



Minutes of Meeting, Wednesday 9th March 2022 at 18:30

Boardroom, Edinburgh College Midlothian Campus

Community Council (CC) attendees: Brian Wailes (Chair), Jane Wailes, Robin Barclay (Secretary), David McNeill (Treasurer), Brian Farrell, Christina Harley, Joy Godfrey.

Residents: Tom Buchan, Susan Goldwyre.

Elected Representatives: none

Apologies: Mo Price, Alan Symon (Depute Chair), Andrew Matheson, Rebecca Lewis, Cllr John Hackett, Cllr Stuart Mackenzie, Cllr Peter Smail.

Welcome & Apologies: Brian Wailes (Chair) welcomed all. Apologies were received as above

1 Approval of Minutes: the minutes from the meeting on 9th February were proposed by Brian Farrell and seconded by Christina Harley. It was noted that Luska Jardine was unable to attend to take a provisional minute and Robin Barclay (Secretary) will rely on the Zoom recording to produce a draft minute of this meetings for approval.

2 Matters Arising: None not covered in matters on the agenda. Brian Wailes again observed that many issues are discussed prior to meetings by email exchanges, and if those who have taken responsibility for presenting different agenda items could summarise and circulate those prior to meetings less time need be taken in presenting those.

3 Police Report: None was due (we asked that those be presented quarterly so as not to take up police time when we are fortunate to have a low crime rate). We do get monthly MCAT activity reports from CLL via the Federation.

3 Finance: David McNeill stated that the last bank statement showed we had a balance of £4067.34 (March 1), and he would place the order for a second ENCC noticeboard to be located by Newbattle Abbey Crescent (the original noticeboard by Eskbank Toll has been taken down for refurbishment by Alan Symon and will be replaced there). An annual (minimum) running costs allocation of £300 from Midlothian Council is due. Brian Wailes proposed that we should allocate £1000 from our funds towards the defibrillator ordered for siting at Eskbank Trading and we could pursue other sources of funding to replace that, from whatever sources can be identified (such as crowd funding) and if that had any success could be allocated to a second defibrillator to be located closer to Newbattle (possibly at the Police Station). That was approved unanimously. That should leave sufficient funds to cover costs of producing at least one newsletter for distribution to residents.

4 Communications: Christina and Jane have met to plan our next Newsletter and discussed a range of presentations they wish to introduce, mainly to reduce text and increase illustrations to try to make it less text dense and more engaging. A number of articles have been commissioned, some received. Where these are too long they may be abridged and links given to the original full article

which can be lodged on our website. Since a digital version of the newsletter will be published on our website those links can be “live” within that, taking the reader directly there. It is hoped it can be produced by or before June when we break for the summer.

The noticeboards are covered above (see Finance).

Robin has reintroduced use of our mailing list to give notice of our meetings.

5 Planning Matters:

Robin Barclay reported on the following:

- 1) 21/00982/PPP | *Application for Detailed Planning Permission for the erection of Business (Class 4) development and Drive-Through Coffee Shop (sui generis), with associated car parking, access, infrastructure, and landscaping; and an application for Planning Permission in Principle for Business (Class 4) and Storage & Distribution (Class 6) development | Land At Sheriffhall South Melville Gate Road Dalkeith (validated Fri 14 Jan 2022).*

We have been requested by Planning to consult on this (as have neighbouring community councils). I am still gathering notes on this to object to the elements that are not permitted (sui generis drive-through, storage & distribution Class 6) since only Class 4 development is permitted. I will also object to the placement of the Class 4 units in close proximity to the junction of Gilmerton Road and Melville Gate Road which entails removal of the woodland there, part of the Melville Gate Road trees and all of the Gilmerton Road trees, which currently screen the site and beyond, with only low hedging between the units and the road and a wooden fence to shield car headlights shining out of the site on to the roundabout there. I note a detailed consultation (objection) has been submitted by BLCC (Marnie Crawford) and Brian Farrell has submitted a personal objection.

- 2) *We have received communications from a Newbattle Abbey Crescent resident who is alarmed at current excavation activity (apparently on behalf of Scottish Water) in the field between the A7 and Newbattle Abbey Crescent.*

I have responded to these and have sent an email to Planning (copied to various others including Scottish Water) and hope to receive information which details what exactly is happening there. You would presume that Scottish Water would have to submit plans for any development they are undertaking. The resident is concerned that a foul waste settling tank may be installed there - however it might only be scheduled upgrade of the sewage network which will be buried and concealed when completed. At this stage we do not know. Brian Farrell is also pursuing some enquiries. It does not appear in plans associated with the large development by Cockpen/Bonnyrigg (but may be a consequence of it??). Joy will ask SW for information at the next ERIG meeting and if they have no reply ready ask them to give a date by which they will respond.

- 3) 22/00091/MSC | *Residential development (approval of matters specified in conditions 2a,b,c,d,e,f,g,h,i,k,l, 3 and 4a,b,c,d,e,f,g,h and i of planning permission 14/00420/PPP) (amendment to layout, numbers and house types approved in terms of planning permission 19/00010/MSC) | Land South of Lasswade Road Dalkeith*

Brian Farrell has written and submitted a detailed objection to these amendments on behalf of ENCC (shared with fellow councillors). This can be read on the Planning Portal.

- 4) 21/00352/DPP | *Erection of two dwellinghouses; formation of access, car parking and areas of hard standing and associated works | Land 25M South West of Deaflawhill Cottage Dalkeith.*

This application, which we objected to since although the site is in BLCC ward it is close to our shared boundary and Deaflawhill Cottage (one of the near neighbours officially notified) is in ENCC ward. That objection may have contributed to the decision by Planning (delegated, not called in to the Planning Committee) to refuse this application (our objection was not quoted) but it contravened several policies and regulations which informed Planning's decision. A refusal was issued on 22 Nov 2021. The applicant's agents have now (22 Feb 2022) submitted a request for a

review of the refusal decision by the Local Review Body (LRB) which they are entitled to do within 3 months of the issue of a decision. A delegated decision made by a planning officer may be reviewed by the Local Review Body (LRB). This is an internal group made up of local councillors. The LRB decision is final.

I requested information on this from the Planning Officer assigned to this application, he states "*It (LRB) is a body of Councillors that will review the proposals that were previously determined under delegated powers (by Planning Officers). Whilst all Councillors sit on Planning Committee, all but three sit on the LRB Panel (you are right in that this is not an Appeal to be reviewed by a Reporter). Applications taken to LRB are usually accompanied by a site visit the morning of the meeting. The date of the meeting is not clear yet as I understand the March LRB is already at capacity.*

It is usually the case that LRB would review the information that was submitted as part of the application. As such, comments made to date should be reviewed. However, direct approach to your elected member is still an option."

We have had several communications from the resident at Deaflawhill Cottage. He and others (neighbours) claim that the applicant's introduction of stonemason's workings and equipment on that site with clearance of naturally regenerated woodland was done without planning consent and since (they claim) that took place around 2017/18, less than 10 years ago (10 years is the period within which an unconsented development may be objected to - otherwise it will become allowed) they regard it as a cynical attempt to influence the planning decision. We (ENCC) hope the LRB will not be swayed by this, as it might encourage other developers to degrade a site then claim it is "brownfield". We would hope that eventually Planning Enforcement will achieve restoration of the site.

The Deaflawhill resident has (yesterday) also sent an image of flooding there on Carrington Road (opposite Deaflawhill cottage on 16th February) caused by run-off from the large development across the road (Cockpen/Bonnyrigg development)

- 5) *The "dog run" by Kirkness & Innes at Hardengreen is subject to a Planning Enforcement order (since October?) but we have no further information.*
- 6) *We will not comment formally to Planning on the Flagpole at Weir Crescent or the revised signage at the Justinlees Inn, both of which were discussed..*

6 Roads, Traffic & Road Safety. Resident Tom Buchan expressed a view that it seemed lenient that those identified as speeding on Lasswade Road by Police handheld radar operation were let off with a caution. Brian Farrell explained that there was a speed threshold below which it was police policy not to prosecute and evidently they had not exceeded that when identified. Brian then went on to summarise the range of interventions and policies that ENCC (largely thanks to Brian) have been successful in achieving in the last two years. It is not possible to deploy the mobile camera unit in certain areas due to lack of suitable parking locations so it is welcome that local Police handheld radar has been deployed in the area, as agreed, now that daylight conditions permit safe deployment. Brian is still of the opinion that enforcement is not the best solution and other physical measures such as better signage, road marking and lane narrowing might cumulatively achieve more. It is probable that a 20 mph limit will be introduced widely in urban areas of Midlothian.

Brian reported on a recent briefing that he and Andrew had attended through MTRAP on the A7 urbanisation plan, and reported that it would be carried out in 3 stages, (1) Gilmerton Road roundabout to Lasswade Road (Melville Dykes) Roundabout (2023/24), then (2) on to Hardengreen (Eskbank Rd) roundabout (2024/25), then (3) on to the Sun Inn with probable extension to Newtongrange (2025/26), with funding either in place or expected to come from developer charges. The speed limit will be dropped to 40 mph, pedestrian paving will be put in, as will bus stops and crossings. Midlothian Bus Alliance (Midlothian Council, bus operators and others) have been awarded £500,000 to address bottlenecks across Midlothian, including the A7 where many of the pinch points are.

7 Active Travel: In Andrew Matheson absence, Brian reported that they had participated in the active travel consultation and Andrew had drawn up and submitted the response by ENCC which was agreed to be excellent. Brian is however of the opinion that Midlothian's active travel policy has focused too much on "tourism" and not on useful point-to-point commuting. Most activity in this category is ongoing rather than novel.

Views were expressed on the inadequacy (too narrow to pass if you meet) and poor state of maintenance (vegetation) of the multi-user pathway between Dobbies and Gilmerton. Many cyclists do not use it and instead use the roadway, to their own risk and the frustration of motorists. There is a backlog on gully cleaning which may eventually make some difference.

Christina noted that active travel needs to take into consideration folk wheeling children in pushchairs and folk using mobility scooters, not just cyclists and walkers.

8 Environment: Joy Godfrey has attended recent ERIG meetings, and highlighted some areas (ERIG meeting minutes are published on [MSP Colin Beattie's website](#) (link)). She identified that after the recent Esk river pollution incident at Musselburgh the local council cleaned up and will seek to reclaim costs if a perpetrator can be identified to claim against. However no costs or agency has been identified to undertake restoration. Joy also reported that encouraging biodiversity proposals have been made especially for the North Esk headwater area such as native tree planting and peatland restoration which should greatly improve water retention and support Scottish Government aspirations, but no group is willing to take that on. Scottish Water are running a campaign to discourage inappropriate flushing of items that should be disposed of to household waste – but "flushable" needs to be redefined so that many items currently classified as flushable yet contain plastics (such as many wipes) and do not degrade in water are not allowed to be so categorized. The Forth Rivers Trust are starting a 3-year project based on citizen science (compare the Esk River Fly Group which has been widely praised) and need to ascertain what river-related data communities would like to be collected. Joy has launched an ENCC Esk River Improvement page on Facebook (<https://www.facebook.com/ENCC-Esk-River-Improvement-103314872097777>) to *gather community concerns and ideas for action to improve the health of the Esk Rivers.*

9 AOB: Brian W reminded us that we have been invited to participate in planning for the Dalkeith Centre regeneration that has relaunched. He has attended some on-line meetings with the consultants.

It has been proposed that ENCC organise a hustings for the forthcoming local elections.

Christina asked Susan if there were any plans to "litter pick" Melville Road. Susan replied that they (the Guerrilla Gardeners) had approached Midlothian Council about getting a road closure to do such a clean up and tidy roadside vegetation, partly to commemorate their late colleague Gordon who used to regularly tidy there – but were told it would be expensive (several hundred pounds in costs).

David said that he had inquired whether there might be Lottery funding available to fix the steps/pathway down to the bridge at Ironmills – but was told that if it was Council-owned they would not help.

10 Date of Next Meeting: the next meeting will be Thursday 12th May at 6:30 pm in the Boardroom of Edinburgh College. We may provide remote access via Zoom for any invitee who cannot attend in person (let us know), but we cannot undertake to manage that for the public, who we will be happy to meet in person. Note that because Edinburgh College will close on Wednesday evenings we will now meet on the second Thursday of the month as our regular time.