



## MINUTES OF THE MEETING OF THE CABINET

TUESDAY 12 NOVEMBER 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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**Committee Members Present:**

Councillor S Akhtar  
Councillor D Grant  
Councillor N Hampshire  
Councillor W Innes (Convener)  
Councillor J McMillan  
Councillor M Veitch

**Other Councillors Present:**

Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor J Caldwell  
Councillor S Currie  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor P MacKenzie  
Councillor F McAllister  
Councillor P McLennan  
Councillor K McLeod  
Councillor J Williamson

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive–Resources and People Services  
Mr D Small, Director of East Lothian Health and Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Dr R Jennings, Head of Development  
Mr Leys, Head of Adult Wellbeing  
Mr R Montgomery, Head of Infrastructure  
Mr P Vestri, Service Manager–Corporate Policy and Improvement  
Mrs K MacNeill, Service Manager–Licensing, Administration and Democratic Services  
Mrs M Ferguson, Service Manager–Legal Services  
Mr C Clark, Principal Environmental Protection Officer  
Mr I Glen, Policy and Projects Manager  
Mr D Evans, Senior Environment and Consumer Services Manager  
Mr D Russell, Communications Manager

**Clerk:**

Ms A Smith

**Apologies:**

Councillor Day

**Declarations of Interest:**

None

**Visitors:**

None

**1. MINUTES OF THE MEETING OF THE CABINET OF 10 SEPTEMBER 2013**

The minutes of the meeting of the Cabinet of 10 September 2013 were approved.

*Matters Arising* – Councillor Veitch gave Members an update on the position in relation to supported bus services.

**2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 29 AUGUST TO 31 OCTOBER 2013**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 29 August to 31 October 2013, with a value of over £150,000.

**Decision**

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 29 August to 31 October 2013 as listed in Appendix 1 to the report.

**3. FINANCIAL REVIEW 2013-14 QUARTER 2**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Cabinet of the financial position of the Council at the end of the second quarter of the financial year 2013-14.

The Head of Council Resources, Jim Lamond, presented the report. He outlined the Budget Summary. He referred to the General Services Summary for Quarter 2, drawing particular attention to 6 high risk service areas and also made reference to the pressures facing the Health and Adult Care Partnership directorate. He provided details in relation to the Housing Revenue Account and General Services Capital Budgets. He informed Members that a number of significant budget adjustments that had been carried out in the last three months. He advised that the overall position remained challenging, finely balanced but with a significant risk of overspending and therefore it was critical to continue close monitoring and application of effective control actions.

In response to a question from Councillor Currie regarding the recommended additional transfer referred to in section 3.13 of the report, Mr Lamond clarified that this would be a permanent change to the base budget. He also responded to questions in relation to the mechanisms for further reporting on concessionary fares and projects detailed in the General Services Capital Spend.

Councillor McLennan asked the Head of Adult Wellbeing to clarify the control measures and pressures facing his service over the winter months. Mr Leys stated that the winter period posed significant pressures on Adult Wellbeing services. He advised Members that staff

teams were working very closely with colleagues in the Health sector. He made reference to the Winter Plan. He informed Cabinet that officers were working to ensure that the most vulnerable people in the community received the care and support they needed when required. In response to questions regarding the Winter Plan, Mr Leys stressed the importance of making sure the correct measures and thresholds were in place. He offered Members sight of the Winter Plan and also, outwith Cabinet, to provide briefings on the position in each ward. He added that how preventative measures were provided was important; it was necessary to build capacity in communities.

Councillor Berry queried the 13.3% variance against Transport and Waste Services; he also queried the underspend within the Modernisation Spend. In relation to the first point Mr Lamond explained that winter maintenance budgets were difficult to profile accurately due to uncertainty on the incidence of any severe weather. Regarding the second query he indicated that for capital expenditure this was a typical position at the half year stage; he added that Housing officers had confirmed that the full budget allocation would be spent.

Councillor Hampshire paid tribute to work undertaken by the management team and all staff; these were difficult times and it had been a considerable achievement to get the Council in this position.

Councillor Innes concurred; he added that it was very important that managers had the responsibility to keep their budgets in line.

Councillor Currie expressed concerns about the position in relation to the budget provision for both Children's Wellbeing and Adult Wellbeing. He drew attention to national discussions on the CoSLA distribution formula. He also raised concerns about the Housing Revenue Account, in particular with regard to the spend on new housing. He referred to developer contributions and Section 75 Agreements and requested clarification that if a substantial change was proposed to a previous agreement that these came back to committee.

## **Decision**

The Cabinet agreed:

- i. to note the financial performance of services at the end of September 2013 and also the continued actions being taken by management to ensure that services were delivered within approved budgets; and
- ii. to approve the budget adjustments outlined at Section 3.13 and 3.29.

## **4. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 1998 – COMPLIANCE STATISTICS**

A report was submitted by the Depute Chief Executive (Resources and People Services) regarding the Council's compliance for the period 1 April 2013 to 30 September 2013 with a) the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 and b) the 40 calendar day timescale laid down by the Data Protection Act 1998.

The Service Manager (Licensing, Administration and Democratic Services), Kirstie MacNeill, presented the report, informing Members that it was a requirement of the Scottish Information Commissioner (SIC) that local authorities provide performance reports on a 6 monthly basis. She drew attention to the Freedom of Information and Data Protection statistics for the period in question. She advised Cabinet that the SIC was pleased with the progress the Council had made and had signed off on their assessment.

In response to questions Mrs MacNeill advised that most enquiries came from the general public and varied considerably. Monthly reports were provided for the Council Management Team. Responses to all requests were published on the Council's website.

### **Decision**

The Cabinet agreed to note the report.

## **5. ANNUAL PENSIONS REPORT 2012/13**

A report was submitted by the Depute Chief Executive (Resources and People Services) summarising the early retirement activity within the financial year 2012/13, in accordance with External Audit requirements and Council Policy.

Mr Lamond presented the report, drawing attention to the different types of pensionable retirements available to Council employees and summarising the pension retirements in the financial year 2012/13. He gave details of the Council's liability for future pension costs and also made reference to 'ex gratia' pension payments.

Councillor Currie, in relation to the final salary pension scheme, asked if, of those retirees, any had been in receipt of the Living Wage, which was non-pensionable. He also made reference to pension arrangements agreed by trade unions on a national level regarding financial contributions/additional contributions and queried the resource implications.

Mr Lamond indicated that he did not have specific information to hand however he had no direct knowledge of any such staff. He added that the report related solely to 2012/13 activity. On the second point he advised that it was too early to determine the effect of these pension changes; the situation was being closely monitored and officers were in contact with the Lothian Pension Fund regarding the appropriate employers' contribution for the next 3 year budget. If significant liability was anticipated this would be brought to Members as part of the budget development process.

Councillor Berry referred to the increase in pension costs liability and asked if the expectation was for another increment in the following years to take account of VERS, which he assumed had not been accounted for in the figures reported.

Mr Lamond confirmed that VERS activity occurred in 2013/14 and therefore had not affected the figures in the report before Members. He advised that although there had been a number of staff departures not many had been much in advance of normal retiral age. The critical aspect would be the Actuarial 3 Year valuation, due at the end of this financial year.

### **Decision**

The Cabinet agreed to note the report.

## **6. AREA PARTNERSHIPS**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) outlining and seeking approval for the framework to establish six Area Partnerships.

The Service Manager (Corporate Policy and Improvement), Paolo Vestri, presented the report. He made reference to the commitment in the Council Plan to establish Area Partnerships. He outlined the framework and drew attention to the objectives, roles and remit of Area Partnerships. He referred Members to the 'principles' which had guided the proposed

membership of Area Partnerships, advising that membership was detailed in Appendix 1. He drew attention to the consultation process and gave details of the proposed timescale and phasing for establishment.

In response to questions from Members, Mr Vestri clarified issues regarding Area Partnership Chairs and representation from Tenants and Residents Associations. He also clarified that the Area Plans referred to in the report would not be land use planning documents and Area Partnerships were not expected to be involved in commenting on individual planning applications. Area Plans would be local versions of the Single Outcome Agreement.

Councillor Veitch, in relation to proposed membership, welcomed that every Community Council would be represented on their relevant Area Partnership. East Lothian had an excellent network of Community Councils and their active support and involvement would be key to making the success of Area Partnerships.

Councillor Goodfellow echoed his colleague's comments. The proposed structure was democratic and it was good to note that each Area Partnership Chair would be elected from the community, appointed by each partnership.

Councillor Currie welcomed the report; it was important that people got involved but there was a need to make sure that it was not always the same people/groups. He made reference to section 3.7 of the report, remarking that these Area Partnerships did not devolve any decision making powers to local level, so where conflict arose, the Council would make the decisions, not the Area Partnerships. This was a step in the right direction but not what had been set out in the Administration's manifesto.

Councillor MacKenzie welcomed the part that Area Partnerships would play in aspects such as Police Ward Plans. He also welcomed the focus on reducing inequalities; in relation to this he made reference to the decision taken by this Administration to abolish free school meals in the county in areas of deprivation.

Councillor Williamson referred to section 3.8 of the report, specifically in relation to the involvement of Community and Police Partnerships (CAPPs). He detailed his concerns, stating he would prefer CAPPs not to be included in Area Partnerships.

Councillor Berry shared some of the concerns expressed but indicated that this was an opportunity to address local identification. He acknowledged the work carried out but felt the proposals did not go far enough. He stated that all communities tended to have 1/2 very active groups; he would like to see the involvement of these groups in the Area Partnerships.

Councillor Hampshire stated that the geographical diversity of the different areas of East Lothian was recognised in the report. With regard to the financial aspect, Area Partnerships had to be established and have structures in place first.

Councillor Akhtar welcomed the report, which was a significant piece of work. She indicated that the Fa'side community would welcome this opportunity. She was pleased to note that each Area Partnership would have to consider youth representation; it was also good that representation would be considered from groups like Support from the Start.

Councillor McMillan informed Cabinet that this paper was welcomed by local communities. He referred to concerns voiced by Councillors Williamson and Currie, stating these were all covered in the report. He stressed that this report needed support from all Members; this was new and emerging and a great opportunity for each local area in East Lothian. He drew attention to the role and remit of the Area Partnerships.

In response to questions from Councillor McLennan regarding the link with the Scottish Government's Communities Empowerment Bill, Mr Vestri advised that the Bill was still a consultation document. He indicated that there was nothing specific in the Bill that would impact on the Area Partnerships but added that if anything came out from the consultation this would be taken on board.

Councillor Grant stated this was the first step in devolving resources to communities. He indicated that all concerns raised by the SNP group were covered in the report. There was a need to look forward.

Councillor Innes welcomed the report and thanked Mr Vestri and other officers involved in this piece of work. He expressed disappointment at the approach taken by the SNP. He drew attention to section 4.1 of the report which clearly stated that budgets would be devolved; this was the first step in the process.

## **Decision**

The Cabinet agreed:

- i. to the establishment of six Area Partnerships as outlined in the report and Appendices 1 and 2; and
- ii. to note that progress on the establishment and development of Area Partnerships would be reported to Cabinet.

## **7. LOCAL AIR QUALITY MANAGEMENT – DESIGNATION OF AIR QUALITY MANAGEMENT AREA (AQMA) IN MUSSELBURGH**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) a) informing Cabinet of the outcomes of monitoring and assessment of local air quality across East Lothian and particularly in Musselburgh during calendar year 2012/13, in fulfilment of the Council's obligations under the Environment Act 1995, the UK National Air Quality Strategy and Scottish Air Quality Regulations and b) seeking approval of the 2013 Air Quality Progress Report to progress the legal Order required by section 83 of the Environment Act 1995 to establish an Air Quality Management Area (AQMA) at Musselburgh High Street.

The Senior Environment and Consumer Services Manager, David Evans, presented the report, informing Members that assessment of local air quality was a statutory obligation on local authorities, reviewed annually by SEPA and reported to the Scottish Government. The Council had been annually reviewing and assessing air quality for 10 years; the air quality in East Lothian was generally very good. He drew attention to the results of the 2013 Air Quality report, advising that under the legislation the Council was now required to declare an AQMA in Musselburgh and to develop an Air Quality Action Plan. A further report would be brought to Cabinet this time next year.

In response to questions from Councillor Berry, Mr Evans advised that assessment work had been carried out regularly by the Council over the years and that work had been reviewed by SEPA/Scottish Government. Up to 2012 the air quality objective levels in the Musselburgh town centre area had not previously been exceeded. In relation to traffic flow issues raised he advised that new traffic management work had been, and would continue to be, undertaken and monitored.

Councillor Currie asked how often pollution levels were measured and if this data was published. He also asked if officers would meet with the Community Council and other community groups to discuss this issue. Mr Evans advised that ongoing continuous

measurements took place. He gave details of the 2 different types of measurements carried out. An annual report was provided to the Scottish Government, which had previously been published on the Council's website. He confirmed that officers would meet with representatives of the local community. Councillor Currie referred to the timescale for the action plan, remarking that 12-18 months was too distant. He asked if the further report referred to could be brought forward earlier and if it could come to Council not Cabinet as no Musselburgh councillors were members of Cabinet and it was important that local councillors were able to have a direct input into this matter. He was pleased at the offer to meet local groups; this issue was a concern for many people and there was a need to separate the actuality from the perception.

Councillor Hampshire stated that controlling traffic volume/flow was an issue for many local authorities. The Council was working on measures to improve the flow of traffic through Musselburgh. He added however that if the volume of traffic kept increasing at the current rate, other, more radical, alternatives may need to be considered.

Councillor Berry agreed that a radical solution may be necessary. Musselburgh was the biggest town in East Lothian, congested traffic on the High Street was not productive to the retail economy. Dialogue with the bus companies was essential, there were too many buses using the High Street. A strategic rethink regarding traffic in Musselburgh High Street was required.

Councillor Grant welcomed the ongoing monitoring of air quality in Tranent and was pleased to note that there had been no breach of objectives.

Councillor McMillan referred to the recent realignment of Council services, stating that the restructure of service areas would bring together some key areas such as economic development and environmental health within the same service. A strategic approach was required to deal with all the key issues.

Mr Evans indicated he was happy to bring forward an interim report. He also offered to hold a specific briefing for Members if requested.

Councillor Innes agreed that an interim report would be beneficial. This was an important issue although, as Mr Evans had reported, the figures were just above the objective levels.

## **Decision**

The Cabinet agreed:

- i. to note the report and that further actions through developing an air quality action plan were required in order that Air Quality Objectives were achieved in Musselburgh; and
- ii. to delegate to the Head of Development in consultation with the Service Manager (Legal Services) to progress the necessary legal order for the Council to declare an Air Quality Management Area in Musselburgh High Street as delineated in the plan in Appendix 1 to the report.

## **8. CONSULTATION BY THE SCOTTISH GOVERNMENT ON A SECTION 36 APPLICATION FOR THE CRYSTAL RIG WIND FARM (PHASE 3)**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet that the Council had been consulted by the Scottish Government Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act

by Fred Olsen Renewables Limited for an extension to Crystal Rig windfarm (Crystal Rig 3) and recommending a response to this consultation.

The Policy and Projects Manager, Ian Glen, informed Members that after the report had been issued the applicant had requested a meeting with officials to discuss possible amendments to their Section 36 application in the light of the Council's concerns. The Scottish Government's Energy Consents Unit had no objection to the Council deferring consideration of the current Section 36 for a month if this would facilitate further discussions. He asked therefore for a continuation of this item.

## **Decision**

The Cabinet agreed to continue this item.

### **9. APPLICATION FOR OFFSHORE WIND FARM AT INCH CAPE INCLUDING EXPORT CABLE CORRIDOR WITH LANDFALL AT COCKENZIE OR SETON SANDS**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet that the Council had been consulted by the Scottish Government, through their agency Marine Scotland, on an application made under Section 36 of the Electricity Act by Inch Cape Offshore Limited (ICOL) to construct and operate an offshore windfarm and recommending a response to this consultation.

Mr Glen presented the report, informing Members that the Council was a consultee and did not object to the part of the project that was subject to the Section 36 application but did wish to raise with Marine Scotland the issue of the scope of the Environment Statement. He advised that the applicant had not yet finalised details regarding other elements and a further application for planning permission was expected to be lodged with the Council in due course.

Councillor Berry asked, given that the location was off the Angus coast, why the cables were not being taken offshore at that point. Mr Glen advised that the applicant had only been offered a grid connection by the National Grid at the existing Cockenzie transmission station. Councillor Berry raised further questions regarding potential levels of disturbance to the SSSI and location of the substation. Mr Glen advised that the Council and Scottish Natural Heritage (SNH) would be paying close attention to the cable route, adding that SNH was a statutory consultee in relation to SSSIs. With regard to the second point, he advised that discussions were ongoing with the applicant regarding the onshore substation location; Cockenzie was one of the options being considered.

In response to questions from Councillor MacKenzie, Mr Glen clarified the location of the mast and consideration of options regarding the export cable route. Councillor MacKenzie added that as a ward member for Preston/Seton/Gosford he would welcome the investment coming into East Lothian at Cockenzie, which would contribute significantly to the Scottish Government's targets for renewable energy.

In relation to a query from Councillor Goodfellow regarding commercial fisheries near the windfarm area, Mr Glen advised that Marine Scotland had responsibility and control in relation to the sea; the report related to the offshore element only, the Council would however have a role regarding the approach and would be taking advice from SNH.

Councillor Veitch indicated this was a major scheme; he made reference to the Environment Statement, he also referred to sections 3.16/17 of the report regarding viewpoint number 25. He made reference to the importance of tourism to East Lothian. The Council had concerns regarding the environmental impact; this development, together with the other proposal



referred to in the report (Near Na Gaoithe), would result in 400/550 wind turbines, which would have a huge impact. He would ask that the Scottish Government, when considering the detail of these 2 applications, to consider this very carefully.

### **Decision**

The Cabinet agreed that the Council did not object to the part of the project which was subject to this Section 36 application but would raise with Marine Scotland the issue of the scope of the related Environment Statement.

### **10. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 12 SEPTEMBER AND 10 OCTOBER 2013 (FOR APPROVAL)**

The public minutes of the meetings of the Licensing Sub-Committee held on 12 September and 10 October 2013 were approved.

### **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 3 and 6 (information relating to any particular applicant for, recipient or former recipient of a service provided by the Authority; information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

#### **Sub-Committee Minutes**

The private minutes of the meetings of the Licensing Sub-Committee held on 12 September and 10 October 2013 were approved.

The private minute of the meeting of the Homelessness Appeals Sub-Committee held on 19 September 2013 was approved.

The private minute of the meeting of the Social Work Appeals Sub-Committee held on 21 October 2013 was approved.



**REPORT TO:** Cabinet

**MEETING DATE:** 10 December 2013

**BY:** Depute Chief Executive - Partnerships and Community Services

**SUBJECT:** Housing Land Supply: Interim Planning Guidance

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## **1 PURPOSE**

- 1.1 To recognise that East Lothian has a shortfall in its effective housing land supply and that early action should be taken to address this by approving interim guidance that would allow the Council to consider approving, in appropriate circumstances, housing development on land not allocated for that purpose.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that:
- (i) Cabinet notes that the approval of SESplan's Strategic Development Plan has removed the previous context whereby the principle of the use of unallocated greenfield land for housing could be resisted;
  - (ii) Cabinet notes that SESplan policy provides for the principle of granting planning permission in appropriate circumstances for greenfield housing development, either within or outwith a Strategic Development Area, to maintain a five years' effective housing land supply;
  - (ii) The guidance detailed in Appendix One is approved as a material consideration in the assessment of planning applications for housing on land not allocated for this purpose in the development plan.

### **3 BACKGROUND**

#### *Housing Land Supply Issues*

- 3.1 Scottish Planning Policy requires that a supply of effective land for at least five years should be maintained at all times to ensure a continuing generous supply of land for housebuilding. Recent planning appeal decisions, together with the modifications made by Scottish Ministers in their approval of SESplan's Strategic Development Plan, indicate a requirement to increase the amount of effective housing land available within Edinburgh and, more widely, the SESplan area. This position has now been supported by appeal decisions within East Lothian.
- 3.2 The Barbachlaw, Wallyford appeal decision accepted that, although there is an adequate supply of land allocated for new housing in East Lothian, there is an urgent need to make more of this land effective and to achieve more private house completions within the period before some of the other major sites in East Lothian are expected to deliver more houses in significant numbers.
- 3.3 Recent appeals against non-determination at Dovecot Farm, Haddington and Beveridge Row, Belhaven have been sustained. The lack of sufficient effective housing land in East Lothian was a material consideration in both cases. The Reporter dealing with the appeal against the Council's refusal of planning permission for housing at Aberlady Road, Haddington has indicated his intention to grant planning permission, subject to a section 75 agreement being put in place: housing land supply was a significant material consideration in the Reporter's decision.
- 3.4 A housing appeal at Ferrygate Farm, North Berwick, was recently dismissed on appeal. The Reporter raised site specific issues and placed some weight on the fact that North Berwick is not within a Strategic Development Area. However, he did accept that there was a clear need to bring forward more land for new housing in East Lothian to achieve and maintain a five-year supply of such land.
- 3.5 On the 27th June 2013, Scottish Ministers approved, with modifications, the Strategic Development Plan for South East Scotland (SESplan). This replaces the Edinburgh and the Lothians Structure Plan 2015 (ELSP) and introduces a significant change in the strategic planning policy context against which planning applications must be assessed.
- 3.6 Based on a previous decision of the Edinburgh and the Lothians Structure Plan Joint Liaison Committee (ELSPJLC) under the then extant ELSP, planning applications for housing on unallocated, greenfield land were not supported by the Council on principle. This was on the grounds that the ELSPJLC had agreed that ELSP Policy HOU10's (The Five-Year Housing Land Supply) trigger mechanism to release additional land should not be invoked as sufficient housing land was allocated and the

delivery issue was one of market failure. Consequently, such greenfield housing development was considered contrary to ELSP HOU8 (Development on Greenfield Land).

- 3.7 This is the position of principle that the Council took in determining planning applications at Barbachlaw, Ferrygate and Aberlady Road (Haddington). Since the ELSP has now been superseded, its Policies HOU8 and HOU10 are no longer available to the Council.
- 3.8 Given Reporters' decisions, it is no longer feasible to sustain an argument that East Lothian has an effective five year housing land supply, even where a significant part of the shortfall is down to market factors.
- 3.9 SESplan Policies 1A and 1B, Policy 5, Policy 6 and Policy 7 now comprise the relevant strategic planning policy context for housing. SESplan Policy 7 gives Councils discretion to grant planning permission, in appropriate circumstances, to greenfield housing development on unallocated land where a five year effective housing land supply does not exist.
- 3.10 SESplan Policy 7, as modified by Scottish Ministers, states:

***“Maintaining a Five Year Housing land Supply***

*Sites for greenfield housing development proposals either within or outwith the identified strategic development areas may be allocated in local development plans or granted planning permission (our emphasis) to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria:*

*a) The development will be in keeping with the character of the settlement and local area:*

*b) The development will not undermine green belt objectives; and*

*c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.”*

- 3.11 Following SESplan's approval, and in the light of its Examination report and these recent appeal decisions, the Council's resistance to the principle of housing applications on greenfield land not allocated for housing is unlikely to be supported at appeal. The new East Lothian Local Development Plan is unlikely to be approved much before mid/late 2016: waiting to address the issue through its preparation and adoption would mean (a) a further two year period during which the Council is at risk of planning by appeal (and potential awards of costs against it) and (b) a housing land requirement that will simply increase to an amount that is undeliverable during the period (with consequent plan failure).
- 3.12 The approach now recommended is to embrace SESplan Policy 7 and take early and decisive action now by supporting planning applications

for housing on greenfield land in situations where, other than for the land's non-allocation in the development plan:

- (i) The proposed development would not otherwise be a significant departure from the provisions of the Development Plan (including SESplan's Policy 7), and
  - (ii) the land is demonstrably able to deliver early house completions and therefore support the effective housing land supply in the short term.
- 3.13 This approach should be supported by criteria against which such planning applications would be assessed, to ensure that the Council was prepared to support only those that were, in the first instance, consistent with these two principles.
- 3.14 In adopting this approach, it should be emphasised that this does not mean that any location or scale of greenfield housing land proposal is acceptable. While SESplan Policy 7 provides planning authorities with discretion to grant planning permission to maintain a five years' effective housing land supply this does not override other relevant Development Plan policy. The housing land supply issue is a material consideration. However, the weight to be given to this policy in determining an unallocated, greenfield housing application would depend on (a) the extent to which the proposal satisfies other provisions of the Development Plan and (b) the extent to which it satisfies the Council's criteria for assessing housing applications on unallocated, greenfield land, including the proposal's scale in relation to the size of the existing settlement.
- 3.15 The particular issue currently facing East Lothian is in the delivery of housing in the short-term to 2019. Slippage in the programming of existing large housing allocations (such as Wallyford and Letham Mains) is pushing more anticipated completions into the period 2019-2024 at the expense of completions up to 2019. Deliverable sites that can start and complete quickly, preferably well before 2019, are required.

*SESplan Supplementary Guidance on Housing Land*

- 3.16 In approving SESplan, Scottish Ministers require the preparation of Supplementary Guidance to confirm the distribution of the assessed SESplan housing requirement across local development plan areas for the periods 2009-2019 and 2019-2024. Scottish Ministers require this Supplementary Guidance to be approved by June 2014. Until this guidance is approved, the Council has no definitive housing requirement against which to measure the effectiveness of its five year housing land supply.
- 3.17 A consultative draft Supplementary Guidance on Housing land was approved for consultation by SESplan on 30<sup>th</sup> September 2013 for ratification by the six member authorities. This draft Supplementary Guidance proposes a distribution between the six member authorities of the additional housing numbers required by Scottish Ministers in the plan

periods 2009-2019 and 2019-2024. East Lothian Council ratified SESplan's decision on 22 October 2013. On this basis, the East Lothian Local Development Plan would require to plan for the delivery of 6,250 new homes over the period 2009-2019 and a further 3,800 homes over the period 2009-2024. House completions anticipated from the current housing land supply over these periods would contribute to this requirement.

3.18 The following table considers the implications of this requirement on the Council's current five year effective housing land supply.

**Table 1: East Lothian Five Year Housing Requirement 2012/13 to 2016/17**

		<b>2009-2024</b>	<b>steps</b>
<b>1</b>	Draft SESplan Supplementary Guidance housing requirement for East Lothian	10,050	
<b>2</b>	House completions 2009 to 31/3/2012	1,107	
<b>3</b>	Balance to deliver between 2012/13-2023/24	8,943	<b>1-2</b>
<b>4</b>	Required annual average completion rate over this 12 year period	745	<b>3/12 years</b>
<b>5</b>	Balance to find in 5 year period 2012/13 to 2016/17 (the most recent agreed five year effective housing land period)	3,725	<b>4 * 5 years</b>
<b>6</b>	Completions expected between 2012/13 and 2016/17 <sup>1</sup>	2,064	
	Additional housing requirement to 2016/17 (in addition to Audit 12 programming)	1,661	<b>5-6</b>

3.19 If the housing distribution by authority in SESplan's draft Supplementary Guidance is approved in its current form, then the above table indicates that East Lothian's consequential 2012/13 to 2016/17 five year housing land supply requirement (3,725 homes) will be short by 1,661 homes on the basis of the programming of house completions in agreed Housing Land Audit 12. Further land capable of delivering this amount of additional completions is needed if a five year effective housing land supply is to be secured.

3.20 Allowing for lead-in times it is likely to be 2017 before any house completions can be anticipated from sites allocated in an approved East Lothian Local Development Plan. Consequently only a limited

<sup>1</sup> Source –Housing Land Audit 12 Programming

contribution of house completions from new local development plan allocations could realistically be set against this figure. It is for this reason that the Council should be prepared to take action now by being prepared to approve planning applications for housing that meet the criteria detailed in the Appendix to this report.

- 3.21 The Council's estimate of its effective land supply will be reviewed annually and the contribution of land released under this interim policy monitored to ensure that there is a control over the amount of land released. This will minimise the risk of over-provision and any consequent constraint on the Council's flexibility to make housing land allocations through its local development plan to meet specific objectives, for example, directing growth to the most sustainable locations or optimising community regeneration.
- 3.22 Until the SESplan Supplementary Guidance is approved, the Council should nevertheless adopt a cautious approach to the release of non-allocated sites, particularly where the scale and impact on the character of an existing settlement or the local area is an issue.

*Proposed Site Assessment Criteria*

- 3.23 The recommended criteria against which planning applications for housing on land not allocated for this purpose should be assessed are detailed in Appendix One to this report.
- 3.24 This guidance would be applied with immediate effect to new applications for planning permission and to those that have been registered and are presently undetermined.

**4 POLICY IMPLICATIONS**

- 4.1 In appropriate circumstances this guidance would allow the Council to support planning applications for housing that are not consistent with site-specific development plan policy

**5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

**6 RESOURCE IMPLICATIONS**

- 6.1 Financial - none
- 6.2 Personnel - none
- 6.3 Other - none



## **7 BACKGROUND PAPERS**

### 7.1 DPEA Planning appeal decisions

- PPA-210-2037, Dovecot Farm, Haddington
- PPA-210-2036, Ferrygate Farm, North Berwick
- PPA-210-2031, Beveridge Row, Belhaven
- PPA-210-2018, Barbachlaw, Wallyford
- PPA-210-2031, Aberlady Road, Haddington

### 7.2 SESplan Strategic Development Plan, June 2013

### 7.3 Letter of approval of SESplan Strategic Development Plan, Scottish Government, June 2013

### 7.4 SESplan Supplementary Guidance on Housing land, October 2013

### 7.5 Report by Depute Chief Executive (Partnerships and Services for Communities) to 22 October 2013 meeting of East Lothian Council, *SESplan Supplementary Guidance on Housing Land*

### 7.6 Housing Land Audit 12 (2012/13 to 2016/17)

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<b>DATE</b>	25 November 2013



### **East Lothian Council Interim Planning Guidance pending approval of East Lothian Local Development Plan**

#### **Criteria against which planning applications for housing on land not allocated for this purpose will be assessed**

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In assessing planning applications for housing the Council will have regard in the first instance to the Development Plan status of any site. This is the SESplan Strategic Development Plan and the East Lothian Local Plan 2008 (ELLP).

In the case of a planning application for housing on a site where the principle of such a use is not specifically supported by the Development Plan, the Council accepts that the availability of an effective supply of housing land is a material consideration. In the case of a greenfield site, SESplan Policy 7 would be applicable. The weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy the following criteria:

#### **1 Effectiveness**

The Council will require convincing evidence that, were planning permission to be granted, then the site would be immediately effective or capable of being so well within a period of five years from the anticipated determination date.

#### **2 Scale**

This guidance does not apply to planning applications for single or small groups of houses in the open countryside since SESplan Policy 7 refers to the 'character of the settlement and local area', requiring proposals to adjoin existing settlements.

The upper size limit of the proposed development must be such that, were the Council to grant planning permission, it would not be of a scale that would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land release through the Local Development Plan process. It must not be so large that it would prejudice future decisions on development plan requirements and how these would be best dealt with up to 2019 and beyond.

The scale should also be such that it can contribute to short term needs, that is, the site must be capable of being substantially built out within any

five year period starting from its anticipated planning application determination date.

Consequently, as a general rule (but subject to the scale of the existing settlement), the Council will only consider a site that, in its totality, does not exceed 200 houses. Planning applications that are a consequence of the subdivision of a larger site into smaller applications in order to meet this maximum will be resisted. The actual number of houses permissible on any one site or within any one settlement will be assessed against the scale and character of the specific settlement. Other than in the main towns, the maximum permissible will therefore be significantly less than this maximum capacity.

### **3 Timing**

If the proposal is otherwise acceptable, the Planning Authority may direct that the duration of planning permission is for a period of less than 3 years. This is intended to reinforce the Council's requirement that sites must be developed in the short term and not land banked.

Applicants must also be aware that renewal of such a planning permission might not be permitted.

In this regard the Council will require convincing evidence that a housebuilder has an interest in the site such that it can reasonably be followed through within the duration of any planning consent, so that early completions may be anticipated.

### **4 Development Plan Strategy**

In situations where infrastructure capacity is available and the site is/can be made effective, any grant of planning permission must not prejudice the delivery of the existing Development Plan strategy. For example:

- (i) It must not take infrastructure capacity from, or compromise the ability to provide infrastructure to, existing housing land allocations that do not yet have planning permission or are committed but have not yet started, and
- (ii) it must not be dependent on the prior provision of infrastructure required by existing housing land allocations that do not yet have planning permission or are committed but have not yet started.

### **5 Locational Considerations**

As a general principle, this guidance only applies to housing applications that form an appropriate extension to an existing settlement defined in ELLP2008. The guidance does not apply to otherwise isolated

development in the countryside, to which the terms of ELLP2008 Policy DC1 (Development in the Countryside and Undeveloped Coast) will continue to apply.

Sites identified to contribute to the short-term housing land supply will also contribute to SESplan's strategic housing requirements, once finally distributed in full. Consequently:

- 5(i) Sites within the East Lothian Strategic Development Area as defined in SESplan's Strategic Development Plan, June 2013<sup>2</sup>, may be acceptable, subject to criteria 1-4 (above) being met, and provided that:
  - a. the site is a consolidation of or an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and
  - b. infrastructure is available or can be made available within a timescale that allows for early house completions, and
  - c. the site's development for housing is consistent with all other relevant Development Plan policies.
  
- 5(ii) Sites outwith the East Lothian Strategic Development Area may be acceptable, subject to criteria 1-4 (above), the provisos noted in 5(i) above and the following additional provisos:
  - a. the settlement is well-served by public transport, and
  - b. existing facilities and services are both available and accessible within the settlement such that the need to travel is minimised;
  - c. the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration
  
- 5(iii) The proposed development must not use land that is allocated for another specific use unless: there is no reasonable prospect of that use being realised; the desirability of securing housing outweighs the retention of the allocated use, or a housing use on a part of the site would help deliver the allocated use on a significant remainder of the site.

Only in the most exceptional circumstances will a housing use be supported on undeveloped land allocated for a business or industrial use under Classes 4, 5 or 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997, specifically where:

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<sup>2</sup> Broadly defined as area 5 in Figures 1 and 4, and as described in paragraph 48, of SESplan's Strategic Development Plan, June 2013,

- a. the housing development provides appropriate services to unserviced business/industrial land, thereby facilitating the take-up of employment land, and
- b. the delivery of housing on a part of that land does not prejudice the continued use of the remainder of the allocated area for the business/industrial use, and
- c. the housing does not in the Council's view prejudice the supply of employment land in East Lothian, and
- d. the location is in all other respects a suitable one for housing.

Where necessary, the Council will require the landowner and/or developer to enter into legal agreements to ensure these objectives are met. Unilateral obligations may also be considered.

For the avoidance of doubt, this guidance does not override the provisions of ELLP2008 Policy ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas).

- 5(iv) The proposed housing use must be compatible with adjoining or nearby existing uses and the amenity to be enjoyed by the residents of the proposed new housing must not be harmed by such existing uses.
- 5(v) The proposed housing use must be contained within robust, defensible boundaries and must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a development plan review.

**Policy & Projects  
Partnerships and Services for Communities  
East Lothian Council**

25 November 2013

**REPORT TO:** Cabinet

**MEETING DATE:** 10 December 2013

**BY:** Depute Chief Executive - Partnerships and Community Services

**SUBJECT:** Musselburgh Town Centre Strategy

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**3**

## **1 PURPOSE**

- 1.1 To report to Cabinet on the results of the public consultation on the draft Musselburgh Town Centre Strategy.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet notes the results of the consultation on the Musselburgh Town Centre Strategy and approves the Town Centre Strategy as amended.

## **3 BACKGROUND**

- 3.1 The draft Town Centre Strategy for Musselburgh was approved by Cabinet for public consultation earlier this year. The consultation period ran from 6 June to 31 July. An exhibition and the consultation documents and questionnaires were available to view at The Brunton and Musselburgh Library throughout the period. Documents were also available at Wallyford Library, Musselburgh East Community Learning Centre and John Muir House. The consultation was available on the Consultation Hub on the East Lothian Council website.
- 3.2 Three separate drop-in consultation events were held at varying times in the library and the Brunton with staff available to discuss the strategy and an event was held at the Business Gateway at Queen Margaret University to which all Musselburgh businesses were invited. To encourage responses from young people a staffed and interactive exhibition was held at Musselburgh Grammar's Gig on the Green in June. These were attended by 119 people, the most popular being the Gig on the Green (74) and The Brunton (35).

- 3.3 The consultation was publicised by use of social media and regular emails to local businesses and contacts from the community planning process including those who had left contact details at the pre-strategy community engagement which had involved 1,200 people. Letters were sent to local Community Councils, Tenants and Residents Associations, Musselburgh Business Association, conservation societies, The Hollies, Loretto, Queen Margaret University, Honest Toun Association, Eskmills, Musselburgh Racecourse and Musselburgh Museum. There was coverage in local papers and posters in the town centre.
- 3.4 A total of 244 questionnaires were returned, the majority submitted through the consultation hub. The questionnaire was designed to confirm support or otherwise for the main component parts of the Town Centre Strategy and to ask respondents to prioritise where they would like to see action in the town centre.
- 3.5 Of those who submitted a questionnaire response 36% lived in the town centre, 45% elsewhere in Musselburgh, 18% outwith Musselburgh and 4% a business in the town centre, some of whom were also residents.
- 3.6 Individual letters were received from Queen Margaret University, East and Midlothian Chamber of Commerce and Inveresk Village Society and the Federation of Small Businesses completed a questionnaire.

#### Results of the Consultation

- 3.7 Overall, respondents were very positive about the proposed strategy with 57.1% strongly agreeing and a further 32.2% agreeing with its suggested actions and 8.5% disagreeing and a further 2.2% strongly disagreeing. The highest level of disagreement on a single issue was with the suggestion that North High Street be rebranded as Fisherrow High Street or High Street, Fisherrow, with 50.5% strongly agreeing/agreeing and 49.5% strongly disagreeing/disagreeing.
- 3.8 The consultation documents made clear that it was unlikely that all of the actions considered in the strategy would be able to be delivered therefore respondents were asked to prioritise from a summary list of eight areas for action up to three they thought would be the most important to improving Musselburgh town centre. The three highest ranked were:
1. High Street (Tolbooth/Town Hall area) environmental improvements to create a pedestrian area and parking (68.4%);
  2. Bridge Street environmental improvements to street, war memorial area, including better access to riverside (44.4%);
  3. Improve heritage information available to visitors and develop new town trails (33.7%)
- 3.9 Respondents were asked to select up to three areas for action from the same list that they thought would be of most benefit to the economy of Musselburgh town centre. The three highest ranked were:



1. Changes to town centre car parks to increase turnover (60.3%)
  2. High Street (Tolbooth/Town Hall area) environmental improvements to create a pedestrian area and parking (58.8%)
  3. Improve heritage information available to visitors and develop new town trails (42.3%)
- 3.10 Respondents were asked what impact they thought implementing the actions of the strategy would have on the economy of the town centre:
- 92.2% thought local residents would use the town centre more;
  - 92.9% thought more visitors would be attracted to the town;
  - 93.3% thought the economy of the town centre would benefit;
  - 91.3% thought more people would be attracted to the town to live.
- 3.11 Questionnaire respondents also made 622 individual comments on the strategy, the most frequent comments were:
- A greater variety/more independent shops is needed. There are too many pound shops, charity shops, money lenders, bookmakers and takeaways;*
- The town centre could be better marketed/promoted. As well as to visitors, it is also important to encourage more residents to use it;*
- Traffic congestion is a major issue with delays and queues at junctions; more should be done to encourage walking and cycling to the centre;*
- Parking enforcement is required and there is support for varying car park waiting times, as long as no charges are made;*
- The appearance of High Street is poor, with lack of maintenance, litter and shop signage cited as examples of areas requiring improvement;*
- More should be made of the history and heritage of Musselburgh for both visitors and local people.*
- 3.12 Young people were also positive about the town centre strategy and favoured the creation of a new pedestrian area outside the old town hall, other High Street environmental improvements, landscaping the area around the Brunton and improving the area around the war memorial with better access to the riverside.
- 3.13 Of the organisations who responded by letter, Queen Margaret University and East and Midlothian Chamber of Commerce supported the draft strategy with the Chamber commending the vision for High Street east of the Town Hall and suggesting that every business in Musselburgh ought to be supportive of the strategy. The FSB agreed with the proposed actions in the strategy commenting on the importance of continued parking provision in the town centre. Inveresk Village Society supported the strategy, in particular High Street improvements east of the Town Hall

in high quality paving materials and building restoration and conversion, including the Town Hall/Tolbooth that it believes has potential to be a heritage/visitor information centre, library, and museum.

- 3.14 The consultation response shows a strong interest in the strategy and what it could achieve for the centre of Musselburgh. There is clear overall support for its actions and respondents prioritised the actions which they believed would bring the most improvement and economic benefit to the town centre.
- 3.15 Following consideration of all the consultation responses the Town Centre Strategy is appended for approval. It contains a number of small amendments taking on board some updates and additional references but is essentially the same as that which received the overall support from the consultation results.
- 3.16 One issue of significance that has taken on greater weight since the draft Town Centre Strategy was prepared is air quality in Musselburgh Town Centre. Cabinet on 10<sup>th</sup> November 2013 agreed that the necessary legal order be prepared for the Council to declare an Air Quality Management Area in Musselburgh High Street, specifically that stretch between Newbigging and the junction at Bridge Street.
- 3.17 The Town Centre Strategy has had regard to this issue. The proposed High Street landscape improvements will remove the set of traffic lights that currently gives access to the car parking area at the Mercat Cross. This will improve traffic flow through the Newbigging junction and help reduce queuing. Repositioning of bus stops is intended to reduce the incidence of bus queues which can also lead to unnecessary emission of exhaust fumes while the vehicles are idling.
- 3.18 The Town Centre Strategy acknowledges that traffic management is an issue to be addressed. The Council is currently examining the contribution that traffic is making to air quality issues in Musselburgh High Street and investigating measures to mitigate and reduce the impact of traffic on air quality.

#### **4 POLICY IMPLICATIONS**

- 4.1 The preparation of town centre strategies is a proposal for East Lothian Council in the East Lothian Local Plan 2008 and there are no policy implications as a result of the strategy.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - to be determined following consideration of this report
- 6.2 Personnel - none
- 6.3 Other - none

## **7 BACKGROUND PAPERS**

- 7.1 Report of all Public Consultation on the Draft Town Centre Strategy
- 7.2 Consultation documents : Draft Musselburgh Town Centre Strategy and Summary Document; Musselburgh Town Centre Strategy Consultation Questionnaire and Musselburgh Wards Statistical Profile March 2013
- 7.3 Musselburgh Town Centre Strategy December 2013
- 7.4 Consultation Questionnaire Results – Full version

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<b>DATE</b>	28 November 2013



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# Musselburgh Town Centre Strategy

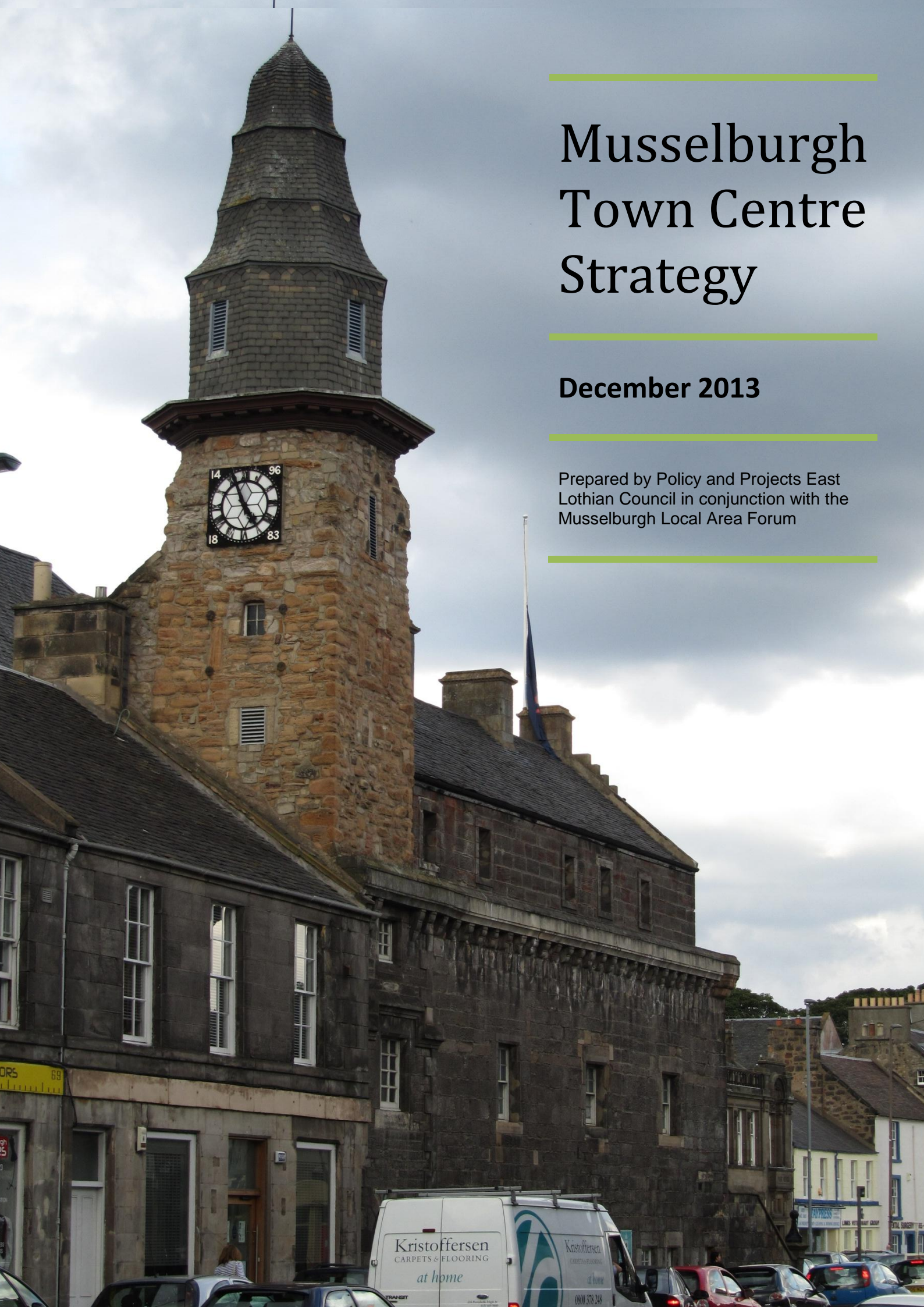
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December 2013

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Prepared by Policy and Projects East  
Lothian Council in conjunction with the  
Musselburgh Local Area Forum

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## 1 Introduction

- 1.1 This Town Centre Strategy was prepared by East Lothian Council following extensive discussion at the Musselburgh Town Centre Task Group, a sub-group of the Musselburgh Local Area Forum. The group consisted of representatives of Musselburgh and Inveresk Community Council; Windsor Park Tenants and Residents Association; Musselburgh Conservation Society; Inveresk Village Society; Queen Margaret University; Musselburgh Business Association; local ward members of East Lothian Council among others. The strategy was informed by a town centre engagement exercise undertaken in 2011 which, using a *Planning for Real*<sup>®</sup> methodology complimented by a survey, involved around 1,200 local people making comments on how they use the town centre and identifying what they think the issues are with the present town centre and their aspirations for the future of the area.

The strategy was approved and amended following public consultation in the summer of 2013. Its Action Plan is for all those who have an interest in Musselburgh town centre with an initial emphasis on undertaking economic and physical improvements.

The **VISION** for Musselburgh Town Centre

***In 2018 Musselburgh town centre will be a clean and pleasant environment that attracts people to the town for shopping, living, business and leisure. Musselburgh's central streets will be attractive and well maintained and people will enjoy using the town's public spaces. The town's extensive history and heritage will be able to be better understood by its visitors and Musselburgh will be marketed as a destination with easy to find parking, a good range of cafes, pubs and restaurants, places to visit and be a pleasant place to visit and in which to spend time.***

- 1.2 This strategy has four broad aims:
1. To keep Musselburgh town centre busy and vibrant whilst taking actions that promote additional business in Musselburgh town centre.
  2. To encourage improvements to support existing businesses and town centre users and encourage investment into the town centre.
  3. To enhance the setting of the local town centre, which is the unique selling point of the town.
  4. To build on the unique identity of Musselburgh by explaining more of its history and heritage.

## 2 Background and Context

### *Profile of the Town Centre*

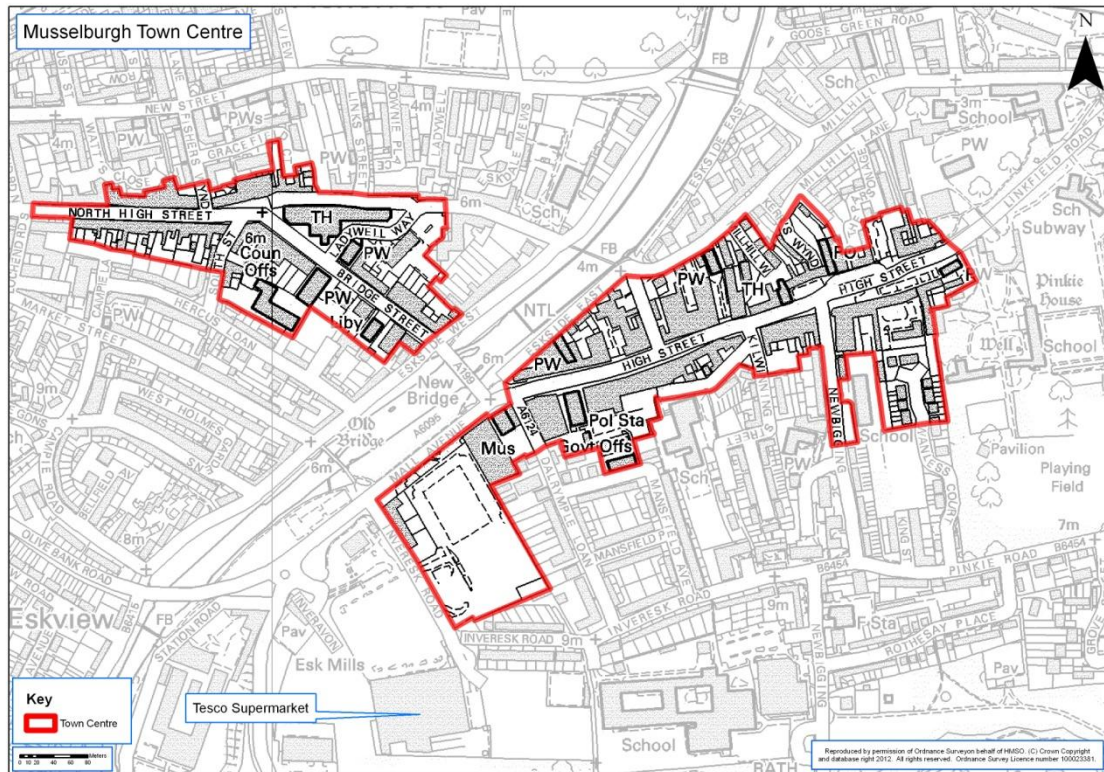
- 2.1 Musselburgh lies approximately 7 miles east of Edinburgh city centre. Its location between East Lothian's coastal villages and Edinburgh means it is a busy town and there are only two main road crossings over the River Esk; the A1 Musselburgh bypass and the town centre route of High Street in conjunction with either Bridge Street and North High Street or Mall Avenue and Olivebank Road. This brings people and trade to Musselburgh town centre but also traffic volume and associated management issues.
- 2.2 The town is set to grow with around 1,500 new houses due to be built at Pinkie Mains (construction commenced in 2012) and Wallyford. This will provide additional population to be served by the town centre. The development industry continues to see Musselburgh as a commercial location for further house building with a speculative planning application submitted for a non-allocated site at Goshen farm for approximately 1,200 houses. Land is also allocated for future employment use.
- 2.3 Compared with the other towns in East Lothian, Musselburgh has the most commercial units, the greatest concentration of larger commercial units, the largest proportion of nationally owned shops and services and the highest footfall. In terms of its town centre offering, it is therefore the main town centre in East Lothian.
- 2.4 Musselburgh supports 6,170 jobs<sup>1</sup> and attracts people in from surrounding areas as well as having working residents commute out to work. Its proximity to Edinburgh also has an influence on the range of goods and services that the town centre is able to offer. In addition to town centre retail, Musselburgh has a main supermarket at Mall Avenue/Olive Bank Road and three smaller food retailers at Olivebank on the edges of the town centre.
- 2.5 Musselburgh town centre extends from the Pinkie Pillars at its eastern edge west along High Street, Bridge Street and North High Street. Like all town centres it is used by all sections of the community. Its designated area<sup>2</sup> is shown below.

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<sup>1</sup> NOMIS Business Register and Employment 2011

<sup>2</sup> Designated in the East Lothian Local Plan 2008





### *National Economic Context*

- 2.6 Whilst there is no doubt that High Streets will change in future, it remains difficult to be certain of the nature, extent and timing of that change. In a five year strategy it is considered too early to look ahead to long term structural issues with town centres, such as reducing their area by permitting alternative changes of use on the fringes of the town centre. This is particularly so when Musselburgh is a growing town.
- 2.7 With low vacancy rates and quick turnover of vacant units, current indications are that Musselburgh town centre is weathering the poor economic conditions reasonably well. While there is no guarantee that this will continue, with the town's population planned to increase there should be more demand in future for the commercial facilities provided in its town centre. The challenge will be for businesses to market themselves to new residents to establish early patterns of town centre use.
- 2.8 Within the five year period of this strategy a series of planned interventions to improve the overall environment of the town centre and attract investment should help to maintain the busy town centre, the first overarching aim of the strategy.

### *Economic Performance of Musselburgh Town Centre*

- 2.9 The town centre contains 178 ground floor commercial premises providing retail, service and leisure uses. The 2012 footfall survey showed that the average number of people visiting Musselburgh town centre was 9,130 per week with Saturday being the busiest day with

2030 users.<sup>3</sup> However, the busiest commercial location was on the edge of the town centre at the 24 hour Tesco supermarket which opened in autumn 2010, replacing a smaller non-24 hour supermarket. The average weekly footfall by the supermarket was 37,840, just over four times that of the town centre. High Street, between Dalrymple Loan and Kilwinning Street, is the busiest section of the main town centre.

- 2.10 This new supermarket clearly has a strong influence on the town centre, but it has not resulted in closure of town centre units, as was feared by some. While some commercial units in the town centre have closed and others opened since the supermarket opened, in 2012 more commercial units are occupied and trading in the town centre than before the supermarket opened. Footfall in the town centre has been measured on a single weekend at the same time each year since 2008 and has averaged 9,570. The 2012 figure is 4.4% down on 2011 and 4.8% lower than the average since 2008. The supermarket opened in 2010 and coincided with a significant drop in town centre footfall when it opened, but which has subsequently increased. Whilst this cannot be proven to be a direct consequence of the opening of the supermarket without further analysis, the location of the supermarket allows for walking trips between it and the town centre and given that shop occupancy is higher and footfall relatively stable, the town centre can be considered to be adapting to trade successfully alongside it.
- 2.11 Many of the jobs in Musselburgh are within easy distance of the town centre. A key issue for the town centre is to market itself to the residents and workers in the town; if people do not use the shops and services in the town centre, it will not prosper.

#### **Key Points/Issues**

- ***Musselburgh is the main town centre in East Lothian;***
- ***Musselburgh is a growing town therefore the town centre has the opportunity to trade to more residents;***
- ***Commercial unit vacancy rates have fallen and footfall has increased;***
- ***The town centre appears to be coping with the new supermarket on the edge of the centre and, at present, with national economic conditions;***
- ***Regular marketing campaigns are required to encourage people to use Musselburgh town centre – the Christmas Shop Local campaign run by East Lothian Council Economic Development is a good example.***

#### **Proposed Actions**

- ***Monitor town centre economic performance through annual land use and footfall surveys and business surveys (Aim 1);***

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<sup>3</sup> Pedestrian Flowcount 2012 Musselburgh, Pedestrian Market Research Services, St.Albans for East Lothian Council, 2012

- **Regular marketing campaigns such as Shop Local are required to encourage use of the town centre (Aim 1).**

### **3 Diversity of Land Use in the Town Centre**

#### *Land Use Trends*

- 3.1 Scottish Government research identifies that successful town centres have a mix of retail, leisure, entertainment and cultural facilities. Their own identity and sense of place is defined by quality of design and focus on public realm. A healthy retail sector has a good retail mix, choice, diversity, anchor stores and preferred shopper formats, low vacancy rates, low turnover, good physical fabric and fascias, competitiveness and capacity for change.<sup>4</sup>
- 3.2 Analysis of annual retail surveys of Musselburgh town centre undertaken since 2003 shows that the overall number of commercial units currently has risen slightly since 2003, due to subdivision of some larger units. The overall amount of ground floor commercial floorspace in the town centre is approximately 22,500sqm, excluding food and drink premises.
- 3.3 The proportion of retail shops in the town centre has gradually declined, from approximately 50% in 2003 to 38% in 2012 with a corresponding increase in units occupied for non-retail purposes from 45% in 2003 to 55% in 2012. Since 2007 more units have been occupied for non-retail use rather than retail use. The proportions of shops and services are balanced at 38% and 40% respectively. Since 2003, comparison<sup>5</sup> retail has fallen by 6% to 22% and convenience<sup>6</sup> retail by 4% to 16%. In 2012, 40 units were classed as comparison retailing with 28 as convenience retailing.<sup>7</sup>

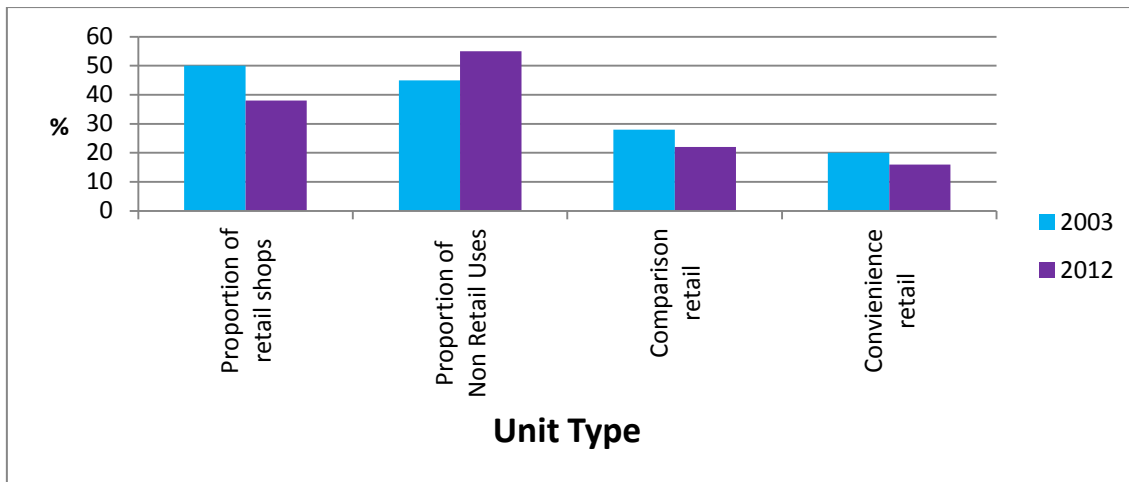
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<sup>4</sup> Scottish Government Housing, Regeneration & Planning Literature review, (2009) “Policies Adopted to Support a Healthy Retail Sector and Retail Led Regeneration”.

<sup>5</sup> Comparison shopping is those goods that the purchaser will compare on the basis of price, quantity and quality before a purchase is made e.g clothes, gifts, electrical and furniture.

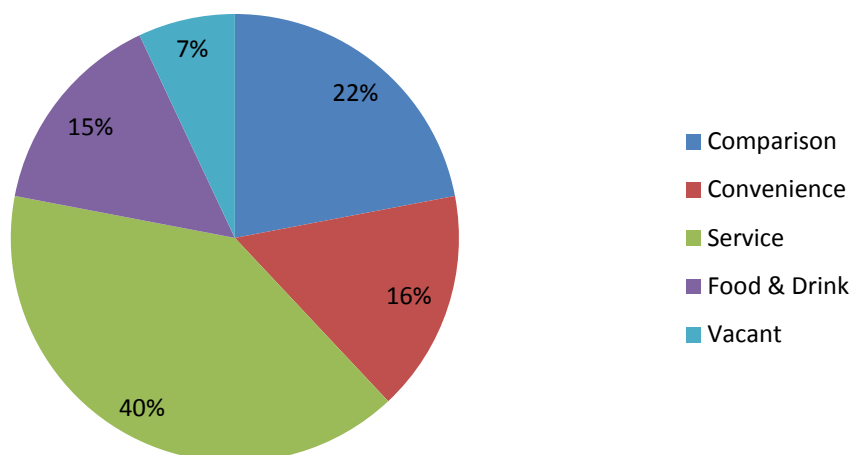
<sup>6</sup> Convenience shopping is food shopping, drinks, newspapers, confectionery purchased readily for immediate consumption.

<sup>7</sup> Retail Survey Musselburgh, Policy & Projects, East Lothian Council, 2012



- 3.4 The proportion of independent and nationally owned businesses has remained fairly consistent with almost one third nationally owned and two thirds independent. This mix indicates that the town centre offering is broad, with a representative spread of nationally recognised names as well as local independents. This is a strength of the town centre which should not be over dependent on one sector. In 2012 Musselburgh's larger retail premises included national chains such as M&Co., Store Twenty One, Poundland and B&M Bargains. In comparison with other East Lothian towns, Musselburgh is able to accommodate larger units because of past redevelopment, mainly in the central part of High Street, that resulted in modern retail units that are not constrained in size by older buildings.
- 3.5 The 2012 survey identified that Musselburgh has a good range of smaller convenience shops including, for example, three butchers, three bakers and a fish shop and specialist comparison shops such as the Fine Wine Company, Ideal Flooring and Furniture, Di Rollo and Luca. While respondents to the town centre survey would prefer to see an increased range of shops and services (e.g. a shoe shop), these depend on the market to provide and cannot be influenced by East Lothian Council. Since the start of the recession, and in line with a national trend, there has been an increase in the provision of shops that market themselves as discount stores. Musselburgh has a concentration of these shops in the High Street. The number of charity shops has also increased from 4 in 2003 to 10 (6% of the total number of commercial units) in 2012 and the town is, arguably, a good destination for those seeking a bargain.
- 3.6 Commercial premises that provide services such as banks, dry cleaners, vets and property services occupy around 40% of all units. Leisure uses, principally food and drink, occupy a further 15% of units. The proportion of non-retail uses in the town centre has steadily increased from 45% in 2003 to 55% in 2012. There are 4 licensed pubs and hotels (excluding clubs) within the designated town centre, with a further 4 currently (August 2012) closed, and 9 licensed restaurants.

### Breakdown of Ground Floor Uses 2012



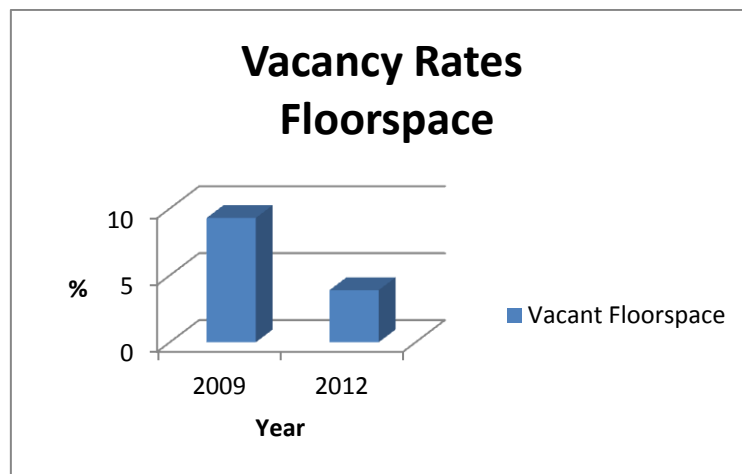
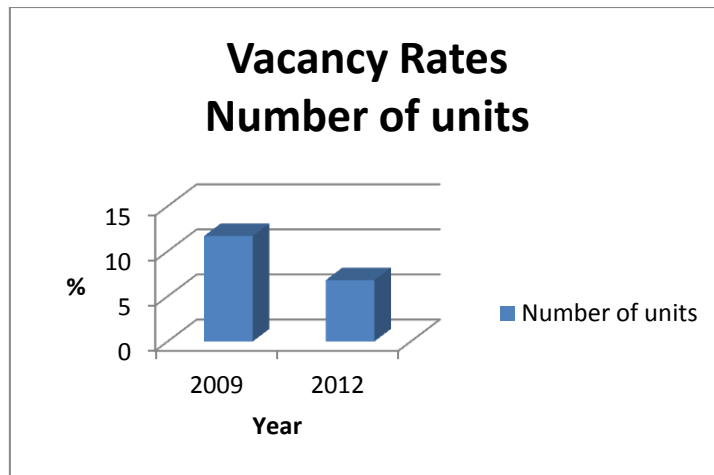
- 3.7 In 2010, the town centre survey noted the opening hours of commercial businesses. The results showed that only a very small proportion, 3%, closed at lunchtime, 40% traded on Sundays and 30% opened in the evening (food and drink premises, some convenience shops and bookmakers). Some 25% of non-retail businesses, for example, banks, did not open on a Saturday and around 10% of shops closed for a half or whole day on a Monday or Wednesday.<sup>8</sup> This indicates that Musselburgh is a town centre that is open for business.
- 3.8 For town centres to survive and maintain vibrancy and vitality there needs to be a range of reasons to visit them. Shopping is part of that but by no means the only reason; visits to commercial services, cafes, restaurants, transport, visitor attractions and events all bring people to a town centre. If people are in the town centre, for whatever reason, then there are commercial trading opportunities for town centre businesses. When footfall declines, commercial businesses suffer accordingly.

#### *Vacant Units*

- 3.9 The proportion of vacant commercial units in Musselburgh town centre rose from 2007 and peaked in 2009 at 11.7% (or 21 units). Since 2009 it has reduced to 6.8% (12 units) in August 2012. Measured as vacant floorspace rather than number of units the 2009 peak was 9.3% and the 2012 figure 3.9%. The Scottish average vacancy rate based on percent of vacant units was 10.5% in July 2012 (UK rate 14.5%).<sup>9</sup> Given national trends and the closure of a number of national chains such as Clinton Cards and Peacocks which were represented in Musselburgh, the town, in 2012, is performing well relative to other town centres in terms of having lower vacancy rates.

<sup>8</sup> Retail Survey Musselburgh, Policy & Projects, East Lothian Council, 2010

<sup>9</sup> Local Data Company 2012



- 3.10 Of the main issues associated with vacant shop units (length of time vacant; state of repair; prominence of location), few of the units vacant in Musselburgh stay vacant for long. Most are in a reasonable state of repair and few are in the busiest and most prominent central part of High Street.
- 3.11 The licensed trade sector has seen a significant number of pubs and small hotels close in Musselburgh town centre. Nationally, public houses in towns, small hotels and restaurants have suffered decreasing demand with consequent effects on viability: forecasters predict further decline in this sector. Musselburgh seems particularly badly hit given that many of these premises are prominently located on High Street and North High Street. Prominent buildings such as the former Musselburgh Arms Hotel, vacant since 2007, The Stand and The Burgh public houses, all in High Street, affect the overall quality of the town centre environment when they lie empty and boarded up. The limited range of licensed public houses in Musselburgh may be a contributory factor; arguably there was an over supply of premises offering a similar product for current demand. Evidence suggests that this has been the recent situation where the number of public houses in the defined town centre has declined from 8 in 2004 to 4 in 2012. This includes the addition of a new establishment, the David Macbeth Moir owned by national chain JD Wetherspoon who

invested in the conversion of the long vacant former Hayweights club building in Bridge Street to reopen it as a public house and restaurant in 2012. Where former licensed premises have ceased trading there is no requirement to retain them as licensed premises and they can be converted to other town centre uses, such as retail or other leisure use in line with local plan policy.

#### *Upper Floor uses*

- 3.12 Many shops and commercial premises in the town centre have vacant space in the floors above. This may be used as storage or as an empty or infrequently used flat or office. If more of this space were permanently occupied, bringing more people in to the town centre, this would benefit the town centre economy. Most buildings in the town centre are tenements with commercial uses on the ground floor. The most common use of upper floors is residential which enables people to live in the town centre. A street level survey, followed up by further investigation, undertaken in 2012 showed a number of upper floors in Musselburgh town centre not currently in use as residential. In some cases a slow property market has led to property being on the market and vacant for lengthy periods. In other situations property is left vacant but not marketed. Because of past redevelopment in the central part of High Street many premises do not have residential space above them. The town centre needs people to live in it and where there is residential space it would benefit the town centre if it was occupied.
- 3.13 As part of its Empty Homes Initiative, East Lothian Council aims to help owners who have empty property to bring them back into residential use. The survey will be followed up by contacting property owners to see if there is anything that can be done to either renovate vacant residential or convert vacant storage to encourage more occupied housing in the town centre.

#### *Musselburgh Town Centre – Extent of Influence by East Lothian Council*

- 3.14 The Council as local planning authority cannot influence the type of shop that trades in the town centre. Planning permission is required for the change of use of a shop to another use such as a café or other non shop use. Planning policy seeks to prioritise retail uses, requiring premises to be marketed for a reasonable period and no reasonable offers for use as retail to have been received before an alternative use is permitted.<sup>10</sup> There are no restrictions on the number of non retail uses permitted in any part of the town centre other than consideration of the cumulative effect of hot food take-aways in any one area.<sup>11</sup>
- 3.15 As an owner of a small number of commercial premises in the town centre, the Council requires to secure best value market rentals. Business rates are charged at a rate set by the Scottish Government, not

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<sup>10</sup> Policy ENV2: Town and Village Centres, Other Retail or Mixed Use Areas, East Lothian Local Plan 2008

<sup>11</sup> Policy R3: Hot Food outlets, East Lothian Local Plan 2008

East Lothian Council. Currently, that includes the small business bonus scheme where lower rated properties are eligible for varying discounts.

- 3.16 The range of options for the Council to influence the type of commercial trading, its location and the cost of premises for trading is therefore limited. Some Planning Authorities seek to restrict the number of non retail uses trading alongside each other to no more than three before a retail unit must remain, others define parts of the town centre as prime retail areas, allowing non prime areas to have a greater range of uses. Where the present policy of prioritising retail has been discussed at consultation meetings on the forthcoming East Lothian Local Development Plan, the prevailing opinion has been that the restriction should be relaxed to permit a faster change to a non retail use and that the unit is quickly reoccupied. These are all matters for the East Lothian Local Development Plan, which will replace the East Lothian Local Plan 2008, to consider. Any commercial landlord could use one or more of their trading units as a subsidised start up business location for trial 'pop-up shops' but this would be at the expense of a market rental, and might introduce a distortion to the rental market, it could only be considered if a property is proving exceptionally difficult to let. The Council owns only a small proportion of commercial units in the town centre and in 2012 reported little difficulty in letting these when they become vacant.

#### **Key Points/Issues**

- ***Musselburgh has a solid base of commercial units and a reasonable diversity of retail, service and leisure uses. In common with national trends, the number of shops, particularly convenience shops, is slowly reducing and the number of units offering services is increasing;***
- ***The proportion of nationally owned multiple units at around one third is a strength of the centre, emphasising its diversity and difference from other East Lothian town centres;***
- ***Commercial shop and service unit vacancy rates are currently relatively low and are re-occupied quickly. This is contrary to national trends and may not continue;***
- ***The on-sale licensed trade has suffered decline in line with national trends. It is likely that some public house and small hotel premises will be converted to other uses;***
- ***There is a reasonable range of commercial businesses open throughout the day and evening and the town centre does not close down for a half day or at lunchtime;***
- ***East Lothian Council will review its town centre planning policies contained in the East Lothian Local Plan 2008, including that which prioritises retail use over other town centre uses;***



- ***Vacant or underused space above commercial premises has potential to supply additional residential accommodation to bring new residents into the town centre.***

#### **Proposed Actions**

- ***Encourage the reuse of vacant upper floor spaces above commercial units by contacting owners to establish what might be needed to re-introduce residential accommodation into the town centre (Aim 1);***
- ***Review local development plan policies that affect the town centre (Aim 2).***

## **4 Tourism and leisure**

- 4.1 Whilst Musselburgh is not generally regarded as a tourist town, it does experience a significant number of day visitors, for example, those attending Musselburgh Races or visiting Levenhall Links. In addition the John Muir Way coastal walk and National Cycle Route 76 pass through the town. Other attractions include Newhailes House, Brunton Theatre, museums, and golf. In 2008 Queen Margaret University opened and, whilst the majority of staff and students are day visitors, the University has accommodation for 800 resident students. Loretto independent school also has around 500 pupils. These add additional visitors to the town. The Musselburgh Museum which opened in 2011 experienced a higher than expected number of visitors, almost 6,000, in its first year despite limited 3 days per week opening.
- 4.2 Specialist retailers and quality restaurants also attract people to a town and two of the most famous names in ice cream, Di Rollo and Luca, are good Musselburgh examples for which the town is popularly known. Specialist retailers can improve market awareness and footfall by grouping together with similar businesses to create niche marketing areas or by arranging promotional events around their products. Businesses servicing the night time economy might consider a location close to the Brunton Theatre which attracts its main audiences in the evenings.
- 4.3 Tourist information is provided at The Brunton where it benefits from long opening hours. Most marketing for Musselburgh is done by individual attractions such as the racecourse and theatre and there is scope for more coordinated town marketing, particularly in encouraging more day visitors from Edinburgh and the rest of East Lothian. Those using the long distance walking and cycle routes should be encouraged to divert into the town centre and, when in the town centre, visitors should be able to learn more about the town's extensive history and heritage. This was a theme noted in the town centre consultation along with a need for a general information board on High Street. There is a good series of historical interpretation boards throughout the town centre and these

could be complemented by additional town heritage trails designed to appeal to all ages that could start and finish at the museum or old Town Hall.

- 4.4 Musselburgh is a large town but currently has no regular markets or commercial events to draw people in. There has been interest in establishing a farmer's market which would ideally require a serviced venue in the town centre to attract people to the town centre. Such events have proved to be useful draws in other towns, with Haddington Farmer's Market attracting around 1,000 people each month, increasing footfall in its town centre and offering existing traders potential additional sales.
- 4.5 Walking and cycling routes exist throughout the town with links to the town centre. However not all are signposted and some would benefit from improvements, for example, a crossing point on Mall Avenue that could link up with access paths to the Eskmills complex. Around 500 people work at Eskmills, modern offices located in an historic industrial complex that is a visitor attraction in its own right and a part of the town's heritage. Improved path links between Eskmills and the town centre would be mutually beneficial.

#### **Key Points/Issues**

- ***Musselburgh may not be a recognised tourist town but has a range of attractions and should be better marketed, particularly as a destination for a day visit;***
- ***Town trails celebrating the history and heritage of the town appeal to visitors;***
- ***Path links from other parts of Musselburgh, including the long distance routes to the town centre, should make it easy for people to find their way to the town centre.***

#### **Proposed Actions**

- ***Encourage better marketing of Musselburgh by bringing together Musselburgh attractions that do their own marketing and encouraging 'day out in Musselburgh' visits. Develop a distinctive branding for the town (Aim 1);***
- ***Review the existing heritage information available to visitors in Musselburgh and develop town trails to appeal to all ages (Aim 4);***
- ***Review path links to Musselburgh town centre; improve directional signage and identify small scale improvements to routes (Aim 2);***
- ***Encourage more commercial and community events and attractions in Musselburgh town centre.***

## 5 Transport and Parking

- 5.1 Musselburgh is located between the East Lothian coastal settlements and Edinburgh and consequently accommodates high traffic volumes. The number of crossings over the River Esk is limited to the A1 trunk road (Musselburgh bypass) and the town centre route of High Street in conjunction with either Bridge Street and North High Street or Mall Avenue and Olivebank Road. Not all through traffic uses the A1 bypass however leading to an estimated 30% of traffic in High Street that is passing through.<sup>12</sup> Alternative routes to the main streets would be to re-connect Inveresk Road to Olive Bank Road which would alleviate pressure on the busy Mall Avenue/High Street junction or to use New Street/Millhill utilising the 'electric bridge' to through traffic. This bridge was built to facilitate the construction of Cockenzie power station but was not adopted as part of the local road network, although it is sometimes used on a temporary basis to facilitate traffic flow on race days at Musselburgh Racecourse. Whilst it would provide another crossing of the River Esk, its re-opening would attract through traffic to residential streets. Similarly to use Inveresk Road would attract through traffic to the detriment of some residential areas and the likelihood is that High Street will remain the main through route within the town.
- 5.2 Traffic queuing is commonplace at certain times and places within Musselburgh. However, the recently installed SCOOT (Split Cycle Offset Optimisation Technique) Urban Traffic Control system is designed to improve traffic flow throughout the town centre. Sensors positioned in the road detect vehicle numbers at each set of traffic signals and automatically adjust signal timings to accommodate the detected traffic. It can be programmed to favour particular routes, delay 'rat-runs' and to position traffic queues away from the main shopping street. The system includes the Mall Avenue/High Street junction, the busiest junction in East Lothian at 25,000 vehicles per day, and allows greater control over traffic flow through the town centre.
- 5.3 Air quality is continually monitored in Musselburgh town centre with nitrogen dioxide (NO<sub>2</sub>) and particulate material (PM<sub>10</sub>) being the main pollutants. Detailed assessment of NO<sub>2</sub> levels was undertaken in 2012 and resulted in additional monitoring at locations on High Street and Bridge Street where dispersion modelling had indicated that exceedences of NO<sub>2</sub> had occurred in 2011. Monitoring results have indicated that an Air Quality Management Area requires to be declared and an action plan prepared to identify measures to reduce NO<sub>2</sub> levels. The SCOOT system can help reduce air pollution by restricting vehicle queues in sensitive parts of the main streets.
- 5.4 Traffic volume and management in Musselburgh town centre is a constant theme raised as a concern by members of the public. The

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<sup>12</sup> Musselburgh Development Study Halcrow, November 1999

Action Plan associated with the Air Quality Management Area will examine options to reduce traffic volume and improve its management.

### *Public Transport*

- 5.5 Public transport is important to Musselburgh. There are three railway stations in or close to Musselburgh at Wallyford, Musselburgh and Newcraighall, but none are in the town centre. Wallyford is well connected to the town centre via frequent bus services both direct from from its large park and ride car park as well as some through bus services from elsewhere in East Lothian. Musselburgh and Newcraighall station, close by Queen Margaret University, are served by a less frequent bus but links to the town centre are provided. Musselburgh town centre is served by a high number of buses provided by Lothian Buses and First Group. The former's services are informed by real time bus information signs to encourage public use. The frequency of buses is such that the town centre is rarely to be seen without one or more buses in it at any one time. This brings people into the town centre and is therefore good for business but it also adds to the volume of traffic and is a contributory factor to the air quality issues in the centre. The town centre survey showed that congestion at bus stops, both from people and queuing buses, is an issue. Provision of relocated and additional bus stops would help to alleviate this problem and may also contribute to improvement in air quality issues if there are fewer buses queuing at a stop at the same time.

### *Parking*

- 5.5 Parking in Musselburgh town centre is an issue for many people. Improved access to parking and more parking generally in the town centre would encourage people to use the High Street more. Encouragement to walking and cycling might reduce traffic levels in the town centre. Public opinion remains against charging for town centre parking which can deter people from using the centre.
- 5.6 An analysis of parking within Musselburgh identified that on street parking in the town centre worked generally well, although there were some issues of long stay parking even where 90 minute restrictions were in place. Where time restrictions were in place there was evidence of displacement to nearby side streets that had no restriction. Off-street car parks seemed to be poorly managed with poor turnover of spaces along with a lack of awareness and usage. Poor directional signage meant that people unfamiliar with the area were unlikely to make use of off-street car parks. Temporary parking restrictions on race days worked well and caused few problems to the local area.<sup>13</sup>
- 5.7 The importance of parking availability was highlighted by the public. The implication is that if parking is not available people may not stop to use town centre services. The main town centre car parks are at Gracefield off North High Street, Kilwinning Place, Mall Avenue and Shorthope

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<sup>13</sup> East Lothian Parking Strategy December 2009 MVA Consultancy

Street, in addition to the on street parking. All are Council owned with the exception of Kilwinning Place. On street parking is time limited but most off street car parks are currently freely available with unlimited stay. To encourage greater availability of parking, town centre spaces and those at the Shorthope Street car park and the southern part of the Gracefield car park should be better managed with time restrictions put in place to increase parking turnover and reduce all day parking. All day parkers should be encouraged to use car parks that are not in the main town centre, for example, at the Wallyford park and ride (337 spaces) where there is a regular bus service to the town centre and beyond. Parking infringement needs to be enforced to achieve this; this is a matter for East Lothian Council to address (except at the privately owned Kilwinning Place car park).

- 5.8 Car parks, including those at train stations, offer marketing opportunities to businesses; for example, orientation maps with key shops and services identified.
- 5.9 If cycling within the town centre is to be encouraged then cycle parking facilities should also be made available.

#### **Key Points/Issues**

- ***Air quality is an issue for Musselburgh town centre with action required to improve air quality through an Air Quality Management Area;***
- ***Traffic levels in Musselburgh town centre are high because there are few alternative routes and if streets within the town centre continue to be affected by air quality issues alternatives may need to be explored;***
- ***Bus stop congestion arises from the number of buses serving particular stops. Additional and relocated stops would help to alleviate this problem;***
- ***There is a need to maintain or improve parking availability and better manage and enforce the supply and turnover of short stay parking facilities in the town;***
- ***Time restricted parking should be introduced to some town centre car parks to deter all day parking and free up availability for town centre users;***
- ***Parking enforcement requires to be reviewed by East Lothian Council;***
- ***Directional signage and signs naming town centre car parks should be reviewed and improved;***
- ***There are marketing opportunities for businesses at town centre car parks.***

### Proposed Actions

- *Continue to monitor air quality in Musselburgh town centre and extend the operation and influence of the SCOOT system to improve traffic flow in the town centre (Aim 3);*
- *Traffic flow and management to be reviewed as part of an action plan to improve air quality; (Aims 2,3)*
- *Review the number and location of bus stops throughout Musselburgh town centre to reduce bus stop congestion and bus queues at a single stop (Aim 3);*
- *Review Musselburgh town centre car park operation to introduce short stay to increase turnover and parking availability at some car parks (Aim 1);*
- *Review parking enforcement. (Aim 1).*

## 6 Development Opportunities

6.1 There are a limited number of small development sites within Musselburgh town centre. None face the main streets directly, though most lie close to the main streets. Redevelopment can offer opportunities to bring new residents, employment or parking provision into the town, all of which benefit and support the local town centre economy. The sites are:

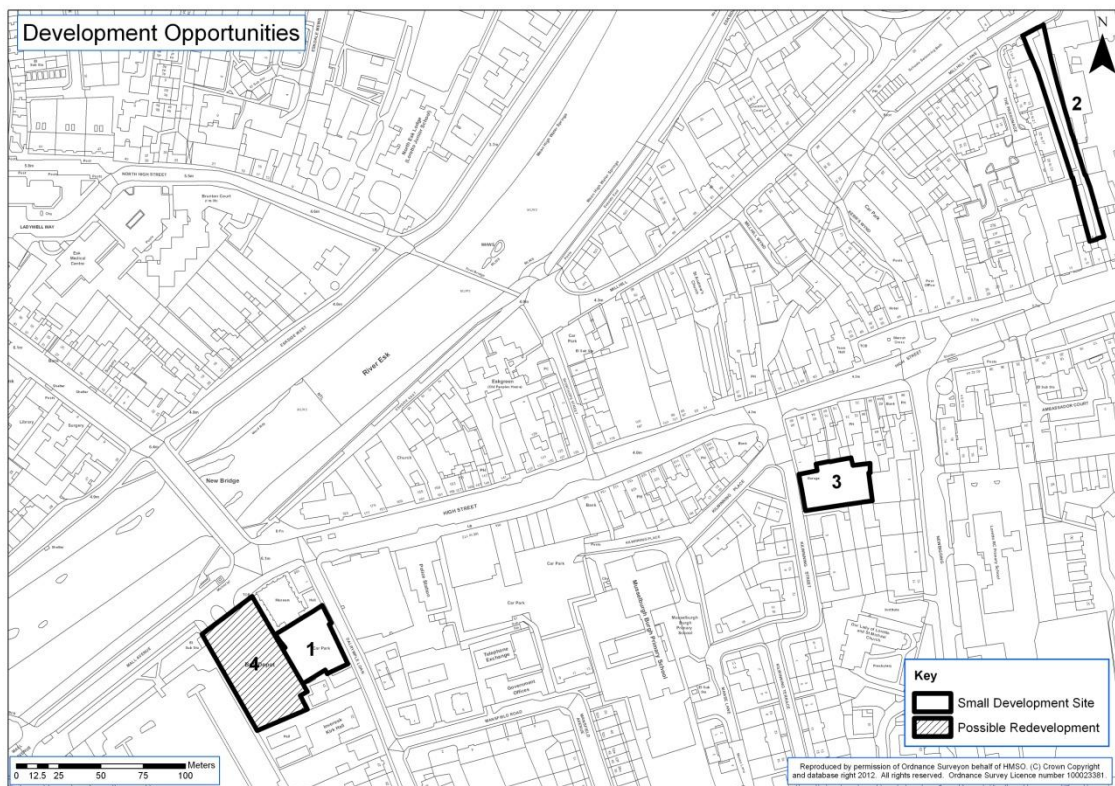
1. **Former Somerfield car park, Dalrymple Loan** – this rectangular site accessed from Dalrymple Loan is in private ownership but was marketed in 2011. It is suitable in principle for car parking, or housing/commercial development in line with East Lothian Local Plan policy.
2. **Former Millhill stables** – this long and narrow site has a vehicular access from Millhill and a pedestrian right of access to High Street. The site is ELC owned and is available for redevelopment, while not being an easy site to develop. It may be suitable in principle for a limited housing, small business use, community use or car parking. The Council has prepared development guidelines for the site.<sup>14</sup>
3. **1-2 Kilwinning Street** – This is the site of a former garage and has been acquired for affordable housing development by East Lothian Council. Work has commenced on 22 flats plus an additional 6 units on a separate small site in Kilwinning Street and is due to be completed in 2013.
4. **Bus Depot, Mall Avenue** - should the depot no longer be required in the future then it offers an opportunity for redevelopment in support of the town centre. This should provide commercial use on the street frontage, with the possibility of residential use elsewhere in line with

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<sup>14</sup> Design Guidelines, The Stables, Millhill Musselburgh, 2010

East Lothian Local Plan 2008 policy, to extend the town centre and give a further reason to encourage more walking trips between the supermarket and the town centre.

- 6.2 Vacant property such as the upper floors of the block between 105-109 High Street (the former department store) offer a development opportunity for conversion or redevelopment. If no longer suitable for retail use then residential or office use would be appropriate to bring more people into the town centre.
- 6.3 Vacant buildings such as the former Musselburgh Arms Hotel also offer development opportunities that if no longer required wholly for commercial use can include residential with commercial use on the street frontage.



### Key Points/Issues

- ***There are few redevelopment opportunities in Musselburgh town centre with those sites that there are being small. Every opportunity that brings new residents or employment or supports the town centre in other ways should be encouraged.***

### Proposed Actions

- ***East Lothian Council to review the potential use of the vacant Millhill Stables (Aim 2).***

## **7 Built Environment and Public Spaces**

- 7.1 The quality of the overall appearance of any town centre is an important indicator of how well it is performing and of its potential to attract residents and visitors to it. With 78% of local people using the High Street at least once a week and 33% visiting daily the appearance of the town centre is important as it is the unique environment that town centre users experience and in which businesses operate.
- 7.2 Consultation results confirm that the condition and appearance of the town centre remains one of the main issues of concern to the public who consider that the town centre is in need of a 'makeover'. Most commonly noted was the need for streetscape improvements and the improvement of key local buildings such as the vacant Musselburgh Arms Hotel. Respondents also mentioned there is a need for commercial frontages to be smartened up, including higher quality and less garish advertisements, more attractive and consistent street furniture and decorative planting on the High Streets. Issues with footway condition and overcrowding at particular points were identified, as was the need to make more of the town's assets. This included highlighting historic buildings and enhancing the riverside setting, making better links between the river and the High Street.
- 7.3 The Town Centre Task Group has undertaken a street clutter survey to highlight redundant or broken items of street furniture, temporary signs and areas suffering from litter which have subsequently been dealt with by East Lothian Council. A second survey was completed in autumn 2012 and regular surveys will keep on top of the situation.
- 7.4 The 2012 sample survey of privately owned housing stock identified that in Musselburgh town centre dwellings are older and suffer from more disrepair than average for East Lothian with 58% requiring some repair.<sup>15</sup>
- 7.5 Musselburgh is a historic burgh and has many of the characteristics of an old burgh including the tolbooth, mercat cross and the wide street for trading. Its oldest building is the tolbooth dating from 1590 with its 15th century steeple. Most buildings in the High Street are 18th and 19th century with some 20th century infill development. Parts of the town centre are within the designated Musselburgh Conservation Area; this includes High Street east of Kilwinning Street, Bridge Street and the former High Church. The main section of High Street between Kilwinning Street and the High Church is not in the conservation area. The town centre contains 74 listed buildings including the category A listed tolbooth and town hall.
- 7.6 The spaces between buildings in Musselburgh town centre have changed little in recent decades. Because the town centre is based on a major traffic route the street is dominated by vehicles, including buses. Parking is provided on street and little of the space between buildings in the centre is given over to the pedestrian. Pedestrian congestion was

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<sup>15</sup> Private Sector Stock Condition Report 2012



even noted in the town centre survey responses at two points on High Street where bus stops are located; outside the Citizens' Advice Bureau and outside the police station. Bus stops here are located in wider parts of the street; the issue seems to be where people stand to wait for buses.

- 7.7 Whilst maintaining the free flow of traffic is important, and provision of bus stops is clearly necessary, there are still options for creating more pedestrian friendly space within the town centre. For example, there is no public gathering space, a point picked up in the town centre survey with 65 responses suggesting that the area by the mercat cross be made into a town square. This area was originally a civic space for Musselburgh, created by the town council in 1753, and provided with the mercat cross that still stands today. Old photos show it used for civic ceremonies.



Gathering at the Mercat Cross and Musselburgh Arms Hotel in 1935

- 7.8 Most towns have at least one public gathering place for pedestrians where civic ceremonies are held and markets and other commercial activity takes place. These are a focus of the town and can become its defining image. Recent town centre improvements in Haddington and Dunbar created pedestrian spaces outside public buildings where markets and gatherings can be held, information displayed and the setting of important town buildings improved.

*High Street, East of the Tolbooth/Town Hall*

- 7.9 That part of High Street where the Town Hall and the buildings of 41-61 High Street form a corner is an old gathering place in Musselburgh and could be suitable for that function again, as a landscaped pedestrian space. This would enhance the setting of the historic buildings of the

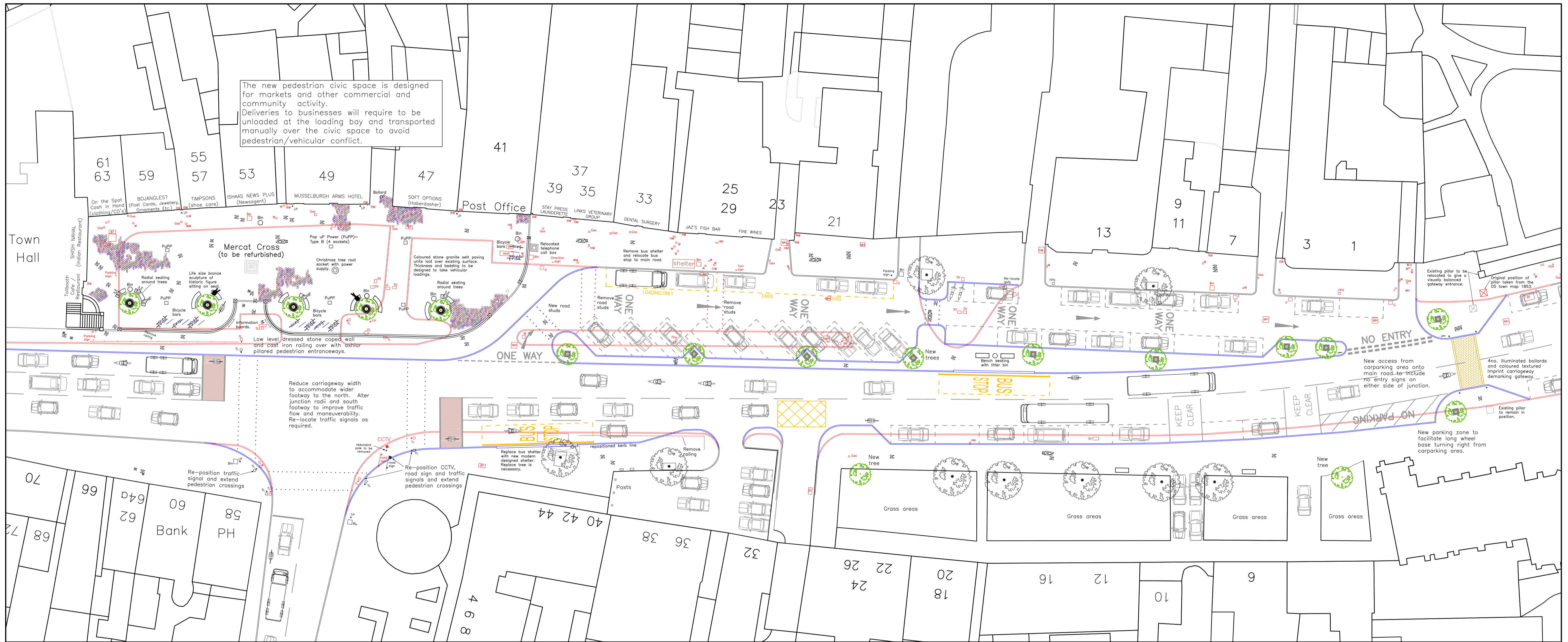
area, especially the mercat cross, and allow the history and heritage of the town to be interpreted and displayed close to the town museum. It would fit with plans by the Community Council to floodlight the tolbooth to highlight its architectural character. It could be designed to be a high quality place with natural stone paving, coordinated street furniture and small trees to complement other trees in the street. Underground services could be provided to supply electricity, water and a Christmas tree mounting socket. There would be sufficient open space to park a promotional vehicle and to accommodate continental, farmers, community or other markets and commercial promotional or community events. To provide a sense of enclosure in the square, a low stone wall with railings and gatepiers at entry points or contemporary railings could separate the square from the main carriageway, or the area kept more open as it has traditionally been.



Tolbooth/Old Town hall and Mercat Cross dominated by parked vehicles

- 7.10 Cafes and restaurants might set out seats within the square and it should help to encourage the reuse of the vacant hotel that fronts on to the area. The plan below gives some idea of what the square might look like with a pedestrian area extending from outside the former post office at 41 High Street to the tolbooth/town hall. The new area could accommodate artwork to reference the town's history and heritage. An example might be a full size figure of a Roman soldier or civilian as a reminder of the town's Roman past when it serviced a Roman Fort around AD 140. Such artworks can generate interest, leave lasting memories of a place and help with marketing. To encourage people to the square and to stay longer, public wi-fi could be made available and it could be the start and finish of a historical town trail that could be accessed using a leaflet or through information provided by a modern phone application.
- 7.11 The present image of this area is of one that is devoted to the car. There is parking around and adjacent to the mercat cross, and pedestrians are required to walk the long way round by the buildings rather than cross

# MUSSELBURGH HIGH STREET EAST OF THE TOWN HALL



Existing mapping affected by proposed works is shown in red.  
Proposed carriageway alignment for discussion is shown in blue.

**PREPARED FOR  
DISCUSSION  
PURPOSES ONLY**

**LIFE SIZE BRONZE SCULPTURAL FIGURES**  
(Famous people with connections to Musselburgh such as Roman figures to 4th C, Thomas Randolph 14th C / David Macbeth Moir 18th C plus modern day figure with laptop)

**BLACK METAL GUARD AND GRILLE**  
(CIRCULAR FOR CIVIC SPACE/SQUARE WITHIN STREET SPACE)

**NEW TREE SPECIES TO BE PYRUS CALLERYANA "CHANTICLEER"**

**CONTEMPORARY STYLE BUS SHELTER**



LEGEND			
	Unknown service cover		Traffic Signal
	Gas valve cover		Traffic Signal control box
	Road gully		Lamp Post
	Water valve cover		Closed Circuit Television Camera
	Water Meter cover		Rain Water down pipe
	Telephone Call Box		Finger Post directional signage
	British Telecom Chamber		New tree
	Electricity Chamber		New tree in guard & grille
	Fire Hydrant		Pop-up electrical power
	Scour Valve		Curved seating around trees
	Drainage Manhole		Seated figure in bronze
	Hit & Miss drainage cover		
	Illuminated Bollard		
	Flag Pole Socket		

into a road. An open landscaped square would enhance the setting of the buildings and encourage people to use the space more. Such public spaces can leave a lasting legacy in changing the perception and image of a town. It would provide a space that will attract commercial and community activity and encourage footfall to this part of the town centre to the benefit of local business.

7.12 However, car parking is also important to the town centre. As the creation of a pedestrian space would lead to the loss of parking, a redesign of the street east towards the Pinkie Pillars would be an integral part of the proposed project. This would see additional parking separated from the road by a centrally positioned kerbed footway on which trees could complement the cherry trees on the south side of the street. The part-time taxi rank would remain, the bus stop repositioned to the main road, motorbike, cycle and disabled parking provided and the existing vehicle parking reprovided. There would also be an opportunity to relocate the northmost Pinkie Pillar closer to the middle of the street, where it is understood it used to be, when it formed a more noticeable historic gateway feature.

7.13 These proposals should improve traffic flow along High Street. There would no longer be a need to provide a vehicular entrance in to the parking area at the mercat cross at the Newbigging junction traffic lights. Adjustments to the width of the footways on either side of High Street will improve the alignment of the road for traffic flowing through the junction. Although the bus stop would be moved to the main road, it is a lightly used stop with an infrequent service and should not impede traffic flow.

7.14 Other parts of Musselburgh town centre would also benefit from environmental improvement to reorganise and enhance space and improve the overall quality of the streetscape. The following locations are suggested for improvement and are shown on the map below:

*High Street, Kilwinning Street to Rennie Bridge*

7.15 Street furniture in High Street should be coordinated. The simple use of black poles for traffic signs and street lighting columns and the grouping together of street furniture where possible usually prove the most visually effective. Where there are seats, such as outside the Hollies, these should also coordinate, rather than the present use of different seat styles. Low walls or decorative planting could help provide a sense of enclosure in front of seats in this area. Planting two or three street trees in the wide pavement in front of the modern row of shops on the south side of the street would enhance the streetscape. Lighting columns could be provided with banner arm kits to allow for promotional or advertising banners. The larger wynds and closes such as Kerr's Wynd and Fish Close would benefit from coordinated street furniture including signage and repainting.



High Street

*Bridge Street*

7.16 Bridge Street is within the designated conservation area but does not require major improvement. However, coordinated street furniture should be provided when replacement is required, using black painted poles for traffic signs and street lighting columns. Street furniture should be grouped together where possible which should minimise visual impact. Some individual buildings, including shops, would benefit from reinstatement of original glazing patterns as recently installed at 7-9 Bridge Street. Shopfronts would also benefit from improved signage, and where front boundary walls have been removed in front of Georgian buildings at 18-20 Bridge Street, their reinstatement would improve the appearance of the street.



18-20 Bridge Street

7.17 At the High Street side of the bridge the area around the war memorial requires some improvement. This could include the provision of a disabled access to the riverside walkway along with the repair of the stone steps and retaining wall.



Steps and wall at War Memorial

- 7.18 The Brunton complex was the subject of a £3.7m refurbishment in 2012. The external landscape around the building and its junction with North High Street would also benefit from comprehensive relandscaping to enhance the area. This could include replacement coordinated street furniture, new areas of paving and a ramped access to the theatre.

#### *North High Street*

- 7.19 North High Street is part of the busy main traffic route yet has its own range of shops and services on both sides of the street. With parallel parking on both sides and widely spaced controlled pedestrian crossings it is not an easy street to cross between shops. It is also a broad street lined with cars and without street trees. To make it easier to cross, a series of wider pavement areas, usually referred to as 'blisters', paired with another on the opposite side of the street would allow a shorter crossing and clearer sight of oncoming vehicles. These could be marked with a bollard and/or a street tree to add visual interest to the street. As with High Street, street furniture in North High Street should be coordinated, provided when a replacement is required, ensuring the simple use of black poles for traffic signs and street lighting columns and grouping together of street furniture where possible to minimise visual impact.
- 7.20 North High Street lies in the area of Musselburgh known as Fisherrow reflecting its past as a significant fishing port. Fisherrow is a commonly used name but does not appear in the town centre: for example, the main street in Fisherrow is simply named North High Street, leading to potential confusion with High Street, particularly as both are shopping streets with some premises, Ladbrokes and Baynes Bakers for example, represented in both streets. To strengthen links with the heritage of the area, and make it more distinctive from Musselburgh High Street, it is proposed that North High Street be retained as the street name so that no addresses require to be changed but that an additional sign is added under the existing ones on the buildings in the street to read 'Fisherrow' to identify with the traditional name of this area.

### *Shorthope Street*

- 7.21 Shorthope Street is a narrow street connecting the High Street to the pedestrian footbridge over the Esk to Fisherrow and busy, particularly with pedestrians. There are two small, popular car parks at the riverside end of the street and public toilets. The area by the river is a popular location to watch swans on a small island in the river and also contains a slipway to the river. This car park and the amenity area by the river has recently been improved by East Lothian Council but the south car park and Shorthope Street itself require further improvement. The south car park would benefit from general tidying up and provision of boundary railings, or in part, a wall to help screen the recycling bins.
- 7.21 The older buildings on the street would benefit from enhancement by some basic repairs to gutters and downpipes and repainting walls to a coordinated colour scheme. These are privately owned buildings, some are flats and others commercially owned.



Shorthope Street: South car park and buildings on west side

### *Condition of Buildings*

- 7.22 The private sector housing stock condition survey identified that there is a higher concentration of privately owned houses in the town centre that are in need of repair than in other parts of Musselburgh. This is common to many town centres. Most buildings in Musselburgh town centre are traditionally constructed and stone finished. However, there is a small number which could be described as blighting the overall appearance of the town centre in their present external condition. Some other buildings could also contribute better to the overall appearance of the town centre. Often these are painted buildings which require regular maintenance to keep them in presentable condition. It is the owners' responsibility to maintain their buildings, which would benefit from a revised colour scheme to enhance their architectural features and help to visually distinguish them from their neighbouring properties to help revitalise the area.
- 7.23 East Lothian Council could prepare suggested colour schemes as guidance and make this available to property owners for consideration. In some areas, for example, Shorthope Street, several buildings, if

sensitively painted to highlight their architectural features, would have a strong cumulative enhancement effect on the town centre.

### *The Conservation Area*

- 7.24 Musselburgh Conservation Area covers a large part of the historic town including the eastern end of High Street and Bridge Street. In addition to works to the public realm, the High Street would benefit from the repair and restoration of the Musselburgh Arms hotel at 49 High Street (included on the national Buildings at Risk register<sup>16</sup>) and the Stand at 72-74 High Street, both listed buildings. Some individual shops in this area would benefit from restoration of original features and groups of shops from more coordinated signage. Small scale restoration work such as the reinstatement of the original window style with small pane glazing would enhance the overall conservation area as well as restore many of the flats and houses in the area. This work may be eligible for national funding programmes from Historic Scotland or the Heritage Lottery Fund and this should be explored.

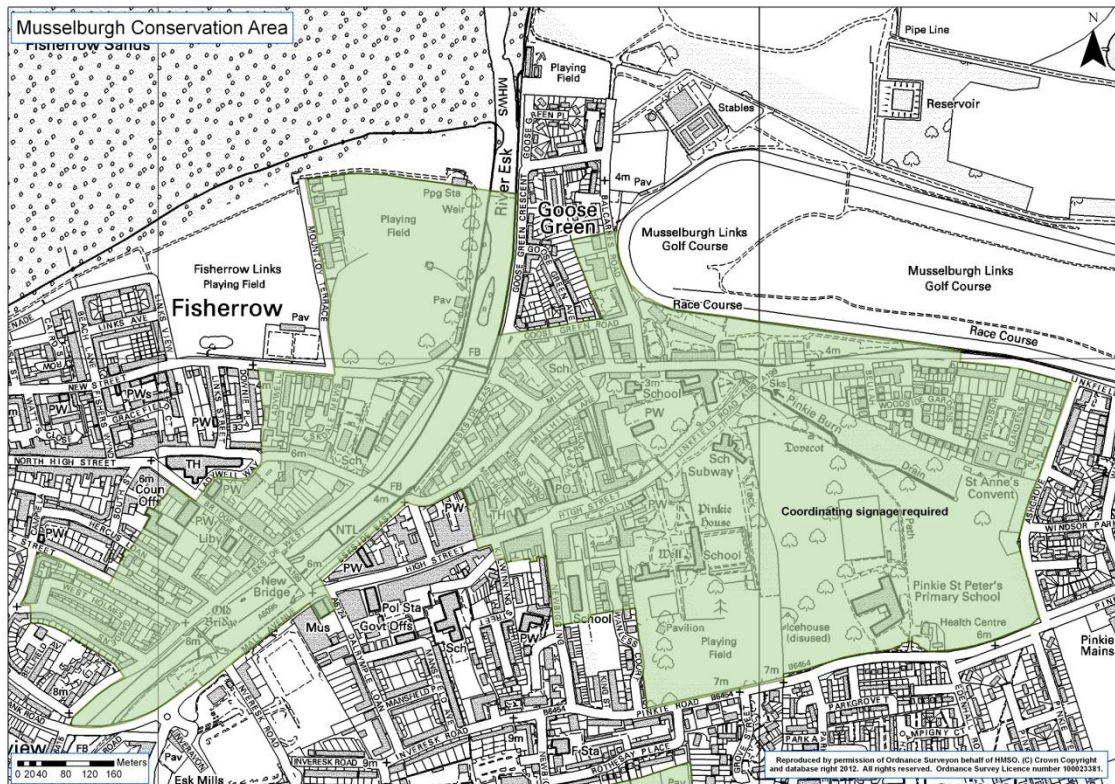


Musselburgh Arms Hotel and The Stand

- 7.25 The conservation area requires a full character appraisal to be undertaken to identify its special architectural and historic character and review its boundary in detail. This should be undertaken by East Lothian Council but with community support from Musselburgh Conservation Society.

<sup>16</sup> <http://www.buildingsatrisk.org.uk>





### *Appearance of Shops and other Commercial Premises*

- 7.26 Many shops and businesses could make a significant improvement to the streetscape by adopting revised paint colour schemes and signage. Where shops are located within the conservation area this would enhance the character and appearance of the conservation area, but within High Street a greater consistency with shop signage would also have an overall benefit to the streetscape. This issue was raised by respondents to the town centre survey and has been discussed by the Musselburgh Town Centre Task Group. The Musselburgh Conservation Society has suggested some draft guidelines for shop signage to encourage more coherent fascias. A key issue with any new businesses is be noticed as soon as trading commences and some signs are commissioned before the necessary advertisement consent and/or planning permission and listed building consent is obtained from East Lothian Council. Retrospective planning applications can lead to compromise design solutions and, if not subsequently approved, to a waste of money by applicants. The best solution in such circumstances is usually the erection of a temporary banner as a sign and an early submission for the necessary consents.
- 7.27 However, it is important that, when considering a new sign, a business should be well advised. Whilst free planning advice is available from East Lothian Council through the daily Duty Planner (Tel 01620 827216 Mon - Fri 9.00am - 1.00pm) additional guidance should be made available to business owners to advise them on quality signage. It is proposed that East Lothian Council prepare a shopfront and

advertisement design guide and makes this available to prospective businesses.

- 7.28 Planning law permits advertisement consent to be granted for only a maximum period of five years. This allows for deteriorating signs to be replaced in the interests of the overall quality of the streetscape. However, not all businesses renew their advertisement consent after the time period expires. A survey of businesses in Musselburgh town centre identified that 39 business premises had external signage that had lapsed after five years and had not been renewed and 78 premises had no permission for the present appearance of their premises. Businesses that were part of nationally owned companies were more likely to have the necessary permissions than independent businesses.
- 7.29 The annual retail survey undertaken by East Lothian Council includes a subjective assessment of the condition and appearance of ground floor business premises in the town centre. Most are classified as in good or fair condition with only 4% classified as in poor condition.
- 7.30 Once guidelines have been prepared, approved and publicised, a process of planning enforcement action should be undertaken to ensure that business premises obtain or renew planning permission or advertisement consent as necessary. Painting a property that lies within a designated conservation area a different colour also requires planning permission and some commercial premises do not have a current permission for their colour schemes. Putting this right will allow an opportunity for commercial property owners and occupiers to revise their signage and contribute to an overall improvement in the appearance of the town centre.
- 7.31 An example of the type of improvements that could be made to shops is illustrated below using existing premises at High Street as an example. This was prepared by Musselburgh Conservation Society as an example of how signage could be improved to help the overall appearance of the town centre:



## Maximising Funding Opportunities

- 7.32 Where projects are proposed that would enhance the overall environment of Musselburgh town centre, all potential sources of funding should be explored. East Lothian Council needs to make its money go as far as it can by drawing in private and other funding partners to achieve maximum investment. To implement all the project ideas outlined for the town centre streets would require more funding than is likely to be available. Consequently, not all projects may be able to be implemented in the lifetime of this strategy. However, the inclusion of projects within an overall strategy will help to make the case for additional funding if opportunities arise.

### Key Points/Issues

- ***Musselburgh lacks a pedestrian gathering place and the most suitable location for a new town square is at the mercat cross outside the tolbooth/Town Hall. A comprehensive public realm improvement between Pinkie Pillars and the Town Hall would help to improve the image of Musselburgh and encourage footfall and interest in the east end of the town centre;***
- ***The other main streets in the town centre require regular maintenance work to footways; small scale enhancement including street furniture coordination and limited tree planting;***
- ***The area surrounding the Brunton complex would benefit from an environmental improvement scheme;***
- ***The riverside from the war memorial by the Hollies to Shorthope Street requires environmental improvement to upgrade the path, repair the retaining wall at the war memorial and provide a disabled ramp down to the path;***
- ***Improvement to the link between High Street and the riverside along Shorthope Street, including its south car park, would help to encourage people to use the link and better integrate the riverside to the town centre as well as enhancing the appearance of the town centre;***
- ***The street clutter survey has resulted in a reduction in the amount of redundant street furniture, fly posting and litter in the town centre.***

### Proposed Actions

- ***Identify long-term environmental improvement actions for the area between the tolbooth and town hall that can create a high quality pedestrian civic space as well as reproviding parking (Aims 1,2,3);***
- ***Identify an environmental improvement action plan for each of the main streets in the town centre for coordinated street***

*furniture and small scale environmental improvement work to be implemented as resources permit. Depending on availability of resources these may be implemented in phases as and when replacement is required. (Aim 3);*

- *Develop ideas for environmental improvement around the Brunton Hall in association with the community and businesses for implementation when resources permit (Aim 3);*
- *Develop ideas for environmental improvement at the war memorial including disabled access to the riverside path in association with the community and businesses for implementation when resources permit (Aim 3);*
- *Identify small scale environmental improvements to the south car park on Shorthope Street to improve its appearance and make it more attractive to users. Encourage building owners in Shorthope Street to undertake guttering repairs and repainting to a coordinated colour scheme to substantially enhance the appearance of the street. (Aims 2,3);*
- *Undertake an annual street clutter survey to identify where small scale improvement is required to improve the appearance of the town centre. (Aim 3);*
- *Prepare a Conservation Area Character Appraisal for Musselburgh Conservation Area*
- *Prepare and publicise shopfront and advertisement design guidelines.*

## **8 Community Facilities and Safety**

- 8.1 There is an extensive range of community facilities in Musselburgh town centre. The main buildings are the recently refurbished Brunton, including its halls and theatre, the Town Hall and tolbooth and the Fisherrow Centre. There is also the Musselburgh Library in Bridge Street and a number of church halls. Whilst the Brunton complex is well used the Town Hall is less so. The town hall complex comprises the old steeple, the old tolbooth, its Georgian extension and the Town Hall from 1900 that lies behind. The tolbooth in particular is an underused, but historically interesting building dating from 1590 and features in most images of Musselburgh town centre. It used to house the town cells and court room and the cells remain in the building. As a tall, narrow building with vaulted ceilings it is a difficult building to reuse. East Lothian Council does not have any current plans for the Town Hall/tolbooth complex other than to continue to rent out the commercial units on its ground floors, but the building offers opportunities for additional use.
- 8.2 The town centre survey identified that people were concerned about groups of young people particularly in the vicinity of the Brunton, and weekend evenings were perceived as a time when a number of

respondents felt threatened in the town centre. There are general concerns about drug taking.

- 8.3 Crime statistic analysis for the year to November 2011 showed that 27% of all crime in Musselburgh happened in the town centre. The most common are crimes of dishonesty followed by minor assault/breach of the peace and fire raising/vandalism. The most common street for crime is North High Street.<sup>17</sup>
- 8.4 Crime is the responsibility of the Police and specific locations raised in the town centre survey have been the subject of increased police activity. It may be possible to help to design out crime as part of environmental improvement work and where this is proposed consultation with the police should assist the design process.
- 8.5 Musselburgh town centre is covered by closed circuit television cameras controlled by East Lothian Council linked to a 24-hour control centre.

## **9 Management of Musselburgh Town Centre**

- 9.1 East Lothian Council is responsible for managing much of the overall environment of Musselburgh town centre. Street clutter, litter, tree maintenance, fly posting, potholes, damaged street furniture, graffiti, noise nuisance and dog fouling can all be reported direct to the Council and will be passed to internal departments to respond to. The Council operates a Community Warden scheme and contact can be made via the Safer Communities Team with the local warden who patrols the town centre to raise any issues of concern.
- 9.2 Musselburgh town centre is cleaned and inspected on a daily basis with litter picking on green areas and regular grounds maintenance in the summer. Commercial waste is collected either by an authorised commercial waste company or by East Lothian Council. There are several recycling points in the town centre including at Shorthope Street.
- 9.3 Matters relating to planning and economic development and business start up are dealt with by East Lothian Council departments. Economic Development provide advice, support and training opportunities for existing businesses through the Business Gateway service at Queen Margaret University's Business Innovation Zone in Musselburgh.
- 9.4 From time to time sources of funding become available, usually on a bidding basis, from funders such as the lottery or agencies of the Scottish Government. Timescales are usually tight and it is important to have potential projects identified that can be included in funding bids. A number of the projects identified in this strategy fall into this category and can be put forward, either by East Lothian Council or by local community groups, for funding as resources become available.

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<sup>17</sup> Musselburgh Town Centre 1 November 2010 to 31 October 2011, Lothian and Borders Police and East Lothian Council

### **Key Points/Issues**

- ***Much of the town centre environment is managed by East Lothian Council and it is important that stakeholders and the public know who to contact to report issues.***

### **Proposed Actions**

- ***Develop and publicise a key contacts list for issues with regard to the management of Musselburgh town centre (Aims 1,2).***

## **10 Conclusions**

- 10.1 Musselburgh town centre is a busy and vibrant area. However, much of the traffic and associated activity that contributes to its busy feel is through traffic and therefore may not be contributing to the town centre economy. A 24 hour supermarket opening on the edge of Musselburgh's designated town centre has altered the dynamics of retailing in Musselburgh but so far the town centre appears to be coping. The presence of the new supermarket within Musselburgh means that some of its customers who may previously have shopped out of Musselburgh at the Jewel or Fort Kinnaird may now find what they want within Musselburgh. The proximity of the new supermarket to the town centre, where it is within easy walking distance, allows people to use both. For the town centre to thrive it needs footfall, people on the street able to use its services. The independent annual footfall measure undertaken in 2011 indicated that Musselburgh increased its weekly footfall by 5% over 2010. Figures since 2008 show a broadly static footfall. However, the trend throughout the UK is of decreasing footfall in town centres so Musselburgh should not be complacent.
- 10.2 The challenge for the town centre is therefore to make itself more appealing to people to use it. The town has many advantages - day visitors to the races, Levenhall Links, golf, the theatre for example, plus those who are attracted to the town for walking or cycling and for its particular form of retail – Musselburgh has more large stores and discount stores than the other towns in East Lothian and attracts people from other parts of East Lothian in addition to the small independent shops that attract people for their particular goods and services. A further challenge is to ensure that more of the traffic that is in the town centre is encouraged to be there for business rather than just passing through.
- 10.3 To do so, a series of planned interventions are required to make the town more attractive to users, to allow for appropriate redevelopment and new town centre uses that can support the town centre, to attract and retain visitors for longer, to make its car parks more available and to market itself better. If these opportunities are taken then over the next five years Musselburgh town centre should continue to perform well and keep its ground floor shops and services in business, contributing to a lively local

economy. The new residents that are coming to Musselburgh to live in houses at Pinkie Mains and Wallyford will then provide further marketing opportunities for the town centre, where it will be important to encourage them to make Musselburgh town centre their preferred shopping area rather than use other out of town facilities.

10.4 Paragraph 3.1 referred to Scottish Government research based criteria for a successful town centre and the following section compares Musselburgh town centre with these criteria. The successful town centre:

1. Contains a mix of retail, leisure, entertainment and cultural facilities.

*Musselburgh has a good mix of retail, cultural facilities in the form of the racecourse and the theatre. Leisure activities include 17 pubs, restaurants and cafés. Musselburgh fares well on this count.*

2. Has its own identity and sense of place defined by quality of design and focus on public realm

*Musselburgh has its own distinctive town centre buildings, particularly at its east end and in Bridge Street and these contribute to its image and identity. However, it lacks a public gathering place and a place of distinct quality in public realm, which is something that should be rectified by the proposals for a new civic town square at the tolbooth/town hall. With defining visual elements including the possibility of a Roman figure, this would help emphasise the sense of place and identity that the town currently lacks.*

3. Has a good retail mix, choice, diversity, anchor stores and preferred shopper formats

*Musselburgh has a good mix of national and independent stores though choice is limited in some areas. Its main anchor stores are Tesco, M&Co., Boots and B&M Bargains. Boots and M&Co. have been in Musselburgh for many years whereas the discount stores are more recent but are the preferred shopper formats of today and are anchor stores in many town centre across the country.*

4. Low vacancy rates, low turnover, good physical fabric and fascias, competitiveness and capacity for change.

*Musselburgh currently has a low vacancy rate and turnover of businesses is also fairly low. However, the physical fabric of some of the town centre buildings could be significantly improved. Shop fascias in some cases are out of proportion to the size of the commercial unit and collectively fail to exhibit much uniformity. There is room for improvement for the town on this measure. With regard to competitiveness, Musselburgh would appear to have demonstrated this by increasing footfall at a time of economic recession. The fast turnover of premises when they become vacant is a further indicator of its competitiveness.*

10.5 With regard to capacity for change, the Musselburgh town centre offering has changed over time, with less retail and more services, all within the



same geographical area. The physical appearance of the streets has changed little and there is capacity within the eastern end of the town centre to accommodate change by introducing a pedestrian civic space. This would provide a setting to the townscape around the tolbooth/town hall, encourage people to stay in the area and create an improved image for the town centre. It would also provide a good opportunity for additional events in the town centre. There are few redevelopment opportunities that would bring in new commercial premises. If any opportunity arose, units of a different size to those available in the town centre would offer the opportunity for change that would enhance the town's offering.

- 10.6 Musselburgh will not be immune to wider social and economic trends that will be very challenging for at least the initial part of the strategy period. Because it is on a busy through route and is well served by public transport, the town centre will always have people in it. The challenge for the town centre is to encourage them to spend time and money in the centre to the benefit of its local economy. With additional public and private investment it can ensure that it retains its position as the main town centre in East Lothian. The Action Plan shows the actions that should be taken forward to implement the strategy over its 5-year period.

## **11 The Way Forward for the Town Centre Strategy**

Draft Musselburgh Town Centre Strategy – Consultation Report

Consultation

- 11.1 Overall, respondents were very positive about the proposed strategy with 57.1% strongly agreeing and a further 32.2% agreeing with its suggested actions and 8.5% disagreeing and a further 2.2% strongly disagreeing. The highest level of disagreement was with the suggestion that North High Street be rebranded as Fisherrow High Street or High Street, Fisherrow, with 50.5% strongly agreeing/agreeing and 49.5% strongly disagreeing/disagreeing.
- 11.2 The consultation documents made clear that it was unlikely that all of the actions considered in the strategy would be able to be delivered therefore respondents were asked to prioritise from a summary list of eight areas for action up to three they thought would be the most important to improving Musselburgh town centre. The three highest ranked were:
1. High Street (Tolbooth/Town Hall area) environmental improvements to create a pedestrian area and parking (68.4%);
  2. Bridge Street environmental improvements to street, war memorial area, including better access to riverside (44.4%);
  3. Improve heritage information available to visitors and develop new town trails (33.7%)

- 11.3 Respondents were asked to select up to three areas for action from the same list that they thought would be of most benefit to the economy of Musselburgh town centre. The three highest ranked were:
1. Changes to town centre car parks to increase turnover (60.3%)
  2. High Street (Tolbooth/Town Hall area) environmental improvements to create a pedestrian area and parking (58.8%)
  3. Improve heritage information available to visitors and develop new town trails (42.3%)
- 11.4 Respondents were asked what impact they thought implementing the actions of the strategy would have on the economy of the town centre:
- 92.2% thought local residents would use the town centre more;
  - 92.9% thought more visitors would be attracted to the town;
  - 93.3% thought the economy of the town centre would benefit;
  - 91.3% thought more people would be attracted to the town to live.
- 11.5 Questionnaire respondents also made 622 individual comments on the strategy, the most frequent comments were:
- A greater variety/more independent shops is needed. There are too many pound shops, charity shops, money lenders, bookmakers and takeaways;
  - The town centre could be better marketed/promoted. As well as to visitors, it is also important to encourage more residents to use it;
  - Traffic congestion is a major issue with delays and queues at junctions; more should be done to encourage walking and cycling to the centre;
  - Parking enforcement is required and there is support for varying car park waiting times, as long as no charges are made;
  - The appearance of High Street is poor, with lack of maintenance, litter and shop signage cited as examples of areas requiring improvement;
  - More should be made of the history and heritage of Musselburgh for both visitors and local people.
- 11.6 Young people were also positive about the town centre strategy and favoured the creation of a new pedestrian area outside the old town hall, other High Street environmental improvements, landscaping the area around the Brunton and improving the area around the war memorial with better access to the riverside.

- 11.7 Of the organisations who responded by letter, Queen Margaret University and East and Midlothian Chamber of Commerce supported the draft strategy with the Chamber commending the vision for High Street east of the Town Hall and suggesting that every business in Musselburgh ought to be supportive of the strategy. The FSB agreed with the proposed actions in the strategy commenting on the importance of continued parking provision in the town centre. Inveresk Village Society supported the strategy, in particular High Street improvements east of the Town Hall in high quality paving materials and building restoration and conversion, including the Town Hall/Tolbooth that has potential to be a heritage/visitor information centre, library, and museum.
- 11.8 The consultation response shows a strong interest in the strategy and what it could achieve for the centre of Musselburgh. There is clear overall support for its actions, with the exception of the proposal to rename North High Street to refer to Fisherrow, and respondents prioritised the actions which they believed would bring the most improvement and economic benefit to the town centre.
- 11.9 Not all proposed actions will be for East Lothian Council to deliver. The private sector and the business and wider community all have a role to play too. Those organisations that will be expected to contribute towards the implementation of the strategy should also be involved in monitoring its effectiveness, with a view to helping to advise on its eventual replacement.
- 11.9 An Air Quality Management Area in Musselburgh town centre is to be designated and the actions of the strategy must be aligned to ensure that air quality is improved.
- 11.10 East Lothian Council will continue to seek opportunities for its investment funding to go further by application for any available match funding from sources external to the Council that would help to meet the objectives of the strategy.
- 11.11 The Action Plan outlines the actions required to address the issues identified in the strategy. As was made clear in the consultation it is unlikely that all the actions would be able to be funded and implemented within the five year period therefore these required to be prioritised.
- 11.12 Public priority was given to the major proposal to create a pedestrian civic space at the mercat cross and reprovide the parking that exists there at present within the road space to the east. This major project should therefore be taken forward along with an ongoing programme of street furniture replacement to coordinate the look of High Street. There was also clear support for increasing turnover of town centre car parking spaces by designating some for short stays only; for improving heritage information and town trails and improvements to Bridge Street, the war memorial area and access to the riverside. These actions will therefore be prioritised over others as resources permit.

11.13 In the current economic climate there is much speculation about the future of town centres such as Musselburgh. By agreeing a strategy, all those concerned with the future of Musselburgh town centre can work together to achieve the same aims to ensure that the town centre will be in a better position to meet the challenges of the next five years.

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# Musselburgh Town Centre Strategy 2014-2019

## Proposed Action Plan

	<b>ACTION</b>	<b>DELIVERY</b>	<b>HOW</b>	<b>WHEN</b>
1	Implement the Action Plan as resources permit	Business Community; Community; East Lothian Council	Establish an appropriate group to progress the implementation of the strategy	Short to longer term
	<b>Viability of Musselburgh Town Centre</b>			
2	Monitor town centre economic performance through annual land use surveys; business surveys and footfall measures	ELC (Policy and Projects and Economic Development) Teams	Annual Commercial Ground Floor Survey undertaken by East Lothian Council; Annual Footfall Measure undertaken by Independent Company.	Short to longer term
3	Regular marketing campaigns, including branding, to encourage people to use the town centre	Business Community  ELC (Economic Development)	Develop a regular series of marketing campaigns for the town centre	Short to longer term
	<b>Diversity of Land Uses in Town Centre</b>			
4	Encourage the re-use of vacant upper floor floorspace above commercial premises	Private Owners and ELC (Housing Strategy and Development)	Empty Homes Officer to contact property owners and encourage through advice and any grants that may become available.	Short term
5	Review Local Development Plan planning policies that affect town centres	East Lothian Council (Policy & Projects)	East Lothian Local Development Plan Main Issues Report followed by Proposed Plan. Opportunities for public representation following consultation.	Short term
	<b>Tourism and Leisure</b>			

	<b>ACTION</b>	<b>DELIVERY</b>	<b>HOW</b>	<b>WHEN</b>
6	Encourage better marketing of Musselburgh and develop a distinctive branding for the town	Community Business Community East Lothian Council (Economic Development)	Community, business community and East Lothian Council working together to coordinate and develop marketing and branding proposals	Medium term
7	Review the existing heritage information available to visitors in Musselburgh and develop new town trails or interpretation	Community East Lothian Council (Culture and Community Development; Policy and Projects and Economic Development)	Review existing heritage information available in Musselburgh town centre. Consider feasibility of developing additional town trails or heritage information using a variety of methods as resources permit	Medium term
8	Review path links to Musselburgh town centre and improve directional signage and other small scale improvements	ELC (Transportation; Landscape & Countryside)	Identify where improvements are required and implementation as resources permit.	Medium term
9	Encourage events and attractions in Musselburgh town centre	Community Business community East Lothian Council (Economic Development)	Working together to encourage more events and attractions in Musselburgh town centre throughout the strategy period	Short to longer term
10	Installation of town centre information and marketing boards at car parks	Business Community	Business Community to evaluate benefits of marketing to visitors and users of town centre	Medium term
<b>Transport, Parking and Air Quality</b>				
11	Traffic flow and management to be reviewed as part of air quality improvement	East Lothian Council (Environmental Protection; Transportation)	Continuous monitoring underway and will inform actions to improve air quality including adjustments to the SCOOT system	Short to longer term
12	Review the number and location of bus stops throughout Musselburgh town centre to reduce bus stop congestion and build up of buses at a single stop	East Lothian Council (Transportation)	Review of existing bus stops and proposals for additional stops as necessary	Short term
13	Review Musselburgh town centre car park operation to introduce short stay to increase	East Lothian Council (Transportation)	Review of car park operations, including directional and name signage	Short term

	<b>ACTION</b>	<b>DELIVERY</b>	<b>HOW</b>	<b>WHEN</b>
	turnover and parking availability at some car parks. Review associated parking enforcement.			
	<b>Development Opportunities</b>			
14	Review the potential use of the vacant Millhill Stables site.	East Lothian Council (Estates; Policy and Projects)	Consider the practicality of potential uses for this town centre site	Short term
	<b>Built Environment and Public Spaces</b>			
15	Environmental Improvements: High Street East of the Tolbooth/Town Hall:	East Lothian Council (Policy and Projects; Transportation and Landscape and Countryside)	Develop proposals for environmental improvements between the Town Hall/Tolbooth and the Pinkie Pillars to improve the appearance of the town centre, continue to provide town centre parking and provide civic space at the Town Hall area. Detailed consultation with affected residents and businesses and wider public consultation. Implementation will depend on the availability of resources and prioritisation of projects.	Short to medium term
16	Environmental Improvements: High Street, Kilwinning Place to Rennie Bridge:  Prepare an environmental improvement project to consider and include the following works; Street furniture coordination; planting street trees in the wide footway on the south side of High Street; banner arms to lamp posts; improvements to public wynds and closes.	East Lothian Council (Policy and Projects; Transportation)	Plan to be prepared following detailed consultation. Implementation will depend on the availability of resources and prioritisation of projects.	Medium to longer term

	<b>ACTION</b>	<b>DELIVERY</b>	<b>HOW</b>	<b>WHEN</b>
17	<p>Environmental Improvements: Bridge Street:</p> <p>Prepare an environmental improvement project to consider and include the following works; Street furniture coordination; banner arms to lamp posts; improvements to the access to the river at the war memorial and steps and wall repair work; environmental improvement to the area around The Brunton and the junction with North High Street. Encourage reinstatement of boundary walls at 18-20 Bridge Street</p>	<p>East Lothian Council (Policy and Projects; Transportation; Culture and Community Development; Landscape and Countryside)</p> <p>Private owners of property</p>	<p>Plan to be prepared following detailed consultation. Implementation will depend on the availability of resources and prioritisation of projects.</p>	<p>Longer term</p>
18	<p>Environmental Improvements: North High Street:</p> <p>Prepare an environmental improvement project to consider and include the following works; Street furniture coordination; banner arms to lamp posts; installation one or two sections of wider pavement blisters to facilitate crossings.</p>	<p>East Lothian Council (Transportation; Policy and Projects; Landscape and Countryside)</p>	<p>Plan to be prepared following detailed consultation. Implementation will depend on the availability of resources and prioritisation of projects.</p>	<p>Medium to long term</p>
19	<p>Environmental improvements: Shorthope Street</p> <p>Prepare an environmental improvement project to consider and include the following works;</p> <p>Improve the appearance of the south car park to make it more attractive to users by way of wall or railings and general tidying up; encourage repairs as necessary to private buildings and a coordinated colour scheme to enhance the appearance of the street.</p>	<p>East Lothian Council (Policy and Projects; Transportation and Landscape and Countryside)</p> <p>Private Owners</p>	<p>Plan to be prepared following detailed consultation. Implementation will depend on the availability of resources and prioritisation of projects.</p> <p>Discuss ideas for environmental improvements to private property on Shorthope Street for discussion with private owners.</p>	<p>Medium to longer term</p>
20	<p>Encourage the owners of some painted buildings to consider alternative colour schemes to enhance the</p>	<p>East Lothian Council (Policy &amp; Projects)</p>	<p>Identify key painted buildings and prepare advisory colour schemes for consideration by private</p>	<p>Medium term</p>



	<b>ACTION</b>	<b>DELIVERY</b>	<b>HOW</b>	<b>WHEN</b>
	town centre	Private Owners	owners.	
21	Undertake an annual street clutter survey to identify where small scale improvement is required to improve the appearance of the town centre.	East Lothian Council (Landscape and Countryside; Transportation)  Community	Annual walk around survey by East Lothian Council officials and local community representatives to identify and rectify identified problems.	Short to longer term
22	Undertake a Conservation Area Character Appraisal for Musselburgh Conservation Area to include a review of its boundaries	East Lothian Council (Policy & Projects) with support from Musselburgh Conservation Society	Preparation of conservation area character appraisal for approval by East Lothian Council.	Medium term
23	Encourage the improvement of shopfronts and signage throughout the town centre.	East Lothian Council (Policy and Projects and Economic Development)  Business Community	Prepare and publicise shopfront and advertisement design guidance for commercial properties in the town centre.	Medium term
	<b>Community Facilities and Safety</b>			
24	Develop, publicise and maintain a key contacts list for issues with regard to the management of Musselburgh town centre	East Lothian Council (Economic Development)	Contact list to be prepared by East Lothian Council and publicised locally by community and business community. Make available on East Lothian Council web page	Short term



**REPORT TO:** Cabinet

**MEETING DATE:** 10 December 2013

**BY:** Depute Chief Executive - Partnerships and Community Services

**SUBJECT:** Planning Guidance for Wind Farms of or over 12MW

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**4**

## **1 PURPOSE**

- 1.1 To advise Cabinet of the consultation response to the draft *Guidance for Wind Farms of or over 12MW* approved for consultation in March 2013, and to recommend approval of the Guidance, with amendments.

## **2 RECOMMENDATION**

- 2.1 It is recommended that:
- (i) Cabinet approve the attached report, *Guidance for Wind Farms of or over 12MW*, as a material consideration in the determination of planning applications, or in Section 36 consultation responses, for wind farms of 12MW or more.

## **3 BACKGROUND**

### *The draft Guidance*

- 3.1 The Scottish Government, through Scottish Planning Policy, requires Councils to produce a spatial framework for windfarms of over 20MW for their areas. There is scope to incorporate windfarms of less than this if it is considered appropriate.
- 3.2 The March 2013 Cabinet approved draft Guidance for consultation. This draft Guidance sought to define not just the Scottish Government's high level criteria against which the spatial framework should be prepared (SPAs, SSSIs, Green Belt and cumulative impact) but also criteria that were of particular local importance in an East Lothian context (such as the Landmark Hills, ie North Berwick Law, Traprain Law and the Garleton Hills). It was felt that this would give a fuller picture of the considerations

against which the Council would either (i) determine planning applications for wind farms of less than 50MW or (ii) respond to consultations from the Scottish Government on Section 36 Electricity Act consultations on wind farms of 50MW or greater output. 12MW was also taken as the lower limit of wind farm output covered by the Guidance.

3.3 Scottish Planning Policy states that planning authorities should support the development of windfarms in locations where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. It sets out a three-stage procedure for producing the spatial framework. The planning authority should identify:

- **Areas of Significant Protection** because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where the cumulative impact of existing and consented wind farms limits further development;
- **Areas with Potential Constraints** where proposals will be considered on their individual merits against identified criteria; and
- **Areas of Search** where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria

3.4 The draft Guidance considered and approved by Cabinet in March 2013 concluded that the only Area of Search that could be identified for wind farm development of 12 MW or more was within the Monynut area: more specifically, it was that part within which the Council had expressed no objection to wind turbine development as part of the (now consented) Wester Dod wind farm application.

3.5 Elsewhere in the Lammermuir Plateau the cumulative landscape and visual issues were considered to be such that none of the remainder of this landscape character area was allocated as an Area of Search. In effect, other than the Monynut Area of Search, the draft Guidance proposed that the remainder of East Lothian be identified as an Area of Significant Restraint. This meant that in most of the area windfarm development over 12MW would not be supported. Furthermore, it was concluded that, within the Area of Search, it was unlikely that there would be any further capacity beyond the Wester Dod site for a windfarm of over 12MW. No Areas with Potential Constraints were identified.

*The consultation*

3.6 Consultation on the draft Guidance ran for a period between 2 April and 17 May 2013. This included an extensive mailing out to a wide range of community, environmental and renewable interests, the use of the Council's Consultation Hub and a survey questionnaire. The consultation response is summarised below.

## *Agency/Other Council Responses*

Scottish Government planners were not comfortable that the modifications proposed complied with Scottish Planning Policy and because of this they would not expect Reporters to give it weight. They did, however, stress that it was for planning authorities to interpret SPP. The purpose of Spatial Frameworks is to provide a steer to where development might be acceptable. If the planning authority considers that a separation distance from properties is an appropriate criterion this should be in development management criteria and not the spatial framework.

The Spatial Framework should be clearly separate from other development management planning advice. Caravan sites were thought to have too large buffers around them. Wild land should not be included as SNH has now published maps of the areas so defined. The Guidance should make it clear what has been included in then three different assessment stages. Housing should be moved into the *section 'areas where developers should make their own enquiries'*.

Buffers around designations such as conservation areas should not be included, noting the setting of Traprain Law as one of these (although they did concede that setting was a part of the historic environment - relevant for Traprain)

### Response

- 3.7 The Guidance has been restructured to separate out the national designations from the more local considerations that the Council will have regard to when considering wind turbine applications/consultations. The Spatial Framework, as required by and consistent with Scottish Planning Policy, is presented as Part 2, while Part 3 addresses more local development management matters. The caravan site buffer has been reduced to 500 metres. Wild land has been changed, although reference to the retention of some wilder land in looking at cumulative limits has been retained. A table has been included to indicate Spatial Framework Designations and Constraints. Housing has been moved to Part 3.
- 3.8 Scottish Natural Heritage (SNH) broadly agreed that the landscape capacity limits for large wind farms in and around East Lothian are close to being reached in relation to their likely cumulative impacts. They also supported the basic premise of the guidance applying to wind farms of over 12 MW (not 20 MW as per current Scottish Planning Policy) and agreed that this reinforces existing local guidance.
- 3.9 SNH generally agreed that there was little or no scope for large wind farms in the lowland and upland fringe areas of East Lothian without significant and potentially unacceptable impacts on landscape character and visual amenity. They also agreed that further development of large wind farms in the Lammermuir hills could be detrimental if it further affects the proportion of wind turbine development on the important

skyline or profile of the hills, as experienced from the more populated areas of East Lothian.

- 3.10 However, they did not agree with all the conclusions in the draft guidance. SNH considered there may be some remaining capacity for carefully designed wind farms, or more likely wind farm extensions, particularly in the immediate vicinity of existing schemes. Any further development should minimise or avoid the coalescence of existing large wind farm groups.

#### Response

Having SNH's unqualified support for the terms of this guidance would greatly assist its robustness, particularly in an appeal situation. Following several meetings with SNH, further site visits and modelling were undertaken. These allowed a rechecking of those areas considered to have reached cumulative landscape and visual capacity, resulting in some limited areas no longer being considered to be in that category. It was concluded that there may be limited scope to consider some additional wind turbine development as extensions to existing development at Crystal Rig and at Monynut. Accordingly it is proposed that the following limited areas be excluded from the Area of Significant Protection as detailed in the draft Guidance and identified instead as an Area of Potential Constraint:

- (i) An area approximately 500 metres in depth around the northern fringes of CR1 and CR2 wind farms
- (ii) a similar depth of land on the western edge of the consented Wester Dodd wind farm westward to the Council boundary at the Monynut Water

These areas are detailed in Map 4 of the attached Guidance. This does not imply that these limited areas are suitable for wind farm development. Any wind farm development here would need to satisfy local plan policy and other material considerations, including the terms of this Guidance.

SEPA welcomed that the guidance's recognition that peat might be a constraint and made some detailed technical comments about impacts on the water environment.

#### Response

Comments noted and appropriate additions to guidance made

- 3.11 Historic Scotland welcomed the guidance and the detail at which it considers the historic environment. They supported the mapping of the setting of Traprain Law and the inclusion of a policy for the protection of Historic Battlefields.

### Response

Support for the guidance noted. While the setting of Traprain Law has been removed from the mapping of the Areas of Potential Constraints (in line with Scottish Government advice not to include 'buffers') it has been retained on the Historic Environment for information and would be taken into account at project level.

- 3.12 Transport Scotland advised that the Guidance should refer developers to them for further advice on matters such as setback distance from trunk road network. They also provided details of setback distance that should be included in the Guidance.

### Response

Comments noted and suggested text included in revised guidance.

- 3.13 The City of Edinburgh Council noted that the inclusion of wind farms below 20MW was compatible with Scottish Planning Policy. They noted the inclusion of the Green Belt within the area of significant protection due to the effect which such large scale wind farm development would have on the landscape setting of the city.

### Response

Comments noted.

- 3.14 Midlothian Council: report noted but no comments to make.
- 3.15 The Forestry Commission welcomed the Guidance and its emphasis on the environment and character of East Lothian landscapes. They also welcomed the identification of trees and woodland as potential constraints and supported statements about the strong presumption against the loss of woodland resources. They also welcomed the inclusion of forestry as a carbon store.

### Response

Support welcomed. Trees and woodlands have not been included in mapping the Areas of Potential Constraint, in line with Scottish Government advice to only include designated areas. However, these areas have been shown for information and included in policy on control of woodland removal.

- 3.16 RSPB welcomed the Council's approach, its balance between addressing climate change while protecting the natural heritage and its coverage of matters such as impact on biodiversity, black grouse, peat and woodland.

### Response

Support welcomed.

### *Community Council Responses*

- 3.17 Dunpender Community Council confirmed their support for the adoption of the guidance.

#### Response

Support welcomed

- 3.18 Humbie East & West Saltoun and Bolton Community Council commented that, given the current level of completed development of windfarms on the Lammermuirs and those already consented at Pogie and Keith Hill, there is no scope for further development on the Lammermuir Plateau. Given the current scale of smaller scale wind turbine development in lowland East Lothian and the growing cumulative impact of turbines we consider that there is no scope for development of windfarms over 12 MW elsewhere in East Lothian.

#### Response

Comments noted. The Guidance does agree that there is little scope for windfarms of over 12MW and no Areas of Search other than existing wind farms have been identified. However, it does not propose a complete ban on further wind turbine development in East Lothian as the Guidance recognises that there are some areas where the cumulative limits of development may not be reached. Local landscape and visual issues should not be included in the Spatial Framework to ensure consistency with SPP.

### *Renewables Industry Responses*

- 3.19 Community Windpower strongly believes that the cumulative landscape and visual limits of wind farm development over 12MW have not been reached in East Lothian, particularly at the Moneynut Edge area of search to the south east. They consider that it would make sense to concentrate large scale wind farms in one area by extending wind farm development to fit the Moneynut area until the remaining area of search has fully reached its potential. There is no requirement for any further areas of significant protection.

#### Response

Cumulative landscape and visual limits were re-considered and, in the light of the Wester Dod decision and further modelling work, some alterations made, namely, removing the area around Wester Dod from the Area of Search, and removing some parts of the area to the west and north of Crystal Rig from the Area of Significant Restraint. The Scottish Government have made it clear that the approach to the Spatial Framework should be designation driven, so no further Areas of Significant Restraint were considered in their own right.



- 3.20 Scottish Renewables were concerned that the Guidance has the potential to stifle development as it fails to strike the right balance between maximising energy potential and minimising resources on inappropriately located proposals. The Guidance is contrary to Scottish Planning Policy in terms of its threshold for wind farms and its spatial framework. Locally designated sites are included within areas requiring significant protection, contrary to SPP. The 12 MW threshold is arbitrary, the Guidance is inconsistent with the previous Landscape Capacity Study and the approval of one wind farm in the Monynut Area of Search does not necessarily mean there is no further capacity.

#### Response

- 3.21 Regarding the 12MW lower threshold, SPP states that local variations will be supported with justification and the Scottish Government have made no comment on this aspect of the Guidance. On the matter of cumulative impacts, SPP requires Councils to prepare guidance taking into account where the limits of cumulative development have been reached so some judgement has to be made on this at a strategic level. The revised guidance does now include as an Area of Potential Constraint land at Monynut: any wind farm development here would require to meet criteria detailed in the Guidance.
- 3.22 Wind Prospect supported the 12MW threshold but disagreed that cumulative landscape and visual impacts of wind farm development have been reached. They did not support the Northern Coast as an Area of Significant protection nor did they support the inclusion of the Landmark Hills. No other areas should be included as Areas of Significant Protection, whereas the Lammermuir Plateau area should be allocated as an Area of Search. Consider that the Guidance's 'blanket approach' to cumulative development eliminates any further development in East Lothian. Suggest SW East Lothian, the Barns Ness Coast AGLV/Eastern Coastal Margin and the North Lammermuir Plateau areas should be additional Areas of Search.

#### Response

Most of SW East Lothian has potential constraints as shown in the maps within the Guidance. In practice, these are likely to be difficult to overcome; coupled with reduced wind speeds this makes this area unsuitable as an Area of Search. Cumulative issues also apply here. The Barns Ness Coast/Eastern Coastal Margin has potential constraints. These are likely to be difficult to overcome. Cumulative issues also apply here; not only with other windfarm development but also other industrial development (Torness, cement works, landfill) in what is essentially a rural area. The Lammermuir Plateau has not been allocated as an Area of Search following Scottish Government advice on the approach to the Spatial Framework being designation driven, as most of this area is AGLV, and parts are Local Biodiversity sites also. Existing windfarms have been shown as Areas of Search: while they are in AGLV's (which

would normally be within the Area of Potential Constraint) in these areas it has been demonstrated that this constraint can be overcome.

- 3.23 Natural Power Consultants consider that a 20MW threshold should have been used as this is relevant to 'major' planning applications. They do not accept that cumulative landscape and visual limits to wind farm development have been reached, particularly to the west and north of Crystal Rig. They suggest that discussions with SNH and ELC about the CR3 study area have not revealed any concerns regarding unacceptable harm here. The 'blanket approach' applied here cannot be substantiated and the guidance should be revised.

They consider that the Northern Coast should not be included as an Area of Significant Protection as it does not have the necessary designations or has reached cumulative limits: similarly with the Landmark Hills. No other Areas of Significant Protection should be included, unless justified as meeting SPP requirements.

The Lammermuir Plateau area should be designated as an Area of Search: the company are surprised, on their interpretation of previous discussions with ELC and SNH, that the Council is not supporting further wind farm development in the Crystal Rig 3 survey area.

Additional Areas of Search should be identified, particularly as extensions to existing wind farms, and notably the area of the proposed Crystal Rig Phase 3. Comparison with the Monymut search area does not appear to stand up to scrutiny. The Council has not followed the requirements of SPP and has not given proper weight to climate change issues. The significance of the Black Grouse and peat as constraints has been overestimated.

The submission reiterates the view that at no point in the last three years has there been an in principle objection to wind farm development occurring in the Phase 3 Crystal Rig area. The submission concludes that the Council's Guidance is not fit for purpose.

### Response

Issue is taken with the assertion that there was an implied acceptance, from ELC at least, that an acceptable level of wind farm development could be accommodated in the Crystal Rig Phase 3 study area. At no time have Council officials ever given, or implied, such a position. Discussions with Natural Power Consultants on Crystal Rig 3 were on the basis of being without prejudice to the Council's consideration of any such application. Discussions were purely technical, relating to matters such as the choice of viewpoints on which to assess landscape and visual impact.

The Crystal Rig 3 site is within an AGLV and therefore, according to SPP methodology, it must be identified as an Area of Potential Constraint. However, it is accepted that there may be some capacity. Consequently, there is some amendment to the extent of the Area of Significant

Protection in this area. Wind farm development within this area, and those other nearby areas which are no longer considered to have reached their cumulative limits, will be assessed on their merits.

The Black Grouse in the western area is the last remaining viable population in East Lothian. They are already subject to impacts from wind development and lack further habitat they could potentially move to (even if they could be relied upon to use it) in that immediate area. Peat has not been mapped as a constraint, and policy reflects Scottish Government policy.

The 20MW 'major' application divide is a processing requirement. The Scottish Government have not raised the Council's approach in their response on the Guidance.

The format of the Guidance has been revised to take on board comments from Scottish Government planners that the Spatial Framework should be designation driven.

- 3.24 General public and amenity organisations, including survey questionnaire responses, were few in number and with no clear overall view. There was some comment about the subjectivity of cumulative landscape and visual limits and comments that additional areas, including the Landmark Hills, should be included within Areas of Significant Protection. SABEL commented that the Lammermuirs should not be included as an Area of Search. Some respondents did express the view that the Council should be more accommodating in its approach to wind farm development.

*General Conclusions and Proposed Changes to the Guidance*

- 3.25 To ensure consistency with Scottish Planning Policy, the Guidance has been restructured. It is now clear that the Spatial Framework (Part 2 of the Revised Guidance) is based on the designations detailed in Scottish Planning Policy. Part 3 of the Guidance contains more general development management advice, mainly applicable at the project level.
- 3.26 Following discussions with SNH, consideration of other consultation responses and further site visits and modelling, it has been accepted that there may be limited opportunity for some additional wind farm capacity. This lies at the edges of existing wind farms at Crystal Rig 1 and 2 and at Wester Dod, between the consented wind farm and the Monynut Water. Subject to more detailed assessment at project level, some limited wind turbine development may be possible here without raising issues of cumulative landscape and visual impact.
- 3.27 The impact of this for the amended Guidance is that the Area of Significant Protection has been pulled back by approximately 500 metres from the boundary of a revised Area of Search in the Crystal Rig/Wester Dod area which defines the limits of the existing and consented wind farms in this area. This leaves a new area now identified as an Area of Potential Constraint, defined in Map 4 of the attached Guidance.

- 3.28 The Area of Search as detailed in the draft Guidance has been extended to include existing wind farms on the grounds that they could be re-provided there in the future. It has also been reduced on its north eastern boundary to reflect the Wester Dod inquiry decision to remove three turbines, and also to recognise the potential impacts of consented schemes at Hoprigshiels and Fernylea.
- 3.29 A draft of the amended Guidance was considered by SNH. They confirmed their support for the landscape narrative and the guidance message and made a number of helpful suggestions. All SNH's comments have been included in the revised Guidance. These comments related to points of detail: SNH now have no issue with the Area of Search, the Area of Potential Constraint or the Area of Significant Protection, as detailed in Map 4 of the Guidance.
- 3.30 Finally, the Guidance is supported by a Strategic Environmental Assessment (ELC, November 2013) and by an Appropriate Assessment under the Habitats Regulations for Guidance for Wind Farms of or Over 12MW (ELC, November 2013). Both these documents have been placed in the Members Library Service.
- 3.31 The amended Planning Guidance for Wind Farms of or over 12MW is appended to this report.

#### **4 POLICY IMPLICATIONS**

- 4.1 This guidance will be a material consideration in the Council's determination of planning applications for wind farms of between 12 and 50 MW, and for its response to Scottish Ministers on consultations for wind farms of over 50 MW.
- 4.2 Single Outcome Agreement Outcome 11: *East Lothian has a high quality natural and built environment that supports the well being of the local community* is supported.
- 4.3 Single Outcome Agreement Outcome 12; *East Lothian is less dependent on finite resources by moving to a more localised, low carbon economy and reducing its ecological and carbon footprints by 2050*. This indicator may be affected by restricting windfarm development, although any windfarm built in the next 12 years would likely be decommissioned before 2050.
- 4.4 Coastal Tourism Strategy; supports this by restricting windfarm development in coastal areas.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - none
- 6.2 Personnel - none
- 6.3 Other - none

## **7 BACKGROUND PAPERS**

- 7.1 Report to 12 March 2013 Cabinet by Executive Director, Services for Communities, *Consultation on Planning Guidance for Wind Farms of Over 12MW*
- 7.2 Strategic Environmental Assessment of Guidance for Windfarms Over 12MW: Environmental Report, ELC, March 2013
- 7.3 Strategic Environmental Assessment of Guidance for Windfarms Over 12MW: Environmental Report, ELC, November 2013
- 7.4 Appropriate Assessment under the Habitats Regulations for Guidance for Wind Farms of or Over 12MW, ELC, November 2013
- 7.5 Scottish Planning Policy
- 7.6 Scottish Governments Web based guidance on Spatial Frameworks
- 7.7 East Lothian Local Plan 2008
- 7.8 SESplan Strategic Development Plan 2013
- 7.9 Landscape Capacity Study for Wind Turbine Development in East Lothian 2005
- 7.10 East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines 2011
- 7.11 Planning Guidance for Lowland Wind Turbines, June 2013
- 7.12 Consultation responses to the draft Guidelines

### **APPENDIX: Guidance for Wind Farms of or over 12MW**

<b>AUTHOR'S NAME</b>	Ian Glen
<b>DESIGNATION</b>	Planner
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<b>DATE</b>	25 November 2013





**MINUTES OF THE MEETING OF THE  
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 14 NOVEMBER 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**5**

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**Committee Members Present:**

Councillor J McNeil (Chair)  
Councillor J Caldwell  
Councillor D Grant  
Councillor J Williamson  
Councillor F McAllister

**Council Officials Present:**

Mr I Forrest, Legal Adviser  
Ms M Winter, Licensing Administration Assistant  
Mrs K MacNeill, Service Manager – Licensing, Administration & Democratic Services  
Mr I Dalgleish, Transport Services Manager

**Others Present**

PC H Bowsher, Police Scotland  
Insp A Harborow, Police Scotland  
Mr G Brooks (East Lothian Taxi and Private Hire Association) – Item 1

**Clerk:**

Mrs F Stewart, Committees Assistant

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

None

The Chair welcomed everyone to today's meeting. He introduced Kirstie MacNeill who would become Legal Adviser to the Sub-Committee in January 2014 and thanked both Ian Forrest and Catherine Molloy for their guidance in this role to date. The Chair also introduced Ian Dalgleish, the Council's Transport Services Manager.

The Chair intimated that Item 1 on the agenda would be heard following the private business of the Committee.

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

### **2. Applications for Grant of Taxi/Private Hire Car Driver's Licence**

The Sub-Committee had received three applications for grant of a licence; two were refused and one was continued.

### **3. Applications for Renewal of Taxi/Private Hire Car Driver's Licence**

The Sub-Committee considered two applications for renewal of a licence and both were agreed.

### **4. Suspension of Taxi Driver's Licence**

The Sub-Committee agreed to suspend the licence of one taxi driver.

## **PUBLIC**

### **1. AGE OF TAXI VEHICLES**

The Depute Chief Executive, Resources and People Services, had submitted a report to advise of ongoing discussions with the taxi trade regarding the question of the age limits on taxi vehicles being accepted for renewal of licence, in the light of recently approved amendments of licensing conditions in that connection, and current proposals for further amendment.

The Legal Adviser stated that, in a series of reports to the Sub-Committee between October 2012 and February 2013, consideration had been given to a proposal to amend Condition 9 of the Council's conditions for taxi licences relative to the age of vehicles. The result of the change would have meant that a taxi which had reached



the age of 6 years (or 12 in the case of purpose-built vehicles) would not be accepted for renewal of licence. Following this proposal being advertised, one objection was received within the consultation period. The East Lothian Taxi and Private Hire Association (ELTPHA) thereafter submitted a response to the proposals which was considered at the meeting of the Sub-Committee on 14 February 2013. At that meeting the proposed change to the licensing condition was approved. However, since February, the taxi trade had expressed considerable concern about the effect of the amended condition.

The Legal Adviser stated that if the condition was to be further altered in any way, a further consultation period would be required. He advised that many Councils in Scotland no longer have an age limit criteria in place for determining the suitability of a vehicle for renewal of licence. Some of those Councils operate a system whereby older vehicles require to be tested more frequently than once per year in order to satisfy those Councils that such vehicles remain suitable for renewal of licence. The results of an informal bench-marking operation on this issue were attached to the report.

Following further consideration of the matter, Paragraph 3.8 of the report proposed that:

- (i) Condition 9 of the conditions of licence is removed altogether, to the effect that there would no longer be an age limit on the acceptability of vehicles submitted for renewal of licence. Licensing of a vehicle would thereafter be determined purely on the issue of safety/roadworthiness, irrespective of its age.
- (ii) Testing of vehicles being submitted for renewal of licence be increased from on an annual basis to once every six months once the vehicle has reached an agreed trigger age - currently suggested as 6 years (or 12 years in the case of purpose built vehicles).
- (iii) Any consequent amendments or alterations required to other licence conditions, and to guidance and procedural notes and information, be adopted as part of this proposed alteration.

The Chair stated that the matter of resolving the issues raised by Condition 9 had proved challenging. He proposed that a period of consultation which was normally 28 days, could be extended to 20 December 2013 and a report would come back to the Sub-Committee in January 2014 with the recommendation of the public.

Ian Dalgleish, Transport Services Manager, stated that his concern was for the safety of older vehicles. He pointed out that technology had advanced considerably in the past 5 years and older taxis would not have the latest safety features. Testing vehicles over the age of 6 years every six months would also result in additional demands on the testing centre.

George Brooks, Chair of ELTPHA, advised that a copy of this report would be issued to all taxi operators and his members would consider the proposals at a meeting on 20 November. He, personally, was satisfied with the recommendations.

Kirstie MacNeill advised that the proposals would also be posted on the Council's website in order to reach as wide a public as possible.

## **Decision**

The Sub-Committee agreed to:

- (i) note the concerns being expressed by the taxi trade;
- (ii) authorise the Corporate Legal Advisor and such staff as she may appoint to carry out a further consultation on the amendments to the licensing conditions and practices proposed at paragraph 3.8 of the report; and
- (iii) to accept a further report following the consultation period and make a final decision on the proposed changes to the terms of licence in the light of consultees' comments.