



Minutes of Meeting, Thursday 9th March 2023 at 18:30

Boardroom, Edinburgh College Midlothian Campus

Community Council (CC) attendees: Brian Wailes (Chair), Brian Farrell (Depute Chair), Robin Barclay (Secretary), David McNeill (Treasurer), Christina Harley, Barbara Mackie, Joy Godfrey (Associate)

Elected Representatives: Cllrs Stuart Mackenzie, Bryan Pottinger, Peter Smaill

Residents: Bill Hunter, Janet Reid, Andrew Reid, Robin Spinks

Apologies: Gordon Chisholm, Rebecca Lewis, Jane Wailes, Mo Price (ENCC), Sally York (Associate),

Welcome & Apologies: Brian Wailes (Chair) welcomed all and noted apologies received as above.

1 Approval of Minutes: the draft minutes from the February meeting were proposed by Brian Farrell and seconded by David McNeill. There were no amendments. Any matters arising will be dealt with within the headings of the agenda of this meeting since agendas now mostly follow a repetitive format from month to month.

2 Police Report: A quarterly report was submitted in writing by PC J Martinez and published on the ENCC website ([link here](#)). Due to other commitments nobody was available to speak to it. An MCAT (Midlothian Communities Action Team) report for February was also received, but that is not for us to publish.

Planning: **No new applications** of concern in recent weekly lists

Dandara (Lasswade Road South site)

It is noted that work is now proceeding on this site, and all the trees on its border with the A7 have been reduced in height. These trees are rooted within the site (along the inside of the boundary fence). The adjacent verge of the A7 there is mostly devoid of trees but beyond the Dandara site to the south the verge of the A7 is wooded. Who owns the verge, will it be disturbed by the A7 urbanization planned, and could it be planted with trees to extend the wooded border north, along the Dandara site to partially screen it from the A7 and retain its rural character?

Brian Farrell confirmed approval of the revised plan submitted by Dandara for this site which ENCC had concerns with (and submitted those to Planning). We note there is no pavement connection to this site.

Melville Road Glenarch yard / Squirrel Storage

This site is currently an eyesore, piled up with waste which is increasing weekly. Part of the site is also in use as a minibus park/depot, and there are several shipping containers. The south, adjacent part of the site was granted planning permission for development of 3 houses (ref 19/00411/DPP). However this is now subject to a new planning application (23/00145/DPP) which presents a more “modern”

design and layout of the 3 houses. ENCC was unable to come to a unanimous decision on the merits of the design within a conservation area and will leave that to Planning to judge, but still has reservations about the road access on to Melville Road. Our comments reflecting this will be submitted to Planning. The planning application for a development of 6 houses on the Glenarch yard itself (ref 21/00746/DPP) is still pending. ENCC expressed concern about the access to both sites from Melville Road which in that location has blind corners and double white central lines (and has been the location of several accidents partially attributed to the road camber on one of the bends), but the Roads Department consultations saw no problems and approved in their consultation.

RB reported that he contacted Planning (Duty Planning Officer and Case Officer Lindsay Whitney, Planning Officer) and Planning Enforcement, copied to Environmental Health. Environmental health doubted whether it was within their remit but suggested we contact SEPA, which RB did. Planning has not replied, but Planning Enforcement (via Bruce MacLeod, Planning Enforcement Officer) stated *"I can confirm that your concerns about the use and appearance of the land have been registered on our system as a planning enforcement enquiry (Reg. No. 23/00009/S179)*. He said he would inspect after he returned from leave on Feb 21. Today he replied that Planning was minded to serve an enforcement order over the unauthorised change of use, but on learning of the situation with regard to SEPA said they would hold back on serving it to see whether SEPA's action had an effect.

RB contacted SEPA through their website and received a prompt reply from a Madeleine Starks (Environment Protection Officer, Compliance and Beyond) (SEPA ref EE03000379 - Melville Road, Dalkeith) saying she would inspect, followed by a reply (on 27 February) after her inspection. She stated that the owner of the site has neither a licence for carriage nor storage of waste, and since the waste is not solely building waste (e.g. refrigerators and mattresses are visible), where a temporary exemption can be granted to store up to 400m³ of building wastes (e.g. concrete, bricks, ceramics, soils and stones), it must be removed. In her opinion *"the volumes of waste on site would not suggest the operations of a professional waste management company. I believe the simpler option for all parties would be to seek to have the waste removed as soon as possible and taken to a suitably licensed facility"*. She goes on to state: *"I have contacted Squirrel Storage, who told me that they advised their tenant to remove this waste approximately 2 weeks ago. I have requested that they reiterate this request as a matter of urgency, but ultimately that the landowner would be responsible for the waste. I have passed on my contact details for the landowner to contact me and advise how they will proceed with this matter.*

She asked to be notified if the site was cleared or if waste increased. Yesterday a resident advised us that in his opinion more waste had accumulated there this last week, so RB notified her today of this. She has since replied *"Thank-you for this update. I have spoken to the landowner at the site, who has reiterated to their client that the waste must be removed. The tenant has confirmed that the waste will be cleared by Monday 13th March. I plan to revisit the site to check this has been undertaken on Thursday 16th. If the waste has not been removed by this time, we will seek to escalate our response."*

NPF4 Place Plans

We have been notified today by email of Planning's agenda for submission of Place Plans by October 31. Note that Place Plans will be discussed at the MFCC meeting next week and some training will be provided by CLLE/Planning at the Community Council Training Day on Saturday morning, March 25. It was suggested that a subcommittee be set up to initiate Place Plan preparation, but that we should wait until after the March 25 training day (RB, CH and BM will attend). CH attended the mapping tool device workshop and recommended it as useful, potentially for Place Plan preparation.

Deaflawhill site (21/00352/DPP)

Billy Hunter, resident at Deaflawhill Cottage (near neighbour of the site) reports that the stonemason's materials placed on the site (which was refused planning permission for housing and where those stonemason's materials represented an unauthorised change of use subject to a planning enforcement order for clearance) had been cleared recently, but the materials had been removed from the roadside and relocated deeper within the site (which is a protected green space) rather than removed completely from the site as requested by the order. While Deaflawhill Cottage is within ENCC ward, the adjacent site in question is within Bonnyrigg and District CC ward, so ENCC will for now leave BDCC to follow this up but will continue to monitor. We suggest that BH maintains contact with BDCC and Planning Enforcement and appraises us of the situation, and we can comment to both if our support seems necessary.

3 Environment: Joy Godfrey attended the recent ERIG meeting on behalf of ENCC. The minutes of ERIG meetings are published on MSP Colin Beattie's personal website ([link here](#)). Joy drew attention to the proposed creation of an "Esk Forum" which will determine who is responsible for getting different work/projects done and pursue their completion. She also passed on the observation that the December 30th flood on the North Esk was a 1-in-25 year event, almost a major incident (e.g. at Lasswade), with river levels rose 3m to 4m above normal. Information submitted at ERIG and at a recent visit Joy took part in (organised by the Coal Authority) to a mine water treatment facility near Durham, run by The Coal Authority, have reassured Joy that the proposals for the mine water treatment plant at Junkie's Adit on the South Esk to prioritise iron removal over manganese removal are technologically competent and pragmatic, not any attempt to scale back, and she recommends that ENCC send the requested letter of support for the funding of this plant to Coal Authority to support their application to BEIS. This was agreed by ENCC.

CH and DM report that sewage is still leaking down Newbattle Road and that Scottish Water are still using the excuse that they are waiting on traffic management to enable their access to make repairs. The expected traffic management did not happen and nothing appears scheduled until July - so repairs did not take place, and Scottish Water has not clarified what is happening. DM reports that water running by his property has been said to be from a spring rather than mains or soil, and proposed that it should be tested (for presence of an additive in water of mains origin) to verify its source.

4 2023/24 Midlothian Council Budget Effects

BF has been representing MFCC in communications regarding this. He reported that subsequent to the proposed cuts and the brief consultation period on them, Midlothian Council met on Feb 21 and put into abeyance some of the proposed cuts – but introduced others not in that consultation. Among the new proposed cuts were the support for Community Councils in terms of their funding and in the Council department (CLLE – Communities, Life-Long Learning and Employability) which supports them.

The view was expressed (to elected representatives present) that Community Councils are statutory bodies, a tier of local government and part of the democratic process, and that it is untenable that their basic-cost funding is in the gift of local authorities and not mandatory. Elected representatives reassured ENCC that in Midlothian the Community Council running costs budget (approximately £300 per annum for each CC) would not be cut (but we understand no project grants - usually applied for in addition to basic cost budgets – will be available this year (or any year soon?)). ENCC also expressed the view that the CLLE department was cut recently (e.g. so are now unable to support all CC's by having a representative attend their meetings – only a few CCs in "most deprived" areas are now fully

supported – but CLLE can be consulted by any CC in need of help). This is very demoralising for CLLE staff. While the general public may not appreciate the role CLLE plays, Midlothian's CCs are all alarmed by these proposals.

BF also expressed his disappointment with poor communication with Council officials in failure to respond to letters sent. He also stated that in representations to MSPs to encourage the Scottish Government to make a more generous settlement with local authorities and to achieve some review (as promised) of COSLA funding distribution model which sees a proportion of the sum raised in Midlothian by Council Tax (the highest in Scotland) go to other Local Authorities, he had had replies (to MFCC) from our two constituency MSPs, but only two of thirteen regional list MSPs replied (one to say that they left such matters to constituency MSPs). None of Midlothian's political leaders appears willing to criticise the government publicly. The elected representatives (Councillors) present agreed the situation is unsatisfactory and to some extent incorporates a postponement by budgetary manipulation of cuts that will inevitably come soon when manipulation options are exhausted. There is lack of clarity at this time on the new proposals and final set budget.

5 Communications:

Newsletter

Christina reiterated the need for volunteers to help write articles for the newsletter. It's hoped that this will again be ready for distribution from mid-June, prior to the main summer holiday season. Articles should be approx. 300 words and the final deadline is 11th May, 2 days after our next meeting. This has to be adhered to, to allow time for editing, laying out and printing. Councillor McKenzie agreed to write an article on Local Place Plans, Brian F on active travel and CH will speak to Gordon C about an article on the ongoing sewage issues at Newbattle Abbey Crescent.

Speakers:

CH asked whether we should revisit the idea of inviting speakers to our meetings, as happened pre-Covid. This might encourage more residents back to our meetings, providing we can make the time to include them. Brian W to follow up.

New noticeboard:

Required for Eskbank Toll, as the existing one is no longer watertight or lockable despite last summer's refurbishment. David to speak to Alan Symon who procured the new noticeboard at Newbattle.

CPR/defib training session:

The numbers of attendees continues to change for the training session on 21st March. RB will put out a final reminder on our website and link that to the community FB forum. CH to email those community councillors attending, regarding help on the evening.

It was noted that the defibrillator located at Eskbank Trading had been accessed, but replaced (presumably not used?) – it was reactivated. DM is having problems getting replies to queries about the second defibrillator, destined for Newbattle Abbey Crescent. BM mentioned that good on-line training for defibrillator use is available. DM stated that the equipment instructs the user well, but training teaches calmness when using.

6 Traffic/Roads/Road-Safety/Active-Travel: BF stated that a letter drop for residents has been drafted (some delivered) to encourage residents to raise concerns with the police, so that they can use those as evidence to justify access to funding to address such concerns. The crossing patrol flashing sign on Eskbank Road is broken and repair is not practicable – so it will be replaced with a

newer model with a more versatile range of functions. CH reminded us that the Police CAT team still need to speak to the school crossings team at Eskbank Toll who can advise them on best times to deploy to observe driving offenses occurring. Bus shelters have been cleared of graffiti (a main offender has been caught – see the Police Report). Parking on Bonnyrigg Road has got worse and has been the focus of a number of complaints, especially about poor visibility at side road junctions coming on to Bonnyrigg Road. This may need e.g. consideration of provision of double yellow lines by junctions. Many blame customers of Short's Garage leaving vehicles on the main road before/after inspection/servicing and ask why those are not kept on garage premises. The bus stops need re-marking so that buses can pull in when stopping for customers. Is there some way to reduce parking without adversely affecting residents?

We are still waiting on the active travel survey by MLC to be published. BF and GC met with the relevant Council Officials and reported that they are largely in agreement with ENCC ambitions. They are still compiling their strategy (possibly for July/August delivery) but suggest that our aspirations on active travel should be included in our Place Plan.

There was some further discussion about paths giving access to Ironmills Park, but, as ever, no outcome.

7 Treasurer's update: The current funds stand at £2696.31 with intentions to fund the replacement of the first ENCC noticeboard (Eskbank Toll) and a share of the new NAC defibrillator, as well as sundry hospitality costs at meetings and other running costs such as annual website expenses and the newsletter production. It was again noted that apart from the £300 running cost support no additional project funding would be available this year (there was no optimism that project funding will again become available in subsequent years).

8 AOB: Residents JR, AR and RS complained that youths have been throwing stones from the open space to the west of the Eskbank Station footbridge into properties at Harden Green Lane, day and night, to the alarm of residents there. The "day" activity may be college students but that is not confirmed. The stone "ammunition" seems to be from an earthwork mound created by network rail when completing their work there, which had been earthed up but has since eroded to expose underlying stone soakaways. A car has been dented. The police are attending but so far nobody has been apprehended and stone throwing continues. The condition of the vennel leading from Tesco's to the footbridge is intimidating, and it is not known who owns or is responsible for upkeep of that and the open space (Council or Network Rail). DS will speak to the owners of the adjacent garage yard to see if they can help (e.g. deployment of CCTV) and there will be a residents meeting soon which ENCC has requested feedback from.

9 Date of Next Meeting: the next meeting will be Thursday 11th May 2023 at 6:30 pm in the Boardroom of Edinburgh College. Meetings are open and residents may attend. We encourage residents to raise points before meetings by contacting us by email or our website form so that we can seek answers to give at the meeting.