

Members' Library Service Request Form

Date of Document	30/08/16
Originator	Douglas Proudfoot
Originator's Ref (if any)	
Document Title	Proposed Local Development Plan Technical Note 13: Planning for Cultural Heritage

Please indicate if access to the document is to be "unrestricted" or "restricted", with regard to the terms of the Local Government (Access to Information) Act 1985.

Unrestricted	<input checked="" type="checkbox"/>	Restricted	<input type="checkbox"/>
--------------	-------------------------------------	------------	--------------------------

If the document is "restricted", please state on what grounds (click on grey area for drop-down menu):

For Publication

Please indicate which committee this document should be recorded into (click on grey area for drop-down menu):

East Lothian Council

Additional information:

Authorised By	Monica Patterson
Designation	Depute Chief Executive
Date	30/08/16

For Office Use Only:	
Library Reference	135/16
Date Received	30/08/16
Bulletin	Aug 16



proposed local development plan
technical note 13 2016

PLANNING FOR CULTURAL HERITAGE

CONTENTS

1	INTRODUCTION.....	1
2	NATIONAL AND REGIONAL PLANNING POLICY, GUIDANCE AND ADVICE	1
	National Policy	1
	Strategic Policy.....	1
3	SESPLAN EXAMINATION.....	2
4	THE PROPOSED LOCAL DEVELOPMENT PLAN APPROACH.....	2
	GLOSSARY OF TERMS.....	8

1 INTRODUCTION

- 1.1 East Lothian Council's Proposed Local Development Plan (PLDP) is accompanied by a series of Technical Notes that describe the Council's approach to various planning strategy or policy issues. This Technical Note is prepared in relation to planning for the cultural heritage of East Lothian.
- 1.2 This Technical Note explains the approach that the proposed LDP takes to meeting the requirements of SESplan, Scottish Planning Policy, Historic Environment Scotland Policy Statement June 2016 and *Our Place in Time*, The Historic Environment Strategy for Scotland.

2 NATIONAL AND REGIONAL PLANNING POLICY, GUIDANCE AND ADVICE

National Policy

- 2.1 The Scottish Government's National Planning Framework 3 (NPF3) is a material consideration in plan-making and sets the framework for the spatial development of Scotland. Among its Key Planning outcomes for Scotland are that it is a natural resilient place where natural and cultural assets are protected and enhanced and their sustainable use facilitated. It notes that the historic environment is an integral part of our well-being and cultural identity.
- 2.2 The Historic Environment Scotland Policy Statement June 2016 sets out Scottish Ministers policies for the historic environment and provides a framework for local authorities who manage the historic environment. It requires that the historic environment is cared for, protected and enhanced for the benefit of our own and future generations; that greater economic benefits are secured from the historic environment and that residents and visitors value understand and enjoy the historic environment.
- 2.3 Scottish Planning Policy (2014) requires the planning system to promote the care and protection of the designated and non-designated historic environment and enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use.
- 2.4 *Our Place in Time* is the Scottish Historic Environment Strategy for Scotland that sets strategic priorities under the themes of understanding, caring and protecting, valuing and mainstreaming the historic environment across various policy areas.

Strategic Policy

- 2.3 The expectations of NPF3 have been reflected in the spatial strategy, development and policy requirements of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan). The Local Development Plan for East Lothian must conform to the SESplan. SESplan Policy 1B requires local development plans to ensure that there are no significant adverse impacts on the integrity of international and national built or cultural

heritage sites in particular world heritage sites, Scheduled Monuments, Listed Buildings, Royal Parks and sites listed in the National Inventory of Gardens and Designed Landscapes.

3 SESPLAN EXAMINATION

- 3.1 Following examination Policy 1B was considered to be acceptable in provision of strategic guidance for local development plans in respect of the historic environment.

4 THE PROPOSED LOCAL DEVELOPMENT PLAN APPROACH

Conservation Areas

- 4.1 There are 30 designated Conservation Areas in East Lothian. No new ones are proposed or amendments considered as part of the Local Development Plan process. Each Conservation Area has a Conservation Area Character Statement that defines its essential character and is contained in the East Lothian Local Plan 2008. These Conservation Area Character Statements have not been reviewed as part of the Proposed Local Development Plan but will form supplementary guidance to be prepared before the adoption of the Proposed LDP. The existing character statements have been consistently used as material guidance in the determination of planning applications in a conservation area and are not out of date.
- 4.2 In time these Character Statements will be replaced by a more comprehensive and detailed analysis of each Conservation Area in the form of a Character Appraisal. Each will be non-statutory supplementary planning guidance. Inveresk Conservation Area has a full Character Appraisal available at http://www.eastlothian.gov.uk/downloads/file/4890/inveresk_conservation_area_character_appraisal
- 4.3 New Conservation Area Character Appraisals may review boundaries; if this is the case these will be publicised and confirmed separately, not as part of the Local Development Plan. A Conservation Area Management Plan will be incorporated into each future Conservation Area Character Appraisal. Dunbar Conservation Area has a Conservation Area Management Plan available at http://www.eastlothian.gov.uk/downloads/file/3971/dunbar_conservation_area_management_plan
- 4.4 When a full Conservation Area Character Appraisal is prepared it will review the boundary of each Conservation Area. This will be the subject of public consultation and statutory advertisement and will then be redesignated in full with the new boundary.
- 4.5 Proposed LDP Policy CH2: Development Affecting Conservation Areas outlines planning policy affecting proposed development in a Conservation Area. Consideration of detailed elements of work in conservation areas will be set out in non-statutory supplementary planning guidance, with more detailed policies on the circumstances in which support could be given

for proposals for alterations to shop fronts, replacement windows, external security, external wall treatment and for display or installation of advertisements in Conservation Areas.

4.6 The Council has a statutory duty¹ from time to time to prepare proposals for the preservation and enhancement of Conservation areas. This has been fulfilled in a number of conservation areas particularly at Haddington, with the implementation of its Conservation Area Regeneration Scheme, and at Tranent where a Conservation Area Regeneration Scheme commenced in 2015. Other conservation areas that would benefit from repair and enhancement schemes include:

- Cockenzie – area around the Lorimers and the harbour; Cockenzie House and High Street
- Harlaw Hill, Prestonpans – Harlaw Hill House and environs; Kirk Street
- Dunbar – the backlands on the west side of High Street; High Street tenement properties; Lamer Street and the harbour area
- East Linton – High Street and Bridge Street public realm and some buildings
- Musselburgh – east High Street including public realm
- Tranent – High Street, Bridge Street, Church Street and Civic Square
- North Berwick – Quality Street public realm and the harbour public realm
- Haddington – Brown Street, Kilpair Street and the east end of Market Street

Listed Buildings

4.7 There are 1810 entries on the statutory list of buildings of special architectural or historic interest in East Lothian prepared by HES and these affect around 2,700 different properties within East Lothian, including many flats within tenements.

4.8 These listed buildings are protected by LDP policy CH2 Listed Buildings. Historic Environment Scotland Policy Statement June 2016 provides further guidance on the criteria that must be followed before a case for a listed building to be demolished can be made.

Buildings at Risk

4.9 Historic Environment Scotland maintains the national buildings at risk register that highlights listed buildings or buildings that contribute positively to a Conservation Area or are otherwise important to the architectural and historic heritage of East Lothian but which are at risk from neglect, poor repair or vacancy. It is a constantly evolving list and buildings are removed when they have been either repaired, restored or given a new use or if they are demolished. There are other East Lothian buildings that could be on the register, particularly in the rural areas, but that have not yet been surveyed for inclusion. Examples of buildings that have been restored within the last three years include the former Templar Lodge Hotel on Gullane Main Street, the former Musselburgh Arms hotel in Musselburgh High Street and Cheylesmore Lodge at North Berwick. Buildings on the register that have been lost through demolition in recent years include East Barns cartshed and granary near Dunbar and 182 Church Street Tranent.

¹ Section 63 Planning and (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Scheduled Monuments and Archaeological Sites

- 4.10 There are 293 scheduled monuments in East Lothian. These are archaeological monuments designated by Historic Environment Scotland as being of national importance. The list of scheduled monuments is compiled and maintained by Historic Environment Scotland. It is an offence under the Ancient Monuments and Archaeological Areas Act 1979 to disturb a scheduled monument without prior scheduled monument consent. Scheduled monument consent is separate from the planning process and is assessed on behalf of Scottish Ministers by Historic Environment Scotland. Where scheduled monument consent is not gained development will not be permitted.
- 4.11 In addition to scheduled monuments, the East Lothian Historic Environment Record contains 8033 (as of 2016) additional archaeological sites. These have no statutory protection but are nevertheless considered to be of regional or local importance and are a material consideration in the planning process. These are protected by LDP policy CH4: Scheduled Monuments and Archaeological Sites.
- 4.12 Archaeological sites encompass a diverse array of elements which all go together to shape the wider historic environment; they include traditional archaeological sites and monuments as well as historic buildings and landscapes.

Gardens and Designed Landscapes

- 4.13 Gardens and Designed Landscapes can be of national, regional or local importance
- 4.14 Those of national importance are identified by Historic Environment Scotland and placed on the National Inventory of Gardens and Designed Landscapes. There are 27 such inventory sites in East Lothian. These are identified on the LDP Proposals Map.
- 4.15 East Lothian has a rich heritage of gardens and designed landscapes and there are many more that are not currently considered to be of national significance and therefore not included on the National Inventory. These are considered to be either of regional (important to more than just East Lothian) or local (important in East Lothian) interest.
- 4.16 To date only one historic garden and designed landscape has been identified as being of regional significance. This is at Clerkington estate on the edge of Haddington. It was identified and assessed by a study undertaken by Peter McGowan Associates, Landscape Architects².
- 4.17 There are many more gardens and designed landscapes that are of local significance to East Lothian. Candidate gardens and designed landscapes in East Lothian are currently being voluntarily surveyed by Scotland's Garden and Landscape Heritage members under the guidance of a historic gardens historian to assess whether they are of merit as either local,

² Clerkington Designed Landscape, Conservation Management Plan, Peter McGowan Associates, Landscape Architects 30 July 2014

regional or potentially, national gardens and designed landscapes. Although volunteers are undertaking the surveys each is approved by Scotland's Garden and Landscape Heritage before they are formally included on the list. It is a recognised process to identify local gardens and designed landscapes. However, a systematic study to assess the significance of non-inventory gardens and designed landscapes in East Lothian has yet to be undertaken.

4.18 This survey of local gardens and designed landscapes is still at the identification stage, final site boundaries have yet to be confirmed and value assessment undertaken.

4.19 Once identified and surveyed these will be included in historic gardens and designed landscape records, including the East Lothian Historic Environment Record and Canmore (the web site of Historic Environment Scotland). At that point they are formally identified as gardens and designed landscapes of local importance to East Lothian.

4.20 The list of local gardens and designed landscapes with completed research and defined with boundaries on the East Lothian Historic Environment Record and Canmore to date in East Lothian is:

Amisfield, Haddington	Longniddry House, Longniddry
Bunkershill, North Berwick	Manor House, Inveresk
Drummohr, Musselburgh	Monkton House, Oldcraighall
Eskgrove, Inveresk	Muirfield Gate, Gullane
Keith Marischal, Humbie	Stoneyhill, Musselburgh
Inveresk House, Inveresk	Westerdunes, North Berwick
Lewisvale Park, Musselburgh	

4.21 A further 133 gardens and designed landscapes in East Lothian have been listed as candidates for survey by Scotland's Garden and Landscape Heritage; these are included in the East Lothian Historic Environment Record but have not yet been researched.

Planning Policy for the Protection of Garden and Designed Landscapes

4.22 Under the Development Management Procedure Regulations 2008, any planning application that is submitted for a garden and designed landscape that is included on the national inventory must be referred to Historic Environment Scotland and it is expected that its views will be taken into account in the assessment of the application. Inclusion in the Inventory is a material consideration in the determination of a planning application. Development proposals in a garden or designed landscape included on a local list must also be assessed against the Development Plan policy for their protection. The designed landscape will be a material consideration in the determination of the planning application. The Proposed LDP policy that applies to Gardens and Designed Landscapes is:

POLICY CH6: Gardens and Designed Landscapes

Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records will not be permitted.

4.23 The effects of proposed development on a garden or designed landscape is a material consideration in the determination of a planning application. Designed landscapes can have a range of different qualities. They are assessed under the following value-based criteria, but do not have to be of value in each criteria:

- Value as an individual work of art
- Historic value
- Horticultural, arboricultural, silvicultural value
- Architectural value
- Scenic value
- Nature conservation value
- Archaeological value
- Recreational value
- Educational value

4.24 National Inventory of Gardens and Designed Landscapes sites of national significance are fully assessed for significance. However, local gardens and designed landscapes through the survey have been researched and identified but their significance has not yet been assessed. Until this work is completed they are of limited value in the determination of a planning application. This work is expected to be completed during the period that the Proposed LDP is valid and as and when it is completed for each individual non-inventory site it will mean that it will be able to be taken into account in the determination of a relevant planning application.

4.25 Sites will continue to be added to the Heritage Environment Record with research reports and assessments of significance as the survey progresses.

Methodology: Defining site boundaries for garden and designed landscape of local significance

4.26 Garden and designed landscapes of local significance, including candidate sites, have been mapped and this is shown on the Heritage Environment Record. The boundaries were mapped using information held in the Historic Environment Record (HER), as well as a number of desk-based sources. Historic maps were used, in particular the Ordnance Survey First and Second Editions (1855 and 1895), but also early 20th century OS mapping, and 18th century maps including Roy's military map of 1755 and Forrest's map of 1799. Modern OS mapping was used, i.e. MasterMap, and aerial photography. The Historic Land-Use Assessment (HLA) by Historic Environment Scotland was also a useful source, as it maps current and relict land-use including historic designed landscapes.

Battlefields

4.27 The Inventory of Historic Battlefields is a national historic environment designation compiled and maintained by Historic Environment Scotland. Battlefields included in the Inventory are recognised as being material considerations in the assessment of planning applications.

4.28 East Lothian has four battlefields included in the Inventory of Historic Battlefields (as of 2015):

- Battle of Dunbar I – 1296
- Battle of Pinkie Cleugh – 1547
- Battle of Dunbar II – 1650
- Battle of Prestonpans – 1745

4.29 These are identified on the LDP Proposals Map

4.30 Policy CH5: Battlefields of the Proposed LDP seeks to protect the key features of a battlefield from harmful development. This accords with Historic Environment Scotland Policy Statement June 2016, which states:

2.81 Local development plans, and where appropriate, supplementary planning guidance, should set out policies and criteria that apply to the protection, conservation and management of historic battlefields. Such policies should inform planning authorities' consideration of individual planning applications within development management

It goes on to note:

3.82 The effect of proposed development on Inventory battlefields is a material consideration in the determination of a planning application.

4.31 The resultant Proposed LDP policy on Battlefields reads:

Policy CH5: Battlefields

Development within a site listed in the National Inventory of Historic Battlefields will not be permitted where it would have a significant adverse affect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Any new development supported in such areas must provide appropriate mitigation that conserves or enhances the key features of the battlefield, including through siting, scale, design and landscape treatment and, where relevant, contributes to the understanding of the battle and historic assets, particularly with respect to any archaeological deposits found in situ (see Policy CH4).

4.32 The Battlefield Inventory defines the landscape over which the events of a battle took place. However within these areas there are areas of greater sensitivity for both direct and indirect impacts, although by definition the whole area of the Inventory is sensitive. There are also areas that have been subject to modern development and are therefore less sensitive towards new development impacts.

- 4.33 Battlefield designation is less onerous than a legal restriction on development if a site were identified as a Scheduled Monument. It requires that impacts upon a battlefield which arise from development need to be assessed and the magnitude of change taken into account in the decision making process. The impact of a development upon a battlefield may result in conditions being applied to any consent or indeed to recommendation of refusal of the application if the impacts are deemed to outweigh other considerations.
- 4.34 Each development which may impact either directly or indirectly upon a battle landscape, as outlined by the Inventory, should be assessed as part of a planning application. The assessment should focus on how a development will impact upon a battlefield in terms of the areas of sensitivity, key views and the modern context of the battle. It should also consider the cumulative impacts with surrounding developments both consented and proposed.
- 4.35 Direct impacts are where there is potential for physical remains associated with a battle to be impacted upon by the development. Physical remains include archaeological remains, human remains, structures and artefacts associated with the battle. Indirect impacts arise from developments which affect the character and understanding of the battle landscape as defined in the Battlefield Inventory. This includes landform, landscape features and key views which help to understand and define the character of a battlefield.
- 4.36 Battlefields will be the subject of a separate non-statutory supplementary planning guidance which will be a material consideration in the determination of a planning application affecting a battlefield.
- 4.37 There are other battlefield sites in East Lothian that are not included on the national inventory. These include battles at Carberry, Athelstaneford and the Siege of Haddington. These are not currently protected and the Policy CH5 does not apply.

GLOSSARY OF TERMS

Garden and designed landscape – historic grounds consciously laid out for artistic effect.

Battlefields – the landscapes where historic battles took place

St Baldred's Craule

Tyne Mouth



Versions of this document can be supplied in Braille, large print, on audiotape or in your own language. Please phone Customer Services on 01620 827199.

How to contact us

Policy & Projects
Development
Partnerships and Services for Communities
East Lothian Council
John Muir House
Haddington
EH41 3HA

www.eastlothian.gov.uk/ldp
www.eastlothianconsultations.co.uk
ldp@eastlothian.gov.uk

