

Proposed Newbattle Cemetery Development

An Independent Review of the Wafa Foundation Planning Application, Land Ownership, and Community Action Pathways

1. Executive Summary & Overview

This dossier examines the planning application submitted by the **Wafa Foundation** (Scottish Charity No. SC051091) to establish a dedicated Islamic burial ground on estate land near **Newbattle Abbey** in Midlothian. The proposal involves developing an approximately 5,000-plot cemetery with ancillary facilities between the historic King's Gate and Lothian Bridge. This document outlines the background of the applicant organization, the nature of the land transaction with Lothian Estates, and the formal options available to local residents and community groups wishing to engage with or contest the development.

2. The Applicant: Wafa Foundation Profile

The Wafa Foundation is a registered Scottish charity that has experienced a rapid financial and operational scale-up since its formation.

Registration & Scale: Registered with OSCR in June 2021, the charity reported an income surge from roughly £46,000 (2023) to nearly £490,808 by its 2025 reporting period.

Core Focus: Historically centered on international diaspora fundraising and medical infrastructure projects overseas (such as hospital builds in Pakistan), this planning application represents a significant pivot toward establishing permanent domestic institutional assets in Scotland.

Administrative Nexus: Corporate filings tie the foundation's operational management and associated private entities (such as property-letting concerns) to North Lanarkshire.

3. The Proposal & Site Context

The proposed development site is situated on greenbelt or estate land lying between the historic **King's Gate** and **Lothian Bridge** at Newbattle, near Dalkeith.

Project Scope & Specifications:

- **Capacity:** Designed for ~5,000 total graves (split into an initial phase of ~2,000 plots and ~3,000 future reserve plots), projected to handle roughly 50 burials annually over a 100-year operational lifespan.
- **Facilities:** Includes a dedicated funeral services building, burial management administration offices, and associated parking.
- **Access:** Planned routing utilizes the historic King's Gate, a Grade B listed architectural structure.

4. Land Ownership & The Transaction Structure

A central question for local observers concerns who controls the land and how the transfer is structured.

Current Landowner: The land is owned by **Lothian Estates**, the commercial property holding entity tied historically to the Marquess of Lothian and the Kerr family, who manage extensive agricultural and estate holdings across the region.

Conditional Agreement: Public planning disclosures confirm that the land sale is under a *conditional or subject-to-planning contract*. Ownership will only formally transfer from Lothian Estates to the Wafa Foundation if and when **formal planning permission is granted** by Midlothian Council.

5. Action Pathways for Local Residents

Contrary to the assumption that halting the project requires lobbying the private landowner, the primary arena for public engagement and scrutiny is the statutory planning process governed by Midlothian Council. Locals have several formal mechanisms to make their voices heard:

A. Engaging the Statutory Planning Process

Action Channel	Description & Impact
Formal Planning Objections	Residents can lodge material objections via the Midlothian Council planning portal. Objections must be grounded in <i>material planning considerations</i> (e.g., traffic safety, impact on historic assets like King's Gate, environmental/drainage concerns, and greenbelt policy compliance) rather than personal or non-planning grievances.
Community Council Representation	Local Community Councils act as official statutory consultees. Residents should liaise with their local community council to request an extraordinary meeting or a formal community objection stance.
Elected Member Engagement	Local ward councillors can be briefed on community concerns. While councillors must maintain quasi-judicial neutrality until a planning committee vote, they can call in applications for full committee debate rather than leaving them to officer delegation.

B. Direct Appeals to the Landowner (Lothian Estates)

While Lothian Estates has entered into a conditional sale agreement, private landowners are responsive to sustained public representation and reputational considerations. Community groups can submit open letters or petitions directly to the estate management, highlighting local heritage concerns, traffic congestion on estate boundaries, and the sensitivity of developing historic estate fringes. However, because the contract is legally contingent on planning success, **the planning committee's decision remains the decisive legal gatekeeper**.

Compiled independently for public-interest briefing. Sources: OSCR Regulatory Filings, Midlothian Council Planning Portal, and Regional Property Records.