

REPORT TO: Petitions Committee

MEETING DATE: 12 June 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Petition Presented to the Petitions Committee for Consideration

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1 PURPOSE

- 1.1 To present the petition, outlined in Appendix 1, to the Petitions Committee for consideration.

2 RECOMMENDATIONS

- 2.1 That the Committee considers the petition, as outlined in Appendix 1, and takes action as required:
- (a) **PET 1404:** Calling on East Lothian Council to maintain Coo's Green indefinitely as a green space for the enjoyment of residents and visitors to North Berwick

3 BACKGROUND

- 3.1 One petition has been received that is deemed to be competent. The Committee is asked to consider it and refer the matter to the relevant Cabinet spokesperson/officers, if appropriate.
- 3.2 In addition, one petition was received that was deemed to be out with the remit of the Committee and is therefore not competent. Details of this petition are provided in a separate report.
- 3.3 Members are advised that they may view any petitions received by contacting the Clerk to the Petitions Committee.

4 POLICY IMPLICATIONS

- 4.1 There are no immediate policy implications arising from this report. Depending on the action required and agreed by the Committee, there may be policy implications relating to particular issues arising from

competent petitions. These will be subject to a separate report to the relevant committee, as required.

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 – dependent on the action required and agreed by the Committee.
- 6.2 Personnel – dependent on the action required and agreed by the Committee.
- 6.3 Other – dependent on the action required and agreed by the Committee.

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions Committee.

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**EAST LoTHIAN COUNCIL PETITIONS COMMITTEE
PETITION FOR CONSIDERATION BY THE COMMITTEE AT ITS MEETING OF 12 JUNE 2014**

Petition Ref:	Subject of Petition	Date Received	Principal Petitioner	Number of Signatures
PET 1404	<p>Calling on East Lothian Council to maintain Coo's Green indefinitely as a green space for the enjoyment of residents and visitors to North Berwick</p> <p>This petition relates to the North Berwick Parking Strategy consultation. It seeks Members agreement to rule out the use of Coo's Green as a possible solution to North Berwick's parking difficulties.</p> <p>Mr Lapish has provided additional background information on the petition and this is attached at Appendix 2.</p>	29/04/14	Mr John Lapish	517 (paper petition)

**SUBMISSION BY FRIENDS OF COO'S GREEN TO EAST LOTHIAN COUNCIL'S
CONSULTATION ON PARKING IN NORTH BERWICK**

Friends of Coo's Green is a loose organisation of individuals interested in preserving, as green space, the section of the Common Good of North Berwick behind Tantallon Terrace known as Coo's Green. This submission aims to highlight the issues involved most of which are not covered by the current consultation. The views described here are supported by 1054 on-line signatures and a 420 signature paper petition.

The ELC on-line consultation, although welcome, does not fully inform the citizens of North Berwick regarding all the issues. In fact, with respect to Coo's Green it is misleading implying that the car park will be 'overflow only' and 'seasonal'. There is no provision for controlling either aspect.

The points made below are well known to both East Lothian Council and North Berwick Community Council but are re-stated as part of the consultation exercise.

Summary

Coo's Green is part of the Common Good of North Berwick and extends from the Quadrant in the West to the Mill Burn in the East. It has also been described as the East Links. It is divided into two sections by the mound known as Castle Hill. The area of Coo's Green under threat lies between The Glen and Castle Hill, both of which enjoy additional protection.



Following the survey of traffic and parking within the town centre of North Berwick commissioned by North Berwick Community Council (NBCC) in 2011, Coo's Green was identified as an option for the seasonal parking of 114 cars for visitors. Despite the consultant's conclusion that the Coo's Green site was ***not*** a solution for the parking issues in the town of North Berwick, in April 2013 East Lothian Council (ELC) confirmed the Coo's Green site as one of the preferred options for car parking. There were strong objections from both residents and the North Berwick Environmental Trust (NBET). A care agreement signed between the National Trust for Scotland (NTS) and ELC covers the area in question, however, NTS were not consulted by ELC.

There are many reasons why the proposal should be resisted. The proposed car park will not benefit the citizens of North Berwick. Indeed it would result in the loss of an amenity much used and enjoyed by the people of North Berwick since the land was donated by the king in 1568. The area is environmentally important being un-improved pasture dating back centuries which is part of an unbroken stretch of green space running from the centre of North Berwick to Dunbar. In addition the additional traffic created will make an already congested road even worse. At no time has either NBCC or ELC shown any evidence that additional parking on the East Bay is necessary or desirable.



The MVA Consultant's Report

The 2011 survey by MVA consultants was commissioned by NBCC to “undertake an appraisal of a number of potential sites for the provision of new car parking capacity in North Berwick.”. The conclusions of the consultants were based on a survey of existing parking and

traffic within North Berwick. The survey did not extend beyond the town centre being limited to the area West of The Quadrant and Melbourne Road. The survey did not include Marine Parade or Tantallon Terrace. The consultants were not asked to assess or advise on the provision of beach parking.

The consultant's report was discussed at public meetings with NBCC. Those attending were concerned with the issues of parking within the town centre. Without reading the detailed report residents of North Berwick in general and residents close to the out of town options in particular were unaware that the report and the meetings had any relevance to them. The full report was not widely circulated but is now available to view or download at www.coosgreen.org.

The consultants concluded that the Coo's Green site was not a solution for town parking in North Berwick. They mistakenly describe Coo's Green as "***open grassland currently used as a practice area for the Glen Golf Club***". This description is far from being true, the green is very much more than this as will be demonstrated later. They did however draw attention to many of the issues which concern the residents of North Berwick. These include:

Town connectivity/integration: *Some distance from all amenities except Milsey Bay Beach. As such this location can primarily be viewed as a beach car park only.*

Traffic/access: *This site is probably the most poorly accessed location for traffic from the west. Traffic would have to be routed through the town centre or via a circuitous route round the A198. Marine Parade is also a narrow street.*

Environmental issues: *Inside town's Conservation Area*

Site is open grassland currently used as a practice area for the Glen Golf Club.

Proximity to Scheduled Ancient Monument would have to be carefully managed.

Visual impact to the rear of properties on Tantallon Terrace.

Planning context: *Policy C3: Protection of Open Space*

Policy ENV4: Development within Conservation Areas

Policy ENV5: Conservation Areas: Proposed Restriction of Permitted Development Rights Public land.

It would appear that the consultants were unaware of the existing 1973 care agreement for the land between NTS and ELC.

Consultation Comments and Other Issues: *Very limited demand for demand (sic) in this area though - would have to be clearly signed as ' East Beach car park'. No connectivity with*

public transport.

The consultants are very clear that the Coos Green site is too far from the town for visitors to walk (the furthest at 1180m of all the car parks suggested) which means that visitors to a car park here would contribute very little to the local economy. Likewise the campervans which frequent the existing East Bay car parks bring most of their food with them, again making a minimal contribution.

Despite all of the above the NBCC claim to have accepted the conclusions of the consultants and included Coos Green as an option for further consideration by ELC. The decision was made by NBCC at an 'informal' meeting attended by all councillors where no minutes were taken. At best this lacks transparency. The legality of this decision may have to be tested in the courts.

At the April 2013 meeting of the ELC, despite some mention of local opposition, the outline proposals were approved for a number of sites including Coos Green.

Since the April 2013 approval by ELC, the Rugby Ground car park, an MVA recommendation, has been re-surfaced and improved. It is noted that this car park is rarely, if ever, full regardless of conditions (Highland Games excepted). It does not seem logical to construct an overflow for a car park which does not fill, which is even further away from the town centre (1180m vs 950m).

History

1568: Land to the east of the town is gifted to the town by James VI in return for their political support and the supply of soldiers when necessary. The land was given for the common use of the citizens, for grazing their animals, washing and bleaching clothes, repairing the fisherman's nets, travelling fairs and playing their sports. The area becomes known as the 'toun links' and forms part of the town's 'common good'.

1853: Coos Green is described as 'a safe place for children to play'. It remains so to the present time. The green is the last area of the links to survive as open grassland where children can play without risk from cars, where residents can walk their dogs and pedestrians can admire the wild flowers. The part of the green under threat is the flattest part and the most suitable for ball games and learning to ride bicycles. There is constant foot traffic across

the green as it connects the Glen to the town via a popular green pedestrian corridor.

1973: East Lothian Council enter into an agreement with the National Trust of Scotland "that in the interest of the Nation and especially in the interest of the people of North Berwick and for the maintenance and enhancement of the amenity of the Burgh and the beauty of the district that the said subjects (including Coo's Green) should remain forever unbuilt on except as hereinafter mentioned and should be conserved as open spaces, woodlands or recreational grounds"

The proximity of the area in question to Castle Hill and associated structures dictates that the local archaeology should be fully investigated prior any construction work. The council's own archaeology section is aware of the issue.

Environment

Although regularly mowed by ELC, Coo's Green remains unimproved pasture dating back several hundred years. It links the protected areas of the Glen and Castle Hill. The East Links are the beginning of a continuous green space which runs from the centre of North Berwick along the coast to Dunbar. Most residents are surprised to hear that Coo's Green does not enjoy the same protected status as the Glen and Castle Hill. It does, however, have some protection as part of the Common Good of North Berwick.

There has been no detailed environmental impact study but it is known that the Green forms important habitat for certain species not least spotted orchids. Friends of Coo's Green would press for a full environmental impact study prior to any change of use.

When asked for an opinion on the proposed car park on Coo's Green the North Berwick Environment Trust (NBET) stated "The consideration of using the land to the rear of Tantallon Terrace is not acceptable to the Trust or, we believe, to the wider community in the town. This piece of green land has historical associations with the town and was used as common grazing in the past and now as a leisure area of natural grassland with valuable shrubs, plants and wild flowers. It is certain this would raise fierce objections from the community if it were to be regraded and surfaced over."

Traffic

The Coo's Green site is approached along Marine Parade and Tantallon Terrace. The road is a dead end terminating at an existing car park at the end of Heugh Road. The South side of both Marine Parade and Tantallon Terrace allows on-street parking which in normal

circumstances is occupied by cars belonging to residents. When available on-street parking is fully occupied by residents and visitors the approach becomes a single track street with limited passing potential.

At busy times (when the proposed 'overflow' car park would be used) traffic is such that gridlock is a regular occurrence with cars backing up both ways with delays of 30 minutes common place.



Images and videos of this traffic chaos may be viewed at www.cosgreen.org . If additional parking was offered (particularly if sign posted) an increase in traffic would be inevitable making a very bad situation even worse. There are safety considerations also. On at least one occasion in 2013 a fire engine was caught up in the grid lock. Fortunately no lives were put at risk.

Existing East Bay Parking

In addition to the limited on-street parking along Marine Parade and Tantallon Terrace there are three council car parks: opposite Castle Hill, opposite the sewage facility and at the end of Heugh Road, overlooking the Leithies. These car parks are currently underutilised and in poor repair. Space delineation is non-existent, limiting the density of cars and the provision of disabled parking. In addition a significant proportion of the space is occupied by Recreational Vehicles/Camper vans which park sideways, taking up the space of several cars and are often in situ for several days. It is understood that a Traffic Regulation Order may make this illegal, although how this will be policed is less clear. At busy times cars park along the South side of Heugh Road next to the golf course. The legality of this parking is not clear but appears to cause few problems.

Demand for available parking space exceeds that available only when a combination of

circumstances exists, namely when children are off school, there is a weekend or bank holiday and the weather is sunny and warm. In these circumstances it is not surprising that demand exceeds supply but this does not justify the resulting traffic chaos and the loss of a valuable, environmentally important amenity. No town can offer unlimited free parking to all visitors in all circumstances. The green space offered by Coo's Green is maximally used for recreation by both residents and visitors at these busy times.

Conclusions

Neither NBCC nor ELC have demonstrated that there is a requirement for additional parking along the East Bay. Beach Parking along the whole East Lothian coast is an issue which needs a comprehensive and integrated study. Investing significant sums in a 'seasonal', 'overflow' car park where the need is at best unproven would seem to be very poor value for council tax payers' money.

The existing sea front car parks need to be repaired and upgraded and protected from exploitation by camper vans/motor homes as a priority before any demand for further parking along East Bay can be assessed.

The health and safety issues of mixing car parking with a recreational area must be considered.

Both NBCC and ELC have failed to demonstrate any benefit whatsoever for the residents of North Berwick. Indeed, loss of this important amenity which form a part of the Common Good of North Berwick would be to the significant detriment of the community. For the residents of Marine Parade and Tantallon Terrace and other users the currently serious traffic problems would be made even worse.

Both physical petition (420 signatures) and on-line petition (1054 signatures) indicate the strength of opposition to any use of Coo's Green as parking. The list of signatories and comments from the on-line petition, largely from North Berwick residents is attached and is well worth reading.

Re-grading of Coo's Green would permanently destroy an important historical habitat which would not re-establish even with the use of 'Grassblock' which may look green but is no substitute for the natural grassland which has been in situ since 1568.

The ELC assure any enquirer that the proposed car park would be 'seasonal' and 'overflow' only, but how this would be achieved is less clear. As the proposed access is through the

existing Glen Golf Club car park, thereby removing 50% of their existing spaces (approximately 30) these cars would need to use the green throughout the year. It seems unlikely that 'Grassblock' would be acceptable to the golf club in these circumstances. Such usage would invalidate the consultation's description of a 'seasonal' or 'overflow' car park as it would be in use year round.

We feel that it is very unlikely that the National Trust for Scotland will sanction use of Coo's Green for car parking. Doing so would not be in the interests of the public in general and the residents of North Berwick in particular. The East Lothian coastline is part of our natural heritage which would be blighted by the additional of further unnecessary car parking.

As Common Good the land has protected status and as such should not be subjected to a change of use unless it is to the clear benefit of the people of North Berwick. A visitor car park deemed to be too far from town to be useful (MVA consultants, 2012) cannot be described as benefiting the people of North Berwick. We feel that we can conclusively demonstrate that the opposition to the plan is strong and almost universal. Any move by ELC to change the use of the green would be subject to legal action by Friends of Coo's Green. There seems to be a precedent for such action by the people of Portobello.

There also seems to be a legal question mark over the process by which the NBCC made their decision to include Coo's Green as an option in North Berwick's Parking Strategy.

The proposed car park on Coo's Green should not progress any further.

Friends of Coo's Green

REPORT TO: Petitions Committee

MEETING DATE: 12 June 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Petition Submitted Deemed to be out with the Remit of the Committee

2

1 PURPOSE

- 1.1 To inform the Petitions Committee of the petition submitted which has been rejected on the grounds that it does not meet the criteria for consideration by the Committee.

2 RECOMMENDATIONS

- 2.1 The Petitions Committee notes that the petition outlined in Appendix 1 does not meet the criteria and will therefore not be considered by the Committee.

3 BACKGROUND

- 3.1 One petition has been received that does not meet the criteria and is therefore not competent. Details of this petition, including the grounds for its refusal, are outlined in Appendix 1.

4 POLICY IMPLICATIONS

- 4.1 None.

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 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions Committee.
- 7.2 Criteria for petitions to East Lothian Council.

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**EAST LOTHIAN COUNCIL PETITIONS COMMITTEE
REJECTED PETITIONS**

Petition Ref:	Subject of Petition	Date Received	Principal Petitioner	Number of Signatures	Grounds for Rejection
PET 1402	In respect of anti-social behaviour at Whittingehame House and the ineffectiveness of the Authorities in its control (2011 – present)	20/02/14	Edward Clutton	60	<p>The Council has no statutory power to:</p> <ul style="list-style-type: none"> • immediately confiscate/destroy livestock; • immediately impose an ASBO on an individual; • evict an individual from a private tenancy; or • impose a lifetime ban on keeping livestock. <p>It is also incumbent on the Council to reject petitions which relate to ongoing court cases.</p>

REPORT TO: Petitions Committee

MEETING DATE: 12 June 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Update on Petitions Presented to the Petitions Committee for Consideration during 2013/14

3

1 PURPOSE

- 1.1 To provide the Petitions Committee with an update on the petitions heard during 2013/14 which Members referred for further consideration.

2 RECOMMENDATIONS

- 2.1 That the Committee notes the outcome of these petitions, as outlined in Appendix 1.

3 BACKGROUND

- 3.1 There were seven petitions received during session 2013/14 which were deemed to be competent. Of these, two were resolved by officers and did not come before the Committee. The remaining five were considered by the Committee at its meetings on 12 September and 12 December 2013, and 13 March 2014. Of the five, one was refused, one was resolved and three were referred to the relevant Cabinet spokesperson/officers.
- 3.2 Further details of the outcome of these petitions are contained in Appendix 1.
- 3.3 Members will be aware that the Council operates an e-petition facility on its website. Until recently, only details of “live” petitions were shown but this is being updated to include a page on “closed” petitions. This will allow members of the public to see details and outcomes of all e-petitions received by the Council. Work to update this page should be complete by the end of the summer recess.

4 POLICY IMPLICATIONS

4.1 None.

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 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions Committee.

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**EAST LoTHIAN COUNCIL PETITIONS COMMITTEE
UPDATE ON PETITIONS CONSIDERED BY THE COMMITTEE DURING 2013/14**

Petition Ref:	Subject of Petition	Meeting Date	Outcome
PET 1302	To reverse the decision [of the Council] not to accept Fenton Barns Nursery as a pre-school partner provider	12.09.13	Referred to Cllr Akhtar. Fenton Barns Nursery approved as a pre-school partnership provider nursery following a decision of Cabinet on 11 March 2014.
PET 1301	Calling on East Lothian Council to have a Committee day-diary published daily and made accessible to the public on the Council's website.	12.12.13	Refused by the Committee
PET 1304	Calling on East Lothian Council to reconsider its decision to reduce the funding for Fisherrow Community Nursery, Musselburgh.	12.12.13	Referred to Cllr Akhtar who met with staff from the Nursery and assisted them in identifying alternative sources of funding.
PET 1307	Calling on East Lothian Council to provide Sheltered Housing in Ormiston.	13.03.14	Referred to Cllr Hampshire. He is awaiting a report from the Service Manager – Economic Development & Strategic Investment before considering further action. The report is due this month.

PET 1308	Calling on East Lothian Council to install traffic-calming measures on Woodhall Road, Pencaitland	13.03.14	Resolved at the meeting. Officers agreed to add the petitioner's request to their programme of roads maintenance for the coming year.
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