strata beneath the site' (The Assessment: 3.3.1)*

1.23 *The applicants conclude that:*

*o 'From the borehole data it is expected that the site in question has a deep water table, below the level of the grouting works. In this case we consider that there is no risk for the groundwater to rise in the future as there is no known abstractions or groundwater pumping in the area' (The Assessment: 3.5.2)*

*o This is supported by Drawing G2013/173/HRA/R/F/03 (The Assessment).*

1.24 *From the information provided by the applicants, we agree it is likely that groundwater is at depth across the site and that the risk regarding future rebound is acceptable.*

#### *Mine Works Grouting*

1.25 *The concluding comments in the Hydrogeological Risk Assessment submitted by the developer state:*

*o 'A survey of the proposed grouting works location has indicated that there are no surface water features within the site or 250m of the boundary. The groundwater was identified as being the main contaminant receptor' (The Assessment, 4.1.1).*

*o 'The proposed mine consolidation works at the site, and the use of PFA grouts does not present a risk of leaching contaminants directly into the groundwater as the grout will be placed above the water table. It is considered unlikely that the groundwater will rise in the future as no pumping or abstraction of groundwater is occurring in the area. Although the grout has a potential for leaching, the dilution factor calculated on this leachate indicates the contaminants to be below guideline levels. Additionally good working practices will further reduce the leachability of the grout' (The Assessment 4.1.2).*

1.26 *We accept that the Hydrogeological Risk Assessment, along with the concluding comments and supporting appendices, satisfy the requirements needed to reduce the potential risk to groundwater under general binding rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).*

1.27 *Should the City of Edinburgh Council be minded to grant consent for this application, a condition stipulating that after completion of the grouting works, the reports on these works are sent to the City of Edinburgh to review in consultation with SEPA. Generally the presence of mine workings at a proposed cemetery site is a*

cause for concern as this could lead to instability and/ or preferential flow paths in the underlying geology. Both of these issues lead to an increased risk to the water environment from potential cemetery contaminates. The proposed grouting work is found to be adequate mitigation to address this increased vulnerability, on the condition that reports of the finalised work are provided to the City of Edinburgh Council to review in consultation with SEPA.

#### *Infiltration test*

1.28 The developer defined the units of the Vp test by email to SEPA, 15 May 2014, as the average time in seconds for the water to drop by 1mm. Although no details with regards to the methodology of the infiltration test were given, no further information is required, as the sandy typology of the superficial deposits across the majority of the site, along with the limitations of the shallow bedrock, result in the infiltration test being irrelevant. The burial chamber cannot be placed on bedrock, or have a sand or gravel bottom: please see 1.17 above.

#### *2. Sustainable Urban Drainage Systems (SUDS)*

2.1 From the limited additional detail which has been provided, it appears that the drainage proposals are acceptable in principle, but the lack of technical information which has been provided makes it difficult to confirm that they are acceptable. Details of the swale and filter trenches are required: a drainage plan would be useful. In our response of 28 February 2014, we highlighted the need identify culvert discharge points, etc. Please see 4.3 below. There is a proposal or a suggestion that a new drainage outfall might be constructed: clarification on discharge points, drainage outfall is required.

2.2 Once the technical detail identified at 2.1 has been provided we will be able confirm if the drainage proposals are suitable for this development, should form part of any planning permission and should be developed further in an application for matters specified in conditions, if the City of Edinburgh Council approves this application for planning permission in principle.

#### *3. Regulatory Requirements*

3.1 If this proposed development is given planning permission, there will be regulatory requirements for the site under the terms of The Pollution Prevention and Control (Scotland) Regulations 2012. The applicant is advised to contact Aidan Gilroy of SEPA's Edinburgh & Lothians Operations to discuss these requirements.

#### *4. Flood Risk*

4.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

4.2 We have previously commented on the risk of flooding to this site and highlighted that although the risks within the site may be minimal, it should be noted that surface water management may be a significant factor within the boundary of the site due to the steepness of the topography. Appropriate strategies should be in place to prevent an increased risk of flooding elsewhere.

4.3 The new information suggests a new drainage outfall be constructed from the site to the Niddrie Burn. This is to mitigate against unknown issues of condition and exact location of the existing drainage pipe / culvert. As the route of the new pipe may be outside the ownership of the applicant, we would recommend that any long term access and maintenance agreements for the route of the new discharge pipe are agreed prior to planning permission being given.



4.4 *Edinburgh Council Flood Prevention Team should comment if the Greenfield runoff rates and discharge outfall arrangements are acceptable to them.*

4.5 *Please note our comments at 1.8. A revised application or new application which included proposals to raise land to accommodate cemetery provision of the scale proposed in this application would need to be assessed for increased flood risk.*

#### *Detailed advice for the applicant*

#### *5. Flood Risk*

5.1 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

5.2 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: 'Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities' outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).*

#### *Regulatory advice for the applicant*

#### *6. Regulatory requirements*

6.1 *If this proposed development is given planning permission, there will be regulatory requirements for the site under the terms of The Pollution Prevention and Control (Scotland) Regulations 2012. You are advised to contact Aidan Gilroy of SEPA's Edinburgh & Lothians Operations to discuss these requirements.*

6.2 *Details of other regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in the local SEPA office.*

### **Scottish Natural Heritage comment 27/01/2014**

#### *Strategic and Policy Context*

*The application site is identified in the Edinburgh City Local Plan 2010 as a key Open Space and Recreational Proposal (OSR 4), namely the South East Wedge Parkland. The creation of the parkland is to be taken forward as a key action arising from the City of Edinburgh Open Space Strategy in order to form part of a strategic green network of parks and connecting open spaces. The site is also a Local Nature Conservation Site, Greenbelt and candidate Special Landscape Area (SLA). The site has the potential to serve as a key strategic link in delivery of the Central Scotland Green Network (CSGN) within the Edinburgh region.*

*The Scottish Government's second National Planning Framework identifies the CGSN as a national priority and one of only 14 National Developments, considered by Ministers to be essential elements of the strategy for Scotland's long term development. Scottish Planning Policy also places an emphasis on the requirement for open space and green networks within its Landscape and Natural Heritage, and Open Space sections.*

*In this context, and as part of the Council's Open Space strategy and proposals, the site is strategically important in terms of open space, green belt and future green network establishment. It has a clear potential to form an important and distinctive part of a South East Wedge link helping connect open spaces and habitats within the city, linking to other open spaces and communities beyond the city boundary.*

#### *Detailed advice*

*We are supportive of the Council's Open Space Strategy and its aims to create a long-term framework of open space and parkland within Edinburgh. The South East Wedge parkland is a key strategic proposal to create a large, open parkland through this area. It has the potential to provide landscape setting and a multi-functional green infrastructure resource for the surrounding communities, while supporting the various new and large scale developments proposed through this part of Edinburgh and Midlothian.*

#### *Design, landscaping and amenity*

*The proposal, if appropriately taken forward in terms of its detailed planning and design, could help deliver the openspace and green network potential of the site. However, at this stage of the process we recommend that further details will be needed to more fully explain detailed design and access provision.*

*While the benefits of a more natural landscape and design of cemetery and gardens are acknowledged in some of the supporting materials, these will also need to be set out in further detail. For example, we consider there will be greater benefit from a more natural parkland tree setting than a more formal and sterile amenity grassland. We suggest that further information for a range of issues including: the detailed design of public access provision, the form and location of ground remediation, the detailed landscaping and drainage, and other issues relating to the protection or enhancement of the fabric of the Edmonstone Designed Landscape will be needed. Proposals for the long term management and maintenance of the site and its relevant environs will also be needed to explain the longer term delivery of these proposals.*

#### *Public access*

*As mentioned above this proposal could, if appropriately taken forward, maintain key aspects of the openspace and green network potential of the site. However, favourable provision of public access is integral to this and therefore will be key to development of this site.*

*Access through and around the site, with connections to routes beyond, are proposed within the application. The diagram in the Landscape Appraisal and Design Statement shows a core path and pedestrian link through the site (as well as other pedestrian links around the site). As such the proposal promotes the increase in public access through the site and beyond that will be achieved. However, it is noted that public access to the site will be permitted only between dawn and dusk, thereby preventing access outwith these times (although we acknowledge that use outwith these times will be low). It is also not clear if the routes through or around the site will be suitable for all users, such as cyclists or dog walkers. These issues need to be clarified or explored further in order to achieve good continued access through the site in future.*

#### *Protected species and biodiversity*

*Comprehensive surveys have been undertaken for protected species on or using the site. We are satisfied with the results of these surveys. Single pipistrelle bat roosts (likely to be transient roosts) have been identified in some of the trees on site, with 5 located in 2011 and 1 in 2013. These trees are in a woodland strip close to an access track. If this track is upgraded, the roosts may be subject to disturbance or possibly exclusion (although the report suggests this option is unlikely as the trees could be retained). Whether a licence for disturbance, or exclusion, is required will depend on the nature of the resulting work in the woodland strip or access track.*

*Bats are a European Protected Species. This means that if the Council is minded to approve the application, it must satisfy itself, in line with statutory duties under the Habitats Regulations 1994 (as amended), that the licensing tests set out in those regulations are likely to be met before approving the application. If not, the Council could risk the applicant being unable to make practical use of the planning permission or committing an offence.*

*It is our advice that if you approve this application, even with the mitigation set out in the Ecology report, a licence from SNH may be required by the applicant before they can proceed with the development. Based on the information currently available to us, it is likely that the tests would be met and therefore that a licence would be granted. This is based on the results of small (single bat), transient roosts located in some of the trees, and the potential likelihood of disturbance. Please note that this advice is given without prejudice to any later consideration of an application for a licence.*

*Mitigation had been discussed and we would recommend that the best practice measures discussed in the ecology report, such as directional lighting and provision of bat boxes, are applied. It is also recommended that before any works proceed in this location, these previous roosts sites, or any other trees with roost potential, are checked again by an ecologist to ensure the situation hasn't changed. A final check should also be undertaken of building 2 before any work here. Although no roosts have been identified to date, it has been described as having roost potential with lots of crevices.*

*Links to the tests and how to apply for a licence are given below:*

*[www.snh.gov.uk/docs/B876258.pdf](http://www.snh.gov.uk/docs/B876258.pdf)*

*<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/european-species-licensing/>*

*The ecology report (section 7.5) contains some good opportunities and recommendations to protect and enhance biodiversity on the site. We recommend that these opportunities are considered as a way of increasing both the biodiversity and amenity value of the site.*

#### *Mine workings*

*The area is underlain with old mine-workings and the ground will require stabilisation. It is not clear what significance this work will have on the fabric of the designed landscape, trees or habitats within or adjacent to the site. There may be possible impacts on the natural heritage from such operations, for example through the removal of vegetation and the working of soils resulting in impacts on the site ecology or the landscaping proposed. We would advise that further information on the nature of stabilisation works is more fully established in advance of any consent.*

#### **Transport comment 28/01/2014**

*I have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

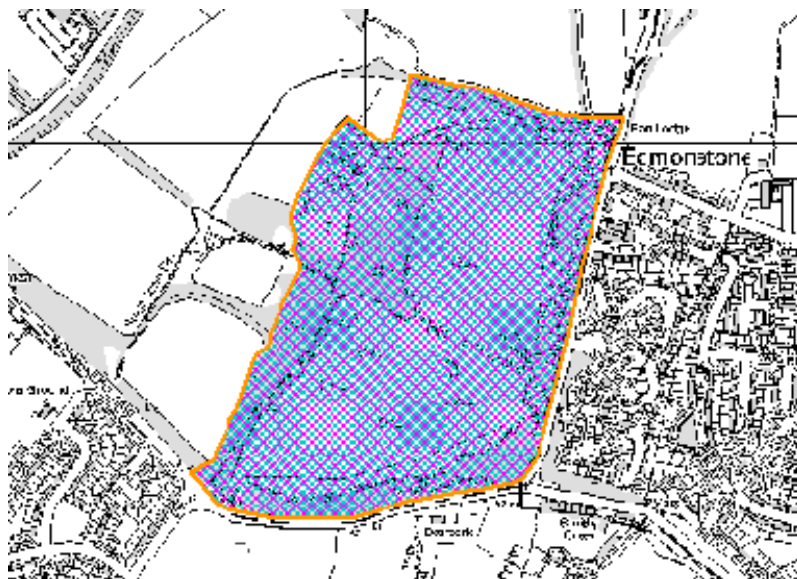
*All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.*

#### *Note:*

- a) The views of Midlothian Council should be sought prior to consideration of the proposals;*
- b) The area has extensive mine workings which may require appropriate measures and structural approval. I note that the Coal Authority has objected to this planning application as a Coal Mining Risk Assessment Report has not been submitted as part of the application;*
- c) Parking provision is proposed at 72 spaces for the chapel. This is considered acceptable. For information, Warriston Crematorium can accommodate approximately 70 vehicles and surrounding streets are often heavily parked during services.*

## Location Plan

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**END**