



# Leith Harbour and Newhaven Community Council

LHNCC  
email: [secretary@lhncc.org.uk](mailto:secretary@lhncc.org.uk)

16 October 2020

Jackie McInnes  
Case Officer,  
PLACE,  
Waverley Court,  
4 East Market Street,  
Edinburgh , EH8 8BG

Dear Ms McInnes

**Ref: 20/04060/PA: (20/03058/PA)**  
**Developer: CEC Trams to Newhaven**

## Grounds for Comment

I am writing to object to this application following concerns raised by our Planning sub-group and members of the local community. As closing date for comment is prior to our next CC Meeting we consulted with our Executive officers who gave us permission to submit our comments on behalf of LHNCC. The specific issues relate to landscaping and design drawings (*ref: Tram Act, Part 5, Sect. 68*) that include the removal of Ocean Terminal Discovery Garden, green space and trees within the site.

## **Objections**

Legislative specific evidence to support our objections are identified and referenced at the end on this letter including extracts from EDLP. We have also requested access to drawing 5149899-ATK-ETE-DRG-HW-00090 referenced in most recent Landscape Proposals Sheet (6<sup>th</sup>) Issue dated 16/6/20 and appears in all Landscape Proposals Sheets since 3<sup>rd</sup> issue dated 28/9/18. We now have access to the most recent document and two others referenced on it (*ref: Tram Design, 15/10/20!*). That date authorised one day after original closing date for comments was issued. The drawings appear to relate to discussions and agreements with owners of Ocean Terminal and their landscaping design plans, none of which have been made available to the public until recently. There are also concerns about who is funding this landscape work. We also include reference to the planning application (*ref: 99/00018/FUL*) indicating the above application would be contrary to condition 3 of the original application for Ocean Terminal identifying that the proposed works are therefore not a permitted development and application should be refused and applicant (Ambassador Group) advised that a full planning application must be submitted

The proposed removal of around Discovery Garden would be the removal of an important cultural and heritage asset belonging to the Community of Leith. It is 20 years old and part of the unique and original Conran design (see *Annex 1*) erected as part of the Ocean Terminal complex in collaboration with the Royal Botanic Gardens Edinburgh. It is a demonstration project worthy of preservation in its own right. It is highly valued as an open space within the local community but has attracted wider attention and interest, due part to its connections with Scottish botanical science but as a contemporary example of landscape design. The Garden is a tribute to Scottish botanists who introduced many of the plants, imported to Leith Docks. The garden is planted on land formerly owned by the Henry Robb shipyard that closed in 1983. We do not think you will find another shopping centre that provides a frontage like it, that has been designed with places for people in mind rather than a bland and tidy frontage to a shopping centre.

The proposed removal of around 50 mature trees and approximately 250m of mature hedging (*ref: Tram Landscape Designs Document 5149899-ATK-ETE-DRG-HW-00090*) would remove the range of key ecosystem services the Garden currently provides. It would be detrimental to biodiversity, and in particular the many birds and insects that we see there. The Garden has a role in reducing air pollution- the trees and well placed hedging improve air quality and reduce the exposure of shoppers and visitors on the concourse from emissions from vehicles on the carriageway and entrance to car park (*ref: Tram Design Manual., Appendix 1*). It also has a role in climate resilience by the cooling of the trees canopy and vegetation and the soft green space soaking up

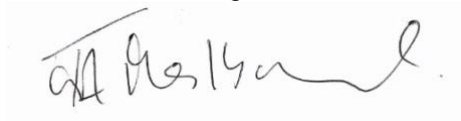
water. The garden adds beauty in an otherwise man-made and built-up environment (ref: *Design Elements of Environmental Mitigation*)

The garden provides the only green space and is well used and well loved by local residents, visitors and customers/employees of Ocean Terminal shopping centre. There are many comments in support of the value of the garden available to view on social media channels (*#SaveDiscoveryGardens*). It has been of particular value to people during the past few months providing a peaceful haven for many during the Covid-19 lockdown. The removal of the garden would have a significant negative impact on the Ocean Terminal centre and on the appearance of the area. The new 'Design' of paving and specimen trees represents a loss of public realm and a significant loss of landscape features. There is no obvious reason why it could not be retained as it is not required by the Tram to Newhaven project. The proposed new landscaping is inferior in almost all respects – design integrity, botanical interest and landscape design.

We would like to determine who is responsible for proposing the changes, resulting in destruction of only remaining green space in this area, without provision for consultation through the planning process. A group consisting of LHNCC and Community representatives have been consulting with local residents, Councillors and various organisations and we met with representatives of the Tram Team and Ambassador Group, the current owners, on 5 October. The discussion and arguments for removal were quite unsatisfactory with no one taking responsibility or providing answers which addressed our concerns. We pointed out that this is generating interest from both the media and the general public. Questions regarding who is paying for this and why there is no requirement for permission to remove trees or landscape (ref: *20/03058/PA Planning & Design Statement: July 2020*) and why there is no Design Statement only diagrams in this Application remain unanswered.

Questions regarding who is paying for this remain unclear and we would ask you for a full assessment and review of the decision by the Tram Team that is against the public interest. It is also strange that this work is being proposed under the auspices of Trams to Newhaven whilst the Tram Team are saying that land is not necessary as part of the scheme. We would also question why are public funds (Ref: *Final Business Case (FBC) February 2019*) being spent on something that is deemed unnecessary? Why is there no access financial arrangements regarding suggested compensation made between the TT and Ambassador Group (Ref: *Tram Act. Part 2, Sec 33*). Why was there no requirement for Ambassador to provide a Planning Application for this work? We recently acquired document entitled *Porta: Public Realm Stage 3 Report* (ref: *18035GA*) through Freedom of Information Act (FOI) that raises concerns regarding potential financial support from Tram Team. The designs in this document appear to have been taken on by Ambassador Group but without going through planning process as Tram Act states removal landscape and trees do not require planning permission (ref: *Appendix 2 of Tram Design manual*).

Yours sincerely  
Jennifer Marlborough



Secretary  
LHNCC

## References:

**Landscape & habitat management plan**  
**Edinburgh Tramline Act 2006 - Part 5 – Section 68**  
<https://www.legislation.gov.uk/asp/2006/7/section/68>

**Tram Landscape Designs**  
**Document 5149899-ATK-ETE-DRG-HW-00090**  
**CEC Edinburgh Tram Extension Ocean Terminal,**  
**Public Realm Masterplan**

- Drawing design – authorised 15/10/20

**Planning Register. Ref. No: 99/00018/FUL Decision granted: 2 December 1999**  
**Site and Development – Land at Ocean Drive, Edinburgh.**

### Conditions:

2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved by the Head of Planning before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicant and/or their successors to the entire satisfaction of the planning authority, maintenance shall be for replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme

**Reasons:** page 4: 1, 2, 5, 7,

**Compensation. Set off against betterment**  
**Edinburgh Tramline Act 2006 - Part 2 – Section 33**  
<https://www.legislation.gov.uk/asp/2006/7/section/33>

**Planning Application: 20/03058/PA Ocean Terminal Tram Stop**

Planning & Design Statement: July 2020

The Site & Surroundings

- 3.0 Page 7 – Extract from Appendix 2 of Tram Design Manual, Table 1 Type of approval required
- 3.4 Pages 8 & 9 - 3.4 & Figure 2
- 3.5

## DESIGN ELEMENTS OF ENVIRONMENTAL MITIGATION

Guidance Pages 67-71

**Edinburgh Tram, York Place to Newhaven Project**  
**Final Business Case (FBC) February 2019**

<https://www.edinburgh.gov.uk/tramstonewhaven/downloads/file/66/final-business-case>

### Assumptions

- 5.7 bullet point 6 (page 42)

### Conclusions

- 7.61

**Document 18035GA - Porta - Public Realm Stage 3 Report\_Drawings Appended\_PART 1 of 3**

- Pages 1, 4 & 5

**Edinburgh Local Development Plan (November 2016)**

### Part 2 Policies:

#### Section 2 Design Principles for New Development

163 This policy applies to all development proposing new public space as part of the overall scheme. High quality, well designed public spaces are crucial elements of the urban environment and in making successful places. The Council encourages the preparation of public realm strategies to coordinate design and provide information on future maintenance in other major development schemes.

Policy Des 8 Public Realm and landscape design

- a) the design and the materials to be used are appropriate for their intended purpose, to the use and character of the area generally, especially where this has a special interest or importance
- b) the different elements of paving, landscaping and street furniture are coordinated to avoid a sense of clutter, and in larger schemes design and provision will be coordinated over different phases of a development
- c) particular consideration has been given, if appropriate, to the planting of trees to provide a

- setting for buildings, boundaries and road sides and create a robust landscape structure
- d) a satisfactory scheme of maintenance will be put in place.

#### Policy Des 10 Waterfront Development

Planning permission will only be granted for development on sites on the coastal edge or adjoining a watercourse, including the Union Canal, where the proposals:

- a) provides an attractive frontage to the water in question
- c) maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley

#### Policy Des 12 Alteration and Extensions

Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not be detrimental to neighbourhood amenity and character

168 Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours

### Section 3 Caring for the Environment

Objectives:

- To protect important landscape and natural features of the environment, including the city's Green Belt setting
- To protect and enhance the nature conservation and biodiversity interest of the city

### Section 6 Shopping and Leisure

Objectives

- To maintain the existing and proposed broad distribution of centres throughout the city and Sustain their vitality and viability
- To improve the appearance, quality and attractiveness of all centres

#### Local Centres

##### Policy Ret 5 Local Centres

Planning permission for retail development in or on the edge of a local centre will be permitted provided the proposal:

- b) is compatible, in terms of scale and type, with the character and function of the centre
- c) makes a positive contribution to the shopping environment and appearance of the centre

#### Planning Application: 20/03058/PA Ocean Terminal Tram Stop

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#### Tram Design Manual, Appendix 1 & 2

[https://democracy.edinburgh.gov.uk/Data/Planning%20Committee/20051201/Agenda/edinburgh\\_tram\\_project\\_design\\_manual\\_-\\_appendix\\_1\\_part\\_1.pdf](https://democracy.edinburgh.gov.uk/Data/Planning%20Committee/20051201/Agenda/edinburgh_tram_project_design_manual_-_appendix_1_part_1.pdf)

<https://archive.parliament.scot/business/committees/tram-two-bill/docs/Response%208%20%20-%20Appendix%20A.pdf>

## Annex 1

### Discovery Garden

#### **Mike Harrison: designer when working with Ian White Ass.**

[On planning] With reference to the planning considerations at the time of the gardens implementation, while I do not recall whether it was a condition, there was plenty of discussion on the 'greening' or softening of the space between the road and the building. The planners were keen that there was a decent provision of public realm to the front of the building to act as a buffer to the road, and the Discovery Garden was part of this.

[Design concept] I designed the Gardens as both a place of sanctuary, contemplation and rest, as well as an educational and local reference to history, to celebrate a great period of discovery in Leith. The horticultural explorers took great risk to discover plants and expand botany and biological science on these shores. To have these amazing pioneers landing at Leith with fantastic tales and wonderful plant specimens, was too good an opportunity not to recognise in some manner as part of the Ocean Terminal development. To then have the opportunity to partner with the RBGE on the project was fantastic, to have their knowledgeable support and guidance of plant selection was key to the success of the proposed Gardens. The Gardens were designed to create a sheltered, secluded, oasis, among the hard finishes and architecturally clipped formal frontage to the Ocean Terminal building. Space was limited with most of the areas taken up as hard landscape plazas, surface car parking and access points to decked car parking, so to be able to secure a small piece of land for the garden was extra special.

[Thoughts on value] I recently read the wonderful stories and observations regarding experiences of the Discovery Garden and it is heart-warming to read that people enjoy the garden, spend time in the garden and take great pleasure in relaxing in the garden, either on their own, with family or with friends. This is what a landscape architect designs spaces for, to hope that people will enjoy and cherish the spaces we create. The garden has value, it is valuable to the community, it has health and well-being benefits and it's cooling and biodiversity benefits are abundant. It is a significant green space, not because it is huge and a 'lung' to this area of Leith, but because it is one of the green spaces in an otherwise dense urban area, that is to be treasured. Yes there is the expanse of space and outlook to the Forth, but this space is densely planted with a tree canopy dappling the sunlight and a variety of plants providing seasonal colour, smell and interest.

What a shame to see the proposal for the removal of such a gem. I am especially dismayed to hear that this may not be removed in order for Tram alignment or the route, but perhaps just to be used for construction material storage. Whether it is for storage or for the route of the tram and the adjacent road geometry, it can be, in my opinion, easily redesigned to avoid the Gardens. Current transport and connectivity guidance provides engineers with the primary aim of People First, this means working extremely hard to minimise road and network space in favour of maximising space for people. I understand how hard this is, working in the field for many years, but we must encourage the Tram team of consultants to have another look and avoid the Garden area.

#### **Royal Botanic Gardens Edinburgh:**

If you make some progress with the new owners, then we would welcome a discussion about RBGE's role in rejuvenating the park, alongside colleagues from Edinburgh's Living Landscapes/Shoreline project. We would be contributing through a willingness to help improve and get maximum value from the space as a micropark for the public. Proposed costs of redevelopment of the new space (i.e. the new paving and specimen trees) could then be put towards the costs of rejuvenation.